

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

**Minutes from the Meeting of the Planning Committee held on Monday, 4th November, 2024 at 11.45 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor Lintern (Chair)

Councillors B Anota, R Blunt, A Bubb, R Coates, M de Whalley, T de Winton, P Devulapalli, S Everett, D Heneghan, B Long (sub), S Ring, C Rose, S Sandell (sub), Mrs V Spikings and D Tyler

PC60: **APPOINTMENT OF VICE-CHAIR**

**RESOLVED:** That Councillor Spikings be appointed as Vice-Chair for the meeting.

PC61: **APOLOGIES**

Apologies for absence had been received from Councillor Parish (Chair), Councillor Barclay (Councillor Long sub) and Councillor Storey (Councillor Sandell sub).

The Chair thanked the subs for attending the meeting.

PC62: **MINUTES**

The minutes of the meeting held on 7 October 2024 (previously circulated) were agreed as a correct record and signed by the Chair.

PC63: **DECLARATIONS OF INTEREST**

Councillor Heneghan advised that as she was not present at the site visits for the major applications, she would not take part in the debate or vote on the applications.

PC64: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to consider under Standing Order 7.

PC65: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended and addressed the Committee as follows:

Councillor Moriarty 9/1(a)

Pentney / East Winch

Councillor Parish 9/1(a) Pentney / East Winch

Councillor Kirk 9/2(c) West Walton

Councillor Long queried why Councillor Parish was speaking under Standing Order 34 for application 9/1(a) as he was not the Ward Member. The Chair advised that legal advice would be given at the appropriate time, when the application was due to be considered.

PC66: **CHAIR'S CORRESPONDENCE**

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

PC67: **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.

PC68: **DECISION ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Assistant 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) – (vii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

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**Procedural advice**

The Chair invited the Monitoring Officer to offer advice on the procedural matter relating to Members wishing to speak under Standing Order 34. The Monitoring Officer reminded Members of the content of Standing Order 34 and that the Committee also had a public speaking protocol which stated that Ward Members could speak on applications within their ward.

The Monitoring Officer explained that she understood that non-Ward Members had been allowed to speak under Standing Order 34 in the past and confirmed that the Council was currently considering changing the Standing Order to allow non-Ward Members to speak.

She advised that to address and to regularise the position for the meeting today, a Committee Member could put forward a motion which would be to suspend the part 'and the Planning Committee'. If passed, Members would be allowed to speak under Standing Order 34 for this item. If the motion was proposed it would need to be seconded and voted on without debate as it was a procedural motion and if agreed the Chair could then invite Councillor Parish to speak under Standing Order 34.

Councillor Ring proposed that Standing Order 34 be suspended for the purposes of the item (i below), which was seconded by Councillor de Whalley.

The Democratic Services Officer then carried out a roll call on the proposal to suspend the wording in Standing Order 34 and, after having been put to the vote was carried thereby allowing Councillor Parish to speak on application (i).

Councillor Mrs Spikings stated that in view of this she no longer wished to be Vice-Chair and withdrew from the position.

The Chair then asked for nominations for a Vice-Chair for the meeting, and it was:

**RESOLVED:** That Councillor Ring be appointed Vice-Chair for the meeting.

- (i) **21/01824/FM**  
**Pentney / East Winch: Change of use of Woodlands to holiday and recreational site; including the siting of portable eco holiday lodges; woodland centre and reception, health and wild swimming centre, car parking and associated works: Pentney Woods, Common Road: Forestscape Ltd**

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*Councillor Heneghan took no part in the debate or decision as she had not been present at the site visit.*

The case officer introduced the report and advised the Committee had visited the site prior to the meeting.

Full planning permission for the siting of 36 holiday lodges, a reception area and car park and a health centre and wild swimming facility was sought on land north of Pentney Lakes, known as Pentney Woods. The site was plantation woodland with self-seeded trees spanning approximately 11.7ha and was accessed via the existing Pentney Lakes holiday site, adjacent to the existing restaurant and bar.

The part of the site within the Pentney Lakes boundary (the car and reception buildings) was within the County Wildlife site however was not within any SSSI, SAC or SPA.

The site was outside of any defined development boundary and within the wider countryside for the purposes of planning policy.

The application had been referred to the Committee for determination as it had been called in by Cllr Moriarty and Cllr Devulapalli, and the recommendation was contrary to the views of both Pentney and East Winch and West Bilney Parish Councils.

The case officer highlighted the need to change the wording in Condition 19 from caravan to holiday lodge. This was agreed by the 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, Steven Fisher (objecting), Gareth Crocker (objecting on behalf of the Parish Council) and Colin Pennington (supporting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor Moriarty (Ward Member) outlined his concerns in relation to the application.

Councillor Parish addressed the Committee and also outlined his concerns in relation to the application.

The case officer responded to comments raised by the speakers in relation to the full application for the swimming pool being refused and ecology issues. In terms of archaeology, conditions had been missed off and she would recommend that the conditions suggested by the Historic Environmental Service be added and read them out to the Committee. In relation to signing up to the Environment Agency's Flood Alerts, it was explained that this would normally be added to any decision notice as an informative.

Councillor de Whalley outlined his concerns in relation to the application and considered that it was contrary to 3 key policies within the Local Plan CS06, CS10 and DM11 and also Paragraphs 180 and 185 of the NPPF.

The Planning Control Manager advised that DM11 of the SADMPP which related to Tourism and Permanent Holiday Sites. Tourism was a large part of the economy and the reason that the policy was written was to control those holiday sites going forward in an appropriate manner in terms of the occupancy of those sites and the management of them as well as any environmental impact of part of that development. DM11 was the more relevant policy. It was accepted

that the site was adjacent to a County Wildlife Site, but it was not within the National Landscape or a SSSI. The applicant had also gone some way to mitigate against any potential harm for the proposal within the development.

Councillor Mrs Spikings asked for clarification in relation to a condition that they would be called lodges rather than caravans.

The Planning Control Manager explained the need to change the wording to ensure consistency throughout the conditions. She clarified the size 20m x 6.8 m x 3.05m height that it had to comply with the definition of the Caravan Act.

The case officer advised that details of any hardstanding would need to be provided.

Councillor Spikings added that this would affect biodiversity and must not make it worse for the environment.

The case officer pointed out the package treatment plants on the map in response to concern expressed that this could have a negative impact on the wild water swimming. The case officer pointed out the proposed treatment plants and explained that there were conditions to ensure that the occupiers of the lodges were aware of impacts on water quality covered by Condition 5. There was also a requirement for EA permits separately.

In response to a further question from Councillor Long regarding how the pipes from the lodges potentially went through the tree roots to the treatment plant., the case officer advised that once all the designs of the lodges had been finalised then it could be assessed how the impact on the trees would be dealt with for all plots, and this was covered by Condition 10.

Councillor Long asked who would ascertain that the information provided was technically correct and not impact on tree roots. He also queried what a geo cellular soakaway was. The case officer advised that the drainage strategy had gone to the LLFA, and they amended it from soakaways to the geo cellular crates and provided the Committee with a definition and it was explained that they were designed to hold water on site as recommended by the LLFA.

Councillor Coates added that it was a very pleasant area of land but by developing the site it would destroy the very thing the applicant wanted to promote. He also had concerns in relation to safety measures for the wild swimming centre.

The Planning Control Manager advised that the wild / open swimming element of the application was for the residents of the holiday lodges and was not a wild / open swimming centre for members of the public.

It would be centrally managed by the applicant and would be bound by National Health and Safety policies.

Councillor Bubb asked what the lodges would look like and what would happen with replacement lodges. He considered that there were a lot of unanswered questions.

The case officer advised that condition 3 covered that issue. The case officer also confirmed that there were no formal rights of way through the site.

Several Members of the Committee expressed concern in relation to the impact on biodiversity and lack of detail accompanying the application in particular what the lodges would look like.

In response to comments made, the Assistant Director advised that the application was for holiday accommodation and not permanent dwellings. The Section 106 Agreement would control the leasehold arrangements, on-going maintenance and the provision of community facilities and spaces.

The Planning Control Manager advised that if the Committee would like to see the detail of what the lodges would look like, the application could be deferred to obtain that information.

Councillor Long added that there was no detail of how the water courses would be altered and would have an impact on biodiversity within that water course. The case officer advised that dredging or building of banks was not part of the application.

The Assistant Director advised that he would be more comfortable if the application was deferred so that the additional information could be presented. He reminded Members that if conditions could be imposed then that would be the correct route to take.

Councillor Spikings then proposed that the application be refused on the grounds of the lack of detail presented which could not be overcome by condition and lack of detail of how the watercourse would be altered.

The Legal Advisor stated that what he was hearing were questions that Members were raised, and he had also heard Members state that they had not got enough information for them to make a decision. In those circumstances he would advise Members to defer the application with a clear list to officers of the issues they required to be able to make a decision.

The Chair then proposed that the application be deferred.

Councillor Mrs Spikings stated that she would not withdraw her proposal to refuse the application. Councillor de Whalley then

seconded the proposal to refuse the application and outlined his reasons for doing so – contrary to policy DM11, CS06 and CS10 and paragraphs 180 (a) and (b) of the NPPF and 185 (b).

Councillor Mrs Spikings then withdrew her proposal to refuse the application after hearing the reasons put forward by Councillor de Whalley, as she supported them.

Councillor de Whalley then proposed that the application be refused for the reasons given above, which was seconded by Councillor Devulapalli.

The Planning Control Manager then clarified the reasons for refusal from what she had heard from the Committee as *'the proposal failed to demonstrate high quality design or provide sufficient details to demonstrate that the development would not have an adverse impact on the environmental qualities of the landscape which is contrary to policies DM11 of the SADMPP, CS06, CS10, CS12 and NPPF paragraphs 88 (c) and 180 (a) and (b).*

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:

*The proposal failed to demonstrate high quality design or provide sufficient details to demonstrate that the development would not have an adverse impact on the environmental qualities of the landscape which is contrary to policies DM11 of the SADMPP, CS06, CS10, CS12 and NPPF paragraphs 88 (c) and 180 (a) and (b).*

*The Committee then adjourned at 1.20 pm and reconvened at 1.50 pm. Councillors de Whalley and Tyler left the meeting.*

- (ii) **24/00141/FM**  
**Emneth: Elme Hall Hotel, 69 Elm High Road: Conversion of hotel and associated ballroom to 19 no. flats: Elme Hall Hotel, 69 Elm High Road, Mr D Conetta**

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*Councillor Heneghan took no part in the debate or decision as she had not been present at the site visit.*

*The Committee had visited the site prior to the meeting.*

The case officer introduced the report and explained that the application sought full planning consent for the conversion of the hotel

and associated ballroom to 19 flats. The flats were a mix consisting of 12 one-bedroom flats (with a maximum occupancy of 22 people) and 7 two-bedroom flats (with a maximum occupancy of 22 people) over three floors.

The application site was 0.86 ha and was part of a larger site (approximately 1.2ha in total), the remainder of which had been granted consent from motel to a House of Multiple Occupancy (HMO) under reference 22/01014/F. The external form of the building would largely remain unchanged aside from the subdivision of the hotel and ballroom and some changes to door and window openings at ground floor, there would be changes to the site to accommodate the cycle 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 (SADMPP) (2016).

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.

The case officer referred the Committee to the late correspondence to amend the recommendation. The Planning Control Manager asked the Committee to further amend the recommendation to read after in full 'for GIRAMS fee only' on pages 36 and 46).

Councillor Mrs Spikings outlined her concerns in relation to the application. She asked if the Cherry Trees and twisted Willow could be retained.

The case officer advised that in terms of landscaping there was a condition for landscaping to be agreed which could be amended.

Councillor Spikings proposed that Condition 10 be amended to retain the trees on site in particular the Cherry Trees and a twisted Willow tree. She added that the trees also acted as a sound barrier as well as visual amenity. This was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve subject to the amendment to condition 10 and, after having been put to the vote, was carried (12 votes for and 1 abstention).

**RESOLVED:** That the application be:



- (A) **APPROVED**, subject to the imposition of conditions including an amendment to Condition 10, and the completion of a Section 106 legal agreement to cover the current GIRAMS fee and the associated monitoring fees. If the agreement is not completed within 4 months of the Committee resolution but reasonable progress has been made, delegated authority be granted to the Assistant Director / Planning Control Manager to continue negotiation and complete the agreement and issue the decision.
- (B) If in the opinion of the Assistant Director / Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the Committee resolution, the application is **REFUSED** on the failure to secure the GIRAMS fee.

*Councillor de Winton left the meeting at 2.10 pm.*

- (iii) **24/01589/F**  
**Ingoldisthorpe: 3 Ingoldsby Avenue: Rear single storey extension and alterations including garage: Mr & Mrs Clark**

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The case officer introduced the report and explained that the application was seeking full planning permission for a proposed side and rear single storey extension with alterations to the dwelling, including a garage.

The dwelling was two-storey, semi-detached, and had a hipped roof and was set back from Ingoldsby Avenue.

The site was located within the rural village of Ingoldisthorpe, but not within the development boundary and therefore fell within the countryside for the purposes of the Local Plan. The area accommodated a mixture of properties from detached bungalows to semi-detached two storey dwellings in a residential area. The site was also located within flood zone 1.

The application had been referred to the Committee for determination as it had been called in by Councillor Bubb.

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

Councillor Bubb explained his reasons for calling in the application as he considered it needed a wider discussion.

The case officer clarified that the report should read 2 m from the eastern elevation of Morzine.

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

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

(iv) **23/01121/F**

**Marshland St James: Barn east of Crown Farmhouse, Middle Drove: The erection of 3 x single-storey dwellings involving the demolition of the existing buildings: Barn East of Crown Farmhouse, Middle Drove: Mr & Mrs Allen**

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The case officer introduced the report and explained that the application site was located within the countryside and to the east of Middle Drove. The application was for the demolition of the existing two agricultural buildings and the construction of three single storey dwellings (one detached, two semi-detached). The site had previously had prior approval permission under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended, for the conversion of the existing agricultural buildings into three dwellings and this fall-back position was a material consideration in the determination of the application.

The application had been referred to the Committee for determination as the view of the Parish Council was at variance with the officer recommendation, and also 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, Tara Lyons (objecting) and Shanna Jackson (supporting) addressed the Committee in relation to the application.

Councillor Long expressed concern that the site was not in a sustainable location for new dwellings. There was also flood risk.

Councillor Ring agreed with the comments made by Councillor Long and added that he could not see the justification for the application.

Councillor Mrs Spikings asked that if permission were to be granted, a timeframe needed to be added to Condition 15.

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 lost.

The Committee then carried on with the debate.

Councillor Long proposed that the application be refused on the grounds that the site was not in a sustainable location and the adverse flood risk had not been mitigated against.

The Planning Control Manager advised that from what she had heard the reasons for refusal were that the application was contrary to policies DM2, CS06 and CS08.

This was seconded by Councillor Ring.

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:

*The proposal is located in an unsustainable location and in an area at high risk of flooding, which is not outweighed by the limited weight attached to the fallback position, thus contrary to Local Plan policies DM2, CS06, CS08, DM15 and the NPPF.*

- (v) **24/01061/F**  
**West Walton: Still Meadows, River Road: Change of use of previously developed land to stand two residential static caravans for Gypsy / Traveller use (retrospective): Ms Smith**

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The case officer introduced the report and explained that the application site was located on the north-eastern side of River Road to the west of West Walton. The site was approximately 400m from the development boundary of West Walton (which was presently combined with Walton Highway to form a Key Rural Service Centre) however by road it was approximately 620 m from the development boundary and within the countryside, as defined by the Site Allocation and Development Policies Plan (SADMPP) 2016. River Road was virtually a single-track road in the location and was a no-through road leading to the River Nene with a few sporadic properties along the road which terminated at the Anglian Water sewage works.

The application site comprised an irregular shaped parcel of land approximately 0.5 ha in size with an existing access off River Road. To the north was located agricultural land beyond a land drain, further fields and allotments to the west on the opposite side of River Road and an agricultural enterprise plus equestrian use to the east.

The application sought retrospective planning permission to use the land to stand two residential static caravans for gypsy / traveller use.

The application had been referred to the Committee for determination as the views of the Parish Council, Environment Agency and IDB 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, Stuart Carruthers (supporting) addressed the Committee in relation to the application.

Councillor Kirk (Ward Member) addressed the Committee and outlined his concerns 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, 1 against and 1 abstention).

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

(vi) **2/TPO/00685**

**Downham Market: To consider objections to the Tree Preservation Order (TPO) 2/TPO/00685, 2 Crow Hall Farm Cottage, Nightingale Lane, Downham Market and determine if the Order be confirmed, making it permanent, confirmed with modifications, or not confirmed.**

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The Arboricultural Officer introduced the report and explained that Tree Preservation Order 2/TPO/00685 was made on Thursday 9<sup>th</sup> May 2024, and was provisional for the first 6 months following its making. This provisional period allowed the Council to consider any representations and objections received as part of our consultation before a decision was reached as to its future permanency. Under the Council's Scheme of Delegation, where objections were received, its confirmation was deferred to the Planning Committee.

The report also:

- Gave a description of the trees,
- the reason for making the Tree Preservation Order
- An outline of the objection
- The response to the objection

The Committee then voted on the recommendation to confirm Tree Preservation Order 2/TPO/00685 without modification and, after having been put to the vote, was carried.

**RESOLVED:** That Tree Preservation Order 2/TPO/00685 be confirmed without modification.

- (vii) **2/TPO/00684**  
**North Wootton: Silvertrees, Manor Road: To consider objections to the Tree Preservation Order (TPO) 2/TPO/00684, Silvertrees, Manor Road, North Wootton and determine if the Order be confirmed, making it permanent or not confirmed.**

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The Arboricultural Officer introduced the report and explained that Tree Preservation Order 2/TPO/00684 was made on Thursday 9 May 2024, and was provisional for the first 6 months following its making. This provisional period allowed the Council to consider any representations and objections received as part of consultation before a decision was reached as to its future permanency. Under the Council's Scheme of Delegation, where objections were received, its confirmation was deferred to the Planning Committee.

The report also:

- Gave a description of the trees,
- the reason for making the Tree Preservation Order
- An outline of the objection
- The response to the objection

Councillor Coates outlined his reasons why he considered that the Tree Preservation Order should not be confirmed.

The Committee then voted on the recommendation to confirm Tree Preservation Order 2/TPO/00684 without modification and, after having been put to the vote, was carried.

**RESOLVED:** That Tree Preservation Order 2/TPO/00684 be confirmed without modification.

PC69: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

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

PC70: **QUARTERLY APPEALS REPORT**

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

**The meeting closed at 3.34 pm**