

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

Minutes from the Meeting of the Planning Committee held on Monday, 5th September, 2022 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors C Bower (Vice-Chairman), A Bubb, M de Whalley, A Holmes, M Howland, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, C Rose (substitute for Councillor S Patel), J Rust, A Ryves (substitute for Councillor S Squire) , C Sampson (substitute for Councillor C J Crofts), M Storey, D Tyler and D Whitby

Officers:

Stuart Ashworth, Assistant Director, Environment and Planning
Richard Byrne, Principal Planner
Claire Dorgan, Senior Planner
Lorna Gilbert, Principal Planner
Hannah Wood-Handy, Planning Control Manager
Wendy Vincent, Democratic Services Officer

PC29: 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.

PC30: APOLOGIES

Apologies for absence were received from Councillors C J Crofts (Cllr Sampson sub), S Patel (Cllr Rose sub) and S Squire (Cllr Ryves sub).

The Chairman thanked the substitutes for attending the meeting.

PC31: MINUTES

The minutes of the meeting held on 20 July 2022 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC32: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC33: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7 to report.

PC34: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

Councillor S Sandell

PC35: **CHAIRMAN'S CORRESPONDENCE**

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

PC36: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of 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.

PC37: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

a **Decisions on Applications**

The Committee considered scheduled of applications for planning permission submitted by the Executive Director for Planning and Environment (copies of the scheduled were published with the agenda). Any changes to the schedules were 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 scheduled signed by the Chairman.

- (i) **21/02421/FM**
Watlington: Land East of 2 Thieves Bridge Road: Proposed development of 40 dwellings and associated external works and access

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The Senior Planner presented the report and advised that the application was located to the south of Thieves Bridge Road, to the southeast of the village of

Watlington. The site was currently arable agricultural land and was approximately 1.8 ha in size.

The site was allocated within the Site Allocations and Development Management Plan under Policy G112.1 for at least 32 dwellings.

The application was for the approval of 40 dwellings and associated external works and access. All 40 dwellings were proposed to be affordable housing. This was a full application with all matters under consideration.

The application had been referred for determination by the Planning Committee as the recommendation was contrary to Parish Council views.

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, Paul Newbold (supporting) addressed the Committee in relation to the application.

In response to questions from Councillor Rust on the number of people each home was designed to accommodate, etc the Senior Planning explained with regard to the bedroom sizes, the scheme met standard minimum affordable housing room sizes. The Borough Council's Housing Enabling Team had raised no objections. In response to questions on who may occupy the dwellings, it was explained this would be for Freebridge Community Housing to consider in relation to their lettings policy. The Senior Planner advised that the scheme was compliant with policy requirements in terms of sizes.

In response to further questions from Councillor Rust on the unadopted road and shared surfaces, the Senior Planner explained it was the Council's understanding that Freebridge Community Housing would maintain the landscaping and shared surfaces on the estate going forward. With regard to a library contribution, the Senior Planner explained that Norfolk County Council had informed the Borough Council that contributions would be sought through CIL, for which there was a process and a bid could be made through the Community Infrastructure Levy. The Senior Planner explained that Norfolk County Council had advised that at the current time the local school was not full.

Councillor de Whalley commented that he concurred with the concerns raised by Councillor Rust in relation to the unadoptable road and added that he would prefer to see the road built to an adoptable standard. Councillor de Whalley stated that he also agreed with the comments on library provision, especially unattended access to the library. With regard to the walking distance to the station, it appeared to a long way (estimated to be 1.5 km) for some residents and added the value of a pedestrian crossing which had been noted by residents. Councillor de Whalley commented on the density in that the Local Plan allocation was for 32 homes and the proposal was for a greater number of 40 and that this was a justifiable concern.

In response, the Senior Planner added that if Members wanted to a condition could be added to require a maintenance scheme for the landscaping and shared surfaces.

The Planning Control Manager reiterated the comments made by the Senior Planner and explained that in relation to open space provision and

maintenance an open work specification was secured by the Section 106 Agreement and added that that this related purely to the shared driveways at the frontage.

Councillor de Whalley proposed an additional condition regarding the maintenance of shared surfaces. The proposal was seconded by Councillor Rust and on being put to the vote was agreed by the Committee.

The Planning Control Manager clarified which properties the additional condition of maintenance of shared surfaces would relate to.

In response to observations made by Councillor Parish on the site being allocated in the Local Plan in 2016, highway access, drainage, sewage capacity and protected species and agricultural land, the Assistant Director explained that the site was allocated for housing through the development plan process, and was formally adopted in the latest version of the Local Plan and had been tested. The Senior Planner explained that Anglian Water had confirmed that there was available capacity for foul drainage and the sewage system at present had available capacity. The Senior Planner reiterated that Highways did not object to the access, although their preference would be for the footpath to be on outside of hedge rather than on the inside and had raised no objection to the scheme or access. With regard to ecology the Senior Planner explained that there was more work to be done as to whether there were Great Crested Newts present on site and numbers but highlighted that the applicant had provided an area for a proposed drainage ditch, landscaping/planting and amenity space would provide linkages and in time would actually make a positive enhancement to biodiversity on the site. The Senior Planner advised that protection of Great Crested Newts was protected by legislation and a licence would be required prior to the commencement of works on site, so the applicant had to ensure that any works would not harm the Great Crested Newts and explained this was similar for bats, in that measures were in place and an ecological assessment had been undertaken to consider the issues. The Council was therefore satisfied the policy requirements and legislation had been met to date and this would be ongoing moving forward as the site was developed out.

Following further questions Councillor Parish on the comments made by Anglian Water and the Environment Agency, the Planning Control Manager explained that there was clearly disagreement between parties, Anglian Water had stated that there was sufficient capacity within the foul water network. The Committee was advised that the Environment Agency was not a statutory consultee in this case, the LPA was for surface water and Anglian Water maintained the foul sewage network. It was highlighted that there was no objection from the statutory consultee.

In response to questions from Councillor Bubb on amenity areas and potential development to the south and amenity provision, the Senior Planner explained that the developer was required to provide 17 sq m of public open space per dwelling which had been provided. Development was in accordance with the boundaries of the allocated site. Going forward if an application was submitted it would be necessary to look at either expanding the existing amenity area or the provision of a new area of open space, which would be considered at that point in time.

Following a further question for Councillor Bubb on the pair of semi-detached bungalows, if they were intended to be purchased as affordable or rented, the Senior Planner explained that all houses were affordable either for rental or shared ownership.

In response to comments from Councillor Bubb on the roof design precluding any development in the loft space, the Planning Control Manager explained that the design of the overall scheme was sympathetic to the locality and the bungalows were for rent. It was noted that anyone wishing to extend or make alterations to the properties would require agreement from Freebridge Community Housing. In conclusion, the Planning Control Manager explained that officers considered the design was acceptable.

Councillor Sampson commented that he would be surprised if there were Great Crested Newts on the site as it was a long way from the pond.

In response to a question on the 'flagpole' shape of the red line on the site (pages 7 and 8), the Senior Planner confirmed this was a drainage channel.

Councillor Ryves referred to another application which had been granted permission in the local area and asked if there would be sufficient capacity both in the local schools and the water system. In response, the Planning Control Manager referred the Committee to page 29 of the report, paragraph 2 where it was stated that there was sufficient capacity within neighbouring local schools.

Councillor Ryves commented on the road being a fast one and prone to blockages and referred to the proposed footpath behind the hedge not being safe. In response, the Planning Control Manager reiterated that Highways had raised no objection and there were a suite of mitigating conditions to satisfy the highway safety issues raised by Councillor Ryves.

Councillor Ryves added that personally he would like to propose a zebra crossing. The Chairman, Councillor Mrs Spikings commented that was not something the Committee could propose. In response, the Assistant Director explained that he would be very reluctant to propose a zebra crossing without Highways commenting on it. Councillor Ryves stated that personally this was a safety hazard and would be voting against the scheme.

Councillor Ryves further commented that estate was unbalanced and asked if there was a case for private rental/owned units on the site in the interest of the balance for the community. In response, the Senior Planner explained that Freebridge Community Housing did look at the provision of privately owned/rented units, but the terms and conditions of their funding did not allow the building of private rented units and highlighted therefore that Freebridge Community Housing was keen to have a high number of shared ownership units.

Councillor Howland referred to a statement previously made Councillor Storey in that the Committee should listen more to Parish Councils who knew the way villages operated and could gauge parishioners feelings on planning applications. Councillor Howland referred to Page 12 of the Agenda and drew attention that the Parish Council had supported the application concern that the Local Plan allocation was for a maximum of 32 and not 40. Councillor Howland added why have a Local Plan if it was going to be ignored. In conclusion, Councillor Howland stated that in his view the

application should be re-submitted for 32 dwellings. In response, the Chairman, Councillor Mrs Spikings explained that in late correspondence the Parish Council wished to object because it was more than 32 which had been allocated in the Local Plan. The Chairman, Councillor Mrs Spikings explained that the reason why there was an application for more than 32 was that the Planning Inspector at the Examination in 2016 added in the words "at least".

Councillor Storey commented on the grading of agricultural land and explained that it was not necessary to take notice of such gradings of soil proposed for development.

Councillor Storey also commented on Parish Councils receiving information on school numbers, doctor's surgeries etc prior to the planning application being considered by the Planning Committee.

In conclusion, Councillor Storey stated he was in favour of the application as it was a good design and in planning terms was as near as perfect.

Councillor Bubb referred to the proposal from Councillor Ryves for a zebra crossing and explained that in Dersingham, a few years ago a request had been made for a pedestrian crossing and did not specify the type of crossing and ended up with a Zebra Crossing. Councillor Bubb added that it was much safer to ask for a traffic light controlled crossing.

In response to questions from Councillor Rose on fuel poverty, the Senior Planner outlined that the provisions that Freebridge Community Housing had been asked for by the Local Planning Authority.

In response to questions from Councillor Rust on the provision of play equipment on the play/amenity area, the Senior Planner confirmed that details of the play space would come forward as part of the work specification within the S106 Agreement and that there would be play equipment.

Councillor Hudson commented that the majority of houses would have solar panels fitted which would provide heating requirements.

Councillor Parish stated that he wanted to put the record straight in that whatever the officers said there was not capacity for foul drainage at present reading the statement from Anglian Water. In response, the Assistant Director explained that the body responsible for the treatment works was Anglian Water and their response was included in the report on page 15.

Following further comments from Councillor Parish, the Assistant Director read out the response received from Anglian Water.

The Senior Planner drew the Committee's attention to Condition 3: Notwithstanding the information that accompanied the application, no development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority.

Councillor Ryves proposed that the item be deferred. The proposal was seconded by Councillor de Whalley, but upon being put to the vote was lost.

The Democratic Services Officer then carried out a roll call on the proposal to approve as recommended with the imposition of an

additional condition regarding the maintenance of shared services and after being put to the vote, was carried (14 for, 3 against, 1 abstention).

RESOLVED: (A) That the application be approved subject to conditions (and the additional condition regarding the maintenance of shared services) and the completion of a Section 106 Agreement to secure affordable housing and open space provision within four months of the date of this resolution to approve.

(B) That the application be refused, in the event that a Section 106 Agreement to secure affordable housing and open space provision is not agreed within four months of the date of this resolution to approve.

The Committee adjourned at 10.24 am and reconvened at 10.35 am.

- (ii) **22/00793/F**
Docking: Sunnysdene, Well Street: Front and rear garden landscaping works, including new garden shed and cabins

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The Planning Control Manager presented the report and advised that the application related to Sunnysdene, a semi-detached dwelling located on Well Street in Docking. The site was located within the Conservation Area. The proposal was for various landscaping works to the plot, mostly to the rear alongside new outbuildings providing ancillary space to the existing dwelling.

The application had been called in by 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, Nick Parker (objecting) and Philip Chatfield (supporting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor Sandell's statement was read out by the Democratic Services Officer as set out below:

I was asked to call this application in by a resident.

Docking is in a conservation area and it was felt that this application at Sunnysdene would have a detrimental impact on the character of the conservation area as well as the residential amenity of the neighbouring property.

The area at the rear of sunnysdene was approved for garden use (21/02374/CU) and permitted development rights were removed by condition so that this was in order to prevent any development in what was the well established woodland area.

We now have an application before you today with a hot tub very close to the boundary of Holy House. Cabins and a shed In the rear garden.

Please can I ask that you are mindful when considering this application of the impact this development will have on the neighbours and Docking Conservation area.

In response to comments made by the public speaker, the Planning Control Manager referred to the plan on the screen and pointed out the position of the soakaway areas comprising of shingle and membrane to allow drainage, drainage gully to a new soakaway running across the site, and a new soakaway in the patio area. In terms of the impact on the Conservation Area the Committee advised that the site was well screened, the only thing that was visible in the Conservation Area was the front fence and associated planting and there was no objection from the Conservation Officer on any detrimental impact on the Conservation Area.

The Chairman, Councillor Mrs Spikings sought clarification following a pre-site visit and referred to page 44 - boundary treatment slated wood fencing shown as 1.8 m and 1.6 m and commented that there was a discrepancy in height because it appeared to be more than 2 m. In response, the Planning Control Manager explained that the fence had been assessed on the basis of what was shown on the slides. The officer had looked at the fence on both sides and deemed it as acceptable.

The Chairman, Councillor Mrs Spikings also sought clarification on the on hot tub not being included in the application. The application was for front and rear garden landscaping works, sheds and cabins and asked if in the future a stand-alone hot tub could be placed in the garden without seeking planning permission. In response, the Planning Control Manager explained that a stand-alone hot tub could be placed in that location, however, the hot tub shown had raised decking and steps, etc which would require planning permission in its own right. The Planning Control Manager added that a stand-alone hot tub was a temporary structure.

In response to a question from Councillor Lawton on the log cabins, the Planning Control Manager advised that the two cabins were domestic and small scale.

Councillor de Whalley thanked the officers for providing the information on sustainable drainage but asked what the capacity was of the sustainable drainage and were officers satisfied. In response, the Planning Control Manager explained that there were no comments from the CSNN Team on the proposal but added that from a domestic point of view you could put hardstanding in provided that you had soakaways in and sustainable drainage systems as part of permitted development. It was noted that the reason why this was not permitted

development was that permitted development rights were taken away and added that the Local Planning Authority was satisfied with the two soakaways and drainage gullies. However, if Members considered otherwise a condition could be attached.

Councillor de Whalley proposed that a condition be added to address the surface drainage. The proposal was seconded by Councillor Rust. The Planning Control Manager read out the condition which would be based along the following lines: with effect from date of the decision full details of a surface drainage scheme shall be submitted to ... and within a further period of time the scheme should be implemented as agreed, and on being put to the vote was carried.

Councillor Parish stated that it was assumed that the change of use from woodland to residential was dealt with under an Officer Delegated Decision. The Planning Control Manager confirmed this was correct.

Councillor Parish further commented on the withdrawal of the permitted development rights, impact on neighbouring property and the Planning Committee being asked to approve the application to regularise the error. Councillor Parish added that he failed to see why the Planning Committee should support the application.

Councillor Ryves referred to a hot tub being a temporary structure and not subject to any regulations and asked if wooden sheds were temporary structures. The Planning Control Manager explained that as the permitted development rights had been removed it was necessary for the applicant to apply for planning permission whatever the size. In conclusion, Councillor Ryves outlined the reasons why he could not object to the proposal.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application subject to the imposition of an additional condition relating to surface water drainage as set out above and after being put to the vote, was carried (16 for, 2 against, no abstentions).

RESOLVED: That the application be approved as recommended, subject to the imposition of an additional condition regarding the surface water drainage.

- (iii) **22/00526/F**
Heacham: 34 Folgate Road: Proposed two storey and single storey rear extensions plus reconstruction of existing garage outbuilding to form residential annex

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The Planner presented the report and explained that planning permission was sought for a proposed two storey and single storey rear extensions plus the reconstruction of existing garage outbuilding to form a residential annex. The site was host to a two storey, semi-

detached dwelling constructed from brick with render and white upvc windows and doors.

The application had been called in by Councillor Parish.

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, Howard Cardus (supporting) addressed the Committee in relation to the application.

Councillor Parish outlined the reasons why he had called in the application as set out below:

- Parish Council concerns.
- Highway concerns.
- Conditions understood and how were they enforced.

In response, the Assistant Director explained that the Council Officers would not be visiting on a frequent basis to check the conditions were adhered to. Condition 3 stated that the additional residential accommodation shall only be used for ancillary accommodation. If there were concerns, or a complaint submitted to the Borough Council it would be investigated.

Councillor Storey asked for the photo to be displayed of the building to be demolished and added that the Committee had to consider if the proposal in the application would add to the form and character of the area.

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

RESOLVED: That the application be approved as recommended.

- (iv) **22/01083/F**
Heacham: Nirvana: 39 South Beach Road: Proposed internal and external alterations to beach house, including lifting roof and erection of detached garage

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The Planning Control Manager presented the report and advised that the application proposed both internal and external alterations to an existing beach house, including raising the roof height and the erection of a detached single garage.

The application had been called in by Councillor Parish.

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

Councillor Parish outlined the reasons why he had called-in the application as set out below:

- DM18 – officers indicated there would be no increase in habitable space. Councillor Parish disagreed as there was an opportunity to increase habitable space by increasing the size/height and additional building at the side as a games room.
- To prevent additional occupancy of residencies in this location within Flood Zone 3. In the case of flooding, there was increased risk to life people living in the properties and also to the rescue services/volunteers.
- Raising the height – there were a number of other properties where the height had increased and that this was a never ending game at South and North beach.
- Street scene.
- Sewage/sea contamination – Councillor Parish asked if a condition could be looked at for a sewage assessment to be undertaken.

The Chairman, Councillor Mrs Spikings commented that she had undertaken a site visit and added that life/circumstances changed and could understand why applications were made and the proposal would enhance the street scene as there were other similar properties in the location.

The Chairman, Councillor Mrs Spikings stated that the Council was aware of the sewage problems which had been ongoing for a number of years.

In response to a question from Councillor Ryves on the view of the property from the sea to judge how the height was increased and would domineer the view, the Planning Control Manager explained that there was no evidence but there was a sea wall.

Councillor de Whalley commented that sea level had changed and was rising and this was an extremely vulnerable area and to have an additional bedroom space in such a vulnerable area appeared to be somewhat foolish.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application and after being put to the vote, was carried (12 for, 5 against, 1 abstention).

RESOLVED: That the application be approved as recommended.

- (v) **21/01947/F**
Holme Next Sea: Eastgate Barns, Eastgate: Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings

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The Principal Planning Consultant presented the report and advised that the application was for the change of use of land, demolition of the existing buildings on the site and the subsequent erection of five dwellings arranged with the frontage facing inwards forming a central courtyard with the rear facing private garden spaces on the outer edge of the site.

The application was referred to the Planning Committee at the request of the Assistant Director and contrary to the comments of the Local Highway Authority.

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, John Hulme (objecting) Lynn Devereux on behalf of the Parish Council (objecting) and Jason Law (supporting) addressed the Committee in relation to the application.

Councillor Rust commented that the plans looked amazing to stay in close to the coast and countryside. However, after reading the report it shouted out that it had to be refused for the reasons that the Parish Council and Planning Officers had outlined. Councillor Rust stated that she was strongly against the application and would not be able to vote for it.

Councillor Lawton stated that his concern was the highway and trying to get on the A149 was virtually impossible on some days and was therefore dangerous and needed to be improved before any development commenced. Councillor Lawton added that he would like to see the whole building demolished and replaced with something suitable. Councillor Lawton stated that he would probably vote against it.

In response, the Assistant Director explained that there were very specific policies and allocation by the Parish Council and that policy was important HMTS 15 which set out specifics of what was required and reminded the Committee that the Neighbourhood Plan was the most up to date one.

With regard to highways, the Assistant Director explained that refusal had not been recommended on highway grounds because it was an allocation for five dwellings and had been through that process. The Assistant Director advised that in principle something should be developed on the site which was acceptable as set out in the Neighbourhood Plan.

Councillor Ryves commented that he accepted the arguments which had been raised and referred to a public meeting which validated the Neighbourhood Plan and added that it might be the case for the

developer to speak to the Parish Council to find out what was acceptable but could not vote for the current proposal.

Councillor Parish commented that he was not sure why the application had come to the Planning Committee with such a list of objectors and gave examples, Planning Officers had recommended refusal, the Parish Council objected and referred to the Neighbourhood Plan. Councillor Parish added that there was a greater weight of objection to the application and the Planning Committee would therefore have to work hard to justify challenging the range of objections. Councillor Parish agreed with the comments made by Councillor Ryves that the Neighbourhood had precedence over the Local Plan. In conclusion, Councillor Parish stated that he agreed with the officer's recommendation to refuse the application.

In response, the Assistant Director explained that if there was a conflict between the Neighbourhood Plan and the Local Plan the latest plan would take precedence. Members were informed that the application was to be determined by the Planning Committee because of a highways objection, in principle, but added that it been through the Examination and the site had been allocated for five dwellings.

Councillor Bubb highlighted the importance of having a Neighbourhood Plan and added that Holme next the Sea Neighbourhood Plan was against the development and therefore the Planning Committee had to refuse the application.

Councillor Sampson commented that he agreed with the points raised by Councillor Ryves and explained that the Planning Committee had to support the Neighbourhood plan and refuse the application.

Councillor Storey stated that it was a high quality development but too much for the area at the present time and commented that Councillors were placing heavy weight on the Neighbourhood Plan which was understandable to a certain degree. Councillor Storey added that in his opinion there were many consultees and should on balance be considered as a whole when determining a planning application.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application and after being put to the vote, was carried (13 for, 5 abstentions).

RESOLVED: That the application be refused as recommended.

PC38: **DELEGATED DECISIONS**

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The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The Chairman, Councillor Mrs Spikings reminded the Committee that a training session had been scheduled for 22 September 2022 at 9.30 am.

The meeting closed at 11.50 am