

**BRECKLAND COUNCIL**

**At a Meeting of the**

**PLANNING COMMITTEE**

**Held on Monday, 23 October 2017 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr N.C. Wilkin (Chairman)	Mr A.P. Joel
Mr F.J. Sharpe (Vice-Chairman)	Mr K. Martin
Mr R. F. W. Brame	Mr P S Wilkinson
Mr H. E. J. Clarke	Mr P. R. W. Darby (Substitute Member)
Mr P.J. Duigan	Mr W. R. J. Richmond (Substitute Member)
Mrs J. Hollis	

**Also Present**

Mr A.C. Stasiak	Mr J.P. Cowen (Ward Representative)
Mr S.G. Bambridge	Mr T. J. Jermy (Ward Representative)

**In Attendance**

Michael Horn	Solicitor to the Council
Alex Chrusciak	Director of Planning and Building Control*
Debi Sherman	Principal DM Planner*
Hugh Coggles	Tree & Countryside Officer*
Julie Britton	Democratic Services Officer

\* Capita for Breckland Council

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**108/17 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 25 September 2017 were confirmed as a correct record and signed by the Chairman.

**109/17 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)**

Apologies for absence were received from Councillors Bowes, Marion Chapman-Allen and Nairn.

Substitutes in attendance were Councillors Darby and William Richmond.

**110/17 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED  
(AGENDA ITEM 3)**

Please refer to Minute Nos. 117/17 (a), (d) and (i) below.

**111/17 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

Members were informed of the training session in relation to the Brownfield Land Register that would commence after the close of the Planning Committee. All Members had been invited.

**112/17 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA  
(AGENDA ITEM 5)**

None.

**113/17 URGENT BUSINESS (AGENDA ITEM 6)**

The Solicitor to the Council asked Members to give Officers delegated authority formally to revoke a planning permission that had been approved at the Planning Committee meeting held on 3 April 2017 for Wensum Valley Hotel, Golf & Country Club in respect of Billingford Lakes, Elmham Road (Planning Ref. No. 3PL/2016/0533/H). The planning permission had been issued on 3 October 2017; however, just 3 days later, the Council had received a Pre-Action Protocol Letter from Richard Buxton Environmental & Public Law complaining about a number of legal issues in respect of that planning permission. The Pre-Action Protocol Letter requested the Council to consent to the proposed Claimant's application for Judicial Review to quash the permission. The advice of senior Counsel had since been obtained and his advice was that, whilst the permission was most certainly legally defensible, overall, he thought that it would be a wiser course of action for the permission to be revoked and for the matter to be returned to the Planning Committee subsequent to revocation for Members' reconsideration.

Formal authority from Members was therefore requested to delegate powers to Officers to revoke the planning permission dated 3 October 2017 under the powers given to local planning authorities in Section 97 of the Town & Country Planning Act 1990. Should the revocation not be opposed by the affected parties, Members were also asked that Officers be given delegated authority to revoke the planning permission pursuant to Section 97 and Section 99 of the Town & Country Planning Act 1990. It was noted that Section 99 dealt with revocation following no opposition by the occupier, landowner and affected parties. A Section 97 revocation required the formal confirmation of the Secretary of State.

The reason for this being an Urgent Item was that an application for Judicial Review must be made within a six period from the date of issue of the relevant planning permission. If this matter had not been considered today, then the next meeting of Planning Committee was after this six week period.

Councillor Duigan asked if the application would ultimately go to the Secretary of State for determination. Members were informed that if the permission was subsequently revoked, be that pursuant to Section 97, or Sections 97 and 99 of the Town & Country Planning Act 1990, then the application would be brought back to the Committee for redetermination. Members were also informed that prior to the approval being given in April 2017, the Secretary of State had already considered whether or not to call this matter in, but had decided against doing so.

Members voted 9 x 1 in favour of revocation, and it was

**RESOLVED** that EITHER pursuant to Section 97 OR pursuant to Sections 97 and 99 of the Town & Country Planning Act 1990, delegated authority be given to Officers to revoke the planning permission dated 3 October 2017 (Ref No. 3PL/2016/0533/H) and that the aforementioned application should thereafter be brought back to Committee for reconsideration.

**114/17 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)**

The Pre-submission Publication consultation had now closed and responses were being collated with a view to submission.

In response to a question, the Annual Monitoring Report would be presented to Cabinet on 28 November 2017.

**115/17 DEFERRED APPLICATIONS (AGENDA ITEM 8)**

Noted.

**116/17 TREE PRESERVATION ORDER NO. 8 - NECTON (AGENDA ITEM 9)**

**RESOLVED** that the objection to the serving of TPO 2017 No. 8 be determined as follows:

Necton: North Pickenham Road: Allow Tree Preservation Order (TPO) to lapse:  
Applicant: Mrs Knights & Mr Reid: Reference: TPO 2017 No. 8

Consideration was given to the report presented by Hugh Coggles, Tree & Countryside Officer (Capita).

Members considered the matter and fully explored the details of the report in light of prevailing policies and guidance.

Representations were made in respect of the report, in accordance with the Council's scheme of public speaking at Planning Committee meetings.

Objector: Mrs Alexandra Matthews

Objector: Mr John Reid

**DECISION: Members voted unanimously for deferral.**

**That the application be deferred, contrary to the Officer's recommendation.**

**REASON(S):**

- further information on the trees that were considered worthy of retention and those that were not;
- the ownership of the trees in question; and
- a programme of works from the Tree & Countryside Officer.

**117/17 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)**

**RESOLVED** that the applications be determined as follows:

- a) Item 1: Thetford: Buildings behind No. 57, Bury Road: Conversion of existing barn to create on residential dwellings: Applicant: Mr N Pettit: Reference: 3PL/2016/0596/F

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members had received direct representation to this application.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

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Ward Representative: Councillor Terry Jermy

**DECISION: Members voted 3 x 7 not to accept the Officer's recommendation of approval.**

**Reason(s): on the grounds that the application was contrary to Policies DC1 and DC2; and on Highway safety: inadequate access, inadequate visibility splays and egress onto busy road.**

**DECISION: Members voted 7 - 3 for Refusal.**

- b) Item 2: Attleborough: Land north-west of Chapel Road School, 50 Chapel Road: Residential development of 10 dwellings, including improvement works to access road and adjacent pavements: Applicant: Breckland Bridge: Reference: 3PL/2017/0342/F

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Objector: Thomas Pont

**DECISION: Members voted unanimously for approval as recommended; subject to, the conditions as listed in the report.**

- c) Item 3: Saham Toney: The Willows, Cley Lane: Residential development for 4 dwellings: Applicant: Clayland Estates Ltd: Reference: 3PL/2017/0415/F

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: Clayland Architects

**DECISION: Members voted unanimously for approval as recommended; subject to, the conditions as listed in the report.**

- d) Item 4: Beeston: Adjacent Brookside, Syers Lane: Erection of two detached dwellings: Applicant: Mr Stephen Garner: Reference: 3PL/2017/0702/O

Members had received direct representation to this application. An email from the Ward Representative, Councillor Elizabeth Gould, who was against the application, was read aloud.

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Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

Representations were made in respect of the application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Objectors: Julian Farrall, Kim Bucher, Ian Craske, Justine Long and Samantha Craske

**DECISION: Members voted 9 x 1 for approval as recommended; subject to, the conditions as listed in the report.**

Following the decision and in response to a concern, the Solicitor to the Council advised the objectors that they would need to seek independent legal advice in relation to the 'right of appeal'.

- e) Item 5: Litcham: 8 Church Street: Erection of 3 dwellings: Applicant: Bespoke Norfolk Ltd: Reference: 3PL/2017/0854/D

An email from the Ward Representative, Councillor Elizabeth Gould, who was against the application, was read aloud.

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

Representations were made in respect of the application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Objectors: Mark Kiddle-Morris and Mr George Antonio

**DECISION: Members voted 7 x 3 for approval as recommended; subject to, the conditions as listed in the report.**

- f) Item 6: Thetford: 57 Bury Road: Proposed alterations to the annexe attached to No. 57 Bury Road, Thetford (eaves to be raised by 525mm and roof pitch to rise from 35 degrees to 40 degrees): Applicant: Mr N Pettit: Reference: 3PL/2017/0942/HOU

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

No representations were made in respect of this application.

**DECISION: Members voted 7 x 2 for approval as recommended;**

**subject to, the conditions as listed in the report.**

Councillor Darby abstained from voting on this application.

- g) Item 7: Hockham: West Farm: Variation of conditions 1 & 4 to 3PL/2013/0535/F: Applicant: Mr Alex Beard: Reference: 3PL/2017/1092/VAR

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

Representations were made in respect of this application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Ward Representative: Councillor Philip Cowen

**DECISION: Members voted 9 x 1 for deferral.**

**That the application be deferred, contrary to the Officer's recommendation.**

**REASON(S): Members required further information in relation to the planning history of the site.**

- h) Item 8: Whissonsett: Land adjacent to Meadow House, Mill Lane: Erection of 1 No. self-build retirement dwelling: Applicant: Mr James Daniels: Reference: 3PL/2017/1108/O

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita).

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

Representations were made in respect of this application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: Mr Gareth Watts

**DECISION: Members voted unanimously for approval as recommended; subject to, the conditions as listed in the report.**

- i) Item 9: Shropham: Greenacres, Watton Road: Construction of single detached dwelling: Applicant: Mr & Mrs Osborne: Reference: 3PL/2017/1149/F

Councillor Joel declared an interest in this application by virtue of him being a friend of the applicant. He remained in the room but did not participate or vote on the application.

Consideration was given to the report presented by Debi Sherman, Principal Development Management Planner (Capita). It was noted that

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the recommendation on the supplementary agenda was incorrect.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

Representations were made in respect of this application, in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Ward Representative: Councillor Philip Cowen

Applicant: Mrs Osborne

Applicant's Agent: Erica Whettingsteel

Parish Council: David Napier (Chairman of the Parish Council)

Objector: Charles Hawkins

**DECISION: Members voted unanimously not to accept the Officer's recommendation of refusal.**

**Reason(s): on the grounds that the application would make a small contribution to the Council's 5 year housing land supply and supported Policy CP14.**

**DECISION: Members voted unanimously for approval.**

**118/17 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 11)**

Noted.

**119/17 APPEALS SUMMARY (AGENDA ITEM 12)**

Noted.

The meeting closed at 12.45 pm

CHAIRMAN