

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

Minutes from the Meeting of the Planning Committee held on Friday, 18th November, 2022 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor C Bower (Chair)
Councillors R Blunt (sub), A Bubb, C J Crofts, M de Whalley, A Holmes, M Howland, C Hudson, B Lawton, B Long (sub), E Nockolds, T Parish, C Rose (sub), J Rust, M Storey, D Tyler and D Whitby

PC63: **WELCOME**

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

She invited the Democratic Services Officer to carry out a roll call to determine attendees.

PC64: **APPOINTMENT OF VICE-CHAIR**

RESOLVED: That Councillor C Crofts be appointed as Vice-Chair for the meeting.

PC65: **APOLOGIES**

Apologies for absence had been received from Councillors Bone, Manning (substitute Councillor Blunt), Patel (substitute Councillor Rose) and Councillor Mrs V Spikings (substitute Councillor Long).

The Chairman thanked the substitutes for attending the meeting.

PC66: **MINUTES**

The minutes of the meeting held on 7 November 2022 would be considered at the following meeting to be held on 5 December 2022.

PC67: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC68: **URGENT BUSINESS UNDER STANDING ORDER 7**

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22/00306/F - Church Cottage, Church Street, Thornham

The Planning Control Manager advised that amended plans had been received which required further consultation. As a result, it was recommended that the application be deferred to allow further consultation.

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

PC69: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

Councillor S Squire had sent in letters to be read out in relation to 8/1(b) and 8/2(e).

PC70: **CHAIRMAN'S CORRESPONDENCE**

The Chairman reported that she had not received any Chairman's correspondence.

PC71: **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.

PC72: **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 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) – (viii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **22/01014/F**
Emneth: Elme Hall Hotel, 69 Elm High Road: Proposed change of use from Hotel (C1) to large HMO (Sui Generis): Mr D Cornetta

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The Principal Planner presented the report and explained that the item was deferred by Members at Planning Committee on 7 November 2022. It was deferred to resolve a query over landownership. The applicant had since confirmed that they did not own or have legal interest in the land outlined in blue on drawing number 224-01A - existing floor plans, site plan and location plan. The drawing would therefore be amended to show only the application site highlighted in red. The updated plan would be detailed in late representations.

The application sought full planning consent for the change of use of the application site from a hotel to a House of Multiple Occupation (HMO) consisting of 26 rooms (with a maximum occupancy of 39 people) with 4 communal rooms including a lounge and a kitchen/diner on each floor.

The application site was 0.35ha and was part of a larger hotel site (approximately 1.2 ha in total), the remainder of which would be retained as a hotel. The external form of the building would remain unchanged, although there would be changes to the site to accommodate the parking and area of amenity space.

The application site was located to the northeast of the A47, with access via the existing entrance off Elm High Road. The site was 1.3 miles to Wisbech town centre and abutted the built extent of the town. However, it was located within the parish of Emneth and the site was within the development boundary for the village of Emneth as detailed on Inset Map G34 of the Site Allocations and Development Management Policies Plan 2016.

The application was the same that was previously submitted and refused at Planning Committee in May 2022 (ref: 21/01569/F). However the applicant had sought to address the reasons for refusal as part of this application namely the potential detrimental impact on tourism as a result of the loss of the hotel facilities.

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

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, Stuart Beckett (supporting) addressed the Committee in relation to the application.

In debating the item several Committee Members spoke in support of the application as they considered that there was a need for this type of accommodation.

The Democratic Services Officer then carried out a roll call on the recommendation to approve and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended.

- (ii) **22/01044/F**
Terrington St Clement: Westfield Gardens, 81 Market Lane: Retrospective replacement of a front fence with 6ft 6 high wooden boarding with concrete posts and proposed replacement of front driveway entrance with fence: Mr James Harding

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The Case Officer advised that the application had been deferred from the 3 October 2022 Planning Committee to enable discussions to continue with NCC Highways to try to resolve highway safety concerns with the site.

Further correspondence with NCC Highways re-iterated their position and set out potential changes to the proposal which would alleviate their concerns. However, the applicant had decided not to make any changes to the scheme so that the Planning Committee could consider the suggestions put forward by NCC Highways and make a determination on the application accordingly.

It was explained that the application was part retrospective for the erection of a 2m fence adjacent the highway at 81 Market Lane, Terrington St Clement. The site had a residential dwelling, but a dog training business was also run within the site. The development was only part because it involved closing the primary residential access by replacing the 2 m 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 referred to the Committee for determination at the request of Councillor Squire and it had been deferred from the 3 October 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 speaking protocol, Mr Harding (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, a letter from Councillor Squire supporting the application was read out to the Committee.

The Planner responded to issues raised relating to the visibility splays and that planning permission would not be required to turn the blue land back to agricultural use.

Several Members of the Committee considered that there was sufficient visibility as demonstrated by the photographs and also there was not a need to paint the fence green

The Assistant Director advised that Highway Engineers had looked at this application in detail. The reason for refusal related to highway safety.

The Planning Control Manager explained that suggestions had been made to the applicant to amend the fence line, however the applicant was not willing to amend the application.

Councillor de Whalley proposed that the application be approved, which was seconded by Councillor Rust on the grounds that the visibility was acceptable.

Councillor Blunt asked whether an additional condition asking for amendments to the fence could be imposed. It was explained that conditions should only be added if they would be adhered to.

The Assistant Director advised that the Committee needed to give planning reasons as to why they considered the application to the acceptable against County Highway advice as defensible, transparent decisions needed to be made.

The Committee then adjourned at 10.40 am and reconvened at 10.52 am.

Upon reconvening, the Planning Control Manager advised that a conversation had been held with the applicant but notwithstanding that with regards to the technical aspects it was better if a scheme was presented up front before determining an application, but a condition could be added to make some aspects more acceptable provided it did not substantially change the scheme.

In this case, Members had given a steer so far that they found the business access more acceptable, however it was the field access which was the issue. The Planning Control Manager advised that,

having had a conversation with the applicant, he would be prepared to accept a condition altering the field access in some way, and this would need to be secured by way of a condition requiring a scheme for the reposition of the fence at the field access point to be submitted and approved by the LPA. The applicant would need to look at the details of this and if necessary, he could appeal that condition. The Planning Control Manager advised that the condition did meet the tests and could be imposed.

In summary, the Assistant Director explained that there had been a proposal to approve the application. The Committee needed to consider whether they wished to impose a condition for a scheme to improve visibility for the two accesses or not. At the moment, no condition had been proposed.

The Planning Control Manager advised that it needed to be clear whether the condition related to both accesses, or just the field access to improve visibility.

Councillor Blunt proposed an additional condition relating to the field access only which was agreed by Councillor de Whalley.

The Assistant Director advised that there was a proposal to approve the application with an additional condition which related to improve visibility to the field access only, as set out in the report, for the reasons that the Committee put weight on the evidence put forward on highway safety relating to the main access point.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application with a condition to improve visibility at the field access only and, after having been put to the vote, was carried (16 votes for and 1 against).

RESOLVED: That the application be approved, contrary to the recommendation, with the imposition of a specific condition relating to requiring a scheme for improved visibility at the field access only. Members put weight on the evidence put forward to the Committee on highway safety, on the main access point.

(iii) 22/01308/CU

**Middleton: The Stables, East Winch Road, Blackborough
End: Retrospective change of use of buildings to private
use to house own horses and personal belongings (no
alteration to buildings): Blackborough End Eq Centre**

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The Planning Control Manager introduced the report and explained that the application was for a retrospective change of use of a building for the stabling of the applicant's own private horse and the storage of personal belongings. The application site went around the footprint of

the building. The wider site consisted of a livery, equestrian fields, and residential dwelling and curtilage along the south-east of the site.

The site was outside the development boundary of East Winch and was therefore categorised as countryside in the Site Allocations and Development Management Policies Plan 2016.

The application had been referred to the Committee for determination as the applicant was related to Councillor Nash.

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 and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved, as recommended.

(iv) 22/00987/F

Hilgay: Mulberry House, East End: Variation of condition 2 of planning permission 20/00198/F: Proposed 4-bed dwelling and triple garage with associated parking and private amenity space: Mr Ben Saxby

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The Planning Control Manger presented the report and explained that the site was located on the south side of East End, Hilgay, some 50m from the junction of East End and Church Road. The site was located adjacent to the development boundaries for Hilgay, as defined by the Site Allocations and Development Management Policies Document 2016.

The application was to vary condition 2 (the approved plans) of an extant planning consent for the construction of a 4-bed dwelling and triple garage with associated parking and private amenity space. The development had been constructed although was not fully in accordance with the approved plans. The application sought to regularise the differences.

The Planning Control Manager advised that there had been additional late correspondence from neighbours objecting to the application and this was read out to the Committee.

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

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

Several Members of the Committee expressed concern in relation to the dwelling not being built in accordance with the approved plans and the impact of those changes.

Councillor Holmes outlined his concerns to the application and stated that when the application had originally been approved at Committee, he felt that it was at the maximum size it could be. There had also been an issue over the approved height in relation to a historic monument. He added that he was very impressed with the objection that had been read out. He also had concerns in relation to the raising of the garden. He explained that he did not have a problem with people wanting to build their dream home, but they had to have the requisite permission to do so. Despite warnings from the community the developer had built something much bigger than the approved plans.

Councillor Rust proposed that the application be refused, seconded by Councillor Lawton on the grounds of the unacceptable impact of the cumulative changes including the increased height of the house and garage and changes in levels, and 2m high fence across the front of the site.

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 unanimously.

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

On the grounds of the unacceptable impact of the cumulative changes including the increased height of the house and garage, changes in levels, and 2m high fence across the front of the site, which is contrary to DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) and is not high quality design as required by the NPPF.

(v) 22/01185/F
Ringstead: Land south of 8 Chapel Lane: Erection of one no. 2 storey house and garage: West Side Property Development Ltd

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The Planning Control Manager presented the report and explained that full planning permission was sought for the construction of a single dwelling on land to the south of 8 Chapel Lane, Ringstead. The application site was to the rear of an extant consent for 10 dwellings originally granted on appeal, and most recently granted under 21/00546/FM. Development had commenced on site.

The application site comprised the south-east portion of the larger site, which totalled approximately 0.45 ha of land previously used as a haulage yard. Accessed via Chapel Lane, which joined High Street to the east, the site was wholly within Ringstead Conservation Area.

The application had been referred to the Planning Committee for determination as the officer recommendation was contrary to the views of the Parish Council and by 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 Martin Price (supporting) addressed the Committee in relation to the application.

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

RESOLVED: That the application be approved, as recommended.

- (vi) **22/01307/RM**
Terrington St Clement: Reserved matters application for plot 1 only: Plot 1 Adjacent 40 Marshland Street: Warnes & Edwards

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The Senior Planner introduced the report and explained that the site comprised part of a former retail nursery on 0.23ha of land to the rear of the south-eastern frontage of Marshland Street and western side of Churchgate Way within the heart of Terrington St Clement (designated a Key Rural Service Centre). It was located within the development boundary for the village as shown on inset map G93 of the SAMDPP. The site was bounded on all sides by residential development and was immediately adjacent to the Conservation Area boundary which ran along the front of the site.

The application sought reserved matters approval for Plot 1 following outline consent being granted under ref 19/01788/O. An application for reserved matters for three plots was initially considered by Planning Committee in September 2021 and was refused permission on the grounds of impact of the outbuildings (detached garage and summer house) to Plot 1 on the neighbouring property (No.48 Marshland Street). Subsequently a further application for the dwelling on Plot 1 was submitted and refused by Planning Committee under ref: 22/00266/RM in relation to the proposed detached garage and neighbouring house. Plots 2 and 3 were approved in the interim and were currently under construction.

The application sought to resolve issues raised insofar as Plot 1 only. Reserved matters was sought for solely a chalet with no outbuildings.

The application had been referred to the Committee for determination at the discretion of the Assistant Director given the planning history of the site.

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, Gareth Edwards (supporting) addressed the Committee in relation to the application.

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.

(vii) 22/01770/F

Terrington St Clement: Waterlow Nursery, Waterlow Road: Removal of Condition 6 of planning permission 1900743/O: Outline application for 2-storey dwelling in association with adjacent manufacturing and retail window business: Mr Paul Clarke

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The Senior Planner introduced the report and explained that the application site comprised an area of 0.19ha of land with frontage onto the eastern side of Waterlow Road, Terrington St Clement. It was located approximately 300 m south of the junction with Hay Green Road, and within an area classed as 'countryside' in the Development Plan. The site abutted an access and private drive which served Jon Chambers Windows and associated dwelling.

Outline planning permission was initially sought and approved by the Planning Committee at its meeting on 1st July 2019, contrary to officer recommendation, for a 4 bedroomed house in associated with the adjacent manufacturing and retail window business. Reserved matters were subsequently approved under application ref: 19/01463/RM; the development commenced, and foundations built.

Condition 6 attached to that initial outline planning permission effectively tied the occupancy of the dwelling to the business use. An application to remove the occupancy tie was refused at the May 2021 committee meeting under application ref: 21/00345/F.

This was a further application seeking to remove that occupancy tie.

The application had been referred to the Committee for determination at the request of 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, Mr Paul Clarke (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, a letter was read out on behalf of Councillor Squire in support of the application.

Councillor Long stated that the principle of the house had been accepted but the condition tied the house to the business, and he proposed that the application should be approved. He also questioned the enforceability of the condition.

The Senior Planner explained that the only reason that consent was granted was the condition which related the dwelling to the business. By removing that condition, it would result in an unfettered property in the countryside.

Councillor Rust stated she would second the proposal to approve the application. She reminded the Committee of the closeness of the vote when the previous application was considered. She added that there was a family who appeared committed to the area and offered employment, so she urged the Committee to remove the occupancy tie and allow the family to continue building their house and continue the work they did offering employment in the area.

Councillor Parish stated that he supported the officer recommendation. The application also failed the sequential and exceptions flood test, as outlined on page 91 of the agenda.

Councillor Nockolds added that she supported the proposal to approve the application, as there was permission to build a house and if the business closed, this could leave an empty house.

Councillor Long explained his planning reasons for approving the application was that the condition as previously agreed was restrictive in its nature and not enforceable.

The Assistant Director explained that by removing the condition, the applicant could sell the plot on the open market, and it was a new dwelling in the countryside. He added that the applicant had had the opportunity to appeal that condition.

The Senior Planner advised that whilst the development had commenced, there was nothing out of the ground and the house was not there at present.

Councillor Parish reiterated that there had been no business plans and the plot could be sold off as market housing if the condition was removed. It was tied to the business to help it and the flood risk issue had not gone away.

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 carried (11 votes for, 5 against and 1 abstention).

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

That the condition, as previously agreed, was overly restrictive in its nature, and not enforceable.

(viii) **22/00306/F**

Thornham: Church Cottage, Church Street: Proposed extension and alterations to existing dwelling: Karen Lane

The Committee noted that this application had been deferred.

PC73: **UPDATE ON TREE MATTERS**

The Chairman informed the Committee that this would be the Arboricultural Officer's last meeting before he left the authority. The Committee thanked him for his work over the years and wished him well for his new job.

The Committee received an update on recent Tree Preservation Orders that had been served since 1 May 2022, along with a summary on some of the other aspects of the work in relation to trees.

RESOLVED: That the report be noted.

The meeting closed at 12.41 pm