

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

**Minutes from the Meeting of the Planning Committee held on Monday, 8th April, 2024 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor F Bone (Chair)  
Councillors R Blunt, M de Whalley, P Devulapalli, A Dickinson (sub), A Kemp (sub), S Lintern, B Long, S Ring, A Ryves, S Sandell (sub), Mrs V Spikings, D Tyler and A Ware (sub)

PC135: **APOLOGIES**

Apologies for absence were received from Councillors Anota, Bubb (sub Cllr Dickinson), Everett (sub Cllr Ware), Rose (sub Cllr Kemp), de Winton (sub Cllr Sandell).

PC136: **MINUTES**

The minutes of the meetings held on 4 March 2024 and 7 March 2024 were agreed as a correct record and signed by the Chair.

PC137: **DECLARATIONS OF INTEREST**

The Chair declared an interest in item 9/2(b) – King's Lynn as he worked for a service partner and would not take part in the debate or decision.

PC138: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

PC139: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

There were no Members attending under Standing Order 34.

A statement was read out from Councillor Heneghan in relation to item 9/2(b).

PC140: **CHAIR'S CORRESPONDENCE**

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

PC141: **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.

PC142: **GLOSSARY OF TERMS**

The Committee noted the Glossary of Terms.

a **Core Strategy Policies**

The Core Strategy Policies were noted.

PC143: **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 will be recorded in the minutes.

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

(i) **23/00103/F**

**Burnham Market: Overy Road Nurseries, Overy Road: Application for 2 no. dwellings and an agricultural barn, demolition and clearance of existing buildings and structures, and associated works: Mr and Mrs Smith**

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The case officer presented the report and reminded the Committee that this item had been deferred from the meeting held in February 2024 to allow clarification of the Historic Environment Service's comments and the potential adverse impacts on archaeology associated with the scheme. The report had been updated to outline that trail trenching had taken place on site, however the results had not yet been made available to the LPA or HES. Sufficient detail had however now been provided so as to allow pre-commencement conditions to be imposed.

Full planning permission was sought for the construction of 2 dwellings and an agricultural barn at Overy Road Nurseries, Overy Road, Burnham Market. Existing greenhouses and structures to the rear of the site, associated with the site's previous use as a nursery would be

demolished to enable the construction of the barn, with the proposed dwellings to the front of the site.

The site was immediately adjacent to the Burnham Market Conservation Area, 250 m from the Burnham Overy Town Conservation Area and outside of the Burnham Market Development Boundary shown on Inset Map G17 of the SADMPP (2016). The land was therefore considered to be within the wider countryside for the purposes of planning policy.

The site was within the Norfolk Coast National Landscape and was within an area at risk of flooding in the 0.5% annual exceedance probability event including climate change (Future Flood Zone 3).

The application had been referred to the Planning Committee for determination as it had been deferred from the February committee meeting.

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

In accordance with the adopted public speaking protocol, Holly Smith (supporting) addressed the Committee in relation to the application.

In response to issues raised by the public speaker, the case officer advised that it was the Borough Council's responsibility to carry out the sequential test so the Environment Agency would comment on whether something was safe for its lifetime. The NPPF did set out that future flood risk needed to be taken into account as well as current flood risk. In relation to brownfield land, it was set out in the agenda that only a small proportion of the site was brownfield land and it had to be suitable brownfield land to meet that policy. There was no premium on neglect, it was an agricultural site, and the greenhouses were not sufficiently detrimental to allow two dwellinghouses.

Councillor Mrs Spikings stated that she had listened carefully to the speaker and case officer. When the previous application had been considered by the Committee, one of the things that the Committee wanted to see was trial trenching which had now been carried out and found to be acceptable. She considered that the 1:200 flood risk was insignificant but felt that there could be a way to mitigate that. She referred to other new buildings in Burnham Market using the same materials. The houses would be for local people and the applicants were willing to sign a Section 106 Agreement to ensure that the dwellings would be self-build. She stated that the proposal would enhance the area and the Parish Council was more than happy with the proposal.

She therefore proposed that the application should be approved on the grounds of DM5.

The Assistant Director advised that Policy DM5 was not relevant in this case.

Councillor Mrs Spikings added that weight should be given to the fact that the properties would be self-build and would add to the housing stock.

The proposal to approve the application was seconded by Councillor Ryves.

Councillor Sandell added that the application was within her ward and referred to the 81 letters of support together with the support from the Parish Council. She made reference to the last meeting where several Members of the Committee did not agree with the reason for refusal relating to the materials not being in-keeping with the houses in the street-scene. She referred to the other end of the village where there were large houses with similar materials. The proposal would be for two houses for local people and conformed with Burnham Market Neighbourhood Plan's Principal Residency policy. There were no highway issues, and no significant impact on the adjoining properties. The applicants had carried out trial trenching and nothing significant had been found. She therefore supported the application.

It was explained that the application was being considered by the Planning Committee as it was outside the development boundary.

In response to a comment from Councillor Ryves, the Planning Control Manager advised that future flood zones were in response to climate change. The site was currently within Flood Zone 1 but in the future, it would be Future Flood Zone 3.

The Planning Control Manager advised that from the debate, the Committee was minded to place weight on the fact that the site was in a sustainable location and other factors including self-build that would outweigh flood risk issues.

The Planning Control Manager also advised that the application could be conditioned to be a principal residence (in accordance with the Neighbourhood Plan) but not for local people in perpetuity. The Principal Residency condition would be secured by condition and the draft Section 106 Agreement in accordance with the Neighbourhood Plan.

The Legal Advisor advised that the application had to be determined in accordance with the development plan.

Several Members of the Committee spoke in support of the application.

The Planning Control Manager advised that she understood from Members that the planning reasons related to the benefits of providing much needed housing, the archaeological issues had been resolved in

accordance with Policy CS12, the proposed dwellings enhanced the form and character of the locality and that of the Conservation Area and National Landscape and would be providing self-build homes secured via the Section 106 Agreement in accordance with the NPPF. These wider sustainability benefits would outweigh the flood risk issues, in accordance with paragraphs 168 and 169 of the NPPF. The Committee also placed weight on the Principal Residency condition as well as securing Custom and Self-Build within the Section 106 Agreements. Appropriate conditions would also be included following consultation with the Chair and Vice.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application subject to the imposition of appropriate conditions following consultation with the Chair and Vice Chair and, after having been put to the vote, was carried (12 votes for and 1 against).

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

*The wider sustainability benefits of providing custom & self-building housing and a development that would enhance the form and character of the Conservation Area and National Landscape would outweigh flood risk issues in accordance with the Policy CS12 of the Development Plan and the NPPF.*

*Councillor Devulapalli joined the meeting.*

- (ii) **24/00229/F**  
**Downham Market: War Memorial Playing Field, Lynn Road: Proposed extension to main football stands and dugouts with new keyclamp fence: Downham Town FC**

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that the site was located almost centrally on the War Memorial Playing Fields on the north-western side of Lynn Road, Downham Market approximately 850m to the north of the town centre. There were residential properties to the north of Mill Lane, playing fields to the rear/west and front/east and a Memorial Garden to the south with further residential properties on Stowfields beyond.

The application sought full planning permission for extensions to the existing spectator main stand and 2 no. team dugouts that existed on the north-western side of the football pitch. The works involved extending the mono pitched roofs on all three structures to create increased covered seating for spectators and players respectively.

The existing front brick wall of the main stand was to be removed to accommodate two additional rows of seating and contained by a new 'keyclamp' barrier (tubular metal framework) with banner advertisements.

The changes were sought to meet Football Association standards relative to the league in which Downham Market FC were currently playing.

The application had been referred to the Committee for determination as the views of the Town Council were contrary to the officer 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, George Dickerson (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.

- (iii) **23/01665/CU**  
**King's Lynn: St Johns Vicarage, Blackfriars Road: 24-hour homeless accommodation with ancillary support services: King's Lynn Night Shelter**

[Click here to view a recording of this item on You Tube](#)

*Councillor Bone left the meeting during consideration of the item and took no part in the debate or decision.*

*The Vice-Chair took the Chair for this item of business.*

The case officer presented the report and explained that the application site was situated on the east side of Blackfriars Road, King's Lynn and comprised a detached building and garden (the former St Johns Vicarage). The building was over two floors with some space in the roof (office and rest room). The applicant stated that the building currently consisted of 8 bedrooms. Consent was granted under ref: 22/01862/F for the extension of the building to accommodate a total of 12 bedrooms. The site was set within the development boundary and King's Lynn Conservation Area. The building was considered to be an Important Unlisted Building in the Conservation Area Character Statement.

The application sought consent for the use of the site as year-round, 24/7 accommodation for the homeless with ancillary support services following consent granted in 2020 for the change of use of the dwelling to a homeless shelter (Winter Night Shelter) under reference 20/00526/CU.

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

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

The case officer drew the Committee's attention to the need to add and additional condition 4, as detailed in late correspondence.

In accordance with the adopted public speaking protocol, Derek Wilkins (objecting) and Lucy McKitterick (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer read out a letter from Councillor Heneghan who could not be present at the meeting.

In response to comments raised by the speakers, the case officer explained that the use was considered appropriate in the location. Officers had worked closely with CSNN throughout the application, and they did not object to the application in principle but in their response had requested certain conditions and had been addressed within the report. In addition, as detailed in late correspondence a scheme for Crime and Disorder Management Plan was proposed as an additional condition.

Councillor Mrs Spikings asked for a picture of the train station and the benches at the front of the station, as referred to in the comments from King's Lynn Train Station. This was displayed on the screen.

Councillor Mrs Spikings stated that she was in support of the Night Shelter, but the clients had to live in harmony with the neighbours and if there was genuine concern about dis-amenity in that area then the Council had to do its best to address that. She referred to the comments from the Train Station and stated that she acknowledged that the problems of antisocial behaviour could not all be attributed to clients of the Night Shelter, but the station was the first place that visitors saw when they arrived in King's Lynn. She asked who owned the benches and whether they could be moved to stop the dis-amenity.

It was reported that the red line did not include the train station. The Committee needed to consider the land use planning issues relating to the site only.

The Planning Control Manager referred to Councillor Heneghan's statement who had raised the point regarding the provision of food to

others not just guests of the night shelter. The applicant could suggest that food be eaten on site rather than congregating within the vicinity. Clearly the applicant had spent time with the Police on a safety plan, which might need updating to take account of the 24/7 arrangement.

Matters such as disturbance could be dealt with by anti-social behaviour legislation and the Police. In terms of a scheme, improvements relating to land use matters could be made to ensure that it was enforceable from a planning point of view and everything else was subject to other agencies and their associated legislation.

Councillor Sandell asked whether this was a hostel rather than a Night Shelter.

The case officer advised that the description had been amended to take that into account.

Councillor Sandell added that whilst she appreciated the comments from the objectors, the whole picture needed to be looked at. The people using the facility needed support and continuity in their lives. The hostel provision provided significant benefit to the client's lives. She was sure that the Night Shelter was working with other agencies to address a lot of the issues raised by the objectors, and she hoped that conditions could be added to help with the neighbours lives too.

Councillor Long added that it was how the Night Shelter was operated to make it a good neighbour. A lot had been said about what the Night Shelter needed to do but a lot of that was not in planning control, it was about working collaboratively with other agencies and local residents to ensure that it was as good as it could be in the location.

Councillor Kemp informed the Committee that there was a Public Protection Order in force in the town to prohibit drinking and anti-social behaviour in the town centre and this needed to be enforced. She added that when the Night Shelter closed in June, the issue of drinking and taking of substances moved to Whitefriars Terrace, so there appeared to be an issue in the town, and this needed to be addressed by the relevant agencies. What went on outside the curtilage of the Night Shelter could not be controlled as planning was restricted to the red line. It was an important facility, but neighbours needed to be assisted. Neighbour amenity was very important and on-going dialogue with all the partners must take place to stop the issues taking place outside the curtilage.

In response to a comment from Councillor Ryves, the Planning Control Manager advised that she had said earlier in the debate that there had been some sensible suggestions put forward to prevent anti-social behaviour off-site that could be taken on board in the interests of the amenity of neighbours and that was why a condition had been suggested in the interests of neighbours in the locality. There was a range of other legislation to deal with the issues.



Councillor Ware stated that she would like to support Councillor Heneghan's suggestions in relation to the provision of food and the avoidance of littering. In relation to moving the seating at the station, she felt that this could not be carried out as the wider population and visitors also used them.

Councillor de Whalley stated that he would be concerned about moving the benches at the Railway Station. He added this was a vital service for vulnerable people.

The Legal Advisor reminded the Committee that they were there to deal with the use and development of the land and were not there to duplicate other legislation.

Councillor Ring stated that the Night Shelter was a vital facility in the perfect location, but as much assistance as possible needed to be given to residents to make them feel safe. He added that the Crime and Disorder Management Plan was necessary to help and support residents, as well as the guests at the facility. He added that the Night Shelter did a valuable and useful job, but he would urge the applicants to work with the Council.

Councillor Ryves proposed that the application be deferred to consider a suitable solution for the neighbouring properties, however there was no seconder for the proposal.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the imposition of the additional condition (4) as outlined in late correspondence and, after having been put to the vote, was carried unanimously.

**RESOLVED:** That the application be approved as recommended subject to the imposition of condition 4, as outlined in late correspondence.

*The Committee then adjourned at 10.56 am and reconvened at 11.09 am*

(iv) **24/00301/O**  
**King's Lynn: 56 Wootton Road, Gaywood: Outline application for up to 2 no. new dwellings: Mr D Ward**

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*Councillor Ring left the meeting during consideration of the item and took no part in the debate or decision.*

In presenting the report, the Principal Planner advised that the application site was located at Gaywood, within the defined settlement boundary of King's Lynn and West Lynn, a sub-regional centre as

defined by Policy CS02 of the Core Strategy 2011. Gaywood functions as a neighbourhood centre within King's Lynn. It provided a significant range of services including retail. The area was characterised by a mixture of two-storey detached dwellings and terrace properties constructed from mainly red brick with some examples of cladding and render. The site consisted of former rear gardens 52, 54 and 56 Wootton Road. The plot was positioned to the rear (east) of these dwellings.

The proposal sought outline planning permission with all matters reserved, for up to 2 no. dwellings.

Parking would be provided for 52, 54 and 56 Wootton Road as part of the red line site.

The application had been referred to the Committee for determination as notice had been served on a member of staff.

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

**RESOLVED:** That the application be refused as recommended.

- (v) **23/01545/F**  
**Northwold: Waterfall Barn, 49 Hovells Lane: Conversion and extension of barn to create a dwelling: Michelle Lee**

This item had been withdrawn from the agenda at the applicant's request.

- (vi) **23/01819/F**  
**Snettisham / Ingoldisthorpe: Deer Park East of St Thomas Lane: Change of use of land from Deer Park to Deer Park incorporating four modular cabins, together with associated infrastructure, and alterations to, including change of use of an existing barn to serve as an arrivals building and facilities hub associated with those cabins and a lap pool: Stanton Farms Ltd**

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The case officer introduced the report and explained that the proposal sought permission for the change of use of land from a deer park to incorporate the creation of four modular cabins together with associated infrastructure, and alterations, including the change of use of an existing agricultural barn to serve as an arrivals building and facilities hub and the creation of an outdoor swimming pool.

The application was located outside of the defined settlement boundary for Snettisham which was classified as a key Rural Service Centre within Policy CS02 of the Core Strategy, therefore the site was considered as countryside in policy terms.

The site was located at the southern end of Park Farm and was currently used as a deer park. Extending to just under 8 ha, the site was a large field bounded to the north by an arable field, to the south by further deer parks, St Thomas's Lane to the west and, to the east further agricultural fields.

The site was approximately 750m from the main built extent of Ingoldisthorpe to the southwest, and approximately 1km from Snettisham Park Farm to the northwest.

The application site was within the Snettisham Neighbourhood Plan area and Neighbourhood Plan policies therefore apply.

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

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

In accordance with the adopted public speaking protocol, Fergus Bootman (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 (12 votes for, 2 against and 1 abstention).

**RESOLVED:** That the application be approved as recommended.

- (vii) **23/02139/LB**  
**Walpole: Church of St Andrew, Kirk Road, Walpole St Andrew: Installation of a replacement floor: The Churches Conservation Trust**

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The Conservation Officer introduced the report and explained that the listed building sought consent for a replacement of part of the floor of the nave of the Church of St Andrew following the removal of the existing floor in an area close to the chancel over 10 years ago.

The Church of St Andrew was a Grade I listed building.

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

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, Stuart Potter (objecting) addressed the Committee in relation to the application.

Councillor Blunt advised that he had called-in the application. He explained that in many places this would be a living Church but sadly it was in the marshland area and had lots of other churches around that the Churches Commissioner decided to make it a redundant Church. He explained that the local people wanted to bring the Church back to life and back into use. One of the things stopping that from happening was the hole which had been there for years. Nothing seemed to be happening and when you asked a question about what had been gained from the hole, it was very difficult to get an answer. The Conservation Officer held a meeting recently with the Churches Conservation Trust, the Friends of the Church, and himself and it was obviously that everyone wanted to see a positive outcome. He added that the main aim was to get the Church back into use as a community facility. Clarification was sought on all the issues that were still outstanding so that we feel confident that this work was going to be done. Now at the present time, he wanted some statements made or conditions to ensure that the work was carried out to a suitable standard. Several members of the community including himself were happy to be involved in the project to ensure that it was completed.

He added that he wanted assurances that the work would be carried out.

The Assistant Director added that everyone wanted to see the same thing with the works being carried out but advised that a condition for completion could not be imposed as it went against guidance, but a shorter time period of 1 year rather than 3 years had been included in condition 1.

The Conservation Officer explained that condition 4 asked for a full specification, schedule of works and working drawings of the proposed new floor. At the moment, the Churches Conservation Trust were not in a position to inform the Council whether it would be a temporary or permanent floor that would be reinstalled. The Churches Conservation Trust needed to do a further test to ascertain what type of floor goes back down, so not to cause further harm to the listed building and this would need to be done within one year.

In response to a comment from Councillor Blunt, the Assistant Director explained that within condition 1, the time period had been changed from 3 years to 1 year. Eventually an Enforcement Notice could be served if necessary although hopefully that would not be the case as officers were now working with the applicants. The Assistant Director agreed that the 18-year timescale had been too long.

In response to a question from Councillor Kemp, the Conservation Officer explained that there appeared to be an issue with moisture in the air as well as moisture rising from the ground, it was about environmental conditions as a whole.

The Conservation Officer advised the Committee that condition 4 could be amended to read 'a schedule of works, timescales and working drawings of the proposed new floor ...'.

Councillor Kemp asked if it could be conditioned that a permanent floor be installed. The Conservation Officer advised that it would not be appropriate as it was not known at the current time if by putting a permanent floor down would cause more harm. She added that it was appropriate to leave it as either a temporary or permanent floor, which could be controlled by condition.

Councillor Long asked if any planning enforcement was taken 18 years ago when the floor was taken up.

The Conservation Officer advised that no enforcement action had been taken.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 4 being amended to include the word 'timescales' and, having been put to the vote, was carried unanimously.

**RESOLVED:** That the application be approved as recommended, subject to condition 4 being amended to include the word 'timescales'.

(viii) **23/00972/O**  
**West Winch: Main Road/Chequers Lane: Construction of 2 no. dwellings complete with garages and associated works: A.S.K. Builders (King's Lynn) Ltd**

[Click here to view a recording of this item on You Tube](#)

The case officer presented the report and advised that the application sought outline planning consent with access only for the construction of two dwellings with garages and associated works. The scale, layout, appearance and landscaping will be determined as part of a later reserved matters application.

The application site was 0.134 ha in area and was currently not utilised but agricultural in form. Land to rear of the site was used for agriculture, there were existing residential dwellings either side of the site. To the front of the site was an area of common land utilised as green space with a village sign, bench, landscaping and a bus stop was within close proximity.

The application site was located predominately within the development boundary for West Winch, as identified on Local Plan Inset Map No.E2. However, the private drive to the rear of the site, required for access to the site, was within the wider land area designated in the adopted Plan as E2.1 (West Winch Growth Area Strategic Policy). While the application site fronted onto Main Road / the A10, access was proposed via a private drive off Chequers Lane (no access would be provided via the A10).

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, Graham Bloomfield (supporting) addressed the Committee in relation to the application.

Councillor Kemp outlined her concerns in relation to the application, which included highway safety. She therefore proposed that the application be refused.

The case officer explained that access was off Chequers Lane not the A10 and County Highways had no objection to the application. Moving forward longer term, it was proposed to stop up some of that road, but access would still be allowed for residents along the lane and traffic would be reduced along the A10. Highways were sufficiently satisfied in relation to highway safety as that junction was lined, signed, etc.

Councillor Long stated that he could see where Councillor Kemp was coming from. He added that a lot of people accessed West Winch via Chequers Lane. The A10 was a corridor of movement. He said that traffic that came out of Chequers Lane would then have to mix and slow up the flow of traffic on the A10. He also raised concerns in relation to visibility and the volume of traffic along Chequers Lane was variable.

The case officer referred back to the comments from County Highways who did not object to the application.

The Planning Control Manager stated that in order to refuse the application, the harm had to be evidenced. The traffic coming from Chequers Lane would not severely impact the A10, as evidenced by the Local Highway Authority. The application had been thoroughly assessed including the impact on the growth area and collaboration agreement.

The Legal Advisor added that the Local Highway Authority had been very clear that they were unable to substantiate an objection on highway grounds.

Councillor Long added that if the Committee was minded to grant outline planning permission, could a condition be added regarding the stopping-up of the entrance onto Chequers Lane at the point which another access becomes available via what was called estate road on the plan.

The Legal Advisor stated that the Committee needed to deal with the application, as presented to them. With regards to stopping-up, he explained that you could not compel County Highways to stop-up a road.

The Planning Control Manager informed the Committee that alterations were planned to Chequers Lane, as part of the West Winch Housing Access Road scheme.

Councillor Kemp outlined her planning reasons being highway grounds as mentioned in the Parish Council comments. Pressure would be put on the Garage Lane junction, and this was noted as the most dangerous junction in the County. Also, another planning reason was poor residential amenity.

Councillor Ryves seconded the proposal for refusal, as he considered it to be premature.

The Assistant Director advised that if the application went to appeal evidence would be required. The Local Highway Authority had not objected to the application.

The Legal Advisor added that the Council would need an expert in Highways and would struggle to defend the refusal at appeal and most likely would be subjected to costs.

Councillor Ryves proposed that the application be deferred to allow a second opinion on the highway evidence. This was seconded by Councillor Devulapalli.

Councillor de Whalley referred to the Knights Hill application and urged the Committee to follow the officer's advice.

The Planning Control Manager clarified the reasons for refusal as being an increase in traffic on the A10, as a result of the development and would be contrary to DM15.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application and, after having been put to the vote was lost (3 votes for, 10 against and 1 abstention).

Councillor Ryves then outlined his reasons to defer the application to allow for a County Highways Officer to be present at the meeting.

The Committee then voted on the proposal to defer the application to seek expert advice on highways and, having been put to the vote was lost (3 votes for, 11 votes against)

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, having been put to the vote, was carried (10 votes for, 3 against and 1 abstention).

**RESOLVED:** That the application be approved as recommended.

- (ix) **23/02031/F**  
**West Winch: Deerfields, Lynn Road, Setchey: Replacement of a carrstone wall in connection with planning application 20/00303/FM: SHS Holdings**

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The case officer presented the report and advised that full planning permission was sought for the construction of a new carrstone boundary wall (88 m in the length) along the western boundary of the site known as Deerfields, Lynn Road, Setchey directly adjacent to the A10.

The application sought to regularise works which took place contrary to planning consent reference 20/00303/FM. The application also followed and was identical to a previous application 21/02363/F, which was approved at Planning Committee. The applicant had offered to provide a signed Unilateral Undertaking to secure the construction of the wall within a fixed and agreed period of time.

The case officer drew the Committee's attention to the need to amend condition 3.

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, Jay Mehta (supporting) addressed the Committee in relation to the application.

Councillor Kemp stated that it was an important wall and should be brought back to its proper height. She therefore proposed that the application be deferred pending agreement that the applicant would put the wall back to the current height.



The case officer reminded the Committee that they had previously agreed to the proposed height.

There was no seconder to Councillor Kemp's proposal to defer the application.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 3 being amended (removal of timescale element of the condition) and the date in recommendation (b) being amended and, after having been put to the vote, was carried (12 votes for and 2 abstentions).

**RESOLVED:** (A) That the application be approved subject to conditions and the completion of a Unilateral Undertaking (to secure the construction of the wall) within **three** months of the date of this resolution, and the amendment to condition 3 (removal of timescale element of the condition).

(B) That the application be refused in the event that the Unilateral Undertaking (to secure the construction of the wall) is not agreed within **three** months of the dates of this resolution to approve.

PC144: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

**RESOLVED:** That the reports be noted.

**The meeting closed at 12.55 pm**