

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

Minutes from the Meeting of the Planning Committee held on Monday, 4th December, 2023 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor F Bone (Chair)
Councillors B Anota, R Blunt, A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, S Lintern, B Long, S Ring, C Rose, Mrs V Spikings, M Storey and D Tyler

PC83: **WELCOME**

The Chair welcomed everyone to the meeting. He advised that the meeting was being recorded and streamed live to You Tube.

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

PC84: **APOLOGIES**

Apologies for absence had been received from Councillor Ryves.

PC85: **MINUTES**

The minutes of the meetings held on 6 and 16 November were agreed as a correct record and signed by the Chair.

PC86: **DECLARATIONS OF INTEREST**

Councillor Rose declared that in relation to 9/2(f) Stow Bardolph, he had called-in the application and would wait until the end of the debate before making a decision.

PC87: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

PC88: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended under Standing Order 34:

Cllr Parish 9/2(b) Heacham

In relation to 9/2(c), the Democratic Services Officer read out a statement from Councillor Joyce who could not be present at the meeting.

PC89: **CHAIR'S CORRESPONDENCE**

The Chair reported that any correspondence received had been read and passed to the appropriate officer.

PC90: **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.

PC91: **GLOSSARY OF TERMS**

The Committee noted the Glossary of Terms.

PC92: **INDEX AND 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 application 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 Chair.

- (i) **23/00496/FM**
Burnham Market: Land opposite 1 to 4 Beacon Hill: The erection of 12 dwellings with associated landscaping, vehicular access and parking provision: Holkham Estates Company Ltd

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As Councillor de Winton was not present for the whole of the item, he did not take part in the debate or vote on the matter.

The case officer introduced the report and explained that full planning permission was sought for 12 dwellings (including two affordable units) on approximately 0.61 ha of land at a density of just below 20 dwellings per hectare.

The application site comprised agricultural land to the south of allotments in Burnham Market. The site fronted Creake Road to the east and Beacon Hill Road to the west.

The site was within the development boundary and was within the Area of Outstanding Natural Beauty.

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, Geoff Armstrong (supporting) addressed the Committee in relation to the application.

The case officer responded to comments made by Councillor de Whalley in relation to major development within the AONB (now known as National Landscapes), which was explained on page 22 of the agenda. In terms of light pollution, no streetlights were proposed and there were not large areas of glazing, which was not considered significant in this case.

Councillor Mrs Spikings referred to the late correspondence and asked for clarification in relation to the retention of the hedges. The Planning Control Manager advised that conditions 26 and 27 required the hedges to be retained.

The Assistant Director explained that hedges could not be subject to a Tree Preservation Order but there were conditions in place to retain it and this would be followed up with the Arboricultural Officer.

Councillor Bubb stated that the illustration of the scheme looked very good however he could not see any swift boxes or swift bricks. He also queried whether the roads would be adopted, or a condition needed to be added regarding the roads and footways to be completed prior to the occupation of the penultimate dwelling.

The Planning Control Manager advised that she thought that the roads were being adopted but would check that.

Councillor Storey and the Chair commended the application.

Councillor Ring also commended the application and added that the site was ready for development. He also welcomed the conditions put forward by the applicant.

Later in the debate the Planning Control Manager advised that there was no evidence that Norfolk County Council would be adopting the

roads, therefore a condition would be added regarding the roads and footways to be completed prior to the occupation of the penultimate dwelling.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the amendments to conditions as outlined in late correspondence and the additional condition in relation to the completion of the roads and footpaths, and, after having been put to the vote, was carried unanimously.

RESOLVED: (A) That the application be approved subject to conditions and the amended condition 16, additional conditions 26, 27 and 28 as detailed in late correspondence and the additional condition relating to the completion of the roads and footpaths prior to the occupation of the penultimate dwelling, and the satisfactory completion of a Section 106 Agreement to secure affordable housing, principal residences and biodiversity net gain.

(B) In the event that the Section 106 Agreement is not completed within 4 months of the date of this Committee Meeting, the application shall be refused due to the failure to secure affordable house, principal residences and biodiversity net gain.

(ii) **23/00735/FM**
King's Lynn: Omex Agriculture Ltd, Estuary Road: Construction of a new building / offices for the blending of existing products with increased capacity and associated drainage: Omex Agriculture Ltd

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In presenting the report the case officer explained that the application site was located within the defined settlement boundary of King's Lynn, which was classified as a sub-regional centre within policy CS02 of the Core Strategy 2011.

The application site was accessed via Estuary Road and was host to an existing commercial business. The site incorporated existing buildings relating to the business including gas tanks, offices and a car park.

The Fen Rivers Academy was located to the north of the site with other commercial uses to the south and a residential cul-de-sac positioned to the west.

The proposal sought permission for the construction of a new building / offices for the blending of existing products with the increased capacity and creation of an attenuation reservoir.

Amended plans had been provided throughout the course of the application process including revised elevations, the submission of a construction management plan and a drainage strategy.

The application had been referred to the Committee for determination 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 Roy Brain (supporting) addressed the Committee in relation to the application.

Councillor Everett referred to the hours of use and proposed that it be amended to 0800 hours. Having checked the existing operating hours specified on the application form, the Planning Control Manager explained that it was 0600 hours. CSNN raised no objection to an 0600 start. Having heard that the existing operation had an 0600 start on site, he withdrew his amendment.

Several Members of the Committee commented that the proposal would be an improvement for the neighbours as it would contain operations within one building.

The Chair drew attention to the comments from the Civic Society and KLACC Planning Sub-Group and asked if there was anything that could be done to soften its impact. The Planning Control Manager advised that the building would be screened by the existing conifers.

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.

(iii) 23/00805/F
Burnham Market: Methodist Church, Station Road:
Conversion of chapel to form dwelling: Client of Landles

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In presenting the report the case officer explained that the application related to the existing and currently vacant Methodist Church on Station Road in central Burnham Market. The site was within both the development boundary and the Conservation Area.

The application sought consent to convert the building into a single residential dwelling and associated works including changes to fenestration, the removal of the existing from boundary (wooden post and metal rail) and approximately 4m of hedge to form a parking space within the front of the plot.

The application had been referred to the Committee for determination at the request of the Planning Sifting Panel and 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.

Councillor de Winton stated that as a Planning Authority it needed to define what a principal residence was and how it would be enforced.

The Assistant Director advised that it was in the Neighbourhood Plans. In terms of enforcement as a Planning Department any potential buyer would be made aware through searches and also enforcement notices could be served. As a result, the Planning Department were trying to take preventative measures first.

Councillor de Winton suggested that this could be a topic for a future training session for Parish and Borough Councillors.

The case officer advised that County Highways were supportive of the parking arrangements at the front of the property. Also, the plans showed that the cross above the door was to be removed.

Councillor Ring added that he could not see another use for the building other than residential.

The Chair drew the Committee's attention to late correspondence and the need to add condition 9, which was agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the addition of condition 9, as detailed in late correspondence and, after having been put to the vote, was carried unanimously.

RESOLVED: (A) That the application be approved, subject to conditions including condition 9 (as detailed in late correspondence) and the satisfactory completion of a Section 106 Agreement to secure the new dwelling as a principal residence.

(B) That in the event that the Section 106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be refused due to the failure to secure the new dwelling as a principal residence.

(iv) 23/00760/F

Heacham: Lidl, 43 Lynn Road: Full planning permission for the improvements to the existing access and an extension to the existing car park to provide an additional 29 car parking spaces including electric vehicle (EV) charging

spaces and other associated works: Lidl Great Britain Limited

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This item was moved forward in the agenda and considered second in the meeting.

In presenting the report the case officer explained that full planning permission was sought for an extension to the existing car park to provide an additional 29 car parking spaces of which 26 would be electric vehicle charging spaces and other associated works including improvements to the existing access from the A149 and landscaping at Lidl, Heacham.

The site was located opposite the North Norfolk Area of Outstanding Natural Beauty in land designated as countryside. The site was greenfield as defined in the NPPF, had a groundwater risk ranking of medium and was Flood Zone 1.

The application site measured 1.03 ha which included the existing Lidl site (0.84ha) and the car park extension (0.19 ha). The application site was increased to include the whole site because the original submission did not include all land where development was sought.

The application had been referred to the Committee for determination at the request of Councillor Parish and 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 Standing Order 34, Councillor T Parish addressed the Committee and outlined his objections to the application.

In response to the comments made, the case officer explained that the application had to be considered as submitted which was an extension to the car park and there was nothing to suggest that the store would be extended. It was acknowledged that the car park was not often full to capacity. In relation to parking standards there was a requirement for additional parking to serve a store of this size which was a material consideration, and the car park could potentially be full to capacity in the future. With regards to the charging points, they provided a facility that currently was not available in this location. In relation to landscaping, the previous planting did not establish and better plans for landscaping was required. The consultees felt that the issues they had raised could be overcome by conditions therefore they did not object to the application.

Councillor Long stated that the provision of disabled spaces was not sufficient, and he could not see the point of the all the EV charging points that had been proposed.

The case officer explained that the application proposed rapid charging points which would take 30 mins – 2 hours, fast charging points which would take 2-3 hours and 11 passive bays which would have the infrastructure in place but would not be used as charging points at the present time but would be future proofing the site.

Councillor de Winton added that he did not think that supermarkets would extend their car parks unless they had to. He added that he was supportive of the application but had been disappointed with the landscaping.

Councillor Ring added that there was a need for more people to use electric cars. He explained that users had to top-up where they could and didn't generally stop for a full top-up. He added that he had never had trouble parking, but if the store increased its offer, then it might attract more people. He welcomed the application.

The Planning Control Manager advised that the application met the requirements of the NPPF where developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Councillor Spikings referred to condition 8 and stated that it was not strong enough and would like to see the timescales reduced.

The case officer explained that the condition allowed for the planting to take place at the appropriate times in the season.

The Assistant Director advised that the applicant did carry out landscaping previously.

Councillor Spikings added that semi-mature trees should be used rather than small trees so that it made a bigger impact.

Councillor Devulapalli added that whilst she supported the installation of electric charging points but she did not welcome the extension to the car park.

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 (11 votes for 1 against and 3 abstentions).

RESOLVED: That the application be approved as recommended.

The Committee adjourned at 10.35 am and reconvened at 10.45 am

(v) 23/00586/F

King's Lynn: Land and outbuildings south of 28 and north of 30 Meadow Way: Proposed demolition of two existing garages with the erection of a private detached dwelling and associated works: c/o Agent

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In presenting the report the case officer explained that full planning permission was sought for a 1.5 storey, 1-bed dwelling.

The site was located within the development boundary of West Lynn, which was categorised as a 'Settlement adjacent to King's Lynn and the Main Towns' in the Settlement Hierarchy of the Core Strategy (Policy CS02).

The site accommodated two garages that clearly had not been in use for a considerable period of time. It was unknown which residential property the land and garages once related to as they appeared to have been separated for a considerable period of time and there was no planning history or aerial photography that could shed light on the issue.

The site was located in an area at extreme risk of flooding being located within both flood zones 2 and 3 (as defined on the Local Authority's Strategic Flood Risk Maps) and within the Environment Agency's Breach Hazard Area (flooding to a depth of up to 2m).

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

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 Philip Kratz (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then read out a statement from Councillor Joyce (Ward Member) in accordance with Standing Order 34, who could not be present at the meeting.

In response to comments raised by the speakers, the case officer explained that the design showed no resemblance to anything in the locality. In relation flood risk, the development was unnecessary, and even if it were, would not provide wider sustainability benefits to the community given the cramped form of development, overlooking issues and impact on trees.

Councillor Long added that he considered that there were flood risk mitigation measures in place and that there was a demand / need for

one-bedroom dwellings. He felt that the reasons for refusal could be mitigated against.

The Assistant Director reminded the Committee that there was no premium on neglect. If the Committee were minded to approving the application, he advised that a site visit should be carried out.

In response to a comment regarding the impact on the trees, the case officer referred the Committee to page 92 and 93 of the agenda, which detailed the arboricultural officer's response.

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 1 abstention).

RESOLVED: That the application be refused as recommended.

- (vi) **22/00641/F**
King's Lynn: 1st Self Storage Limited, Edward Benefer Way: Secure Self-Storage facility for 48 full size units, 16 half size units, 16 quarter-size units and 2 utility storage units (part retrospective): 1st Self-Storage Limited

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The case officer introduced the report and explained that the site was located on the eastern side of Edward Benefer Way opposite the docks. It comprised some 0.66ha just over a quarter of the overall area associated with the former fuel oil storage and distribution depot and corresponds with the hard surfaced part adjoining 'Home Bargains' on the St Nicholas Retail Park. The remainder of the site to the north was not part of the proposal and there was housing beyond on St Edmundsbury Road. To the east there was an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

It was explained that over the past 15 years planning permission had been granted for residential development for up to 95 dwellings and it remained within the Council's SHLAA. However, the site had been redundant/abandoned since the 1990s.

This application sought part retrospective permission for secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units.

The application had been referred to the Committee for determination as the site had a history of an appeal being dismissed.

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 Matthew Rooke (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.

The Committee then adjourned at 12.10 pm and reconvened at 12.20 pm.

Councillors Anota and de Winton left the meeting.

(vii) 23/00540/F

Outwell: Beaupre Barns, Marsh Road: Change of use of existing agricultural buildings to residential dwelling (part retrospective) including standing of temporary static caravans during construction work: Mr & Mrs P Johnson

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In presenting the report the case officer explained that the proposed development was for the conversion of the two barns on site to residential dwellings. Material operations had commenced on site including the installation of cesspits and removal of roof material hence the application was part retrospective. The proposal included the siting of temporary mobile homes while the development was carried out. Prior approval had previously been granted under the provisions of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to convert each of the barns to residential use. Despite partial implementation of these application, they had now expired as development was not substantively complete within the required three-year period. The site was approximately 1.2km away from the main built-up edge of Outwell and was located outside the development boundary, as defined by the SADMPP 2016.

The application had been referred to the Committee for determination at the discretion of the Executive Director for Planning.

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 Jonathan Burton (supporting) addressed the Committee in relation to the application.

Councillor Mrs Spikings stated that she had seen barns in a worse condition than the proposed put forward for conversion. During the 3-

year time period for completing the conversion, Covid restrictions were in place making it difficult to complete the project. In addition, it was recognised that the car was dependant on in rural areas. She therefore proposed that the application be approved. This was seconded by Councillor Long.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with appropriate conditions to be agreed with the Chair and Vice-Chair and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved, contrary to recommendation and subject to imposition of appropriate conditions to be agreed with the Chair and Vice-Chair, for the following reasons:

The buildings are substantial and worthy of conversion, within a reasonable distance of Outwell and therefore comply with Policy CS06.

(viii) 23/01632/CU

Stow Bardolph: 179 The Drove, Barroway Drove: Change of use from residential dwelling to short term supported accommodation: Norfolk and Waveney Mind

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In presenting the report the case officer explained that the proposal was to change the use of a residential dwellinghouse to offer short term supported accommodation at 179 The Drove, Barroway Drove, PE38 0AL. Barroway Drove was classified as a Smaller Village and Hamlet within Policy CS02 of the Core Strategy 2011.

The application site was an existing two-storey dwelling approved under planning references 21/01056/F, 18/02168/RM and 15/02082/O, located within the built-up settlement of Barroway Drove, approximately 397m of Barroway Drove village hall and immediately northeast of local commercial sites. By virtue of the recent approval of the dwelling, the site was considered to be a sustainable location within a smaller village and hamlet.

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

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, Cheryl O'Sullivan (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 together with the correction

outlined in the late correspondence and, after having been put to the vote, was carried (12 votes for and 1 abstention).

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

PC93: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 12.53 pm