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To The Members of the Council

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Date 18 May 2012

AGENDA SUPPLEMENT

Dear Sir/Madam

COUNCIL - THURSDAY 24 MAY 2012

I refer to the agenda for the above-mentioned meeting and enclose the following items:

Item No	Report Title	Page Nos
13.	Cabinet Minutes Unconfirmed minutes of the Cabinet meeting held on 8 May 2012.	99 - 109
15.	Planning Committee (b) 14 May 2012 Unconfirmed Minutes of the meeting of the Planning Committee held on 14 May 2012.	110 - 122
17.	(a) Standards Committee - 15 May 2012 Unconfirmed Minutes of the Standards Committee meeting held on 15 May 2012.	123 - 126

Yours faithfully

Julie Britton

Senior Committee Officer

BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 8 May 2012 at 9.30 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)	Mr M.A. Kiddle-Morris
Mr M. A. Wassell (Vice-Chairman)	Mr I. Sherwood
Councillor E. Gould	Mr W.H.C. Smith
Mrs L.S. Turner	

Also Present

Mr S.G. Bambridge	Mr T. J. Jermy
Councillor C Bowes	Mrs E. M. Jolly
Mr C G Carter	Mr W. R. J. Richmond
Mr J.P. Cowen	

In Attendance

Dominic Chessum	- Joint Marketing & Communications Team Leader
Maxine O'Mahony	- Director of Commissioning
Terry Huggins	- Chief Executive
Vicky Thomson	- Assistant Director - Democratic Services
Mark Stokes	- Deputy Chief Executive
Julie Britton	- Senior Committee Officer
Mark Finch	- Assistant Director of Finance
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

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55/12 MINUTES - 9 FEBRUARY 2012 (AGENDA ITEM 1)

The Minutes of the Special meeting held on 9 February 2012 were confirmed as a correct record and signed by the Chairman.

56/12 MINUTES - 27 MARCH 2012 (AGENDA ITEM 2)

The Minutes of the meeting held on 27 March 2012 were confirmed as a correct record and signed by the Chairman.

57/12 APOLOGIES (AGENDA ITEM 3)

No apologies were received.

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58/12 DECLARATION OF INTEREST (AGENDA ITEM 5)

None.

59/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 6)

Mesdames C. Bowes and E. Jolly and Messrs G. Bambridge, C. Carter, P. Cowen, T. Jermy and W. Richmond.

60/12 REVENUE OUT-TURN 2011/12 (AGENDA ITEM 8)

The Vice-Chairman presented the report that detailed the expected final end of year Revenue out-turn figures for 2011-12.

The table on page 107 of the report (Appendix A) highlighted the final out-turn figure of just over £13.5 million which represented an under spend of £636,000 or 4.5% of the budgeted figure.

Members' attention was drawn to some of the highlights that had contributed to the under-spend such as:

- § Members Services efficiencies of £30,000 – resulting from below budget salaries costs and reductions in Members' expenses
- § Corporate efficiencies of £78,000 – resulting from savings in the year within the waste collection & street cleansing contracts; Democratic Services savings from a minor review of service; reduced consultation budget requirement from Policy & Performance
- § ICT – a substantial reduction of £121,000 resulting from the budgeting approach adopted when the service was brought back in-house.
- § Land Charges – an increase of £58,000 in the income as result of an increase in the number of property searches that had been undertaken.
- § Housing Benefit – an additional subsidy of £408,000 had been a result of the performance accuracy achieved and was a credit to the professionalism of the Officers responsible.

The Vice-Chairman also drew attention to Appendix B of the report of which Members' approval was requested to carry over the amounts to the 2012-13 budget for the reasons stated (see report). He hoped that all the savings and increases to income would continue as it demonstrated that Breckland Council was seeking to achieve the maximum value for money on behalf of the residents of Breckland.

The Executive Member for Internal Services reported that the HR department had non-advertised savings of an additional £20,000 due to trading services.

Options

1. To note the out-turn position and approve the budget carry-overs at Appendix B of the report and recommend to Full Council that any

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balance remains in the General Fund.

2. To note the out-turn position and make changes to the budget carry-overs at Appendix B and/or make changes to the recommendation to Full Council that any balances remains in the General Fund.

Reasons

To make the best use of the Council's resources.

1. **RESOLVED** that:
 - (i) the Revenue outturn against the budget for 2011/12 as at Appendix A of the report be noted; and
 - (ii) the budget carry-overs as at Appendix B be approved.
2. **RECOMMEND** to Council that any balance from the Revenue outturn against the budget remains in the General Fund.

61/12 CAPITAL OUT-TURN 2011/12 (AGENDA ITEM 9)

The Vice-Chairman presented the report and provided details of the final year end Capital out-turn figures for 2011-12.

The table (table 1.2) on page 18 of the report demonstrated that there was an under-spend of £1.9million. This was due to Capital projects being delayed and Members were being asked to recommend to Council that the £1.9million be carried over to 2012-13. Further detail on the actual projects and associated figures could be found at Appendix A of the report.

The table at paragraph 1.4 of the report defined the apportionment of the Capital funding for each of the funding types.

The figures shown in the table at paragraph 1.6 of the report (Capital Financing Requirement) represented the amount of resources available before the Council had to borrow. Therefore, for the year 2011-12 the Council had a figure of £11.6million to invest in the District and again the Vice-Chairman felt that this was a credit to the prudent approach that the Council had taken in the past and a credit to the Members and Officers involved.

The Executive Member for Internal Services asked what the outcome had been to a request that all projects listed should be reviewed by the Portfolio Holders. Members were informed that the projects would be reviewed once the new "Performance Plus" system was in place.

Options

1. To recommend to Full Council that the final Capital budget, out-turn position and funding for 2011-12 and the Capital budget and funding for the revised 2012-13 Capital Programme as detailed in Appendix A and Appendix B of the report be approved.

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2. To make changes to Appendix A and Appendix B before recommending to Full Council that the final Capital budget, out-turn position and funding for 2011-12 and the Capital budget and funding for the revised 2012-13 Capital Programme as detailed in Appendix A and Appendix B of the report be approved.

Reasons

The recommendation (if approved) will ensure the Capital Programme for 2012-13 was amended along with the necessary funding.

RECOMMEND to Council that the final Capital budget, out-turn position and funding for 2011-12 and the Capital budget and funding for the revised 2012-13 Capital Programme as detailed in Appendix A and Appendix B of the report be approved.

62/12 BRECKLAND TENANCY STRATEGY (AGENDA ITEM 10)

Following an introduction by the Executive Member for Planning & Environmental Services, the Principal Housing Officer (Strategy and Enabling) presented the report which concerned the adoption of a Tenancy Strategy for Breckland Council.

The Localism Act sets out a requirement for the Local Authority to publish a Tenancy Strategy to provide a framework for the occupation of affordable housing within the Breckland District.

The Strategy had been developed in consultation by Members of the Housing Task & Finish Group and by the Overview & Scrutiny Commission. Registered providers (Housing Associations) must have regard to a local authority Tenancy Strategy when setting out their tenancy standards for its stock.

The Executive Member for Assets and Strategic Development was disturbed by the following sentence within the Strategy as it reduced the number of homes available: "At times some stock may be disposed of by Registered Providers to meet their business plan requirements". He asked if the Housing Team received many of these requests. In response, the Principal Housing Officer (Strategy & Enabling) advised that there had not been many requests; approximately 12 housing units had been sold last year. If it was stock that required a great deal of investment it was better business for the Registered Provider to re-invest the monies gained from the sale in existing or for additional housing in the District.

The Overview & Scrutiny Commission Chairman mentioned the debate that had been had at the Housing Task & Finish Group about landlords having their own agenda and the types of units they were prepared to deliver. There was a wide range of housing needed in the District and landlords were not terribly interested in supplying smaller units particularly in rural areas. He referred to the Local Lettings Policy which he felt should be re-worded as it was fundamentally important to ensure that everyone in the Breckland area had the opportunity to live in their District if they so wished to attract more nuclear families.

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The Principal Housing Officer (Strategy & Enabling) agreed that further smaller units were required but it was not all the fault of the Housing Associations, the fault also laid with the developers. The Allocations Policy would be brought to Cabinet in July and all the aforementioned points had already been taken into account. The Overview & Scrutiny Commission agreed that the developer would only build what he could sell and that was where Breckland policies failed. Housing Associations and developers needed to be told what to build and the policies needed to be amended accordingly.

The Executive Support Member for Finance & Democratic Services said that this point had been raised at the Housing Task & Finish Group and although everyone acknowledged the problem, the outcome of the discussion had been financial viability.

The Executive Member for Internal Services asked how long it had been since the Housing Needs Conditions Survey had been updated. Members were informed that the Housing Needs Survey had been updated in 2007 but was currently being refreshed. A Housing Stock Condition Survey had also been carried out in 2008 of which a budget provision had been set aside to update.

A question was asked as to whether Housing Associations gave landlords discounts similar to right to buy discounts when selling off these properties. The Principal Housing Officer (Strategy & Enabling) stated that no discount was given and the properties were sold off at current market value.

Mr Bambridge felt that there were a number of villages in the area that had seen too many smaller properties built which had distorted the community. He urged Members to consider the needs of each individual village in Breckland when refreshing the Housing Needs Survey. The Chairman pointed out that the new National Planning Framework aimed to determine what was needed in our communities.

Options

See report.

Reasons

The recommendation had been made to approve the Tenancy Strategy as it would provide a positive framework to maximise the occupation of affordable housing within the District should Registered Providers move to providing flexible tenures.

RECOMMEND to Council that the Breckland Tenancy Strategy be adopted.

63/12 HOMELESSNESS STRATEGIC DELIVERY PLAN (AGENDA ITEM 11)

The Executive Member for Planning and Environmental Services introduced the report as a living document that would be under constant review.

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The Council had a duty to review its Homeless Strategy every five years and produce a Homelessness Strategic Plan following completion of the review. The Principal Housing Officer (Strategy & Enabling) said that this document highlighted how Breckland Council was going to deal with homelessness across the District, and the Delivery Plan set out a number of actions of how this would be addressed.

Temporary accommodation (B&B) costs had a major impact on budgets and the Plan detailed an emphasis on prevention work which would reduce homelessness in the first instance. However, in these difficult times there was likely to be more homelessness cases to deal with than in the past.

The Vice-Chairman of the Overview & Scrutiny Commission pointed out that this document had been produced at a very high standard and had been fully debated at both the Housing Task & Finish Group meetings and at the Overview & Scrutiny Commission. The Executive Member for Internal Services said that the document had also been fully aired at Executive Board but it needed to be co-ordinated as an overall strategy. He had concerns about the selling off of council houses as it would remove the little housing stock that remained for an ever increasing population and whilst he welcomed this document there needed to be a great deal more done at a national level.

The Chairman knew that all authorities were struggling with the increase in demand but as the supply was diminishing, and unless the demand part of it was addressed in terms of prevention, it would be impossible to keep up. He despaired that families fell apart so quickly and felt that more education was required at the beginning of the troubles so that authorities did not end up having to pick up the pieces.

Options

1. To adopt the Homelessness Strategic Business Plan in order to continue to deliver and innovate new ways of preventing homelessness within the District.
2. Reject the Homelessness Strategic Business Plan.

Reasons

There was a need to have a cohesive business plan in place that would direct the service over the next two years which could be adapted in line with future Central Government changes.

RECOMMEND to Council that the Homelessness Strategic Business Plan be adopted.

64/12 REVISION TO WHEELED BIN POLICY (AGENDA ITEM 12)

The Executive Member for Localism, Community and Environmental Services presented the report which concerned the introduction of a policy to charge for the provision of wheeled bins for new properties. It was stressed that this charge only applied to a new bin and not for

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replacements if bins happened to be stolen.

The Vice-Chairman of the Overview & Scrutiny Commission queried the aforementioned statement and drew attention to paragraph 2.5 of the report. The Chairman assured Members that the charges to replace damaged or stolen wheeled bins would not be introduced in his time and was just an option for the future.

The Executive Member for Performance and Business Development agreed with the charging system even though he had received many concerns from the public. It was a perfectly valid cost saving idea which he fully supported.

Members felt that it should be made clear in the report that there would be no element of profit to be made by the Council.

Options

See report.

Reasons

The introduction of charges for the provision of wheeled bins for new properties would enable current costs to be recovered to achieve savings in the 2012/13 base budget.

Subject to the aforementioned point, it was

RECOMMENDED to Council that a new Policy, to charge for the provision of wheeled bins (black and green) for new properties, be approved.

65/12 THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME (AGENDA ITEM 13)

The Vice-Chairman presented the report which concerned the arrangements for Standards as required by the Localism Act 2011.

The Monitoring Officer had been asked to produce an options report following the previous Cabinet meeting on 27 March 2012. The report detailed the initial set of recommendations planned for consideration at the Council meeting on 24 May 2012. The Standards section of the Act would come into force on 1 July 2012; however, the regulations had not, as yet, been published. It was therefore planned that once the recommendations within the report had been approved the full arrangements documents could be produced for Council's approval on 5 July 2012.

Although the aim of the Act was to simplify the Standards regime, whilst retaining high expectations for the standards of conduct and accountability of Members, there were a large number of recommendations within the report that were needed in order to implement the various aspects of Part 1, Chapter 7 of the Act.

The full list of recommendations had been set out at Appendix 3 of the report and Members' attention was drawn to the following key areas:

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Code of Conduct

This draft Code had been based on the LGA model template that had been issued. The Code could not be finalised until the Regulations were issued and the definitions of Disclosable Pecuniary Interests had been provided. It was not yet known exactly when the Regulations would be published. An alternative 'illustrative text' had been issued by the DCLG which could be seen on pages 82 and 83 of the report. The recommended version for basing the Breckland Code of Conduct was the LGA template as it was anticipated that this would be in line with County partners and also South Holland District Council.

Independent Person

Part of the Act required Council's to appoint an Independent Person who must be consulted on a number of occasions. An advert had been placed on the Council's website and in the local paper and had attracted 22 applications. Interviews for this post would be taking place on 16 May. The Independent Person must be appointed by a positive majority of Council (i.e. at least 28 Members must vote in favour of the appointment of the candidate).

Complaints

The Act no longer required the Council to have a Standards Committee and this report recommended that the majority of complaints be considered by the Monitoring Officer in consultation with the Independent Person. It had been recognised; however, that there could be occasions when this was not appropriate and there also needed to be somewhere for the Monitoring Officer to report general issues of governance and standards, this report recommended that this became part of the remit of the Audit Committee, although, it was accepted that other committees were equally appropriate for this role and thoughts on this matter would be welcomed.

The following questions were asked:

§ Standards Committee

Section 2.2.1

Q – The composition of the Panel will be governed by proportionality; did this mean that the Panel would have to be politically balanced?

A – Yes.

§ The Code of Conduct

Section 3.2

Q – Disposable Pecuniary Interests (DPIs) were these replacing both personal and prejudicial interests?

A – Yes

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Section 3.3

Q – Was the Council adopting a Standing Order requiring Members to withdraw from the meeting if a Member declared a DPI?

A – Yes, this was being recommended.

Recommendation 2(b)

Q – When the DPI Regulations were published and once the Leader had been consulted will this go before Full Council for approval?

A – Yes, once the Regulations become apparent this would go before Council at its meeting scheduled for 5 July 2012.

§ Dealing with Complaints against Councillors under the Code of Conduct

Section 4.2

Q – Will the decision whether to investigate a complaint go before Full Council?

A – Yes.

Section 4.3

Q – Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement was that this would be reported to an Assessment Sub-Committee and the Sub-Committee and would make the decision as to whether any further action should be taken. Could the consultation be carried out by the Independent Person?

A – There were many other legislation/regulations outside of the Code of Conduct that had to be adhered to and this was one of them.

Section 4.5 (iii)

Amendment to read: “...(or in the case of *non*-grouped Members.....).

Section 4.5 final paragraph

Q – Could the amended Standards regime pre-incorporate Parish and Town Councils?

A – Any matter that involved a Parish Councillor would have to be referred back to the Parish Council.

The Chairman stated that Town and Parish Councils needed to be able to put their own house in order and should not need to go up another tier. Members were informed that within the Act, the local authority was the responsible authority. A Parish or Town Council did not have to adopt the same Code of Conduct as written in the legislation. The Executive Member asked if matters such as these could be delegated. Members were informed that clarification

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would have to be sought.

Recommendation 3 (d)

Q – Who would be giving instruction to the Monitoring Officer to close the matter?

A – The wording to this part would be changed to read: the Monitoring Officer would be given the powers to close the matter.

Recommendation 3 (f)

Q – Would the minimum amount of three Members of the proposed Audit Committee have to be politically balanced?

A – Yes

§ Independent Persons

Recommendation 4 (a)

Q – Would it be possible to appoint two Independent Persons, as a stand-in?

A – Breckland Council would be able to use the Independent Person appointed by South Holland District Council. Both would need to be consulted if two were appointed.

Recommendation 4(c)

Q – That the appointment of the Independent Person be approved by a positive majority of the Council – what did this mean?

A – The appointment of the Independent Person has to be approved by a positive majority of the Council. In the case of Breckland Council, this required a positive vote from a minimum of 28 Members of the Council regardless of the number of Members present at the meeting.

Following questions, the Executive Support Member for Planning & Environmental Services asked if it was logical for the Council to delegate the role of monitoring Standards issues to the Audit Committee. Members were informed that other Committees had been considered but the Audit Committee seemed most appropriate. Training would be provided.

Options

None provided.

Reasons

To agree arrangements for Standards as required by the Localism Act 2011.

RECOMMEND to Council that subject to the aforementioned amendments the recommendations as listed in Appendix 3 of the report be approved.

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66/12 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 14)

See Minute No. 64/12 above.

67/12 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 15)

The Executive Member for Internal Services was pleased to announce that a Director from the Department of Work & Pensions would be paying a visit to the Partnership with the intention of how ARP could assist the Government with Universal Credit. ARP was extremely well placed to do this.

a) Fraud (Minute No. 17/12)

Appendices A and B had been attached to the Minutes for Members' information to highlight the range of investigative work carried out by ARP.

b) Adoption

RESOLVED that the Minutes of the Anglia Revenues and Benefits Partnership Joint Committee meeting held on 8 March 2012 be adopted.

68/12 MEMBER DEVELOPMENT PANEL (FOR INFORMATION) (AGENDA ITEM 16)

The Minutes of the Member Development Panel meeting held on 12 April 2012 were noted.

69/12 NEXT MEETING (AGENDA ITEM 17)

The arrangements for the next meeting on Tuesday, 19 June 2012 at 9.30am in the Norfolk Room were noted.

The meeting closed at 10.20 am

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 14 May 2012 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes
Mr T R Carter
Mr C. S. Clark
Councillor E. Gould
(Chairman)
Mr T.J. Lamb
Mrs J A North

Mr W. R. J. Richmond
Mr M. S. Robinson
Mr F.J. Sharpe
Mrs P.A. Spencer
Mr N.C. Wilkin (Vice-Chairman)
Mr P.J. Duigan (Substitute Member)

Also Present

Mr A.C. Stasiak (Ward
Representative)
Mr A.P. Joel (Ward
Representative)

Mr S. Askew - Applicant
Mr J.P. Cowen (Ward Representative)

In Attendance

Paul Jackson
Heather Burlingham
John Chinnery
Jane Osborne
Jeff Upton

Mike Brennan
Nick Moys
Mr Higgins

Planning Manager
Assistant Development Control Officer*
Solicitor & Standards Consultant
Committee Officer
Interim Planning & Building Control
Manager*
Principal Planning Officer*
Principal Planning Officer (Major Projects)*
Norfolk County Council Highways

* Capita Symonds for Breckland Council

42/12 MINUTES

The Minutes of the meeting held on 11 April 2012 were confirmed as a correct record and signed by the Chairman.

43/12 APOLOGIES & SUBSTITUTES

Apologies for absence had been received from Cllr Wassell, Cllr Duigan was in attendance as his substitute.

44/12 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

Cllr Sharpe declared a personal interest in Agenda item 8(a), Deferred Application, Attleborough, by virtue of being the Executive Support Member for Assets & Strategic Development.

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Cllr Bowes declared a personal interest in Agenda Item 9, Schedule of Planning Applications, Items No. 9 and 10, Old Buckenham, as some of her family knew members of the applicant's family. All the other Councillors declared a personal interest too, by virtue of the fact that the applicant was a fellow Councillor. Cllr Askew declared a personal and prejudicial interest by virtue of being the applicant.

Cllr Richmond declared a personal interest in Agenda Item 9, Schedule of Planning Applications, Item No. 11, North Elmham by virtue of knowing the applicant.

45/12 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that as she was now the Executive Member for Planning & Environmental Services portfolio holder, the meeting would be chaired by Cllr Wilkin, the current Vice-Chairman.

Cllr Duigan thanked Cllr Gould for all her hard work during her time as Chairman of the Planning Committee, which she had carried out in a firm and good humoured way, and that she would be missed, sentiments which were echoed by all the Members.

Cllr Gould left the meeting. Cllr Wilkin took over as Chairman.

46/12 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

A presentation was given to Members prior to the commencement of the Committee on the National Planning Policy Framework (NPPF) by Phil Mileham, Senior Planning Policy Officer.

47/12 DEFERRED APPLICATIONS

48/12 ATTLEBOROUGH : PROPOSED RESIDENTIAL/EMPLOYMENT DEVELOPMENT, LONDON ROAD : APPLICANT : TAYLOR WIMPEY LTD : REFERENCE : 3PL/2011/0528/H

Cllr Sharpe declared a personal interest by virtue of being the Executive Support Member for Assets & Strategic Development.

Correspondence had been received by Members of the Planning Committee about the application.

A mixed residential and employment development was proposed on land at London Road, Attleborough, with a full application for the residential development and with an outline employment development.

Further consideration had been given to transport matters, in consultation with the applicant and the Highway Authority, along with concerns about the potential amenity impact of 2½ storey houses on London Road, following the application being deferred by the

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Planning Committee on 11 April 2012.

Additional representations had been received which consisted of a number of letters from local residents with objections to the proposed access locations and more general concerns over additional traffic in the town. A further letter had been received from Attleborough Town Council in which they reiterated their concerns along with the impact of additional traffic in the town and the proposed changes to the junction.

Mr Middleton, Attleborough Town Council, stated that the traffic issues reinforced the need for wider discussion of the proposal and for the overall plans to develop Attleborough over the next 15 years. Residents' concerns were endorsed. The Connaught Road proposals would not solve the problem. Data submitted was selective. If the application was approved they would have had over 500 houses approved since 2011. Additional housing would impact on the town. Cycle routes and paths in the town centre were narrow. The application was premature, was outside the Settlement Boundary, would have a severe impact and should be included in ASHAAP.

Mr. Matthews, Objector, represented residents of Kent Close, gardens of which backed onto the A11. He had witnessed accidents in the area. The application did nothing to protect their quality of life and urged that the application as presented be rejected.

Mr Osborn, Agent, advised that the scheme had to balance conflicting views. Traffic volumes had been surveyed and the scheme was based on facts, was cost effective and would have minimal affect on amenity. The Town Council and objectors had no objection to the principle of planning on the site. They appreciated that other developments would come forward in Attleborough. A financial contribution would be given. Designers had tried to exceed minimum standards and positive efforts had been made to be good neighbours. £49 million would be generated for the local economy which would be in the public interest.

Mr Stasiak, Ward Representative, gave apologies on behalf of Cllr Martin who was unable to attend. When asked whether NCC owned any land connected with the application, Mr Higgins, NCC Highways responded, that he was not aware of any. Mr Stasiak stated that the Town Council did not support the application. He queried information given by NCC Highways. A meeting had been held on 1 May 2012 when the pros and cons of the major traffic issues in Attleborough had been discussed. The old A11 was used by HGVs. At the Town Council meeting the Agent had scorned the idea of a roundabout. He believed it was a "cheap, quick fix". The applicant did not have land in their ownership to make a cycle way/footpath on that side of the road.

Some Members felt that traffic through Attleborough was far more

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excessive than that depicted on a photograph shown during the presentation.

It was one Councillor's belief that to place traffic lights outside the Post Office would create a worse situation than at present, and that traffic would back up even more. She was very disappointed that there had been no movement of the 2½ storey buildings on the frontage, and questioned why they could not be placed further into the site. She did not believe that issues previously raised had been addressed.

The NCC Highways Officer went through the methodology used with regard to traffic flow percentages, and stated that evidence submitted to them was sound. A 30mph speed limit would significantly improve safety and the additional traffic would not negate improvements.

The Agent stated that the applicant owned the frontage of the site, and that a plan would not have been submitted which could not be delivered.

Other Councillor comments were that, given that residents often know their local areas best, the Agent had been rather too dismissive of their comments, the development was being looked at in isolation, on the opposite side of the road there would be some commercial development, along with overwhelming objections of residents with regard to their comfort of life, and the nearest exit to the town centre had not been addressed.

The Principal Planning Officer (Major Projects) explained the situation with regard to Secured By Design Status and premature applications.

The recommendation for approval was not supported.

RESOLVED, that the application be deferred, to enable highways issues to be explored further. Members were unhappy with the potential effect of the traffic from the new development on the London Road and on the town's circulatory system, and asked that the traffic figures submitted be checked. Members wished to be satisfied that all possible traffic management solutions had been considered.

49/12 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the applications be determined as follows :

- (a) Item 1 : Attleborough : Demolish 6 poultry houses & replace with 6 modern poultry houses & new office & staff amenities building : Applicant : P J Southgate : Reference : 3PL/2011/1246/F

Full planning permission was sought for the erection of 6

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poultry houses to replace 6 existing smaller ones, along with a new office and staff amenities building, feed bins and water tank outside the Settlement Boundary.

The applicant did not feel that the creation of a passing place on Swangey Lane, as required by the Highway Authority, was justified. If it was, it would remove a drainage ditch and hedge from his land. There was good visibility, with a passing place already located just passed the entrance.

Approved, as recommended but without a passing place condition being imposed.

- (b) Item 2 : Mattishall : Retention of 1 static home, 2 touring caravans, laundry room 2 sheds, fences, access/splays parking, c/u ag land to res : Applicant : Mr M Cawley & Mrs M-L Cawley : Reference : 3PL/2012/0080/F

Members has received correspondence on the application.

Retrospective planning permission was sought for the retention of one static home, two touring caravans, laundry room, two sheds, access splays, parking and the change of use from agricultural land to residential, the site being outside the Settlement Boundary. As detailed in the report, the original proposal had been amended which would result in the removal of the front fence to be replaced by a native hedge, and if Members were minded to approve the application, the Principal Planning Officer suggested that the other fence be removed.

Since the publication of the report two letters of objection had been received which raised concerns covering local amenity, the precedent permission might cause with regard to the remainder of the land, outside the Settlement Boundary and traffic generation issues.

The Solicitor brought Members' attention to Articles and Protocols in the Human Rights Act.

Mr Mason, Agent, stated he had met with his clients to make sure they knew what was required should planning permission be granted with regard to the removal of the front fence, soft landscaping and the entrance way surface, and he would see any conditions complied with.

A Councillor would have liked to see the fence remain until such time that the hedges had grown as she did not feel it secure, so was worthy of consideration.

Questions raised were with regard to the site being specifically for the family and how the level of caravans and visitors on

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site would be monitored, which the Principal Planning Officer answered.

Approved, as recommended.

- (c) Item 3 : Thompson : Demolition of existing detached dwelling and construction of replacement dwelling : Applicant : Lord Walsingham 1992 Trust : Reference : 3PL/2012/0150/F

The demolition of an existing detached dwelling and construction of a replacement dwelling was proposed outside the Settlement Boundary. No information on the intentions for the barn were part of the application.

Mr Cowen, Ward Representative was in attendance on behalf of Thompson Parish Council. Apart from the community being concerned that Thompson was losing a disproportionate amount of buildings through neglect, more important was the setting of the existing building. They wanted to see a replacement dwelling which was far more in keeping with the existing buildings and was more sympathetic. The proposal did not have the right character for the setting. The current farmhouse was part of an integral group of buildings and the proposal was alien for Thompson and in particular that part. Over the past 20-30 years many buildings of character had been lost.

Some Councillors agreed with the sentiments put forward by Mr Cowen on behalf of the Parish Council and it was questioned whether a similar dwelling could be re-created rather than the urbanised type dwelling proposed.

It was felt to be a shame by another Councillor that the building would go. Instead he wanted a build "like for like" and asked that barns be renovated for the whole to sit as it was originally.

A Councillor who knew the building felt that whilst the current design was attractive, she too would like to see a "like for like" build to include what was left of the old timber frame.

The current depth of the building was not a reason for it to be knocked down was a further comment made.

Given the original comments made by Norfolk Landscape Archaeology that any development which affected the current structure's significance should be wholly exceptional, a Councillor did not believe the proposal was.

The Chairman's view was that the application should have encapsulated the courtyard affect.

Action By

The recommendation for approval was not supported by Members.

A new proposal was put forward to defer the application which was seconded.

Deferred, to allow the application to be re-submitted which should be in a design which more closely reflected the form and layout of the existing property.

- (d) Item 4 : Watton : Residential development (19 dwellings) : Applicant : Messrs D & H Angel : Reference : 3PL/2012/0158/O

Outline planning permission was sought for a residential development of 19 dwellings, 40% of which would be affordable.

RESOLVED, that the application be deferred and the Officers be authorised to approve it as recommended, on completion of the legal agreement.

- (e) Item 5 : Snetterton : Raise eaves level, re-clad & extend existing warehouse (Unit 3) : Applicant : Richard Johnston Ltd : Reference : 3PL/2012/0173/F

The full planning permission application sought to extend and alter an existing warehouse building, by raising the eaves level, a rear extension and re-cladding of the building. The site was outside the Settlement Boundary.

Approved, as recommended.

- (f) Item 6 : Thetford : External repairs & redecoration : Applicant : Breckland Council : Reference : 3PL/2012/0187/LB

Listed Building consent for external repairs and redecoration to 2-10 Whitehart Street, Thetford was sought. Works involved roof works (retiling and realignments), clearing and fixing of gutters, repointing and replacement of damaged brickwork and renewal of windows.

Approved, as recommended.

- (g) Item 7 : Roudham/Larling : Erection of storage building : Applicant : Valley Traction Services Ltd : Reference : 3PL/2012/0189/F

The application sought full planning permission for the erection of a B8 storage unit with associated concrete hard standing and 21 parking spaces (1 disabled), the site was outside the Settlement Boundary.

Action By

Approved, as recommended.

- (h) Item 8 : Dereham : Provision of concrete base and 3.0 x 3.9m metal shed : Applicant : Breckland Council : Reference : 3PL/2012/0248/F

Consent was sought for the provision of a concrete base and a green metal shed which would measure 3.9m in width, 3m in depth and 2.1m in height.

Approved, as recommended.

- (i) Item 9 : Old Buckenham : Erection of five new homes : Applicant : Messrs J A Askew & Partners : Reference : 3PL/2012/0252/O

Cllr Bowes declared a personal interest as some of her family knew members of the applicant's family. All the other Councillors declared a personal interest too, by virtue of the fact that the applicant was a fellow Councillor. Members had received correspondence about the application.

Cllr Askew declared a personal and prejudicial interest by virtue of being the applicant.

The application sought outline planning permission for 5 residential dwellings, two of which would be affordable, with all matters reserved except for means of access. The site, which was outside the Settlement Boundary, would be accessed from Hargham Road. Indicative supportive material was presented on slides.

Mrs Thompson, Objector, stated that the site was on the edge of the village beyond the Settlement Boundary. The width of the road was 15' which had a 1½ m bank above it. Houses opposite the proposal would be overlooked by the properties. The C138 was a dangerous road used by 7.5 tonne vehicles and as an access road for the A11, with the 30 mph speed limit not adhered to. There was no street lighting, gas, public transport or path.

Mr Askew, Applicant, advised that a lot of school traffic which used the C138 came from outside the village as there were not enough children in Old Buckenham. He left the meeting.

Mr Joel, Ward Representative, stated that the land was a used ploughed field and was part of the countryside. The proposed new dwellings would overlook bungalows. Part of the road narrowed down to two car widths. Despite the 30 mph speed limit, traffic travelled faster. The majority of people used cars to get to the village. It was 150m to get to the footpath, there

Action By

were no street lights. Children come from the village and surrounding areas to the primary school which was at full capacity as was the high school. The 15 affordable houses already in the village were on the edge of the Settlement Boundary on an exception site, and all land for social housing was part of the local Connection Scheme.

Issues were raised by Members on the character and appearance of the countryside.

Refused, as recommended, with an additional ground relating to the effect on the setting of the village.

- (j) Item 10 : Old Buckenham : Five new homes : Applicant : Messrs J A Askew & Partners : Reference : 3PL/2012/0253/O

Cllr Bowes declared a personal interest as some of her family knew members of the applicant's family. All the other Councillors declared a personal interest too, by virtue of the fact that the applicant was a fellow Councillor. Members had received correspondence about the application.

Cllr Askew declared a personal and prejudicial interest by virtue of being the applicant.

The application sought outline planning permission for 5 residential dwellings, two of which would be affordable, with all matters reserved except for means of access. The site, which was outside the Settlement Boundary, would be accessed via the adjacent Fen Street carriageway. Indicative supportive material was presented on slides.

Mr Garwood, Supporter, stated that there were no problems with drainage, sewerage or any other services. Old Buckenham needed some small affordable and social housing, and it was the ideal situation for small properties to be built to allow young people into the village.

Mr Goode, Objector, had sought the views of the Fen Street residents, 25 of whom had raised concern with regard to the proposed development and signed a petition, with a further 8 having written as to why the development should not take place. Fen Street was a narrow country lane, which was less than 12' wide, cars could not pass, there were safety issues due to no footpath, and the situations would be made worse by more houses. There was a very poor visibility junction at Hargham Road. Norfolk County Council had designated the two narrow lanes as "quiet lanes" so anymore use must be discouraged. Nos. 44-47 Fen Street had suffered flooding and to build on more land, would take away drainage. The development was not sustainable; there was no regular public transport.

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Mr Askew, Applicant, pointed out Raggs Lane footpath on the map. Old Buckenham was in grave danger of becoming a village for the retired. The proposed small development offered 40% social housing and the opportunity to ensure a legacy of housing for young people, with prospects for them and villagers alike. 357 people had expressed a preference to live in Old Buckenham. It was a short walk to the pavement footpath on Hargham Road. He would be prepared to create a footpath to the rear of the site to link to the established Raggs Lane. He left the meeting.

Mr Joel, Ward Representative, stated that Old Buckenham was a designated service centre with no transport links, and the proposed development site was outside the Settlement Boundary. There were 15 affordable houses already in the village. Fen Street was an unclassified road of one vehicle width, where traffic had to pull into the driveways of residents to pass one another, and if the application was approved, there could be an additional 10 vehicle movements along it. Surface water in Fen Street had already resulted in flooding. Old Buckenham primary and high schools were oversubscribed.

Old Buckenham was not identified for growth. Issues were raised by Members on the character and appearance of the countryside.

Refused, as recommended, with an additional ground relating to the impact on the setting of the village.

- (k) Item 11 : North Elmham : Construction of an agricultural building of 1,093 sqm : Applicant : Mr Tim Mills : Reference : 3PL/2012/0284/F

Cllr Richmond declared a personal interest by virtue of knowing the applicant.

The construction outside the Settlement Boundary of a new agricultural building was proposed adjacent to existing grain store buildings at Foxburrow Farm to consolidate the storage and maintenance/repairs of agricultural machinery into a single location.

Approved, as recommended.

- (l) Item 12 : Mattishall : Proposed dwelling with roof mounted photovoltaic array, detached car port & improved access : Applicant : Miss M Cook : Reference : 3PL/2012/0296/F

Members had received correspondence on the application.

Action By

Full planning permission was sought to construct a chalet bungalow with two bedrooms at ground floor level and two bedrooms above, with detached double carport and improved access, on a site outside the Settlement Boundary. The house would be of a Passivhaus construction which was a factory based construction system, as detailed in the report. As it was not considered that sufficient justification had been put forward to demonstrate that there was an essential need for a permanent dwelling to be located in the location, refusal was recommended.

Mrs Youell, Objector, objected on the grounds that it was outside the Settlement Boundary, was agricultural land, countryside should be protected and kept rural, the narrow road was used by cyclists and walkers, access outside the property was not good and the road became impassable when it flooded. The area suffered with electricity power cuts and telephone connections.

Mr Swaby, Agent, challenged the way the Policy had been interpreted. The proposed application sat next to a house which should be taken into account and not considered isolated. It was an innovative and exceptional scheme as it would be the only Passivhaus in Breckland and the only Passivhaus Plus in Norfolk, and added it would be the only one of its construction type in England, Scotland and Wales. It was an opportunity for Breckland to be at the forefront of England in trying out a self build scheme.

The Planning Manager disagreed with the Agent's comments and stated the proposed dwelling was an isolated house in the countryside, was not of truly outstanding design and was not sustainable.

Miss Cook, Applicant, advised she had no other property. She travelled to Lincolnshire with her endurance horses which needed care after events.

Whilst a Councillor had sympathy with the applicant in her desire to be close to her livestock for security reasons, she believed the design of the proposed dwelling would "stand out like a sore thumb" due to its location.

Refused, as recommended and enforcement action authorised.

The occupant was invited to make an application in respect of her caravan within the next six months, and enforcement action, if necessary thereafter, should give a period of two years for compliance.

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- (m) Item 13 : Cranworth : Single storey extension to front :
Applicant : Mr P Carter & Ms S Wright : Reference :
3PL/2012/0327/F

Consent for an extension and alterations to 1 Rectory Villas was sought on a site outside the Settlement Boundary. The proposal had been revised to take into account the Historic Buildings Consultant's concerns over a previous application which had been refused.

Approved, as recommended.

- (n) Item 14 : Dereham : 2 Breckland Council flags and 2 no flag poles displayed at the front of Elizabeth Houses (retrospective) :
Applicant : Breckland Council : Reference :
3PL/2012/0342/A

Retrospective consent was sought for 2 flag poles and flags either side of the entrance of Elizabeth House, the offices of Breckland Council in Dereham.

Approved, as recommended.

Notes to Schedule

Item No.	Speaker
1	
2	Mr Mason - Agent
3	Mr Cowen – Ward Representative
4	
5	
6	
7	
8	
9	Mr Davies – Agent Mr Askew – Applicant Mr Joel – Ward Representative Mrs Thompson - Objector
10	Mr Davies – Agent Mr Askew – Applicant Mr Joel – Ward Representative Mr Garwood – Supporter Mr Goode - Objector
11	
12	Mrs Youell – Objector Mr Swaby – Agent Miss Cook - Applicant
13	
14	

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Written Representations Taken Into Account

Reference No.	No. of Representations
3PL/2011/1246/F	
3PL/2012/0080/F	
3PL/2012/0150/F	
3PL/2012/0158/O	1
3PL/2012/0173/F	
3PL/2012/0187/LB	
3PL/2012/0189/F	
3PL/2012/0248/F	
3PL/2012/0252/O	4
3PL/2012/0253/O	10
3PL/2012/0284/F	
3PL/2012/0296/F	2
3PL/2012/0327/F	
3PL/2012/0342/A	

50/12 VARIATION OF SECTION 106 AGREEMENT : PROPOSED RESIDENTIAL DEVELOPMENT, HILL FARM, SPORLE : APPLICANT : MRS E GENT : REFERENCE : 3PL/2007/1303/O & 3PL/2007/1305/O

The report detailed the request to vary the terms of a Section 106 Agreement relating to a proposed residential development at Sporle. The applicant had requested that the current legal agreement be varied to require a financial contribution to be paid to the Council to enable affordable housing to be provided elsewhere, instead of providing units on-site. The sum payable would be £100,000, and would be triggered by the occupation of the seventh dwelling.

RESOLVED as recommended, that the Section 106 Agreement be varied to allow the commuted sum of £100,000 be paid instead of the provision of on-site affordable housing.

51/12 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING

Noted.

52/12 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)

Noted.

The meeting closed at 1.45 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 15 May 2012 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr A D Sommerville CPM
Mrs J R Smith JP
Mrs S.M. Matthews

Mr G. Ridgway (Chairman)
Mr F.J. Sharpe

Also Present

Mr M. A. Wassell

- Executive Member for Finance &
Democratic Services

In Attendance

Susan Allen
John Chinnery
Helen McAleer
Vicky Thomson

- Standards Officer
- Solicitor & Standards Consultant
- Senior Committee Officer
- Assistant Director - Democratic Services

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31/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 24 April 2012 were confirmed as a correct record and signed by the Chairman.

32/12 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr Eveling.

The Standards Officer informed Members that Mr Rayner had resigned from Narborough Parish Council and was therefore no longer eligible to serve on the Committee. Mr Rayner had sent his best wishes to the Members. The Committee thanked Mr Rayner for his contribution to the Committee's work.

33/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

34/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

None.

35/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mr Wassell was in attendance.

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36/12 ITEMS FOR FUTURE AGENDAS (STANDING ITEM) (AGENDA ITEM 6)

The Standards Consultant advised Members that the new Regulations had been drafted and would be laid before Parliament shortly. The target date for the introduction of the new system was 1 July 2012. As there were currently no outstanding complaints it was likely that there would be no further meetings of the Committee.

37/12 NEW STANDARDS REGIME (AGENDA ITEM 7)

A Member asked if the pecuniary interest details had been published.

The Standards Consultant said that they would be in the forthcoming regulations but that he had not seen them yet.

The Chairman noted that the Standards Committee would remain 'on duty' until 30 June 2012 in case anything came forward that needed attention.

38/12 CABINET RECOMMENDATIONS ON STANDARDS (AGENDA ITEM 8)

The report on the agenda had been presented to Cabinet the previous week and following the comments made at that meeting an amended copy would be presented to Council on 24 May 2012. A copy of the amended report had been circulated to Members with the changes highlighted.

The Chairman said that it was the duty of the Committee to provide input to the report using the experience they had. He wanted to ensure that all the voters and Council Tax payers in the District were aware that there was a regime to deal with complaints. He asked Members to provide their comments as positively as possible and the following points were discussed:

- At point 4.5 of the report it stated that the Council had no power to impose sanctions, but then proposed a list of possible sanctions. Did the Council have the power to enforce sanctions?

Statutory sanctions were being removed, but there were some non-statutory sanctions that could be enforced.

- It was suggested that the report should be reworded to say that the Act had removed previous powers – rather than saying that it did not give any powers.

It was noted that due to the lack of detail of the new Regulations

Action By

the report had been drafted based on assumptions of what they were expected to allow. Once the Regulations were published it might be necessary to make changes to the recommendations.

The Standards Consultant advised that the legal situation was that once the sanctions in the current regime were removed matters would be dealt with under Common Law. That relied on previous cases of which there were various interpretations on the extent of the Council's powers. The key points to consider would be how far could the Council go in withdrawing facilities, excluding Members and removing appointments, etc.

- At point 4.2 (second paragraph) it suggested that the Monitoring Officer could seek to resolve a complaint before formal investigation. How could such a decision be made without doing some background investigation? If left to the Monitoring Officer alone, it could be classified as a closed forum.

It was envisaged that the Monitoring Officer would carry out the role of the former Assessment Sub-Committee in deciding if there was enough information to pass a matter for investigation.

- At point 4.4 – who would carry out the formal investigation? It would put the Monitoring Officer in a difficult position if they were expected to carry it out and then deal with the decision. It was suggested that it should be made clear in the report that following formal investigation the matter should be referred back to the Audit Sub-Committee.

The Monitoring Officer confirmed that she would only make any decisions where she had not been involved in an investigation.

- At point 4.6 it stated that there was no requirement for an appeals mechanism as any decision would be open to judicial review. For the benefit of local Councillors and to avoid the costs of a judicial review it was suggested that a local appeal facility should be made available.

It was pointed out that the Council had a Corporate Complaints system and that there was no requirement under the Act to have an appeal facility.

- At recommendation 4.e it implied that as only one Independent Person was to be appointed a Member would have to seek advice from another authority's Independent Person, to avoid a conflict of interest. However the Act did not allow consultation with an outside Independent Person. The report needed to clarify intentions.

Action By

It was not the intention to use other Independent Persons without their formal appointment by full Council. If appropriate, discussions would take place about sharing Independent Persons with other authorities.

It was confirmed that the Council did not intend to have a Joint Panel with Town & Parish Council representation. Town & Parish Councils could agree to delegate powers up to Council.

- Members were concerned that if Town & Parish Councils were not engaged in the new process they would not agree with Breckland proposals and might adopt their own, individual Codes of Conduct. The Committee acknowledged that under the previous regime problems had arisen due to a lack of communication with the Town & Parish Councils which was why they wanted to press the point.

The Executive Member thanked the Committee for its comments and for the work they had done. He advised that the Norfolk Monitoring Officers were holding regular meetings and everyone hoped that the details of the new Regulations would be published soon.

The Chairman concluded the discussion by reiterating that the Members of the Committee had a lot of experience and would be available to assist if required.

39/12 NEXT MEETING (AGENDA ITEM 9)

It was noted that the next scheduled meeting would only take place if required.

The meeting closed at 2.55 pm

CHAIRMAN