

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 17 December 2018 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mr S.G. Bambridge (Ward Representative)

In Attendance

Michael Horn	Solicitor to the Council
Simon Wood	Interim Director of Planning
Jon Berry	Head of Development Management
Hugh Coggles	Tree & Countryside Officer
Tom Donnelly	Development Management Assistant
Carl Griffiths	Principal Development Management Planner
Mark Simmonds	Principal DM Planner
Natalie Wicks	Planning Assistant
Julie Britton	Democratic Services Officer

143/18 MINUTES (AGENDA ITEM 1)

- 1) Deferred Applications (Minute No. 139/18(a)): Toftwood: land off Shipdham Road, Westfield Road and Westfield Lane: Reference: 3PL/2015/1490/0

The Vice-Chairman, Councillor Richmond, referred to page 9 of the Minutes, and asked if an informative condition could be added to ensure that the footway over the bridge be a minimum of 3.1 metres in width in line with National Guidance. He was aware that this had been asked for at the meeting but he did not believe that this had been conditioned. Simon Wood, the Interim Director of Planning informed Members that this would form part of the detailed design of the bridge and could be added as an informative condition but he would have to speak with Norfolk County Council Highways to establish whether this could be physically accommodated.

The Vice-Chairman also asked if the Town Council's Sustainable Transport Study that should be completed by December 2018, in respect of cycle-ways and foot-links, would be considered along with the Transport Assessment and the Travel Plan in subsequent Reserved Matters applications. The Interim Director of Planning felt that this would prove difficult as it would be making reference to a document or a study that did not actually exist; however, he suggested that these matters

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could be included at the Reserved Matters stage - a requirement for a cycle assessment to be provided as part of any Reserved Matters application.

2) Minutes

Subject to the above matters, the Minutes of the meeting held on 26 November 2018 were confirmed as a correct record and signed by the Chairman.

144/18 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillor Claire Bowes and Marion Chapman-Allen. No substitutes were in attendance.

145/18 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Beeston: Land off The Street and Herne Lane: Reference: 3PL/2018/0472/F

All Members had received written representations in respect of this application.

146/18 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman thanked the Members who attended the recent site visit in Beeston. He also wished everyone a very Happy Christmas.

147/18 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

None.

148/18 URGENT BUSINESS (AGENDA ITEM 6)

Simon Wood, the Interim Director of Planning, advised Members that in relation to the application recently discussed at Minute No. 143/18 above which had been considered by Members at the previous Committee meeting, he had received notification by the Department of Housing, Communities & Local Government that the decision notice for this application should not be issued until the Secretary of State had considered whether or not to call in the application.

149/18 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

The Local Plan modifications had been considered at a recent Full Council meeting and Officers were now in the process of preparing the consultation documents.

150/18 DEFERRED APPLICATIONS (AGENDA ITEM 8)

The Schedule of Deferred Applications attached to the agenda was noted.

151/18 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

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(a) Attleborough: Unit opposite MultiFab Bunns Bank: Reference: 3PL/2018/1206/F

Erection of 1 No. industrial building, split into 6 general industrial units.

Consideration was given to the report presented by Carl Griffiths, Principal Development Management Planner.

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 the application.

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

(b) Beeston: Land off The Street and Herne Lane: Reference: 3PL/2018/0472/F

Erection of 6 no. dwellings (including two affordable dwellings) with double garages, associated parking and gardens including the creation of a new access onto The Street.

Consideration was given to the report presented by Mark Simmonds, Principal Development Management Planner.

This application had been presented to the Planning Committee meeting on 1 October 2018 where Members had resolved to approve the application as an overturn of the Officer's recommendation of refusal.

There had subsequently been submitted:

1. additional information in the form of dated photographs showing a hedge on the northern boundary of the site including from 1946. The additional information comes from an objector and from investigations by the Council's Tree Officer. This additional information indicates that the hedge on the northern boundary is a hedge which should be considered as an 'Important Hedge' and its value as such and the presumption to retain such a hedge.
2. a Pre-Action Letter regarding the intention to lodge a Judicial Review application in regard to the decision of the Council to approve the application, the details of which had been set out in the report.

This application was being re-presented to Planning Committee for re-consideration by Members. The Officer's recommendation was one of refusal.

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:

Applicant's Agent: Phil Hardy (Parker Planning Services)

Applicant: Helen Palmer-Wright

Objector: Julian Farrall

DECISION: Members voted 5 x 3 for refusal as recommended, plus one abstention from Councillor Phillip Duigan.

- (c) Foulden: Site at School Road: Reference: 3PL/2017/1603/O

Proposed residential development.

Consideration was given to the report presented by Carl Griffiths, Principal Development Management Planner.

This application had been considered by the Planning Committee at the meeting held on 2 July 2018. It was resolved to grant planning permission subject to conditions and a S106 legal agreement. The formal planning decision had not yet been issued and the application remained undetermined at this time.

A Pre-Action Protocol (PAP) Letter of 12th September 2018 was received by the Council from Richard Buxton Environmental & Public Law ("PAP Letter"). The PAP Letter threatened a claim for judicial review on behalf of a local resident.

The Council in conjunction with its legal advisors considered the contents of the PAP Letter and it was felt that following review of the grounds of potential challenge raised in the PAP Letter relating to the publication of the revised National Planning Policy Framework (NPPF 2) on 24 July 2018 and the interpretation and application of guidance contained therein, the Council considered it expedient and prudent to return the application to Members for re-consideration.

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:

Applicant's Agent: Chris Parsons (Parsons & Whittley Ltd)

Foulden Parish Council: Marianne Christian (Parish Councillor)

Objector: Neil West

DECISION: Members voted 6 x 3 for approval as recommended subject to:

- 1. the conditions as listed in the report; and**
- 2. a S106 Agreement to ensure the delivery of a footpath linking the site with the recreation ground.**

- (d) Great Ellingham: Development Site at 601936 296991, Attleborough Road: Reference: 3PL/2018/0713/VAR

Variation of Condition 3 (Approved Plans) pursuant to grant of consent 3PL/2015/0487/O for the erection of 9no homes (3 affordable houses, 5 open market detached and 1 open market semi-detached house). Variation to size of dwellings.

Consideration was given to the report presented by Carl Griffiths, Principal Development Management Planner.

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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 the application.

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

- (e) Ickburgh: Land adjacent to Manor Farm, 50 Ashburton Road: Reference: 3PL/2018/1061/F

Full planning permission for the erection of three dwellings and creation of a new vehicular access.

Consideration was given to the report presented by Tom Donnelly, Development Management Assistant.

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: James Platt (Locus Planning Ltd)

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

- (f) Narborough: Pentney Leisure and Bowls Club, Narborough Road, Pentney, Kings Lynn: Reference: 3PL/2018/0154/F

Use of site for caravans to be occupied for residential purposes (for a three year period) to include the variation of conditions to the previously approved caravan site.

Consideration was given to the report presented by Carl Griffiths, Principal Development Management Planner.

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:

Applicant: Terry Gray

Applicant's Agent: Anthony Evans Sketcher Partnership Ltd)

Ward Representative: Councillor Peter Wilkinson

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

- (g) Whissonsett: Land off Dereham Road: Reference: 3PL/2018/0333/F

Erection of dwelling with associated garage incorporating an annexe, parking and garden.

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Consideration was given to the report presented by Mark Simmonds, Principal Development Management Planner.

The decision in respect of the application had been deferred to enable an update to be provided to the Committee in relation to the reason/justification for the felling of a tree on the site.

This application had previously been presented to the Planning Committee on the 2 July 2018 where the Committee overturned the Officer's recommendation of refusal. Members felt that the proposals, including the design, were acceptable. However, the decision notice could not be issued until the end of the consultation period due to a revised plan relating to visibility splays. Additionally, prior to the consultation period ending, the felling of the tree occurred.

The tree in question had been situated on the western boundary of the site.

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:

Applicant's Agent: Phil Hardy (Parker Planning Services)

Applicant: Caroline Edge

Objector: Anri Brand

DECISION: Members voted 7 x 2 for approval, contrary to the Officer's recommendation of refusal.

REASON(S): The Committee noted the potential adverse impacts of the development but found the design proposed acceptable and considered that the benefits of the scheme, including the contribution to the five year housing land supply, outweighed the adverse impacts of the scheme.

DECISION: Members voted 7 x 2 to approve the application.

The application be approved subject to delegated authority being granted to the Executive Director of Place to identify and agree appropriate conditions.

152/18 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)

Noted.

153/18 APPEALS SUMMARY (FOR INFO) (AGENDA ITEM 11)

Noted.

The meeting closed at 11.00 am

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CHAIRMAN