

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Tuesday, 7th May, 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 B Anota, S Bearshaw, R Blunt, A Bubb, M de Whalley, T de Winton,
P Devulapalli, S Everett, S Lintern, B Long, C Rose, J Rust, Mrs V Spikings and
D Tyler

PC145: **APOLOGIES**

Apologies for absence were received from Councillor Ring (Cllr Rust sub) and Councillor Ryves (Cllr Bearshaw sub).

PC146: **MINUTES**

The minutes of the meeting held 8 April 2024 were agreed as a correct record and signed by the Chair.

PC147: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC148: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

PC149: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

Councillor Lintern 8/1(d) Stoke Ferry

PC150: **CHAIR'S CORRESPONDENCE**

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

PC151: **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.

PC152: **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) – (vi) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

- (i) **22/01970/F**
Holme Next the Sea: Brownsea, 44 Beach Road:
Replacement dwelling: N Williamson

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The case officer presented the report and explained that the application sought full planning permission for the construction of a replacement dwelling at Brownsea, 44 Beach Road, Holme next the Sea.

The application site was within the Conservation Area and was within Flood Zones 2 and 3 of the Borough Council's SFRA (2018). The site was also within the Norfolk Coast National Landscape.

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

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

In accordance with the adopted public speaking protocol, David Hasler (objecting), Wendy Norman (objecting on behalf of the Parish Council) and Chris Lindley (supporting) addressed the Committee in relation to the application.

The Assistant Director advised that, given there had been substantial late representations from the Parish Council in relation to the application, and that the Committee had not had the opportunity to read them, he suggested that the application should be deferred for one month.

Councillor Mrs Spikings in proposing the deferral, asked for up to date photographs to be included, as part of the presentation.

Councillor de Whalley asked for further information to be included within the report relating to flooding and the escape plan for bedroom 3.

The Legal Advisor explained why the Council would not be at risk of a judicial review if they deferred determination of the application.

Councillor Long seconded the proposal for deferral of the application, and after having been put to the vote was carried.

RESOLVED: That the application be deferred for one cycle in order that the additional information submitted by Holme Parish Council could be assessed.

- (ii) **23/01571/F**
Old Hunstanton: 6 Howards Close: 2 storey and first floor front extension, replacement dormer to rear including increased size: Mr S Harding

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The case officer presented the report and explained that planning permission was sought for a two-storey and first floor front extension, rear single storey extension and replacement dormer to the rear.

The application site was located within the settlement boundary of Old Hunstanton which was classified as a rural village within policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP).

The application site was located within the residential cul-de-sac of Howards Close which was outside of the Old Hunstanton Conservation area.

The existing dwelling was a chalet bungalow with asymmetric roof form, including a small, glazed dormer in the front elevation. The property had previously been extended and altered and so was not in its original form, most notably with an existing two-storey extension on the rear elevation.

Plans had been amended during the course of the application to significantly alter the scale of the proposal, which was detailed within the report.

The application had been referred to Committee for determination at the request of Councillor de Winton

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

In accordance with the adopted public speaking protocol, Mr N Torry (objecting) and Jason Law (supporting) addressed the Committee in relation to the application.

Several Members of the Committee expressed concern that the proposal would significantly alter the appearance of the conservation area.

Councillor Rust stated that there was a lot for the Committee to balance, the dwelling was not a heritage asset but there was consistency in the design and appearance of the close. The officer's report stated that the proposal was acceptable on balance, so it was up to the Committee to decide whether on balance the proposal was acceptable. Although she did not object to the extension, she did feel that it would alter the appearance of the close.

The Planning Control Manager advised that the application had been through significant design amendments, and also it needed to be balanced what was permitted development and what was not, and it had been set out in the report that alterations could be made to the appearance of the dwelling. She also advised that the dwelling was well set-back in the street-scene.

The Planning Control Manager also advised that the application had been assessed against the policies of the Neighbourhood Plan and the Local Plan and consider the application to be on balance acceptable.

The Assistant Director advised that design was subjective, which was why it was an on-balance recommendation for approval.

Councillor Everitt asked to see the location of the application on street view, which was displayed to the Committee.

Councillor Mrs Spikings referred to the Conservation Officer objection, and the creation of a new bedroom close to the canopy of the trees and outlined her concerns to the application.

The case officer explained that the impact on trees had been addressed within the report on pages 64 and 65. She advised that there would be a bathroom window facing into the trees and the bedroom window had been moved further northwards.

The Planning Control Manager advised that from the occupier's point of view, this was a betterment.

The case officer advised that the window relationships had been addressed at page 65 of the report.

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

As the recommendation to approve the application had been lost, the Planning Control Manager stated that what she had heard from the debate was that the Committee felt that the application was contrary to Policy 7 of the Neighbourhood Plan, CS08 also DM15.

The Committee was also concerned about the two-storey extension and large dormer which would adversely affect the form and character of the existing dwelling and locality as a whole. This was proposed by the Chair.

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 (9 votes for, 3 against and 3 abstentions).

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

The front 2 storey extension and enlarged dormer would adversely affect the character and appearance of the existing building and the locality as a whole, contrary to Policy 7 of the Neighbourhood Plan, CS08 of the Core Strategy and DM15 of the SADMPP.

(iii) 24/00138/F

**Snettisham: Land between 6 and 10 Teal Close:
Construction of one single storey dwelling with parking and
garaging: Kevin Waddison**

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The case officer presented the report and explained that the application site comprised a parcel of land measuring approximately 495 m² located on the north-western side of Teal Close, Snettisham.

The land was vacant but was being used for the storage of building materials in association with the development site to the west. Although the application site was historically associated with the wider development site to the west, it was blue land, and thus did not form part of the development itself. Three years had since passed and therefore the application site was now a windfall site.

Full planning permission was sought for the construction of a three-bedroom detached bungalow and garage.

Snettisham was classified as a Key Rural Service Centre within the settlement hierarchy of the Development Plan, where limited growth of a scale and nature appropriate to secure the sustainability of the settlement would be supported, subject to other policy and material considerations.

The application had been referred to 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.

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.

The Committee adjourned at 10.30 am and reconvened at 10.43 am.

- (v) **23/01375/F**
Stoke Ferry: Land south of 4A to 7A Furlong Road: Variation of conditions 7, 9, 11, 14 15, 16, 18, 19 and 21 of planning permission 21/01226/F: Proposed two-storey new dwelling with garage: Mr & Mrs E Fuller

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Councillor Lintern addressed the Committee in accordance with Standing Order 34. She took no part in the debate or decision.

The case officer presented the report and explained that the application sought to amend specific conditions attached to the extant planning consent 21/01226/F 'Proposed two-storey new dwelling with garage' at Furlong Road, Stoke Ferry.

The conditions that the applicant was seeking to vary were no.7 relating to off-site highway works and conditions 18 and 19 which were arboriculture conditions. Conditions no.9 (related to drainage), no.11 (archaeology), nos. 14, 15 and 16 (contaminated land) and condition 21 (the provision of a Construction Management Plan), were all to be discharged and removed, or amended, as a result of the submission of additional information.

The application had been referred to Committee for determination by Councillor Lintern.

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

In accordance with the adopted public speaking protocol, Trudy Mann (objecting), Janet Taylor (objecting on behalf of the Parish Council) and Mr Ted Fuller (supporting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor Lintern addressed the Committee and outlined her concerns in relation to the application.

In response to comments made by the public speakers, the case officer explained that:

- In terms of the application being called-in, officers did not have evidence that a Councillor had called-in the application in line with the Planning Scheme of Delegation, which was why it had not been considered by the Committee historically.
- The proposed drainage strategy had been agreed by CSNN.
- In terms of the passing bay for vehicles along Furlong Road that had been agreed as part of the extant consent and had been conditioned that the design details would come forward.
- There had been no objections received from the Conservation Officer or Arboricultural Officer to the scheme.
- Councillor Lintern had asked that Condition 7, which related to the design and provision of a passing bay, be a pre-commencement condition, discussions had been held with the Highway Authority and their view was that it could be dealt with no development above slab level for this scheme.

In response to a comment from Councillor Long, the case officer advised that her understanding was that a Highway Engineer had been out to discuss the passing bay and bank and how that would work and that was in the process of being designed. In relation to drainage, it had been designed by Plandescil and had been considered and their view was that there was an agreed drainage strategy for the site that would work.

The Planning Control Manager advised that Plandescil were Drainage Engineers as well as engineers in general, so they were qualified to make a judgment of the basis of the particular circumstances of the site.

Councillor Spikings stated that she was concerned that the tree roots were holding the structure stable at the moment and also removing a lot of the water. She added that the cesspit should be a pre-commencement condition. She proposed that a site visit should be carried out so Members could see for themselves.

The Assistant Director advised that the Committee could not impose a pre-commencement condition, as agreement was required from the applicant to do that. He also advised that if a drainage engineer had looked at the scheme, and the application went to appeal, unless there was specific evidence to the contrary, it would be difficult to defend that reason at appeal.

In view of the Committee's concerns regarding the stability of the bank, the Planning Control Manager suggested that condition 7 could be amended to require detailed drawings and a structural engineers report of the bank as well as the passing bay.

Councillor Everett referred to page 95 of the report, where concerns had been raised in relation to bats. The case officer advised that a couple of neighbours had raised the issue of bats on the site and the Council's Ecologist had been to the site and looked at the type of trees that were proposed to be removed and that type were not suitable for bat roosts.

In response to a comment from Councillor de Whalley about whether the application should be deferred or have a condition imposed, the Assistant Director advised that a condition should be imposed in the first instance.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to amendments to Condition 7 and, after having been put to the vote, was carried (11 votes for, 1 against and 2 abstentions).

RESOLVED: That the application be approved as recommended, subject to Condition 7 being amended to include detailed drawings and a structural engineers report of the adjacent bank being approved by the Local Planning Authority.

(vi) 23/02244/F

Wimbotsham: Church of St Mary, Church Road: A single storey monopitch extension to the south of the church, air source heat pump and enclosure to the south-west of churchyard, integrated PV panels to the south slope of the Nave roof and external landscaping works: Wimbotsham Parochial Church Council (PCC)

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The case officer presented the report and explained that the application sought permission for a single storey mono-pitched roof extension to the south of the church, including an air source heat pump and associated enclosure to the south-west of churchyard, integrated solar PV panels to the south slope of the nave roof, a car parking area to the north of the church, and external landscaping works. The vehicular access was as existing, via Church Road.

The application was at St Mary's Church in Wimbotsham. The church was a Grade II* Listed Building. It had been devastated by a fire in September 2019, and had not been in ecclesiastical use since. The interior and nave roof were destroyed by the fire. The site sat outside and adjacent to the development boundary for Wimbotsham and was within the Wimbotsham Conservation Area. The application sought to bring new use and community services / facilities to the Listed Building.

The application had been referred to Committee for determination as the officer recommendation was contrary to the Parish Council comments and referred by the Planning Sifting Panel.

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

In accordance with the adopted public speaking protocol, Karen Wanless (objecting) and Tania Gomez-Duran (supporting) addressed the Committee in relation to the application.

The case officer advised that the Conservation Officer and Historic England did not object to the application. If the Committee were minded to approve the application, the Conservation Officer had suggested conditions at page 107 of the agenda.

Councillor Mrs Spikings explained the background to the Church in relation to the fire. This proposal would future proof it, but it did need parishioners to be able to use it and was part of a community hub. She therefore proposed that the application be approved. In relation to the Highways comments, she did not feel that the proposal would have such an impact on highways, also cars had gone onto the site and not left any ruts. She agreed with the arboricultural officer's comments for the need for a pre-commencement condition relating to protection of the trees, to retain the uniqueness of the setting and its surroundings and would also help with wildlife.

Councillor Long advised that whilst he understood where County Highways was coming from in their objection to the application, the traffic using the road was slow moving due to the parked cars along the road and that it was narrow.

Councillor Bearshaw added that Churches had to do other things to be able to survive. The applicant would have had to raise the money for the proposal themselves. This was the better access for the proposal.

The County Highways Officer advised that when he visited the site, he did not see any evidence of parking on the grassed areas. The proposal would create a new defined car parking area. The new car parking area would be an intensification of the use. He added that it was poor visibility from the exit point and displayed photographs to demonstrate this.

Councillor Rust added that whilst she agreed that the Church should be brought back into use but there were clear reasons for refusal that could be resolved.

Councillor de Whalley stated that the restoration of the Church was imperative.

The Chair asked if there was any mitigation that could be done to improve visibility. The County Highways Officer explained that the hedge could not be cut back but if the additional car parking could be

removed except for disabled parking then Highways could support the proposal.

In terms of cutting the hedge back, the Legal Advisor explained that the hedge could be cut back under to the boundary under the Highways Act but notice needed to be served on the landowner to do that.

Councillor Long added that there was potential for an off-site traffic solution and as the County Councillor for the area, he was happy to work with the Parish Council and Church to find a solution.

In response to a comment regarding the installation of signage, the County Highways Officer advised that it would not solve the issues.

Councillor Rose seconded the proposal to approve the application. The planning reasons for approving the application were that whilst he highways objections had been taken into account it was considered that the proposal would bring a listed building back into use.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application subject to conditions to be agreed with the Chair and Vice-Chair and, after having been put to the vote, was carried (14 votes for and 1 against).

RESOLVED: That the application be approved, subject to conditions being agreed with the Chair and Vice-Chair, contrary to recommendation, for the following reason:

The building has an existing level of parking, there are slow speeds given on street parking and the proposal would bring back a historic building in to use that would benefit the community that would outweigh highway safety concerns.

PC153: **SECTION 106 UPDATES**

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The Committee received a report to seek authorisation to finalise and complete Section 106 agreements pertaining to application ref: 22/00871/FM and 23/00805/F for the following reasons:

- (a) 22/00871/FM – agree that the legal agreement could be completed and issue the decision notice.
- (b) 23/00805/F – agree a further one month from the Committee resolution until 7th June 2024 to finalise the agreement and issue the decision. If the agreement was not completed by 7 June 2024, but reasonable progress had been made, delegated authority be granted to the Assistant Director / Planning Control Manager to continue negotiation and finalise

the agreement and issue the decision. If in the opinion of the Assistant Director / Planning Control Manager no progress had been made, the application be refused on the failure to secure the dwelling as a principal residence.

RESOLVED: That Members grant authority to continue to negotiate and complete Section 106 agreements and issue the decision notices attached to the relevant planning applications as detailed above.

PC154: **QUALITY OF DECISIONS**

The Committee received a report which measured the percentage of the total number of decisions made by the Authority on applications that were then overturned at appeal.

The performance for Q1 (end of March) was as follows:

- For major applications = 5.95% overturned
- Non-major applications = 0.61% overturned.

The threshold for designation for both Major and Non-major was 10% - this was the figure that should not be exceeded, otherwise there was a risk of the Authority being designated by DLUHC.

RESOLVED: That the report be noted.

PC155: **DELEGATED DECISIONS**

The Committee received reports relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 12.15 pm