

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

Minutes from the Meeting of the Planning Committee held on Monday, 3rd October, 2022 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 F Bone, C Bower, C J Crofts, M de Whalley, A Holmes, C Hudson, J Kirk, B Lawton, E Nockolds, J Rust, A Ryves, S Squire, D Tyler and D Whitby

Under Standing Order 34:
Councillors T Parish (Zoom)
Councillor S Squire

Officers:
Stuart Ashworth, Assistant Director, Environment and Planning
Lauren Steele, Administrative Assistant
Hannah Wood-Handy, Planning Control Manager
Wendy Vincent, Democratic Services Officer

PC39: **APOLOGIES**

Apologies for absence were received from Councillors A Bubb, C Manning (substitute Councillor J Kirk), T Parish (substitute Councillor A Ryves), S Patel and M Storey.

The Chairman thanked the substitutes for attending the meeting.

PC40: **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.

PC41: **MINUTES**

The minutes of the meeting held on 5 September 2022 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC42: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC43: **URGENT BUSINESS UNDER STANDING ORDER 7**

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Application 22.0704/FM, - Land at Sedgeford Hall Estate, Fring Road, Sedgeford

The Planning Control Manager advised that late correspondence had been received from the RSPB identifying the recorded presence of curlews within the field network site, it was therefore recommended that the application be deferred to allow the applicant to investigate and respond.

The Chairman, Councillor Mrs Spikings proposed that the application be deferred which was agreed by the Committee.

PC44: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

Councillor T Parish 8/2(b)
Councillor S Squire 8/2(d)

PC45: **CHAIRMAN'S CORRESPONDENCE**

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

PC46: **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.

PC47: **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 schedules 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 schedules signed by the Chairman.

(i) 22/00704/FM

Sedgeford/Snettisham: Land at Sedgeford Hall Estate, Fring Road: Construction and operation of a solar farm comprising an array of ground-mounted solar photovoltaic (“PV2”) panels and containerised batteries and associated infrastructure

RESOLVED: That the application be deferred to a future meeting.

(ii) 22/00495/0

Emneth: Pal-Mar: Chapel Lane: Outlined Application: Residential Development (including Access)

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The Principal Planner presented the report and explained that outline planning permission with access was sought for residential development at Chapel Lane, Emneth. The indicative plan showed one dwelling with a new point of access for both the proposal and the donor dwelling.

The application had been referred for determination by the Planning Committee as the Parish Council objected to the proposal which was at variance with the officer recommendation. The Planning Sifting Panel required that the application be determined at Planning Committee.

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

In accordance with the adopted public protocol, Shanna Jackson (supporting) addressed the Committee in relation to the application.

Councillor Crofts, Ward Councillor, commented that the original application was for two dwellings which appeared too cramped and the Inspector was correct and dismissed the appeal, hence the application for one dwelling. The Parish Council had concerns regarding the traffic movements as it was often used as a shortcut in the mornings. In conclusion, Councillor Crofts supported the application.

Councillor de Whalley expressed concern about the cramped nature and impact upon the neighbour. With regard to the indicative plans, the house was too far forward and would impact on the street scene. He referred to paragraph 15 of the Appeal Decision. In response, LORAN drew the Committee’s attention to page 42, paragraph 4 and to the officer’s comments in the report. Councillor de Whalley proposed that the application be refused for the following reason: The principle of the proposal for one dwelling is objected to due to the unacceptable impact it would have upon the neighbour, contrary to policy DM15 of the SADMPP. There was no seconder.

Councillor Bone commented that there was a mix of different properties along the road close to the proposed site and added that he supported the officer's recommendation to approve the application.

Councillor Ryves stated that this was a good example of the planning system working very well. The application was refused, went to appeal and the applicant coming back with a revised application for one dwelling instead of two. Councillor Ryves supported the application.

Councillor Rust added that when the full planning application was considered, the Council could ensure that the proposed dwelling was not too large. Councillor Rust commented that she would support the outline application.

Councillor Squire commented that the plot was big enough to accommodate the proposal for one dwelling, although not necessarily as large or as front facing as on the indicative plan. However, she expressed concern about a separate garage against the boundary with Violet House.

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 (14 for, 1 against).

RESOLVED: That the application be approved as recommended.

(iii) 21/01610/F

Heacham: 6 Kenwood Road: Proposed Dwelling following Sub-Division

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The Principal Planner presented the report and advised that the application site was located on Kenwood Road, Heacham and comprised garden land located to west of the donor property, No 6 Kenwood Road. The site was located within the development boundary of Heacham which was a Key Rural Service Centre as defined by Policy CS02 of the Core Strategy 2011.

The proposal sought permission for a new single storey dwelling following the subdivision of the site.

The application had been referred for determination by the Planning Committee as the Parish Council objected contrary to the officer's recommendation.

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, The Chairman, Councillor Mrs Spikings read out an objection on behalf of Julie McIntosh, 4 Kenwood Road, Heacham (objecting), Paul Rowlinson, Parish Council (objecting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor T Parish addressed the Committee and outlined the reasons why the Planning Committee should refuse the application.

Councillor de Whalley expressed concern regarding the Arboricultural Officer's comments - *It's a shame that this application calls for the removal of all the existing trees/vegetation, unfortunately they do not meet the criteria for the serving of a TPO. If this is approved, replanting should be conditioned.* Councillor de Whalley referred Condition 4 which seemed woolly regarding the landscaping, also to the Environment Act 2021, and stated that the Council should be looking for biodiversity net gain of 10%. He also pointed out that paragraph 174 of the NPF stated that planning policies and decisions should contribute to and enhance the natural and local environment, sub-section (d), regarding minimising impact on and providing net gain to biodiversity. Councillor de Whalley added that he did not feel that the application as it stood improved biodiversity.

Councillor Squire commented that it was difficult to determine what the Committee was looking at with regard to the unadopted road and stated she would prefer a site visit. The proposal was seconded by Councillor Bone and after being put to the vote was carried (8 for, 4 against).

Councillor Rust commented that she was not available for a site visit and added and agreed with the comments made by Councillor Squire and the design indicated that this was not for a principal residence and screamed holiday home/second home which was not in line with the Neighbourhood Plan and therefore she would be voting against the recommendation to approve the application.

Councillor Hudson added that the Neighbourhood Plan overrode the conditions that applied when they previously received planning permission and that the updated Local Plan invalidates any other permissions they received and this planning permission ran opposite to the Local Plan. Therefore she would be voting against the recommendation to approve the application.

Councillor Bone commented that he might not be available for a site visit and felt that the site was cramped and did not enhance the street scene. The gardens of all neighbour properties were much larger and did not fall in line with Local Plan and would therefore be voting against the recommendation for approval.

Councillor Ryves stated that he was disappointed that today's presentation to the Planning Committee was light on the Neighbourhood Plan and would ask the Chairman to consult planning officers and to give fair weight to Neighbourhood Plans where they existed.

RESOLVED: That a site visit be undertaken on 6 October 2022 and the application be determined at a reconvened meeting on the same day at 10.30 am.

The Committee adjourned at 10.11 am and reconvened at 10.19 am.

(iv) **21/01750/F**

**Marham: Land Rear of Waterworks House: The Street:
Development of Two Dwellings**

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The Senior Planner presented the report and advised that the application site was an area of 0.21 ha of land, located to the rear/north-west of a terrace of cottages and two detached houses which fronted onto the Street in the village of Marham, a Key Rural Service Centre as defined by Policy CS02 of the Core Strategy 2011. The site was accessed via a private road which currently provided access to the Anglian Water waterworks site which was situated immediately to the north-west of the application site. To the north-east was a further detached residential dwelling – a bungalow. The site was currently vacant and overgrown with vegetation and trees.

The application sought full permission for the construction of two three-bedroom chalet bungalow with designated parking spaces and private rear amenity space.

The application had been referred for determination by the Planning Committee as the Parish Council objected contrary to the officer's recommendation.

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, Darren Greenwell (objecting) and Philip Kratz (supporting) addressed the Committee in relation to the application.

In response to comments made by the public speakers, the Principal Planner explained that questions had been asked regarding ownership and drainage and drew the Committee's attention to pages 70 and 71. With regard to the ownership, the applicants had stated that they had followed the correct procedure regarding certificates of notification to neighbouring landowners where necessary and explained that the Council was under no obligation to investigate the title and this was a separate matter to the planning application. In respect of drainage, the Principal Planner advised that conditions had been requested by the Environment Agency and CSNN with regard to drainage, and the EA were aware of the aquifer which was why they had requested a number of conditions but neither consultee had objected to the proposal.

Councillor Holmes informed the Committee that he visited the site which was beyond the main body of the village and explained that the access to the site was from a very narrow track and was designed to gain access to the waterworks so a vehicle of a fairly large size could use the access track. However, Councillor Holmes suggested that the plot which was against existing waterworks boundary at a strange angle to the track would make access difficult but added that the proposed dwellings did not seem to be as overbearing as expected. Councillor Holmes expressed concern on how the track would manage with possibly with up to 4 vehicles coming and going throughout the course of the day.

Councillor Rust reinforced the concern raised regarding the access road which would have a huge impact on neighbouring properties.

The Chairman, Councillor Mrs Spikings explained that the Highways Officer was present in the meeting but was unable to answer any questions as this was not his area but highlighted that the Highways Authority did not raise any objection to the proposal.

The Assistant Director, Environment and Planning advised that he could see both sides of the arguments regarding land ownership and the Committee should look at the planning merits.

Councillor Bone commented that he liked the properties on the site although they were not equally shared, one seemed to have more than the other but express concern on the access to the proposed site.

Councillor Ryves commented that the proposal was in line with policy but asked the Planning Officers why there had been no discussion on widening the track. In response, the Principal Planner explained that the Council took a steer from the Highways Authority and no objection had been raised and that it would not stand up at appeal if refusal was based on highway safety grounds/implications. The Planning Control Manager added that with regard to the use of the access road, statutory undertaker currently used the road and the Planning Policy Manager confirmed that she had driven down the road whilst undertaking a site visit and explained that two cars could pass and there was also a passing bay. Agricultural vehicles also used the road and in County Highways view an additional two dwellings would have minimal impact.

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 (13 for, 2 against)

RESOLVED: That the application be approved as recommended.

(v) **22/01044/F**

**Terrington St Clement: Westfield Gardens: 81 Market Road:
Retrospective replacement of a front fence with 6ft 6 in high**

of wooden boarding with concrete posts and proposed replacement of front driveway entrance with fence

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Councillor Squire left the meeting during consideration of this item.

The Principal Planner presented the report and explained that the application was part-retrospective for the erection of a 2m fence adjacent to the highway at 81 Market Lane, Terrington St Clement. The site had a residential dwelling on it but a dog training business was also operating within the site. The development was only part-retrospective because it involved closing the primary residential access by replacing the 2m gate with a section of 2m solid fence and instead using the business access further to the east for the dwelling and the business together, because it had slightly better visibility. The site was located in the countryside and there were no immediate neighbours surrounding the land.

The application had been called in by Councillor Squire.

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, James Harding (supporting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor S Squire addressed the Committee and explained that decisions should not be made on assumption and if the Committee did not feel comfortable determining the application, consideration should be given to undertaking a site visit.

Darren Mortimer, County Highways addressed the Committee and outlined the reasons why Highways objected to the application both residential and business use.

Councillor Hudson commented that she had no objection to the fence.

The Assistant Director, Environment and Planning explained that in terms of appearance the Council was not objecting to this, but on highway safety grounds alone.

Councillor Holmes advised that he had undertaken a site visit but the photo was quite good but also deceptive and would suggest that visibility from the set back entrance was clear in both directions for at least a quarter of a mile and that in his own experience it was consistent with other properties in the area on narrower roads. He noted that the verge was well kept by the applicant and that the council should be supporting local businesses.

In response, the Highways Officer explained that although 30 cm was a small distance it would put the nose of a car into the carriageway and that was the safety concern raised by Highways.

In response to questions from the Chairman, Councillor Mrs Spikings the Highways Officer explained that it would not be necessary to move the whole fence back 30 cm just the closest area back which could improve visibility.

Councillor Kirk explained that the site was within his Norfolk County Council Ward and there was a proposal coming forward in 2023 to reduce the speed limit to 40 mph. In response, the Highways Officer advised Highways were not aware of the proposal to reduce the speed limit to 40 mph.

The Assistant Director, Environment and Planning referred to page 84 of the report relating to how the visibility was calculated, but explained that all information would be brought back to the reconvened meeting on 5 October 2022.

The Chairman, Councillor Mrs Spikings proposed that the application be deferred and further information be obtained for 5 October and then it could be determined by the Planning Committee with all the relevant information available.

The proposal was seconded by Councillor de Whalley and on being put to the vote was carried.

RESOLVED: That the application be deferred to 6 October 2022 (subsequently deferred to 7 November 2022 meeting).

PC48: **DELEGATED DECISIONS**

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The Committee received scheduled relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 11.06 am