

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 24 August 2015 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes
Mr R F W Brame
Mr P.D. Claussen
Mr P.J. Duigan
Mr K. Martin

Mr J Newton
Mr W.H.C. Smith
Mr N.C. Wilkin (Chairman)
Mr P S Wilkinson
Mr A.P. Joel (Substitute Member)

Also Present

Mr S.G. Bambridge
Mr W.P. Borrett
Mr C G Carter
Mr J.P. Cowen

Mr D M Crawford
Mr P M M Dimoglou
Mrs J Hollis

In Attendance

Mike Brennan
Sandra Bunning
Gary Hancox
Hamish Lamp
Neil Langley
Helen McAleer
Nick Moys
Liz Poole
Paul Rushworth
Iain Withington

Planning Contract Manager (Capita) (shared)
Assistant Planning Officer*
Principal Planning Officer*
Principal Planning Officer *
Obligations Officer*
Senior Democratic Services Officer
Principal Planning Officer *
NCC Highways
Solicitor
Planning Policy Team Leader*

* Capita for Breckland Council

88/15 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 20 July 2015 were confirmed as a correct record and signed by the Chairman.

89/15 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies were received from Councillors Chapman-Allen, Carter and Sharpe. Councillor Joel was present as Substitute for Councillor Sharpe.

**90/15 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED
(AGENDA ITEM 3)**

The following declarations were made regarding Agenda Item 10:

Schedule Item 1 (Yaxham) – Councillor Duigan declared that he had received direct representation about this item.

Schedule Item 2 (Scoulton) – Councillor Bowes declared that her family had known the landowners for a long time. She had also worked with one of the objectors on a Charity. Having taken legal advice from the Solicitor she would leave the room whilst the item was determined.

All Members had received direct representation about this item.

For transparency, Councillor Wilkin noted that he represented the Council

Action By

Action By

on the Hingham Education Trust which rented land to local farmers to raise money to help Hingham residents with their further education. He was not aware if the application site was linked in any way to that charity.

Schedule Item 6 (Shipdham) – the Ward Representative was unable to attend and had therefore sent an e-mail supporting the application, together with a letter from the applicant. Copies had been tabled for all Members at the start of the meeting.

Agenda Item 15 (Enforcement Update).
All Members had received direct representation.

91/15 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

Members were reminded that there would be a training session immediately following the meeting.

92/15 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Agenda Item 10 – the planning application at Schedule Item 9 (Yaxham) had been withdrawn.

93/15 URGENT BUSINESS (AGENDA ITEM 6)

None.

94/15 LOCAL PLAN UPDATE (AGENDA ITEM 7)

The Planning Policy Team Leader advised Members that good progress continued to be made on the Local Plan. A presentation of the strategic housing market assessment and the calculation of the objectively assessed needs would be made by the consultants to the September Cabinet. It would feed through into the setting of the housing target, spatial strategy and settlement numbers and allow progress to be made on the prioritising of suitable sites.

In terms of other evidence base studies consultants for the Habitats regulation assessment would shortly be appointed and two further studies; for affordable housing viability and a Dereham Transport study were currently out to tender.

Since the last planning committee, the Neighbourhood Plan area for Dereham had been approved by the Council.

Councillor Claussen asked for clarification of whether the Dereham transport study would include the hinterland areas as well. He was advised that the study would inform on growth levels around Dereham and would look at key junctions. Growth options from the Local Plan would feed into the study and development in the surrounding villages would also be taken into consideration. Councillor Claussen asked for that information in writing.

95/15 2015 ANNUAL STATEMENT OF FIVE YEAR HOUSING LAND SUPPLY (AGENDA ITEM 8)

The Planning Policy Team Leader presented the report.

The Council was required to update the 5 year housing land supply information annually. The details were summarised in the agenda pack with the full report

Iain
Withington

Action By

that would be published.

The 5 year supply calculation was a comparison of the anticipated supply of new homes against the number of new homes that were required to be built in the core strategy plus a 20% buffer which was required to be applied by national policy through the NPPF.

The figure was a snap shot in time as of 1 April 2015.

The assessment incorporated a range of sites including those with planning permission, allocations, and wind fall and was based on survey results from developers, development assumptions and past trends. A cautious approach had been adopted.

Against the housing target the Council was 2,333 dwellings below the required number. Once that deficit was added to the target for the five year period (as per the Sedgfield method) it created a new target of 1,247 new dwellings per year which equated to a 4.18 year supply of deliverable land. With the 20% buffer applied that reduced to 3.79 years supply. The figures for the same time last year were 3.72 and 3.29 years.

Under-delivery of housing in the past was not a reflection of the Council's ability to allocate land for housing development. The Council had made good progress in bringing forward allocations and in granting planning permissions. The reasons for under delivery were complex and influenced by a number of factors beyond the Council's control including market forces and slow implementation of sites with planning permission, etc.

Breckland was not alone in failing to have a 5 year land supply. The Greater Norwich joint policy area had claimed to have a 5.10 year supply in December 2014. However, following a recent appeal where the methodology had been questioned that figure had been amended to 4.89 – 4.94 years and Kings Lynn had claimed to have 7.51 years supply but following an appeal that figure had been reduced to 1.91 years.

A Planning Advisory Service survey in 2014 stated that 54% of councils claimed to have a 5 years supply, but in June 2015 Savills published data claiming that 43% of the councils claiming to have a five year land supply did not, in fact have one.

Councillor Duigan thought that the expected delivery figures for some sites were optimistic. For example, 368 dwellings were expected from the Thetford Sustainable Urban Extension (SUE) by April 2017 and the Outline planning permission had not yet been signed. He felt that the figure of 1300 for Breckland in 2017 was also optimistic. He asked for a definition of housing delivery.

The Planning Policy Team Leader explained that the Thetford figures represented an average of the expected delivery over the next five years. When the annual monitoring survey was carried out Officers visited every site and asked for the number of completions or did a physical count themselves. Housing delivery was accepted as when there were four walls and a roof.

Councillor Smith asked whether the Sedgfield or the Liverpool method had been used and was advised that both methodologies had been illustrated in the report to show that whichever method was used the Council did not have a 5 year supply. National Planning Policy Guidance gave a strong steer towards using the Sedgfield method and that had been used in the past.

Councillor Smith went on to ask why Traveller and Gypsy sites could not be counted towards the land supply as the Council had permanent sites. The Planning Policy Team Leader explained that the Council was required to have a 5 year supply of such sites as well as a 5 year supply of other housing land. If the two were combined relative need would also have to be considered and it was likely that the result would be the same.

Councillor Borrett asked whether Members had the final say on whether a 5% or a 20% buffer was applied. He noted that under the Liverpool approach, without any buffer, the Council did have a 5 year land supply and he asked if that figure could be used.

The Planning Policy Team Leader advised that the Guidance was clear that a 20% buffer should be used and the Planning Contract Manager urged Members to give weight to the guidance, but agreed that it was up to them to decide.

The report was noted.

96/15 DEFERRED APPLICATIONS (AGENDA ITEM 9)

None.

97/15 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- a) Item 1: YAXHAM: Land off Elm Close: Residential development:
Applicant: Mr & Mrs William Moorfoot: Reference: 3PL/2014/0820/O

All Members had received direct representation on this application.

This was an outline application with only the principle of residential development to be considered. Indicative layouts had been provided which had started with a proposal for 44 dwellings. That had since been reduced to 35 and then 30. The indicative layout plan showed detached dwellings and provided five allotments. There would be mixed housing types and 40% affordable housing would be provided. Objections had been raised concerning various matters which could be addressed at the Reserved Matters stage.

Mr Gillian (Objector) strongly opposed the development. Most Yaxham residents did not want development outside the Settlement Boundary. There was not enough infrastructure to support 30 dwellings which equated to 15% of existing homes in Yaxham. The schools, doctors and dentists were full.

Mr Tuddenham (Agent) noted the Council's lack of a five year housing land supply and said that the proposal met the three tests of sustainability. The village had good public transport and the proposal would provide affordable housing and financial contributions to education and other services as well as providing five allotments and improved pedestrian access.

Councillor Dimoglou (Ward Representative) was a long term resident of Yaxham and in favour of development. Elm Close had been built with a gateway for future development. A lot of the local concerns had been

Action By

taken into account. However, he was concerned that no viability study had been done to ensure the affordable housing delivery and also that the allotments would be administered by the applicant and would be dispensed with if there was no need for them.

Councillor Bowes noted that the Officers said that the Parish Council were fully supportive of the application but they had also said that the Settlement Boundary should be retained.

The Ward Representative explained that the Parish Council were mindful of the need for housing and appreciated that the site was in a sustainable area.

Councillor Smith asked if the 'further justification' required for sites outside the Settlement Boundary was provided by the offer of the allotments and if so he was concerned that they might be done away with.

The Principal Planning Officer explained that the allotments were an added benefit but had not been relied upon to justify the acceptability of the proposal. That had been provided by meeting the three sustainability tests.

Councillor Smith was very concerned about the big increase in population that the proposal would cause. He asked if a reduction in density would result in a reduction in the number of dwellings. It was pointed out that the number of dwellings had already been reduced and might need to be reduced further. If the application was considered acceptable a note could be added that density might need to be reviewed.

Councillor Smith asked if there was any chance of losing the play area contribution and he was advised that that would only happen if the proposal fell below 25 dwellings.

Councillor Claussen was uncomfortable that the allotments and their access road would not be gifted to the Parish Council. He was also not confident that the 40% affordable housing would be achieved.

The Planning Contract Manager made clear that the Outline application did not include the allotment site and it was not required for the application.

Councillor Joel was concerned about the lack of infrastructure and Councillor Dimoglou agreed that the primary school was near to capacity and said his family used the Mattishall doctor's surgery.

Councillor Brame asked if the 40% affordable housing requirement could be 'written in stone' and was advised by the Chairman that 40% was the ceiling figure but it could be reduced if agreed by the District Valuer. However, the Committee had made it clear that they were looking for a figure close to 40%.

Approved, as recommended.

- b) Item 2: SCOULTON: Land at Norwich Road: Erect new crematorium, car park, access roads, ancillary buildings and gardens of remembrance: Applicant: Thornalley Funeral Services Ltd: Reference: 3PL/2014/1204/F

Action By

Councillor Bowes declared an interest in this item and left the room while it was discussed. All Members had received direct correspondence on the matter.

This full application had received a lot of local interest. The number of representations received on page 62 was not the number of letters, but the number of households, the number of actual representations was in excess of 100. The nature of the objections was set out in the report.

The reference to an appeal decision on page 68 referred to a site in Horsham, Sussex, not in Cromer.

The site was in open countryside and a new access point would be provided. The majority of hedging to the site frontage would be removed and additional landscaping would be provided. The site layout had been amended to improve its appearance.

The main issue was the principle of development in the open countryside. Special justification was needed and that was set out in the report. Members were shown the distances to existing facilities in Norfolk and Suffolk, none of which were located in Breckland. There was no planning guidance on how to assess need so the industry standard based on a maximum of 30 minutes travel time had been used in the assessment. The 30 minutes equated to a radius of 10 miles and using that method, very little of Breckland was covered by the existing facilities. The industry standard for the number of cremations per year was also being considerably exceeded by the existing facilities.

Due to the nature of the use a rural location was required. The site was more than 183m from the closest dwelling and had room for extensive memorial gardens. The vast majority of visitors would arrive by private car although a local bus service might be useful for staff.

The proposal would have a significant impact on the character of the area, changing its appearance and having an urbanising effect. The removal of trees and hedging would cause some harm and make the buildings more prominent in the short term. However, the extensive landscaping scheme and setting the buildings well back from the highway would mitigate those effects. It was considered that there would be a net benefit from the new landscaping overall.

Considerable local concern had been raised about highway safety. The proposed improvements, including a right-hand turn lane, and visibility splays to the access satisfied NCC Highways requirements.

Third party representations from Technical Engineers raised concerns about overtaking incidents causing accidents. However, it was considered that the new, highly visible junction could make drivers more cautious.

Emissions would be required to meet strict standards and would be controlled by an Environmental Permit.

In conclusion there was an established need for this community facility and Officers felt that the benefits outweighed any harm.

Mr Thonalley (Applicant) said there was a critical need for a crematorium.

Action By

Bereaved families were currently having to travel considerable distances and having to wait up to four weeks. The site had been selected after a 12 month search. There had been consultation with the Parish Council and the local community and the proposal had been adapted to reflect their views and minimise impact. There was overwhelming support from other funeral directors and from Ministers.

Mr Shingfield (Supporter) farmed the land around the site and had family members living close to it. They had been concerned initially but had concluded that the impact would be minimal and the benefits great. Having had to travel up to two and a half hours to a family cremation recently he fully supported the proposal.

Mr Gasking (Supporter) was a local funeral director. The proposal would benefit his business and the bereaved families. The site was ideally situated with good road access. The countryside location was essential. It would reduce the stress and anxiety caused by the travel times and the waiting times. Demand for cremations had increased.

Mr Leader (Objector) refuted the information supporting the need for the facility and said the figures showed that 89% of residents lived within 30 minutes of an existing crematorium. With regard to highway danger the professional survey carried out showed that 85% of speeds were faster than those quoted by NCC. The proposal would be a blot on the landscape, in the open countryside, barely served by public transport. He asked Members to refuse the application on grounds of lack of need and road danger and said it would not succeed on Appeal as it was at odds with the Council's policies.

Councillor C Carter (Ward Representative) spoke on behalf of a Residents' Focus Group. The views were theirs and not his or the Council's. The proposal amounted to inappropriate development in the countryside, contrary to policies in the Local Plan and the National Planning Policy Framework. A brownfield site should be found. The need had not been established. The loss of hedging would have a visible effect on the area. Any benefits would be tempered by the harm caused, especially to highway safety. That view was supported by NCC Councillor Jordan.

The Chairman noted that Liz Poole from NCC Highways and Lindy Warmer, Economic Development Officer and Dr Zandra Waterford, Environmental Health Officer, were present to answer any questions.

Councillor Smith asked for the views of the Highways Officer. She noted that the Consultant's report quoting speeds 85% higher than the NCC survey had been carried out in the evening/late night when the crematorium would not be open. During the hours from 9am to 5pm speeds were more normal. The visibility splays, right-hand turn lane, islands, signage and hatching would provide a substantial deterrent to overtaking.

Councillor Wilkinson asked if the Hingham Parish Council request for a 40mph limit was being implemented. The Planning Contract Manager pointed out that the crematorium at King's Lynn had no right-hand turn lane. It was on a fast road with a 50mph speed limit. When the crematorium had been built the number of accidents on that road had reduced.

Action By

Councillor Joel wanted reassurance that the proposal was sustainable in business terms. The Principal Planning Officer pointed out that to be viable the facility would need to hold about 800 cremations a year. That equated to about 50% of the people dying in the catchment area, so it appeared to be viable.

Councillor Duigan confirmed that there was a need for the facility as it did take longer than 30 minutes to travel to the crematoriums in Norwich and that due to the number of cremations at St Faiths there was a 30 minute turn-round time for funerals.

Councillor Claussen asked for clarification of the Highways requirements and of how the need had been determined.

He was advised that the Highways conditions included access and parking arrangements including parking for construction workers, a right hand turn lane, visibility splays, pedestrian facilities near the access and a bus stop. Need had not been established by any one factor. The information provided showed that the level of use of existing facilities was well over guidance levels; people were having to wait extended periods for funerals or opting for earlier/later times than they wanted.

Councillor Martin thought that many funeral directors would choose this location and that it would give people more choice.

Approved, as recommended.

- c) Item 3: CASTON: Land east of Walnut Tree Cottage, Attleborough Road: erection of 3 dwellings (amended from 8 dwellings): Applicant: MMC Norfolk Ltd: Reference: 3PL/2015/0147/F

This full application had been amended from eight to three dwellings. The original proposed layout was shown. The new layout proposed three accesses and two footpaths but that could be amended to overcome concerns raised by the Parish Council about highway safety.

One additional letter of support and five letters of objection had been received since the report had been written.

The site was in a sustainable location and on balance Officers considered that the benefits would outweigh any harm.

Ms Porter (Parish Council) had a policy to encourage and support growth but road safety concerns about this location had led to their objection. Speedwatch reported 140-170 vehicle movements per hour on the road including lorries and farm machinery. Many vehicles were recorded as exceeding the 30mph restriction. The site was on a convex bend and delivery vehicles were likely to park on the kerb adding to the danger. A previous application had been refused in 2002 partly for highway safety reasons. If the application was amended to provide a service road the Parish Council would be minded to support it.

Mr Clancy (Agent) had carried out a long-term negotiation process and taken on board the issues raised and moderated the proposal accordingly. The site was within a 30mph zone and there was no objection from Highways or any statutory consultees. The small scale

development would support the sustainability of existing facilities.

Councillor Cowen (Ward Representative) had been present at a well-attended Parish Council meeting. He was alarmed at the lack of a Highways objection. In 2002 their advice had been clear. Since then the road had got busier. The bend was blind in both directions. It was odd to put front doors to the road with footpaths and delivery vehicles, etc would use those accesses. There was room to accommodate a service road to the front, not the rear. That would ensure safe development.

Councillor Claussen agreed that a service road to the front would be better and would reduce the likelihood of further development to the rear of the site. He proposed deferral.

The Chairman advised Members that they should consider the proposal in front of them. A service road would create two exists or would need a turning point.

Councillor Brame seconded the proposal for deferment. Listening to the Parish Council and being a white van driver himself he thought that the amendment would make this an ideal place to build houses.

Deferred, for amended access proposals to be agreed by the Parish Council and Agent.

- d) Item 4: GRESSENHALL: Chequers Lane: Residential development (2 dwellings): Applicant: Mr & Mrs David Greenwood: Reference: 3PL/2015/0386/O

This was an outline application with all matters reserved except access. The proposal would provide two access points onto a narrow rural lane for two dwellings. A previous application had been refused and dismissed on appeal, but only due to impact on trees. The reason for the appeal dismissal had been overcome by the new proposal.

An additional letter of objection had been received but no new issues had been raised.

Mr Hardy (Agent) explained that the Appeal had not found the site to be unsustainable or harmful to the character and appearance. The main problem had been providing an access without damage to trees. Those details had now been provided. A firm of experts would create the accesses using a no-dig technique bridging over the roots. Orientation of the house on Plot 2 would overcome any shading issues.

Mr Windle (Objector) said the field was an important habitat for wildlife. The ecological study had been carried out in January, out of season. Development would be an unwarranted intrusion into the landscape. The Tree & Countryside Consultant was concerned about the future. It would be difficult to avoid damage to roots. There were no special circumstances and two, four bedroom houses would be out of keeping with the bungalows opposite. There was no housing shortage in the village. Passing bays would become parking bays. The lane was used by many local people on foot and by bicycle.

Approved, as recommended.

Action By

- e) Item 5: HOLME HALE: Crossways Farm, Cook Road: Erection of 2 new dwellings: Applicant: Mr David Yaxley: Reference: 3PL/2015/0409/O

This was an outline application for two dwellings on an infill plot. The site formed part of an agricultural holding adjacent to and opposite existing development. Originally three dwellings had been proposed. An indicative site layout plan had been provided. A central shared access would serve the dwellings and a footpath to the site frontage would be provided. An objection from the neighbouring bungalow had been received on amenity grounds. Officers felt that the site could accommodate the development without undue harm to amenity and on balance the benefits outweighed the disadvantages.

Mr Westgate (Objector) showed photographs of his property detailing the overlooking aspects. The proposal was for two storey dwellings whereas nearly all nearby dwellings were single storey. The site location and block plans did not accurately represent the scale of the proposal. He disputed the assertion that the development was of similar scale to existing.

Councillor Claussen agreed that the proposal would be over development and too close to the objector's property. He might be minded to approve bungalows but not two storey dwellings.

The Planning Contract Manager advised Members that they would need strong grounds to refuse the application as it was only the principle of development and access that was being considered. The amenity issues could be addressed at Reserved Matters stage. The initial proposal for three dwellings had been unacceptable but Officers felt that two could be accommodated on the site.

The Chairman noted that if two single storey dwellings were proposed it might mean a bigger footprint which would cause even greater impact.

Councillor Bowes asked if the application could come back to Committee at Reserved Matters stage if it was approved.

Mr Westgate said that he was open to compromise but his photographs showed that the space was cramped and development would be in close proximity to his home.

The Planning Contract Manager reiterated that it was a balanced decision and there was not a lot of information. It was up to Members to decide.

The Chairman suggested that the proposal could be acceptable if it was single storey development only.

Approved, subject to a condition requiring single storey development.

- f) Item 6: SHIPDHAM: Dusty Meadow, Crows Hill, Watton Road: Erection of detached dwelling: Applicant: Mrs Kathy McCarthy: Reference: 3PL/2015/0433/F

This application for a two bedroom bungalow proposed continued use of an existing access close to a bend. The site was currently used for agricultural purposes and the site history was outlined.

Action By

Officers were concerned about highway safety issues and the impact on the character and appearance of the area as the dwelling would appear prominent and harm the open character of the area.

Mrs Langham (Resident) objected to the proposal which was outside the village on a bad road with high speed traffic and no pavement or street lights. She was concerned that if approved the bungalow could become a chalet in future. Fence height would be limited by Highways and the dwelling would be very visible from the road.

The Chairman referred to an e-mail of support from the Ward Representative Councillor Hewett who was unable to attend the meeting. The e-mail and an accompanying letter from the applicant had been tabled for Members.

Councillor Claussen did not understand the Highways objection to the access when there was an access to allotments alongside it. It was pointed out that the allotment arrangement had been in existence for a long time. Highways were concerned about the intensification of use at that location.

The Chairman noted that Highways were also concerned that only 12% of the required visibility splay could be provided. The site had a long history as a small holding. If the dwelling was approved it could be sold and that might intensify the use. Members had to bear in mind what might happen in the future.

Councillor Smith had read representations from both Ward Representatives. One supported the proposal and the other objected to it. He asked if the original small holding had required permission and noted that the caravan on-site was illegal.

The Planning Contract Manager explained that the use as a small holding had not required permission but any buildings on site would. The mobile home on site was not classed as a building and was used for storage, not for occupation.

Councillor Smith agreed that the proposal could lead to further development on site which would exacerbate the highway safety issues.

Councillor Martin asked if the concerns of the objecting Ward Representative could be overcome by conditions but the Chairman pointed out that the visibility splay could not be achieved. He asked Members to use their heads not their hearts as he was concerned that a dangerous precedent could be set.

Refused, as recommended.

- g) Item 7: BESTHORPE: Compass Garage, Bunwell Road: Proposed new residential development consisting of 4 dwellings and garages, demolish existing workshop: Applicant: Mr K B Simington: Reference: 3PL/2015/0446/F

This was a full application for development on a site currently used for car sales and repairs. Development had previously been approved in 2006 and lapsed in 2009. Outbuildings on the site would shield existing properties from the new dwellings.

Councillor Martin knew the site history and fully supported the proposal.

Approved, as recommended.

- h) Item 8: STOW BEDON/BRECKLES: Land forming a part of the Sandwade Estate: Construction of a 2 storey dwelling, ancillary external works and detached Cart Lodge and integral store: Applicant: Mr Ian McIntosh: Reference: 3PL/2015/0461/F

An amendment was pointed out on page 106 which should say Mere Road Stow Bedon, not Holme Hale.

The application proposed a three storey dwelling which would appear as two storeys as the first floor was a basement. The existing access would be utilised and there would be no loss of trees. The dwelling would be set back from the road and orientated to take advantage of the views. Objections had been raised by the Parish Council and residents on grounds of the effect on the character of the area and the lack of services.

Officers felt that on balance the location was not suitable and the scale and prominence of the dwelling would impact on the character of the area.

Mr Cowen (Agent) had consulted Officers before submission and was surprised at the recommendation. He showed maps of Stow Bedon Parish with the Settlement Boundary marked. Developing within the boundary had forced urbanisation. He pointed out the new developments within the last 15 years, some of which were not in sustainable locations. The proposed site was not in the countryside and would not be visible from the road due to existing hedging. The adjacent land had been submitted for inclusion in the future Local Plan.

Councillor Bowes asked why the proposal had a flat roof and Mr Cowen advised that the applicant was very conservation minded and was keen to use the flat roof for photo-voltaic panels which would be concealed.

Mr Cowen left the room before the vote was taken.

The recommendation for refusal was not supported. Councillor Claussen proposed approval as the sustainability argument did not apply. Councillor Smith seconded the proposal.

Councillor Duigan added that the site was close to the Settlement Boundary and he liked the design.

Councillor Bowes requested that authority be delegated to Officers to add conditions to protect the location.

Approved, contrary to the recommendation.

- i) Item 9: YAXHAM: Fieldings Drive: Residential Development: Applicant: Mr & Mrs Rob Thomas: Reference: 3PL/2015/0528/O

This item had been withdrawn. See Minute No 92/15.

- j) Item 10: SPORLE: Rear of Thatched Cottage Too, 29 The Street: Proposed single storey dwelling: Applicant: Mr & Mrs Russell: Reference:

3PL/2015/0537/O

This was an Outline application for a single storey dwelling on garden land. The existing driveway would be widened to provide access. The site area was on higher ground than the existing dwellings, hence the single storey proposal. An additional condition re slab levels would be added.

Mrs Sturdivant (Objector) was concerned that her garden and principal rooms would be overlooked. With a flat roof the proposed dwelling would be 12' above her garden and with a pitched roof it would be overpowering. She asked where the excess soil would go and thought that earth moving lorries would damage the access. The proposal would dominate her property.

Councillor Martin clarified that the objector lived at No 31 which was a bungalow and that it was a bungalow proposed to the rear. That was confirmed, but the Chairman pointed out that due to ground levels the new dwelling would be higher.

Councillor Wilkinson was Ward Representative and said that the site was a garden and there would be no room for screening. It was a really impractical site. The street was very narrow, full of cars with minimal access. He could not imagine how construction vehicles would get through.

It was noted that a new access would be provided alongside the existing access. The indicative layout showed the dwelling gable end to the boundary with 16m to the objector's bungalow from the gable wall. The existing hedge would be maintained, but the objector pointed out that it was deciduous and could be seen through.

Councillor Duigan did not think that sufficient information had been provided. A full application was needed to show all the details. He proposed a deferment for further information to be provided. Councillor Bowes seconded that proposal.

Deferred, for further information, contrary to the recommendation.

- k) Item 11: WHINBURGH & WESTFIELD: Land adjacent Sundance, Shop Street: Erection of one and a half storey dwelling with detached garage: Applicant: Mr R Parker & Miss T Newbold: Reference: 3PL/2015/0742/O

This was an outline application for a single dwelling on garden land. A small area of hedge would be removed to provide vehicular access, but the site was well screened from the road. The proposal was considered sustainable and the site was a genuine infill plot in a domestic setting. Amenity impact would be addressed at the Reserved Matters stage.

Councillor Wilkinson asked that if permission was given it was made clear that overlooking issue would need to be addressed.

Approved, as recommended.

Notes to the Schedule

Item No	Speaker
1	Cllr Dimoglou – Ward Representative

Action By

	Mr Gillion – Objector Mr Tuddenham – Agent
2	Cllr C Carter – Ward Representative Mr Leader – Objector Mr Shingfield – Supporter Mr Gasking – Supporter Mr Thornalley - Applicant Ms Poole – NCC Highways
3	Cllr Cowen – Ward Representative Mr Clancy – Agent Ms Porter – Parish Council
4	Mr Hardy – Agent Mr Windle – Objector
5	Mr Westgate - Objector
6	Mrs Langham – Resident
8	Cllr Cowen – Ward Representative
10	Mrs Sturdivant - Objector

Written Representations taken into account

Reference No	Representations
3PL/2015/0537/O	5
3PL/2015/0742/O	1
3PL/2014/1204/F	82
3PL/2015/0386/O	9
3PL/2014/0820/O	15
3PL/2015/0147/F	17
3PL/2015/0433/F	3
3PL/2015/0446/F	2

98/15 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 11)

Noted.

99/15 APPEAL DECISIONS (AGENDA ITEM 12)

Noted.

100/15 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 13)

Noted.

101/15 EXCLUSION OF PRESS & PUBLIC (AGENDA ITEM 14)

RESOLVED that under Section 100(A) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act.

102/15 ENFORCEMENT UPDATE (AGENDA ITEM 15)

All Members had received direct representation on this item.

The new Obligations Officer, Neil Langley introduced himself to Members.

Action By

The background to the Enforcement case was explained for the benefit of new Members. There was a complex planning history which had culminated in an Enforcement Notice requiring the removal of a building. That requirement had not been met and the report outlined four options open to Members:

1. Prosecution
2. Injunction
3. Direct Action
4. Discretionary Extension of Compliance Period

Councillor Borrett (Ward Representative) said that he had received more correspondence about this site than on any other issue during his five years as a Councillor. He gave further details of the history, including the effect on a Scheduled Ancient Monument within the site. He asked Members to support any of the options except option 4.

Councillor Bambridge (Ward Representative) had only been involved in the issue since the Ward Boundary changes in May. He had received some e-mails in support of the applicant which he had forwarded to the Council.

The Principal Planning Officer gave further details of the site history which included various planning applications and appeals. Discussions were on-going between the applicant and officers regarding future proposals.

Councillor C Carter spoke as the Portfolio Holder with responsibility for Planning. He found Enforcement very frustrating as it was such a long, drawn out process.

The Solicitor to the committee advised Members about the effects of the enforcement options which had been set out in the report. The solicitor reminded Members that they should take a proportionate response to the breach of planning control and he advised Members to exercise caution before approving the recommended option of direct action as, in the circumstances of this case, there was a reputational risk for the Council in addition to potential significant costs involved. Councillor Claussen indicated that he agreed with the legal advice which had been given.

RESOLVED that:

- 1) The update in respect of the continuing breach of planning control be noted;
- 2) Authority be granted to the Director of Place for the implementation and execution of direct action under Section 178 of the Town and Country Planning Act 1990 (as amended) to comply with an Enforcement Notice; and
- 3) Authority be granted to recover all costs reasonably incurred in the taking of direct action.

**Rob
Walker**