

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 6 March 2017 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr N.C. Wilkin (Chairman)	Mr A.P. Joel
Councillor C. Bowes	Mr M. J. Nairn
Mr R. F. W. Brame	Mr J. Newton
Councillor M. Chapman-Allen	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)

Also Present

Mrs J. Hollis (Substitute Member)	Mr P.J. Hewett
Mr P. Cox	Mr A.C. Stasiak
Mr T. R. Carter	Mrs L.S. Turner
Mr P.D. Claussen	Mrs A. M. Webb
Mr P. M. M. Dimoglou	

In Attendance

Peter Cox	Legal Advisor NpLaw
Mike Brennan	Head of Development Management
Simon Wood	Interim Business Manager*
Matthew Ellis	Principal Planning Officer*
Chris Hobson	Principal Planning Officer*
Tom Donnelly	Technical Administration Officer*
Cathey Rix	Technical Support Officer*
Julie Britton	Democratic Services Officer

* Capita for Breckland Council

23/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 6 February 2017 were agreed as a correct record and signed by the Chairman subject to a correction to the resolution at Minute No. 18/17(j) to read...in accordance to Policy **DC03**.

24/17 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

An apology for absence was received from the Vice-Chairman, Councillor Sharpe; Councillor William Richmond was in attendance as his substitute. An apology for absence was also received from Councillor Martin; Councillor Darby was in attendance as his substitute.

**25/17 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED
(AGENDA ITEM 3)**

None declared.

26/17 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

A temporary Vice-Chairman had to be nominated in the absence of Councillor

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Sharpe who was still unwell. It was proposed and seconded that Councillor Marion Chapman-Allen be appointed as Vice-Chairman for this meeting.

The running order of the meeting was announced and it was noted that the application for Dereham (Agenda item 7(a)) would be considered at 2pm.

Councillor Clarke had raised an item with the Chairman prior to the meeting in relation to whether Breckland Council held any Planning Committee meetings elsewhere in the District and if evening meetings had been considered. Members were informed that meetings had occasionally been held elsewhere dependent on the subject matter (the Thetford Sustainable Urban Extension (SUE) was given as an example). Alternative venues had been suggested, such as the Memorial Hall in Dereham and it was pointed out that the Council's Conference Suite, particularly the Anglia Room, had been designed and set up purposely for meetings with all the necessary facilities and equipment. In relation to evening meetings, Members were informed that trying to 'slot in' later meetings would not be suitable for Members and Officers of the Council due to their very busy schedule.

Councillor Clarke thanked the Chairman for his response.

**27/17 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA
(AGENDA ITEM 5)**

Agenda item 7(b) (Dereham) had been deferred from the Agenda due the submission of a holding objection from the Highways Authority.

28/17 URGENT BUSINESS (AGENDA ITEM 6)

None.

29/17 DEFERRED APPLICATIONS (AGENDA ITEM 7)

Attention was drawn to the schedule of deferred applications particularly in relation to 3PL/2015/1045/O, land west of Etling View, Dereham. Members were informed that the site visit had been postponed and another would be arranged in due course. Further information on drainage issues had been received from Anglian Water and it was likely that the application would be brought back to Committee following the site visit.

- (a) Proposed Residential Development for up to 216 dwellings, landscaping, open space, parking & access, Land off Swanton Road, Dereham

The following representatives were in attendance to speak on the application:

- Councillor Alison Webb, Ward Representative
- Tony Needham and Sarah Simpson, Dereham Town Council
- Roger Atterwill, Swanton Morley Parish Council
- Philip Morton and Hilary Bushell, objectors
- Geoff Armstrong, Applicant's Agent

Dereham Members had received correspondence on this application.

Matt Ellis, Principal Planning Officer presented the application, the recommendation was one of approval. Correspondence had been received from the National Planning Casework Unit (NPCU) which had been set up to manage

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planning decisions on behalf of the Secretary of State for The Department for Communities and Local Government (DCLG).

An indicative plan was shown. The application site would be split into two parts, opposite one another and the proposed housing would utilise a new roundabout providing access to both sides of the site from Swanton Road. If approved, the suggested conditions had been listed on page 27 of the report.

Councillor Webb, spoke against the application. She pointed out that the Council had achieved a 5 year land supply but had not exhausted brownfield sites. If Members were mindful to approve the application, the traffic along Kings Road would be exacerbated and urged the Committee to wait until the Dereham Transport Study had been confirmed. The Headmaster of Neatherd High School had written to the Leader expressing his concerns in relation to sewage which were causing serious problems to some of his pupils having to walk past or through raw sewage as the current infrastructure could not cope with all the development in the town.

Tony Needham, also objected to the application and had concerns about the impact this development would have on the Neatherd Moor and the inadequate road network. He pointed out that the Town Council was not opposed to development but wanted development to happen in the right place. This application was outside the Settlement Boundary and had received a huge level of objections and should not be supported. Sarah Simpson drew attention to the significant concerns that she had with the transport assessment and to the fact that the modelling carried out was incorrect and she urged Members to refuse the application.

The objectors, one of which was a resident of Kings Road both expressed their concerns in relation to the negative impact that this development would have on the wildlife and the Neatherd Moor and the problems with wide vehicles and emergency vehicles having to mount the footpaths due to the lack of space along Kings Road. These were problems that were happening now without the addition of this application. Mr. Wood quoted a section from the National Planning Policy Framework in relation to sustainable development and pointed out that there were a number of proposed sites in Dereham that would be better suited.

Roger Atterwill drew attention to paragraph 6.3 of the Officers report which suggested that Anglian Water had a strategy in place for future development by 2019 which was, in his opinion, unrealistic given the cumulative effect and felt that Anglian Water should provide a credible plan with a completion date in place. He also agreed with the aforementioned comments that the Transport Study was seriously flawed as the proposed development would have an impact on Swanton Morley and had not taken account of the affect that this would have on Kings Road, Theatre Street and the surrounding road networks. He urged the Committee to defer this application until the Transport Study had been completed and when Anglian Water had provided more detailed proposals. He also suggested that the Secretary of State should consider this application too.

The Applicant's Agent reminded the Committee that this land had been considered as a potential housing site for many years and had been included as a preferred site in the draft Local Plan and was sustainable due to the proximity to the Town Centre. He pointed out that the applicant had worked with Mid Norfolk Railway where many issues had been resolved and many highway improvement works had been considered. Further to the above, the proposal would be subject to S106 contributions and Anglian Water had confirmed that an upgrade would be dealt with by 2019.

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Councillor Clarke put forward a number of questions and observations to Officers and Members including:

- the application site was outside the Settlement Boundary
- there had been no mention of Northgate High School
- there was no further detail in relation to the NHS mitigations
- the deficiencies in relation to the Transport Study; and
- should the Environment Agency be the lead Flood Authority?

The Principal Planning Officer advised that he would come back to Members with information in relation to the school and there had been no further detail provided with regard to the NHS proposals. As far as the deficiencies in relation to the Transport Study were concerned, he explained that the development could only mitigate its own impact; the applicant could not be asked or be expected to mitigate other areas in the town and he was not aware of any feedback from the Flood Authority. In response to a request in relation to the Transport Study, Sarah Simpson commented on the quality of the evidence submitted highlighting the fact that there was a fundamental flaw embedded in the traffic assessment.

Photographs were shown of the damage to the kerb stones and many properties due to the amount of traffic in Kings Road.

Councillor William Richmond, as a local Ward Representative endorsed the comments made by Councillor Webb. He was aware that the Transport Study included Tavern Lane and the Yaxham Road junction but asked if it included Kings Road, Neatherd Road and Theatre Street. He also felt that further details of the roundabout and what effect this would have on pedestrians was required before any decision could be made. The Applicant's Agent explained that all junctions had been considered and the same works were being offered as before, all was safe in Highway terms and therefore the Traffic Assessment, in his opinion, was acceptable. Councillor Richmond felt that until the Neighbourhood Plan for Dereham and the Local Plan was finalised approval should not be given to this application.

Councillor Chapman-Allen asked who was responsible for the Transport Study. The Head of Development Management advised that Breckland Council had undertaken this Transport Study due to all the concerns raised. Dereham Town Council had not agreed with these findings and mitigation measures had been put forward including works to the Tavern Lane junction that would allow for more capacity. He pointed out that Breckland Council and Norfolk County Council had found this scheme perfectly adequate in Highway terms.

Councillor Duigan highlighted the fact that the Transport Study had not considered the north of the Town; there was already a problem in Kings Road which would be intensified by further development. He felt that this application was premature and suggested that all sites in Dereham should be looked at together.

Councillor Wilkinson asked why the Town Council had not instigated a Transport Study themselves. Mr Needham explained that it was because Breckland Council commissioned the Study in the first instance; unfortunately, due to lack of evidence and the fundamental flaws found, Dereham Town Council had now commissioned its own Study.

The Head of Development Management pointed out that a Highways Officer was

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supposed to be attending this meeting but due to other work commitments had sent their apologies and suggested deferring the application.

Councillor Brame, although not a Dereham Member, agreed with the aforementioned suggestion.

Councillor Joel felt it should also be deferred to enable further information from Anglian Water.

Members were informed that the Committee could not demand an answer from Anglian Water but a condition could be suggested that no development should take place until a suitable sewage connection was installed.

It was proposed and seconded that the application be deferred on transport grounds.

Deferred, contrary to the recommendation.

One Member abstained from voting on this matter.

- (b) Proposed Residential Development for a minimum of 291 dwellings, Link Roads, Open Space and Recreational Space - Land off Shipdham Road, Westfield Road and Westfield Lane

See Minute No. 27/17 above.

- (c) Warrens Lane, Attleborough - Change of use from agricultural to burial site and outline for 8 dwellings

Chris Hobson, Principal Planning Officer presented the hybrid application for a burial site and outline for 8 dwellings. The application was contrary to Policies SS1 CP1, CP11 and DC02 and was therefore recommended for refusal.

Jason Parker, the Applicant's Agent pointed out that this proposal was for a much needed burial site and there were no other suitable sites available. The housing element would allow the infrastructure for the proposed visibility splays and the off-site highway improvements; including the provision of a footway. The scheme had been reduced from 16 dwellings to 8 and had originally been recommended for approval but now was being recommended for refusal solely due to the Council's five year land supply.

Sarah Simpson, a Highways consultant for Create Consulting, was in attendance to answer questions and advised that the Highways objections had been ratified and the proposed improvements to widen and resurface Warrens Lane and provide a new footpath would be significantly better than the current arrangements.

Mr Wood, an objector to the application and a resident within Warrens Lane hoped that Members would support the recommendation of refusal on the grounds of highway safety. He felt that if Members were mindful to approve the application the access should be moved to north-east side of the site.

The Chairman of Attleborough Town Council, Mr Jeremy Burton, pointed out that the Town Council had passed and approved this application on a number of occasions and nothing had changed since the previous application that had been recommended for approval at the Planning Committee meeting on 6 February 2017. Cemetery provision was urgently required in Attleborough and following an

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extensive search no suitable sites were available. The site in question was over 5.5 acres and 5 of which would be used purely for burial ground that would last for many years.

The Chairman of the Planning Committee had received emails from Councillor Ashby and Councillor Oliver raising concerns from residents in relation to highway issues.

In response to a question as to whether any site investigations had been carried out, Members were informed that the site had been classed as suitable for burial land. Given the amount of dwellings proposed, Councillor Chapman-Allen asked if there would be enough money from the development to carry out the highway improvements. Mr Parker advised that the improvements had been costed and were viable. Mr Regetti, the Applicant pointed out that the road widening would be funded by the burial land being purchased by the Town Council. The Legal Advisor suggested that the best way forward would be for the applicant to enter into a S106 Agreement to secure the provision of the burial site and the majority of dwellings. Councillor Joel asked if the road would be built before the houses. In response, the Legal Advisor advised that this would be a matter of negotiation to be safeguarded in the Section 106 Agreement and clarified that the road improvements and the burial ground should precede the occupation of the dwellings.

Approved, contrary to the recommendation, on the following grounds:

- 1. the previous application had been recommended for approval;**
- 2. the provision of the burial site outweighed the provision of the housing;**
- 3. the development would not have an impact on the historic environment; and**
- 4. subject to a S106 Agreement which would ensure that the road improvements and the burial ground were provided before the occupation of any dwellings.**

30/17 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 8)

- a. Item 1 – Kenninghall: Green Farm, Edge Green: Silo and mixer extension to West of Mill: Applicant: CCL Holdings Ltd: Reference 3PL/2016/0319/F (retrospective)

Members were informed that further information had been submitted by Jay Meheta, the Applicant's Agent in support of the application.

Simon Wood, the Interim Business Manager Capita, advised that retrospective permission was sought for the three applications listed. Each application would be voted on separately but would be looked at as a whole. The key issues were highlighted.

The Applicant's Agent was in attendance. He explained that since 2012 the applicant had worked tirelessly to regularise the development and its uses at the site and had cooperated fully with the Council in terms of submitting applications at considerable cost and expense. It was noted that the applicant had also voluntarily submitted an Environmental Statement even though it had not been considered necessary. Traffic movements would not increase and he urged the Committee to approve these applications.

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Councillor Chapman-Allen, the Ward Member, had received an email from Kenninghall Parish Council who had welcomed the news to regularise the unregulated activities. However, activity had intensified and the size of the HGV vehicles had increased and the rising frequency of their movements had deteriorated Heath Road and the drainage was in a very poor state.

It was noted that a number of conditions that had been suggested by the Parish Council were being complied with.

Approved, as recommended.

- b. Item 2 – Kenninghall: Green Farm, Edge Green: Construction, retention & continued use of shelter, weighbridge, loading bays, bins, electricity/switchgear steel shed & workshop extension: Applicant: CCL Holdings Ltd: Reference: 3PL/2016/0320/F (retrospective)

Approved, as recommended.

- c. Item 3 – Kenninghall: Green Farm, Edge Green: Underground storage tanks: Reference: 3PL/2016/0321/F (retrospective)

Approved, as recommended.

Councillor Chapman-Allen thanked the new owners for working with the Parish Council.

- d. Item 4 – Shipdham: D D Dodd & Sons, Chapel Street: Demolition of old Public House, central garage and retail units, erection of convenience store, retail units and flats: Applicant: Mr Peter Dodd: Reference: 3PI/2016/0655/F

Matthew Ellis, Principal Planning Officer presented the application.

The Ward Representatives, Councillor Turner and Councillor Hewett were in attendance to speak on the application. Mr Hinchliffe, and objector, Mr Fawcett, Chairman of Shipdham Parish Council and Erica Whettingsteel, the Applicant's Agent were also in attendance.

An indicative site plan, location plans together with photographs were shown and it was noted that planning consent for an access to be constructed in the position proposed had already been granted under application reference 3PL/2014/1005.

Many objections had been received to the proposals on the basis that it included a convenience store which would compete with the existing shops and post office within the village.

Mr Hinchliffe raised concerns in relation to the entrance and egress from the proposed development site taking into account the potential for further development behind the site as well as the old school field opposite that Breckland Council owned that could also be developed and felt that the addition of a convenience store in this location would only exacerbate the situation. He urged the Committee not to support the addition of a convenience store as part of this development as it would take business away from the existing post office in the village which was mutually

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supported.

The Chairman of Shipdham Parish Council urged the Committee to support localism and reject the application. He was not against the principal of development but felt that this application would have a negative impact on the village particularly taking account of the additional traffic on the A1075 which was the major route through Shipdham. He was also disappointed with the demolition of the former Public House which he felt should be retained and implored Members to refuse the application.

The Applicant's Agent pointed out that the application fully accorded with the Development Plan and she explained that the reason for the former application not coming forward had been due to the unsightly frontage of the site. She advised that if this current application was rejected it would have significant consequences to the village as the current business owners would look to relocate elsewhere due to the uncertainty. She assured Members that the proposed convenience store would not be very big in comparison to others in the village and the well-designed scheme would sit comfortable in a residential setting and she urged Members to approve the application.

Councillor Turner reminded Members that the village of Shipdham had been designated as a Local Service Centre and it welcomed development albeit in the right way. There had been over 1,000 people, through petitions, that had expressed the view that a convenience store in this location was not required. She highlighted the fact that the 2015 Village Appraisal accorded with this information and she read aloud a quote from the final report that any new business would be welcomed but not any that would compete with existing operations.

Mr Hewett advised that there was one aspect of this development that was causing the challenge and this was the impact of the convenience store on the other stores in the village. He quoted a statement from the Local Plan that new business must not harm existing local facilities and he urged the Committee to listen to what was being said.

Councillor Clarke drew attention to the comments made by Norfolk County Council Highways in relation to waiting restrictions that could not be enforced and asked if these could be imposed by way of a condition. Members were informed that it could not as this was not a planning matter.

In response to a question about the nature of the current post office, Councillor Turner explained that the post office in the village was very busy and was a lifeline to many residents as it was classed as a community hub and provided a service to other villages. Given the response, Councillor Clarke asked if there would be any provision to have post office facilities in the proposed application. The Applicant's Agent advised that the occupation had not been confirmed.

The Head of Development Management pointed out that this application was not about closing the existing post office it was about providing another convenience store and the type of business that occupied that retail space was not a planning matter.

Councillor Marion Chapman-Allen asked Officers if they had any legal

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suggestions to afford the Committee with the opportunity to object to a convenience store. Councillor Hewett again quoted the section contained in the Local Plan. The Head of Development Management advised that the Local Plan did seek to protect local services; for example Public Houses - but it could only take that view if that was the only one in the village – the matter of competition could not be taken into account.

Councillor Wilkinson was undecided with this application as he was a great supporter of localism. Councillor Bowes asked felt that a new store could attract new customers and increase business in the village.

Councillor Nairn asked if an expression of interest had been made against this retail space. Members were informed that the Co-op had carried out its own market research. The Chairman reminded the Committee that this was not a planning issue.

The recommendation was one of approval and following a vote, the application was:

Approved, subject to conditions as listed in the report.

- e. Item 5 – Attleborough: 7 Edenside Drive: Use of land as residential care home for persons with learning disabilities: Applicant: E W Becker & Son Properties Ltd: Reference: 3PL/2016/1106/F

Chris Hobson, Principal Planning Officer presented the application. Site plans and photographs were shown of the existing recently constructed building to the rear of the residential care home which had been granted planning permission for six single storey houses for persons with learning disabilities but as yet had not been occupied. The existing bungalow would provide an office and two residential units. The conditions had been set out on page 110 of the report which would include, if approved, an acoustic fence between the application site and the neighbouring property.

Forty-seven letters of support had been received.

Councillor Stasiak, the Ward Representative was in attendance and pointed out that most people he had contacted were in support of the application it was the residents who lived closest to the site that were the main objectors who had concerns in relation to noise and parking provision. He felt that the days of packing these individuals off to the countryside had gone and felt that this proposal would be of a great benefit to the town and he fully supported the application.

Councillor Joel agreed that there was a need for such places in the town but had concerns about the access, the amount of parking spaces and deliveries. The Principal Planning Officer advised that the access was just for pedestrians and the vehicles would be located to the front of the existing bungalow and was sufficient. The Chairman asked if the pedestrian access was wide enough for a vehicle to pass. Members were informed that it was but this would be conditioned for pedestrians only. The Chairman reminded the Committee that visitors and/or staff could park in the car park opposite. In response to a concern about the lack of parking restrictions in the town, Councillor Stasiak advised that a study was now being carried out on the use of the Queen's Square car park and he hoped that this would be rolled out to the rest of the town.

Approved, as recommended.

Item 6 – Attleborough: Stone Cottage, 68 Leys Lane: Erect two storey, three bedroomed dwelling: Applicant: Mr & Mrs Miller: Reference: 3PL/2016/1205/F

Councillor Stasiak, the Ward Representative and John Barbuk, the Applicant's Agent, was in attendance to speak on the application.

Chris Hobson, Principal Planning Officer presented the application that was recommended for refusal. The application site was currently garden land that served Stone Cottage outside the Settlement Boundary, with industrial buildings situated within the Maurice Gaymer Industrial Estate.

An objection had been received from Environmental Health and subject to conditions the Highway issues could be addressed.

Mr Barbuk felt that the reasons for refusal were unsubstantiated as the only objection received was in relation to possible noise concerns. He mentioned the existing dwellings nearby and asked if the impact from the industrial units had been considered when they were approved. Sound proofing requirements were much better than when the aforementioned existing dwellings were first built and drew attention to the fact that No. 5 Leys Lane was in a far worse position than this proposal. Mr Barbuk pointed out that the Town Council and the Ward Member was in support of the application.

Councillor Stasiak stated that the main point of refusal was the noise and reminded Members that it was Breckland Council that approved the planning permission for the factory. He felt that this part of the town was slowly becoming more residential and already incorporated a number of pleasing dwellings and this proposal would help enhance the whole area.

In response to a question, the nature of the business was highlighted as a B2 use.

Discussions had been had with Environmental health and it was pointed out that this dwelling, if approved, would be facing directly onto a door of the factory unit and the issue for Members to consider was the amenity of the occupants.

Refused, as recommended.

- f. Item 7 – Yaxham: Land north of Norwich Road: erection of 25 dwellings with new access point and associated landscaping, open space and car parking: Applicant: Glavenhill Strategic Land (Number 9) Ltd: Reference: 3PL/2016/1499/O

Simon Wood, the Interim Business Manager, Capita presented the application. An indicative site plan had been submitted but did not form part of the application. It was noted that the Highways objections in relation to the access had been withdrawn and were no longer relevant. Members were informed that Yaxham Local Service Centre status could not be taken into account as the draft Local Plan could not as yet be given any weight and the current Local Development Framework should be adhered. It was further noted that the impact on amenity would be

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considered at the Reserved Matters stage.

The Ward Representatives, Councillor Dimoglou and Councillor Paul Claussen were in attendance to speak on the application. Peter Lowings, the Chairman of Yaxham Parish Council, Ian Martin and objector and Philip Atkinson the Applicant's Agent were in attendance. Jane Crichton, also an Agent was present to answer any questions.

Mr Lowings was in attendance to highlight the views of the Parish Council and the community of which there were three hamlets. He advised that the village did support small scale organic growth but 25 dwellings was a major development; notwithstanding the wider 24 hectares that could also be built on of which Breckland Council had indicated could accommodate over 300 homes. The Parish Council had voted unanimously against this application.

Mr Martin, representing the NP4Yaxham Working Group, was aware that the Local Plan, as yet, did not carry any weight but the consultation evidence did value Yaxham as a small rural village. 360 households had responded to the Neighbourhood Plan all of whom valued the rural landscape between Yaxham and Clint Green. He pointed out that the application site was outside the Settlement Boundary and with this in mind he quoted Section 17 from the NPPF under the Core Planning Principles which stated that promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. This application would damage the open countryside and the village did not want a large urban extension within it.

The Applicant's Agent pointed out that the application would be for 15 open market homes and 10 affordable homes and reminded the Committee that the Local Plan Working Group had decided to deselect Yaxham as a Local Service Centre but as yet this decision had not been approved but if it was ratified by Cabinet this application would be deleted. She pointed out that this smaller housing application, under the accessibility test, was within reasonable walking distance from amenities.

Councillor Dimoglou drew Members' attention to the fact that Officers considered this to be a sustainable site and highlighted paragraphs 1.7 and 1.8 of the application and therefore the reasons for refusal would be considerably weak. The village of Yaxham was vibrant and affordable housing was greatly needed and felt that the application should be supported.

Councillor Claussen found himself in a unique position as he was in support of the Parish Council and supported the Officers recommendation. Breckland Council now had its five year land supply; therefore, this application should be refused. Yaxham Parish Council wanted expansion but not outside the Settlement Boundary and he urged the Committee to support the Officers recommendation.

In response to a number of points made, the Interim Business Manager advised that the application should be considered on the basis of the current Local Development Plan and not on the draft Local Plan and the status of this settlement, set out at paragraph 1.6 of the report, should be considered. The distance was immaterial and sustainability was about the protection of green-field sites and on this basis he asked Members to

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support the Officers recommendation.

The Legal Advisor mentioned the Council's five year land supply and drew attention to paragraph 10.1 of the report. He also mentioned the delivery of the affordable housing which, if approved, could be safeguarded by a S106 Agreement and would be brought to Committee if not adhered to.

Councillor Clarke asked who the Flood & Water Management Team represented and also asked about current thresholds. Members were informed that new applications would be dealt with by the lead flood authority which was Norfolk County Council; the threshold of 250 dwellings was being looked at and would be lowered in due course.

In response to a question about Community Infrastructure Levy's (CILs), the Interim Business Manager advised that CIL could form part of the Heads of Terms which he had not been aware had been submitted.

Councillor Chapman-Allen pointed out that there would be a number of children from this development and without any transport she asked how these children would get to school. She felt that the development would harm the character of the area and in her opinion would be a visual blot on the landscape. She also had concerns about the cumulative effect on the village. Mr Martin advised that the school was already over capacity and the development, if approved, would be over a kilometre away. In response to the first question, the Applicant's Agent advised that that actual distance to the school from the development was 1020 metres.

The application was:

Refused, as recommended.

Item 8 – Whissonsett: Land adjacent Ceduna, New Road: Erection of detached single storey dwelling and garage: Applicant: Mr & Mrs M Dye: Reference: 3PL/2016/1520/F

Chris Hobson, Principal Planning Officer presented the application which had been recommended for refusal for the reasons as set out on page 163 of the supplementary report.

The Ward Representative, Councillor Trevor Carter was in attendance to speak on the application.

Sally Dye, the applicant was also in attendance and explained that the proposed three bedroom bungalow would be adjacent to the Settlement Boundary the same as the four existing bungalows to the south of the site. She felt that this would be a logical addition to the village and would not have a significant impact on neighbouring properties. Mrs Dye had lived in the village all her life as had her family and the Parish Council was in support of the application.

Councillor Carter fully concurred with the applicant and reminded Members of two other applications that had been agreed which also abutted the Settlement Boundary. His Ward also lacked amenities as many did but most people had to travel from their homes to get to work. He also reminded the Committee that most people who had grown up in the village wanted to remain but had to move away due to the few properties that became available being snapped up as holiday homes.

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The Head of Development Management pointed out that the two applications that had been referred to had been approved prior to the Council having its five year land supply and if Members approved this application it would be on personal circumstances that could not be given any weight. Councillor Joel felt that an application that abutted the settlement boundary should be given some consideration. Members were reminded that these could be considered but only when and if the Local Plan was adopted. Councillor Brame could not see why the five year land supply should apply as this application supported the local community. Councillor Duigan felt that this proposal was quite well related to the Settlement Boundary and could be regarded as a 'fill in'.

The Legal Advisor reminded Members that they must have good reasons for going against the Officers recommendation of refusal and drew attention to paragraph 5.3 of the application.

Approved, contrary to the recommendation on the grounds that the application would not have an adverse effect on Policy CP11 and would accord with the requirements of Policies DC01 and CP14.

- g. Item 9 – Scarning: Annex to Grange Cottage, Dereham Road: Conversion of extension of existing garage to form annex accommodation: Applicant: Mr Adam Riley: Reference: 3PL/2017/0026/HOU

Matthew Ellis, Principal Planning Officer presented the application which had been brought to Committee due to the history of the site and the community involvement.

The Ward Representatives, Councillor Turner & Councillor Hewett were in attendance to speak on the application. Deborah McSkimming, an objector and Dennis Black, a supporter were also present to speak on the matter.

Mrs McSkimming was in attendance to represent the views of the neighbours and reminded the Committee of the previous applications, most of which had either refused or withdrawn. This application, in her opinion, was no different. She pointed out that the applicant did not live on the site and the two existing dwellings were rented and were occupied by tenants. Five conditions that had been put to the applicant by the architect to which the applicant had agreed were highlighted. The Parish Council had raised no objections subject to these conditions being put in place.

Mr Black advised that no objections had been received by the Parish Council and both the Ward Representatives were in support of the application. He recognised the neighbours' frustrations that their conditions could not be considered but urged the Committee to approve the application and leave the Officers to sort out the conditions.

Councillor Turner pointed out that many meetings had been had between the applicant and the community which she felt was a clear example of the community working together and if approved she asked that the conditions be applied.

Councillor Hewett felt that this was a critical application in terms of localism and pointed out that the whole basis of the planning process was to protect the community. However, if approved, the Officers report being

Action By

considered, in his opinion, would result in the protection of all local neighbours being lost and suggested that the application be deferred to enable terms and conditions to be agreed subject to a S106 Agreement.

Members' attention was drawn to the said conditions on page 135 of the agenda pack. The Principal Planning officer explained that condition (A) could not be imposed as it would fail the test against the National Planning Policy Guidance (NPPG). Condition (B) would require additional planning consent if the access arrangements were to be changed. Condition (C), Members were asked to take note of the suggested conditions on page 139 of the agenda pack. It was not considered reasonable to apply a condition to the suggested condition (D) as it would mean a change to the plans and as far as condition (E) was concerned this condition, if Members were mindful to approve the application already applied.

Peter Cox, the Legal Advisor for Breckland Council, advised that this application had to be determined in accordance with Planning Policy and on its own merits; a private arrangement could not be enshrined. He pointed out that three out of the five suggestion conditions were not relevant; however, if approved, Members needed to ensure that the application had been granted as an annex so that it remained as an annex.

The recommendation was one of approval, and it was

Approved, subject to conditions.

It was noted that one Member abstained from voting on this matter.

- h. Item 10 – Dereham: Elizabeth House, Walpole Loke: Continue to display 2 x Breckland Council flags and 2 x flag poles at the front of Elizabeth House: Applicant: Breckland Council: Reference: 3PL/2017/0050/A

Tom Donnelly, a Technical Administration Officer for Capita, presented the application that sought permanent permission for 2 x flag poles and flags either side of the entrance at the Breckland Council offices.

Approved, as recommended.

**31/17 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE
(AGENDA ITEM 9)**

Noted.

32/17 APPEALS DECISIONS (FOR INFORMATION) (AGENDA ITEM 10)

Noted.

The meeting closed at 3.30 pm

CHAIRMAN