

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 8 April 2013 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes	Mr W. R. J. Richmond
Mr S.G. Bambridge	Mr M. S. Robinson
Councillor C Bowes	Mr F.J. Sharpe
Mr T R Carter	Mrs P.A. Spencer
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mrs J A North (Vice-Chairman)	

In Attendance

Viv Bebbington	Senior Development Control Officer*
Heather Burlingham	Assistant Development Control Officer*
John Chinnery	Solicitor & Standards Consultant
Helen McAleer	Senior Committee Officer
Nick Moys	Principal Planning Officer (Major Projects)*
Martin Pendlebury	Director of Planning & Business Manager *

* Capita Symonds for Breckland Council

31/13 MINUTES (AGENDA ITEM 1)

Councillor Richmond pointed out that the second line at the top of page 6 should read Wraggs Lane (not Braggs) and that the last line of page 12 should read fees (not fess).

Subject to those two amendments the Minutes of the meeting held on 11 March 2013 were confirmed as a correct record and signed by the Chairman.

32/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies were received from Councillor Lamb.

**33/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

Councillor Bambridge wished to note, for clarity, that he had a previously declared interest in Agenda Item 8b (Thetford) and that he had attended the Parish Council meeting and had spoken to both applicants for Schedule Items 5 and 6 (Foxley) of Agenda Item 9.

Councillor North noted, for clarity, that she was a fellow Branch Member of the applicant at Schedule Item 4 (Attleborough) of Agenda Item 9.

Action By

34/13 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman informed Members that three more people had come forward for Summer School and he was waiting to find out if all could attend.

35/13 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The application at Schedule Item 7 (Mileham) (Agenda Item 9) had been withdrawn.

36/13 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM) (AGENDA ITEM 7)

The Director of Planning & Business Manager advised Members that the Local Development scheme timetable had been agreed with set milestones. The first Issues Consultation would take place in April/May 2014 with the full draft Local Plan Consultation being carried out in June and July 2015.

Cabinet had agreed the first consultation on the Community Infrastructure Levy (CIL) and the preliminary draft charging schedule would begin consultation on 15 April 2013 for six weeks. There would be a briefing on the CIL for Members following Council on 11 April 2013.

The Attleborough Transport Studies report would be presented at the end of May. Part of the delay had been caused by the need for the construction of a transport model for the town.

The Stone Curlew research was under preparation and that report was also expected to be ready by the end of May.

37/13 DEFERRED APPLICATIONS (AGENDA ITEM 8)

37 .a South Lopham: Memories, Pansthorne Farm: Creation of Separate Dwelling With Existing Commercial Property: Applicant: Mr & Mrs G Horan: Reference: 3PL/2007/0112/F

The Principal Planning Officer (Major Projects) presented the report which referred to an application for change of use of an outbuilding to a dwelling which had originally been approved in 2007, subject to a legal agreement. Since then the property had changed hands and the legal agreement had never been signed.

The legal agreement had been intended to link the new dwelling to the existing commercial uses adjacent. Without that agreement it was considered that the dwelling could be affected by noise and disturbance and therefore the application was recommended for refusal on amenity grounds.

Action By

RESOLVED that the application be refused on amenity grounds.

- 37 .b Thetford: Redevelopment of Site with Mixed Use Scheme Consisting of Cinema, Hotel and 5 Units Consisting of Retail/Restaurant/Café Uses at the Former Anchor Hotel, Bridge Street, Thetford: Applicant: Breckland District Council: Reference: 3PL/2012/0790/F

This application for a mixed use scheme in the centre of Thetford had been deferred at the 1 October 2012 meeting for design issues to be addressed. The Principal Planning Officer (Major Projects) gave a recap on the proposals and advised Members that the Anchor Hotel had now been demolished and the site cleared.

Members were shown elevations with the changes highlighted. Fenestration and materials had been amended and the brickwork had been stepped back to overcome concerns raised previously. Coloured street scene views were shown and were generally considered to be an improvement. It was an important site and key to the future development of the Town Centre.

English Heritage had maintained their concerns about the scale of the building but acknowledged that the changes to design had improved its appearance.

Ms Glossop (Thetford Town Council) was pleased that their comments had been noted. They still had concerns about the 'shiny tin roof' which they would prefer to be matt. She asked for the path to the Dad's Army statue to be maintained and the proposed wall near it to be removed. She also raised concerns about car parking and the Bridge Street façade.

Mr Kitchen (Agent) asked Members to look at a 3D model which was passed round. It demonstrated the changes and showed the appearance and materials of the elevations which had been amended to address the Committee's primary concerns. No single form was too dominant. Grey brick would replace buff and the brickwork had been increased and timber panelling introduced to be akin to a riverside mill. The building was now more harmonious with the existing character of the area.

Councillor Sharpe asked about the shiny tin roof and Mr Kitchen confirmed that a matt finish could be achieved and that all materials would be subject to conditions. The metal cladding would provide a contrast to the brick texture, giving a layering effect to the building.

Councillor Armes asked for assurance that there would not be a wall around the Dad's Army statue and suggested that the Dad's Army Committee and the Thetford Society should be consulted on any proposals regarding the statue. She asked if rain would be noisy on the tin roof and was assured that it would not. A tiled roof would

Action By

have increased the height of the building.

Finally Councillor Armes sought assurance that any street furniture and lighting would be heritage type and in the town colours of black and gold. The Agent confirmed that such details would be subject to condition. Although a lot of seating was being provided, much of it was in the form of low walls within the landscaping.

It was usual for the discharge of conditions to be delegated to officers for approval but in this case if there were any major changes from the details given to the Committee the matter would be referred back to the Committee.

RESOLVED to approve the application subject to conditions.

38/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: GRESSENHALL: Rougholme Close: Erection of two storey detached dwelling and external hardstanding for parking: Applicant: Breckland Council: Reference: 3PL/2012/0556/O

This outline application for a single dwelling was accessed by an existing track between two dwellings. Concerns had been raised about amenity, traffic and parking.

A revised indicative layout plan showed the dwelling located centrally on the plot providing room for parking on site, which addressed concerns about additional on-street parking.

Approved, as recommended.

- (b) Item 2: MATTISHALL: Summer Meadows, Site off Mill Road: Change of Use from agricultural to residential, erect one static caravan and retention of one touring caravan: Applicant: Mr S Jay and Ms S Falguero: Reference: 3PL/2012/1004/F

This application from members of the traveller community was on a site outside the village in an area of sporadic development, near a number of other caravan sites. It was part retrospective.

National and Local Policies for traveller sites did not preclude applications outside the Settlement Boundary and as the Council did not have enough traveller sites available it was required to look favourably on applications that met certain criteria.

The site was close to the village, which was a Local Service Centre with a good range of services. It did not impact on the

Action By

countryside as it was well screened by hedging.

A late representation had been received advising that part of the access road was in separate ownership and that the correct notice had not been served. Concerns had also been raised about the cumulative effect of caravans in the area.

The Human Rights of the family would need to be taken into account if Members were minded to refuse the application.

Mr Rockcliff (Parish Council) asked the Committee to defer their decision until a coherent policy for the site as a whole had been set. The Parish Council had requested a Planning Officer to attend their meeting but that request had been declined.

Mr Pratt (Objector) was concerned about the cumulative effect of the site as a whole. He could see four caravans from his living room and was disturbed by noise from dogs and the lighting on the site. There had also been a noticeable increase in traffic on the narrow road which raised concerns about potential accidents.

Mr Thomas (Objector) was the original owner of the site and still owned a ransom strip either side of the access road. He was concerned that notice had not been served on him and that the application did not show any blue land.

The Solicitor noted that it was a requirement when making a planning application to serve notice on any owners of the land to enable them to make representations on the application. If it was clear that the owners knew about the application, that requirement could be waived.

Mr Mason (Agent) said the report was clear and dealt with the issues of the applicants being travellers. There was an acknowledged need and no adequate provision for traveller sites. The application should be considered on its own merits. The site was suitably located and the applicants' children attended the local school.

In response to a question about land ownership Mr Mason confirmed that the applicants did not own the land either side of the site.

Councillor Carter remembered raising concerns about creeping development when considering a previous retrospective application on a nearby site.

Councillor Bambridge sought clarification about the requirement to serve notice and the Solicitor explained that if an application was made by someone other than the owner of

Action By

a site, notice was required to be served on the owner notifying them of the application to ensure they had a chance to make representation. Occasionally that requirement was waived if the owner did know about the application and had made representation.

Mr Thomas explained that he had only found out about the application from a local newspaper on Friday and had immediately made representation.

The Solicitor clarified that although there might be other civil issues the only question for Members to consider was whether Mr Thomas had been prejudiced by not knowing about the application earlier. He was in attendance and had been given the chance to express his views.

Councillor Claussen asked why a Planning Officer had not met with the Parish Council. The Director of Planning & Business Manager explained that as a general rule Planning Officers tried not to get drawn into Parish Council meetings to discuss specific planning applications for obvious reasons.

Councillor Claussen said that the Planning Policy for travellers encouraged 'effective community engagement'. He thought it was a shame that North Tuddenham Parish Council were not present as the increased traffic was likely to affect their area and the road improvements were not on the travellers' preferred route. He thought it was essential that the application was deferred and that a site visit was carried out. He also wanted both Parish Councils to be involved.

Councillor North agreed and proposed that the matter be deferred for a site visit for Members to assess road safety and light pollution issues.

Councillor Bowes asked whether the previous application had conditioned hedging to replace fencing and the Principal Planning Officer (Major Projects) confirmed that was the case but that the conditions had not yet been met.

Councillor Richmond suggested that the Parish Council should work with the Highways Authority to get the speed limit extended along the narrow lane. He asked whether the applicant would be willing to fund highway improvements and the Agent said that he would have to if they were conditioned.

Deferred for a Site Visit.

It was confirmed that North Tuddenham Parish Council would be consulted.

- (c) Item 3: GRISTON: Former Quantrills Industrial Estate, Church

Action By

Road: Redevelopment of site for 37 residential dwellings and 390m² B2 industrial units and 270m² of B1 office space:
Applicant: SCWS: Reference: 3PL/2012/1045/O

The Senior Development Control Officer drew Members' attention to the fact that the report referred to 40 dwellings, but the application had been amended and the number of dwellings reduced to 37.

The site was a former steel fabrication site with three existing commercial buildings along its frontage, together with the former village shop which was currently vacant. All matters were reserved and the application was to establish the principle of development in terms of the number and mix of units and to set the amount of affordable housing and public open space required for a legal agreement.

An indicative layout plan showed a village green type open space and enterprise units providing a buffer between the new dwellings and the existing commercial units.

Policy would not normally support such a large development in a rural village. However, it was considered that the benefits of redeveloping the site outweighed the Policy restraints. The site had been vacant for some years and was becoming an eyesore. The development would support services such as the pub and possibly the reopening of the shop.

With regard to affordable housing, the District Valuer had confirmed that 40% was not viable and therefore 27% had been negotiated which equated to 10 units.

Mr Bird (Agent) said the site had been derelict for many years and had been vandalised. The buildings were not reusable. The proposals were well considered and would be more appropriate than returning the site to commercial use. The new mix would invigorate the village. He noted that the report mentioned the sewage treatment works adjacent the site and advised Members that the works had been decommissioned and were no longer in use.

Councillor North asked if there had been a public meeting as requested by the Parish Council and was advised that it had not been considered appropriate for a Planning Officer to visit at the Outline application stage. An Officer would attend a meeting if there were issues at the Reserved Matters stage.

Councillor Claussen asked that that meeting did take place as sometimes the Reserved Matters application was very different from the Outline proposals.

The Director of Planning & Business Manager pointed out that

Action By

the Outline application was quite specific in terms of the number of dwellings and split in uses and if the applicant wanted to vary that it would require a new application. The Reserved Matters application would be fixed in terms of those specific proportions.

Councillor Carter thought that the 27% affordable housing requirement was low and noted that the Council never seemed to achieve its target of 40%.

The Director of Planning & Business Manager asked Members to bear in mind that this was a brownfield site and therefore the development costs would be considerable. The existing buildings would have to be removed and the site cleared and decontaminated.

Councillor Sharpe asked if the value of the site increased whether a financial contribution could be sought. He was advised that the legal agreement would include a Clause specifically to cover that.

The Chairman was not happy that the access would be shared by both residential and commercial traffic.

Deferred, and the officers authorised to grant approval as recommended, subject to conditions, on completion of the section 106 agreement.

- (d) Item 4: ATTLEBOROUGH: Clifton Villa, Station Road: Demolish outbuilding and erect extension to garage for office and storage space and erect car port to front of garage: Applicant: Mr & Mrs Stasiak: Reference: 3PL/2013/0055/F

This straightforward application was before the Committee as the applicant was a District Councillor.

The proposal had three elements; the demolition of an existing outbuilding, the extension to the existing garage and the erection of a carport to the front of the property. Members were shown colour coded elevations to highlight the parts of the application.

A high hedge between the property and the adjacent nursing home meant that there would be no impact on amenity.

Approved, as recommended.

- (e) Item 5: FOXLEY: Land off Mill Road (Land between Cyncoed and Holly Trees): Erection of detached single storey dwelling and double garage: Applicant: Mr & Mrs N Whybrow: Reference: 3PL/2013/0075/O

Action By

This application and Item 6 were considered together as they were very similar and had the same issues. Both applications were Outline with all matters reserved.

The sites were immediately adjacent each other in an area of sporadic development outside the Settlement Boundary and therefore contrary to policy. There were no recognised exceptions apart from personal circumstances. The applicants were long-standing, elderly residents of Foxley, seeking more suitable accommodation. The Parish Council objected to the proposals but a 160 signature petition supported the applications.

Officers were concerned that the development would change the nature of the rural character of the area and make it more difficult to resist further applications.

It was noted that the site area of the two applications together triggered an affordable housing requirement. A financial contribution would therefore be required if approval was given. On balance it was considered that the harm of the proposals outweighed their benefits.

Councillor Bambridge was the Ward Member for Foxley. Every piece of land within the Settlement Boundary had been developed and the Parish Council did not want any additional development. At their meeting two Councillors had voted against the application and two had abstained. As almost 75% of the population had signed the petition he had requested that the application be considered by the Committee.

Both applicants had lived in or close to the village all their lives. They required single storey dwellings which were not available in Foxley. There were houses opposite, either side and behind the application site. The bungalows would be disabled compliant and the applicants were prepared to commit that the additional land would remain as open space and to accept a condition that the dwellings should only be sold to elderly/disabled in the future.

The Solicitor advised that it would be very difficult to restrict the sale of the properties in the future.

Refused, as recommended.

- (f) Item 6: FOXLEY: Land off Mill Road (Land between Cyncoed bungalow and Holly Trees): Erection of detached single storey dwelling and double garage: Applicant: Mr & Mrs I Powley: Reference: 3PL/2013/0076/O

Refused, as recommended. (See Item 5 above)

Action By

- (g) Item 7: MILEHAM: SPK Engineering, The Old Saw Mill, Back Lane: Erection of 14 dwellings: Applicant: Mr S Knowles: Reference: 3PL/2013/0106/O

This application had been withdrawn.

Notes to the Schedule

Item No	Speaker
1	Mr Long - Agent
2	Mr Rockliff – Parish Council Mr Pratt – Objector Mr Thomas – Representation Mr Mason - Agent
3	Mr Bird - Agent
5 & 6	Mr Whybrow – Applicant Mr Powley – Applicant
Deferred Item 8b	Mrs Glossop – Town Council Mr Kitchen – Agent Mr Cooper – Agent

Written Representations Taken Into Account

Reference No	No of Representations
3PL/2012/0556/O	2
3PL/2012/0790/F	8
3PL/2012/1004/F	2
3PL/2012/1045/O	6
3PL/2013/0075/O	5
3PL/2013/0076/O	4

39/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

40/13 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION) (AGENDA ITEM 11)

Noted.

41/13 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 12)

Noted.

The meeting closed at 12.07 pm

CHAIRMAN