

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 20 January 2014 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes	Mrs J A North
Councillor C Bowes	Mr M S Robinson (Vice-Chairman)
Mr T R Carter	Mr F J Sharpe
Councillor M Chapman-Allen	Mrs P A Spencer
Mr P D Claussen	Mr N C Wilkin (Chairman)
Mr T J Lamb	Mr P J Duigan (Substitute Member)

Also Present

Mr J D Rogers

In Attendance

Heather Burlingham	Assistant Development Control Officer*
John Chinnery	Solicitor & Standards Consultant
Chris Curtis	Planning Enforcement Team Leader*
Paul Jackson	Planning Manager
Helen McAleer	Senior Committee Officer
Martin Pendlebury	Director of Planning & Business Manager*
Chris Raine	Senior Planner*
Paul Took	Principal Planning Officer (Major Developments)*

* Capita for Breckland Council

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1/14 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 16 December 2013 were confirmed as a correct record and signed by the Chairman.

2/14 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillor W Richmond. Councillor P Duigan was present as his Substitute.

**3/14 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

In the interests of transparency under the Code of Conduct the following declarations were made:

Agenda Item 8a Deferred application (Watton) - Councillor Bowes declared that she was joint owner of property on the opposite side of the road from the site. She made a statement as Ward Representative and left the room whilst the application was discussed.

Schedule Item 1 (Saham Toney) - Councillor Bowes declared that she knew the applicant.

Schedule Item 3 (Thetford) - Councillor Robinson declared that he lived close to the site and knew most of the objectors and the applicant. Councillor Spencer declared that the application was in her Ward. Councillor Armes declared that she lived on the same estate but a long way from the application site.

Schedule Item 5 (Litcham) - Councillor Carter declared that he lived in the village and knew the applicant.

4/14 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Schedule Item 2 (Dereham) had been deferred for discussions about an alternative design and siting of the smoking shelter.

Schedule Item 4 (North Elmham) had been deferred for the viability assessment to be confirmed by the District Valuer.

5/14 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Director of Planning & Business Manager provided an update.

The Government had formally laid before parliament the fourth set of amendments to the Community Infrastructure Levy (CIL) regulations. It was anticipated that they would come into force at the end of January. A key change was that self build properties would not be charged CIL. The Government's definition of a self build property included dwellings commissioned by individuals. The Planning Policy Team was currently undertaking an assessment of the impact of the amended regulations on the money the Council could collect through CIL.

Croxton Parish Council had formally requested the designation of a neighbourhood plan area for the whole of their parish. The public consultation period would end at 4pm on 19 February, and a report into the plan area would be considered by Cabinet following that date.

The Planning Policy Team would be holding a Local Plan Visioning Session on 27 January between 2pm and 5:30pm in the Norfolk and Dereham Room. The aim of the session was to get Members' opinions on housing, employment and environmental issues to go forward into the Local Plan. The session would take the form of a presentation followed by facilitated discussion groups. It was hoped that as many Members as possible would attend. The discussions from the session would help to inform the Issues and Options document, which would be publically consulted upon in the spring.

The Session would give Members the opportunity to really engage with the planning policy making process at a crucial, formative stage and to help define a vision spatially of the shape of Breckland for the new Local Plan

period spanning 2011 – 2031. An 'information pack' and guide would be sent to Members before the Visioning Session.

6/14 DEFERRED APPLICATIONS (AGENDA ITEM 8)

6.a WATTON: Thetford Road: Erection of 110 Dwellings with Associated Open Space: Applicant: Hopkins Homes: Reference: 3PL/2013/0510/F

Councillor Bowes declared that she jointly owned property on the opposite side of the road to the application site and would therefore not take part in the discussion. She made a short statement as Ward Representative on behalf of concerned residents and urged Members to consider road safety. The suggested roundabout had not been considered by the Developers but the land required for its development was owned by Norfolk County Council and therefore the cost would be reduced. She asked Members to give priority to the safety of Watton residents. She then left the room whilst the item was discussed.

The Officer gave a recap of the application which had been presented to Committee on 25 November 2013 and deferred for highway improvement discussions. Members had requested the consideration of a right hand turn filter lane into the main site entrance; an emergency access; an extension of the 30mph speed limit; and a reduction in the number of private drives accessing the Thetford Road. The Developers had provided an alternative scheme which met the first three requests, but did not reduce the number of accesses.

Councillor Wassell, Ward Representative was not able to attend the meeting. His written statement was read out. He acknowledged the offer of a right hand turn lane, but noted that with the provision of an emergency access there were now more accesses onto the Thetford Road. He was concerned that the entrance to the south of the site would increase the potential for accidents. The land was owned by Norfolk County Council and there should be a roundabout. He referred to a recent fatal accident on the road just south of that corner. Finally he noted that the provision of a right hand turn lane meant a reduction in the number of affordable houses; that number had already been reduced once and he did not think it should be reduced again to provide a safer entry to the site.

The Officer advised that the implications of the financial cost of the revised scheme meant a reduction in the amount of affordable housing from 28 to 24 (25% to 21%). It was up to Members which scheme they chose; both were acceptable to the Highways Authority and to Officers.

The Chairman noted that the fatal accident referred to had occurred away from the site and should have no bearing on the roundabout safety issue.

Councillor Rogers (representing Watton Town Council) had been involved in discussions about the development since 2008 when the previous owner had requested the land's inclusion in the Local Development Framework (LDF) and had agreed to give six acres of land to the school for an alternative access from Thetford Road to avoid traffic using Merton

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Road. The Town Council was in support of the application, subject to conditions.

Mr Denempont (Objector) had been involved in correspondence with the Town Council and the Planning Department and had also attended the public meeting at the Queens Hall to discuss the development. At that meeting 54% of residents had not supported the development. An extension of the 30mph limit would provide some mitigation but a roundabout was essential for safety. He asked Members to consider the people of Watton and said there was very little justification for the development.

Mr Smith (Applicant) was in attendance to answer any questions.

Councillor North asked for clarification of what Members were being asked to consider; the original report or the amendment. She was advised that from an Officer's perspective both proposals were acceptable. It was up to Members to choose bearing in mind that the upgraded highway safety measures would result in the loss of four affordable units.

Councillor Sharpe asked Councillor Rogers on behalf of the Town Council whether they would prefer the roundabout or the right hand turn and he advised that they would be happy with both.

Councillor Spencer was extremely concerned about the speed limit and thought it should be extended around the bends.

The Solicitor advised that that could not be conditioned, but the application could be deferred and Norfolk County Council could be asked to consider the extension.

Councillor Robinson asked if the Highways Authority supported the new access to the Academy and was advised that that was a separate application. He felt that it would impact on the development as the access was on a sharp bend and there were various other accesses and traffic lights in the vicinity and Highways needed to provide an overall view.

The Officer confirmed that Highways had no objections and had taken the impact of the school access into account.

Councillor Lamb was puzzled at the view of Watton Town Council as they had objected to similar proposals because they had enough houses and were concerned about the impact on services. He asked how many houses had been given permission in Watton compared to the number allocated in the LDF. The number was not known but the Director of Planning & Business Manager advised that the land supply situation was reviewed annually in the spring and then Officers would be able to give an up to date view. He also noted that Members had fully debated the principle of development at the November meeting and had deferred the application for highway improvements only.

Councillor Duigan thought it would be interesting to know which proposal

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the Highways Authority favoured. He wondered if there were any issues of highway congestion and whether a roundabout would improve traffic flows.

No Highways representative was present but the Planning Officer confirmed that they had no concerns.

Councillor Claussen thought that it was sensible to extend the 30mph limit but wanted to retain the full affordable housing allocation. It should be up to Norfolk County Council to determine if a right hand turn lane was needed.

The Solicitor pointed out that the first proposal did not include an extension of the speed limit and the implications of that would need to be known.

Mr Smith (Applicant) advised that there was an extension to the speed limit in both schemes. It would be up to NCC to determine where it was extended to and he would not object if they decided to extend it further.

Councillor Lamb asked whether there could be a speed warning light and was told that it would be up to the Town Council to provide that.

Members sought clarification of where the 30mph limit would start. It was pointed out on the map.

The Planning Manager explained that the speed limit would be negotiated between NCC and the developer and could not be a condition of the planning permission.

In response to a question by Councillor Lamb about a 20mph limit within the development the Chairman advised that such things were controlled by NCC. He reminded Members that the application had been deferred for four reasons and three of them were on offer, only the reduction in accesses was not available. It was up to Members to decide the way forward.

Councillor Claussen proposed that the original scheme be approved with a caveat that NCC be asked to extend the speed limit. The proposal was seconded by Councillor North.

The original proposal with 25% affordable housing was accepted: the application was **Deferred and the officers authorised to approve it, as recommended, on completion of the S106 agreement. It was also resolved that NCC be requested to extend the 30mph speed limit.**

7/14 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: SAHAM TONEY: Cley Lane: Erection of 29 new dwellings: Applicant: Clayland Estates Ltd: Reference: 3PL/2013/0869/F

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Councillor Bowes declared that she knew the applicant.

This application included 40% affordable housing on a site outside the Settlement Boundary which satisfied all the Core Strategy requirements. A footpath link would be provided across the site frontage. The Archaeological Unit had carried out groundworks and had no objection to the site's development. Power lines would be placed underground and the applicants had agreed to a two year time limit on any permission. They would also supply a speed reactor sign. Anglian Water had confirmed that there was sufficient drainage capacity.

Mr Bunce (Parish Council) objected to development outside the Boundary. 42% of villagers had raised concerns about over-development in the village appraisal carried out in 2008. Cley Lane had a narrow bridge and presented a pedestrian hazard. The nearest bus stop was half a mile away and there was no village shop so people would have to travel to Watton for services. If approved the Parish Council requested additional conditions requiring a pedestrian walkway into Watton and a footbridge over the river.

Ms Stephan (for Applicants) advised that the Environment Agency had significantly upgraded the drainage in response to previous flooding concerns. Rainwater would be harvested on-site. 700m of footway and speed reactive signage would be provided and they had offered to put the power lines on the adjacent recreation site underground as well, at their own expense. They were a local firm with a workforce of 22 and two apprenticeships would be provided if the application was approved. The legal agreement covering affordable housing and recreation and library contributions was ready to sign.

In response to a question from Councillor Sharpe it was confirmed that the Applicants were the landowners, developers and architects of the site.

Councillor Lamb was concerned about the invasion of the countryside and thought the application probably represented many times the allocated housing provision for the village.

The Officer felt that the site satisfied the NPPF requirement to have minimal impact.

Councillor Bowes commended the applicants on the design and variety of the proposed housing but was also concerned about the road between the bridge and the Golf Club which had poor visibility and restricted width. She asked if a footbridge would be possible.

The Officer advised that it would not be viable or reasonable to expect such improvements for the size of development.

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

- (b) Item 2: DEREHAM: Breckland Business Centre, St Withburga Lane: Provision of Smoking Shelter: Applicant: Breckland Council: Reference: 3PL/2013/0921/F

Deferred from the Agenda. See Minute No 4/14.

- (c) Item 3: THETFORD: 55 Hawthorn Walk: Erection of two and a half storey (four bedroom) dwelling: Applicant: Mr Stuart Neal: Reference: 3PL/2013/0981/F

Councillor Robinson declared that he lived very close to the site and knew the applicant and most of the objectors. Councillor Armes declared that she also lived on the estate but not close to the site. Councillor Spencer declared that the site was in her Ward.

This application proposed an attached dwelling in the side garden of the existing house with an additional bedroom in the roof served by dormers and rooflights. The main issues were visual impact; highway safety and parking provision.

Councillor Armes thought it represented overdevelopment in a high density area which already seemed cramped and had parking problems and poor access for emergency vehicles. She was also concerned that the skylights would lead to overlooking.

Councillor Robinson agreed. He noted that the land sloped away from the site so the new house would dominate the streetscene. Parked cars already caused problems for the refuse lorry.

Councillor Spencer also agreed and said that the photographs did not show how claustrophobic the area already was.

It was proposed by Councillor Lamb and seconded by Councillor Carter that the application be refused.

Refused, contrary to the recommendation, on grounds of overdevelopment demonstrated by the lack of parking, mass and impact on the streetscene.

- (d) Item 4: NORTH ELMHAM: Station Yard: Residential development for 19 dwellings: Applicant: Mr H S Thompson: Reference: 3PL/2013/1045/O

Deferred from the Agenda. See Minute No 4/14.

- (e) Item 5: LITCHAM: Rear of 8 Church Street: Proposed residential development: Applicant: Mr Richard Bailey: Reference: 3PL/2013/1111/O

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Councillor Carter declared that he lived in the village and knew the applicant.

This application proposed three dwellings on garden land accessed by a driveway from Church Street. The Applicants had raised concerns about the viability of the affordable housing contribution which had been agreed by the Council's Housing Enabling Officer. It was therefore proposed to reduce the contribution from £33,000 to £8,000 and to add a claw-back clause to the legal agreement. The main issues were access, amenity, site context and the loss of trees.

Mr Parsons (Agent) said the site was immediately adjacent the Settlement Boundary and surrounded on three sides by development. The drive served two dwellings and some lock up garages used for storage only. It was proposed to widen the access and provide a type three turning head. The application was outline and the layout indicative only. The dwellings would be orientated to the south to limit loss of amenity and a single storey restriction would be accepted. The viability issues were caused by the long access drive. The applicant was ready to start and would accept a reduced time limit.

Councillor Sharpe noted that the Tree & Countryside Officer was not happy about the loss of trees. He was advised that the trees had some value but were not to Tree Preservation Order standard.

Councillor Carter pointed out that as well as being outside the Settlement Boundary the site was adjacent the Conservation Area. He advised Members that the traffic outside the shop usually parked up to the edge of the access drive and delivery vehicles were often parked there too. Lorries stopped at the shop and there was an access to the school opposite and vehicles were often parked on both sides of the street narrowing the road to a single lane. The access drive had bins stored in it and he was concerned about potential damage to the old flint wall. The access was also restricted by Post Office vans and sometimes people had to reverse out of the drive causing danger to pedestrians.

Councillor Chapman-Allen thought that the access/exit alleyway was a concern with vehicles having to reverse a considerable distance if they met.

Councillor Duigan commented that it was an Outline application and he did not see how the affordable housing contribution could be decided until the quality of design and number of houses had been confirmed.

The Planning Manager agreed and said that the viability could not be understood and the matter was far from sorted.

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Councillor Duigan proposed a deferment until the proper figures were provided. Other Members asked for other matters to be considered such as trees and the widening of the access.

The Solicitor confirmed that if deferred all issues could be discussed when the application came back to Committee.

Councillor Lamb proposed that the application be refused and not deferred.

The Planning Manager noted that Members were far from satisfied with the access arrangements and viability and had concerns about the loss of trees. He asked them if they considered the principle of development of the site was acceptable.

Councillor Chapman-Allen seconded Councillor Lamb's proposal.

After further discussion of the access arrangements and the use of the proposed turning head by non-residents Members voted on Councillor Lamb's proposal.

Refused, contrary to the recommendation on principle and that, notwithstanding the highway technical requirements, there was likely to be conflict of vehicles manoeuvring into and out of the site and other access problems.

Councillor Duigan abstained from the vote.

Notes to the Schedule

Item No	Speaker
Deferred Report (Agenda Item 8a)	Councillor Rogers – Ward Representative Mr Denempont – Objector Mr Smith - Applicant
1	Mr Bunce – Parish Council Mr Tilley – Applicant Mr Swaby – Agent Ms Stephan – for Applicant
5	Mr Parsons - Agent

Written Representations taken into Account

Reference No	No of Representations
3PL/2013/0511/F	32
3PL/2013/0869/F	12
3PL/2013/0912/F	1
3PL/2013/1111/O	1
3PL/2013/0981/F	6
3PL/2013/1045/O	3

8/14 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

9/14 APPEAL DECISIONS (AGENDA ITEM 11)

Noted.

10/14 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 12)

Noted.

11/14 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 13)

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 3 of Part 1 of Schedule 12A to the Act.

12/14 ENFORCEMENT UPDATE (AGENDA ITEM 14)

The Enforcement Team Leader gave Members an update on the work of the Enforcement Team. They were currently concentrating on Unilateral Undertakings and S106 Agreements. The existing process had not been fit for purpose and a new one had been designed. A huge number of site visits had been carried out and he particularly commended the work of Sue Arnold, the Planning Enforcement Assistant. The work would result in additional money coming in to the Council.

He gave figures for the number of agreements which were being monitored and the number of enforcement cases being dealt with. There was a high workload and it was hard to manage.

Councillor Carter congratulated the team on their progress and said from his own experience they left 'no stone unturned'.

Councillor Lamb supported the commendation but said the job was not just about collecting money.

Councillor Duigan asked if the Appeal system was still slow and the Enforcement Team Manager advised that the Planning Inspectorate were working hard to deal with the backlog.

The Planning Manager noted that they had carried out a recruitment drive the previous year. He was looking forward to the implementation of the Ocella package for Enforcement which would give a certain amount of visibility on the status of complaints which he hoped would be available later in the year.

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Councillor Sharpe asked if it would be more cost effective to increase the number of Enforcement Staff to deal with the large workload.

The Director of Planning & Business Manager said he would be delighted if the Council put more resources in to do that.

Councillor Claussen thought it was a valid point which should be discussed at the monthly meetings held with Capita.

The Planning Manager noted that the money collected from Unilateral and S106 agreements was not for staff resources.

The Chairman noted that sometimes it had been perceived that people did not have to comply with requirements because the Council did not follow them up. He was pleased that the Enforcement Team Leader was getting the message out that the Council was taking a firmer hand.

The meeting closed at 12.40 pm

CHAIRMAN