

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 8 March 2010 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mr J.P. Labouchere
Councillor Claire Bowes	Mr T.J. Lamb
Mrs M.P. Chapman-Allen	Mr S. J. F. Rogers
Mr P.J. Duigan	Mr B. Rose
Mr P.S. Francis	Mr F.J. Sharpe
Mr M. Fanthorpe	Mrs P.A. Spencer
Mrs D.K.R. Irving	Mr N.C. Wilkin (Vice-Chairman)
Mr R. Kemp	

In Attendance

Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Sheila Cresswell	- Committee Officer
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Helen McAleer	- Senior Committee Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

39/10 MINUTES (AGENDA ITEM 1)

Minutes

The Minutes of the meeting held on 15 February 2010 were confirmed as a correct record and signed by the Chairman.

40/10 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr M. Spencer.

41/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Members and Officers were asked to declare any interest at the time the applications were introduced.

- The Chairman declared a prejudicial interest in Agenda item 9 (North Elmham) as one of her relatives owned land adjacent to this site.
- Mr J. Labouchere also declared a prejudicial interest in Agenda item 9 (North Elmham) by virtue of knowing the owner.

Action By

Action By

**42/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA
(AGENDA ITEM 5)**

A request had been received from Councillor Candy Sheridan (North Norfolk District Council) to defer Schedule Item 1 (Attleborough). As Chairman of the Gypsy Council, she had asked the Committee to defer this application to enable further consultation with the Highways Authority about road access to this site.

A local Member confirmed that access was likely to be a significant problem for the site. However Members agreed that they would nonetheless like to consider the application that day.

AGREED to hear this application at the meeting.

43/10 URGENT BUSINESS (AGENDA ITEM 6)

None.

**44/10 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM) (AGENDA
ITEM 7)**

The Development Services Manager said that with regard to Site Specifics, a final meeting had been held on 25 February. This had decided the settlement boundaries for Dereham, Swaffham and Watton. It had also agreed the sites for cemeteries and open spaces.

He added that there were currently discussions underway to decide the best way of reporting all this information to Cabinet – not least in terms of how many meetings would be required to pull the appropriate information together.

He also drew attention to:

- The Attleborough Town Forum, and the Town and Parish Forum held at EcoTech in Swaffham, both of which had taken place recently; and
- The Thetford Area Action Plan Officers would be holding further consultation meetings with key representatives during May, to discuss a large area to the North East of the town. “Urban Delivery” were dealing with the town’s “Vision” document on behalf of the Council.

**45/10 NORTH ELMHAM: LAND ADJACENT 7 STATION ROAD:
RESIDENTIAL DEVELOPMENT BY LAND AND NEW HOMES LIMITED:
REFERENCE: 3PL/2007/1688/O (AGENDA ITEM 9)**

The Chairman declared a prejudicial interest in this case since one of her relatives owned land adjacent to this site.

Mr J. Labouchere also declared a prejudicial interest by virtue of knowing the owner.

Both Members then left the room and Mr N. Wilkin took the Chair for this item only.

Action By

The Principal Planning Officer explained that this planning application had originally been submitted in 2007. It had been granted approval, subject to a S.106 Agreement. It had come back to the Committee because the S.106 Agreement was still outstanding. The recommendation from the Planning Officers was therefore that, in the absence of a signed S.106 Agreement, this application should be refused.

The applicant, Mr Thompson, explained that there was no unwillingness to sign the S.106. He had put a considerable amount of time and money into this proposed development. The difficulty had been because of protracted negotiations with various other key signatories.

However he added that he had recently bought out three of the other parties, and had also ascertained that the Railway authorities no longer needed to be a signatory to the S.106 Agreement. He was now ready to progress things further, and asked the Committee to give him a period of nine months' grace to enable him to find a buyer.

As a comment, the Solicitor and Standards Consultant, said that there was no room for further specific negotiations at this stage: if it was felt that the S.106 was unlikely to be completed, then there was little point in any deferral.

He asked the applicant to confirm if the amendments involved had actually been agreed, and Mr Thompson said that in principle he agreed the terms of the S.106 Agreement: it had just been a matter of getting others on board.

A Member asked if the original planning application was still valid, and it was explained that the clock did not start to run until formal permission was granted – i.e. after signature of the S.106.

The Development Services Manager explained that in the event that Members refused this application, Mr Thompson could make a further application but that would have to reflect any policy changes which had come into force since 2007.

It was acknowledged that this was an unusual situation and whilst some Members felt that this was an ideal site for Elmham, others remained concerned about the delay.

Deferred for a maximum period of nine months to enable the S.106 Agreement to be signed.

It was also resolved that in the event that the S.106 Agreement remained unsigned at the end of this period, then Officers would have delegated authority to refuse this application.

**46/10THETFORD: SWEYN CLOSE/FULMERSTON ROAD/ULFKELL ROAD:
PROPOSED RESIDENTIAL DEVELOPMENT BY PEDDARS WAY
HOUSING ASSOCIATION: REFERENCES: 3PL/2010/0013/F (AGENDA
ITEM 10)**

The Principal Planning Officer presented this application, explaining that it concerned proposals to redevelop land on the Barnham Cross Estate. 34 of the existing (sub-standard) dwellings would be demolished to enable a total of 66 dwellings on the site, together with associated open space,

Action By

roads, parking and landscaping. The proposed dwellings would comprise a mixture of units, including bungalows and apartment blocks, with a mix of affordable and open market housing.

The site was located within an established residential area, bounded to the north by open land, including a play area and some allotments. He confirmed that the line of pine trees at the back of the current development was protected by TPOs and would therefore be retained.

Finally, he confirmed that the proposed development fell generally in line, and was consistent with, the Council's Planning Policy. The affordable housing proposed actually exceeded requirements. The open space provision fell slightly short of these. However, it had been proposed that there would be a financial contribution of £15,000.

It was acknowledged that the footpath would see heavier usage, but it was not felt that this would have a significant impact on neighbours. The Police Authorities had made no objections to the proposals on public safety grounds.

The Principal Planning Officer concluded by saying that there were currently some outstanding queries from the Environment Agency. Any resolution for approval would need to be subject to these objections being withdrawn.

Mr Brand, speaking as an objector, raised concerns about the location of the footpath which was only about 1.2 m from his dining room. He felt that the increased traffic along the path would certainly have a detrimental impact on his property and he proposed a couple of alternative routes.

He also had concerns about insufficient parking spaces and wondered if some of the trees on site, many of which had been severely pruned or even lost over the past decade, could perhaps be replaced with new planting, thus making room for more parking spaces.

Ms Hanford (the applicant) said that many of the existing properties on site had problems and were arguably beyond the end of their useful life. There had been much local consultation about the proposals, both with groups and also individuals. Peddars Way Housing Association had worked hard to ensure that any residents who needed to be moved had received suitable accommodation. The application also proposed two car parking spaces for each dwelling, as well as an uplifting, contemporary design. She confirmed that there had been full consultation with the Council's Tree and Countryside officer with respect to the location of the access roads and nearby trees etc. and that bird and bat boxes would be set up.

With reference to Mr Brand's concerns about the footpath, she said that she had met with members of the Council's Asset Team and was consulting about the possibility of moving this footpath slightly further way from this property.

A Member spoke positively about the ongoing regeneration of the estate and the impact that this application would have. Highlighting the fact that the proposals included a range of dwelling sizes, she drew Members' attention to the fact that one of the 5 bedroom houses was earmarked for a family which worked closely with social services and fostered special needs children. In addition, some of the houses would benefit from rear access

Action By

and improved boundaries. It was also hoped that this development would link in with other Moving Thetford Forward strategic plans, possibly bringing-forward some much needed nearby development and improvements.

Other points raised in discussion included:

- The possibility of suitable boundary treatment along the footpath to minimise the impact of increased usage on nearby properties.
- A Member reminded colleagues that the Council had a statutory obligation to provide allotment land, as well as affordable housing. He said that over 50 acres of allotment land had disappeared during a period when the local population had risen from about 5,000 to 25,000.

Thetford Town Council was endeavouring to increase the number of allotments available for the local community. Whilst the development was not sited on designated allotment land, it sat directly alongside it, and the proposed area of open space would prevent any future expansion of those allotments.

The Development Services Manager said that the Council was aware of the town's allotment concerns, which were being re-addressed, and it was later confirmed that this was a land, rather than planning, issue.

- With regard to parking, the Principal Planning Officer clarified that there would be at least two car parking spaces provided for each dwelling, with extra parking available for visitors and existing residents whose properties were adjacent to the development.
- From an architectural perspective, a Member raised concerns about the glass frontage of the ground floor corner apartments, wondering if it might actually prove more practical to have more glass, or railings, to deter people leaning against the proposed ledges. In response, the Development Services Manager said that this could be dealt with as part of any boundary conditions.

Deferred, but the Officers be authorised to approve, subject to the satisfactory resolution of ground contamination concerns with the Environment Agency, as well as any Council-imposed conditions, on completion of the S.106 Agreement.

47/10 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 11)

RESOLVED that the applications be determined as follows:

- (a) Item 1: Attleborough: Land at Leys Lane, Docking Wood: Change of Use to include standing caravans for Mr Anthony Gaskin: Ref: 3PL/2009/0604/F

The Principal Planning Officer explained that this application was for a change of use for the stationing of caravans for six residential gypsy pitches with utility/day room buildings and hardstanding.

Action By

The site was located south of the town centre and the main railway line divided Leys Lane. One end only gave pedestrian access, whilst the remaining part of the lane was extremely narrow. The site (which was outside the Settlement Boundary) comprised an area of former woodland immediately abutting an existing gypsy site, which was currently occupied by a single gypsy family.

He felt that this was a finely balanced case. From a local and national planning policy perspective, it was acknowledged that such accommodation was needed in the Attleborough area and the site performed well against many of the set criteria.

Policy CP2 and Circular 1/2006 were relevant. Care needed to be taken not to prejudice or pre-empt other sites being considered in terms of site-specific consultations as part of the LDF process.

However, there were legitimate concerns, shared by the Highways Authority, about the road access to this site, which comprised a single track lane. Any development would potentially lead to increased traffic and, bearing in mind existing local residents and commercial property, it was felt that problems could soon develop.

The Development Services Manager acknowledged a fax that he and various Members had received that morning from the Ward Member, who was in favour of this application provided that the concerns about vehicular access could be satisfactorily resolved.

Mr Moore, speaking as an objector and a local resident, raised various concerns, including the amount of traffic using the road; that planning permission had recently been refused for another house in the vicinity; a small river/stream ran alongside the lane; that there was no mains sewage to the site; and that the site had been covered with trees.

Mrs Gaskin, speaking on behalf of the applicant (her husband), made the following comments:

- They were keen to put down some roots and lead a more settled life.
- They believed that the traffic movement figures as quoted by the Highways Authority had been somewhat exaggerated.
- There was a signed limit of 10 m.p.h. already in place.
- Leys Lane was narrow, but there were similar lanes in the area which were already busier.
- Finally, she said that this application had been put through in a formal and correct manner, as opposed to just pulling trailers on to the land. She also requested Members not to pre-judge her family or this application just because they were gypsies.

In discussion, Members were in general agreement that the key problem for this application was the road access. On the one hand, there could be no control of the amount – or type – of vehicle which

Action By

was currently using the Lane in terms of the small industrial units. Nor was it practical to make it a one-way route, since, rather than looping back, the lane took traffic some way away from the main road. A passing area was not formally part of the application but was something which could be discussed with the Highways Authority.

Other Members commented that many of the traditional routes and sites used by the gypsy communities had gradually been blocked off or built on. Well-planned sites should be supported where practically possible.

Deferred, for discussions with Norfolk County Council (Highways Authority) with regard to the provision of passing places on the narrow access road, or other means of overcoming the highway concerns.

(b) Item 2: Hockering: Sandy Lane, Frans Green Industrial Estate: Change of use from agricultural to industrial for Salvern Properties: Ref: 3PL/2009/1186/CU

Mr P. Duigan and Mrs P. Spencer said that Members had received various correspondence on this application.

The Principal Planning Officer explained that this application concerned a proposal for a change of use from agricultural land to industrial in order to achieve additional storage space for Norfolk Salvage. The land under consideration comprised the corner of an agricultural field which bordered onto an industrial area, including the site currently owned and run by Norfolk Salvage. The site was located in the Parish of Hockering but was also adjacent to Weston Longville (under Broadland District Council). Objections had been received from both Parish Councils.

He reminded Members that the Core Strategy (DC7) approach to business development in the countryside aimed to achieve a balance between protecting local communities and the need to meet certain economic criteria.

Other points highlighted included:

- No other sites had been considered in terms of expansion.
- Local Impact: The site was currently open landscape and if permission were to be granted, then appropriate screening would be needed in order to minimise local impact.
- Residential Amenity: He noted that there had been many concerns raised locally about this proposed expansion. The nearest property was 230m away from the site. Other objections included concerns that the existing site was poorly managed; pollution from smoke; noise; the potential increase in traffic etc; as well as a general negative impact on an essentially rural location.

The Principal Planning Officer pointed out that some of the concerns could be addressed by planning conditions.

Action By

- **Traffic:** The Highways Authority had confirmed that they had no objections to the proposal, subject to a suitable routing condition being secured by a S.106 Agreement.

In conclusion, the Principal Planning Officer stated that the issues concerning this application were balanced. However it should be acknowledged that it was a sensitive site, in a rural area. The recommendation was for approval subject to appropriate conditions, including a S.106 concerning the routing of traffic.

Mr S. Ashford, representing Hockering Parish Council, spoke strongly against this application, saying that all local residents were opposed to it. They felt that agricultural land was a key resource for Breckland and should be valued as such. Until a change of ownership, the field in question had been highly productive – as opposed to weed-covered, as at present. It certainly had the potential to be productive again.

In addition, he highlighted some specific local complaints about the current site's opening hours, noise, smoke, wind-blown litter etc. Residents were also concerned that this application to extend the site could set a precedent for further sites across the 8 acre field. He noted that a second application had already been submitted concerning an adjacent plot.

Mrs Hickling then spoke on behalf of East Tuddenham Parish Council, reminding Members that the site under consideration also affected some of their residents, not least in terms of local traffic.

She said that the Parish Council felt there were legitimate queries about the nature of the business – including some claims that the company's main business had possibly changed emphasis from salvaging to being involved in assessing vehicles under insurance terms. The associated large vehicle transporters which were accessing the site were not practical for local roads. There were also four recycling businesses already in the locality, including some storage facilities south of the A47.

Mr Boswell and Mr Claxton spoke as local residents and objectors to this application. They emphasised concerns about the potential devaluation to property, as well as emphasising the negative impact of noise, traffic and general quality of landscape etc. They mentioned acrid smoke from incinerators (including at weekends) and concerns about how the current site was managed, querying the operating hours, use of concrete crushing machinery, increased noise and traffic generally. It was also believed that existing usage agreements for Sandy Lane were being flouted on a daily basis.

They questioned the applicant's assertion that there would be increased employment opportunities – partly because the space was proposed to be used for storage, and partly because Breckland District Council had de-allocated the area in employment terms.

Action By

Mr Payne, as agent for the applicant, gave some brief background to the company, which had been in existence since 1979 and had been successful with a number of its tenants. Current legislation and general trends were to encourage recycling and salvaging.

Norfolk Salvage were very keen to expand their current site to enable them to store more vehicles. All dismantling work would continue on the existing site. Mr Payne explained that while their existing licence allowed them to stack three vehicles, it was proposed to only stack two on the new site. He added that the Environment Agency imposed strict conditions on the way the site was set up.

Finally, he said that his clients were happy to be flexible with respect to screening.

Mr P. Claussen then spoke, as the Ward representative. Reiterating the strength of local feeling against this application, he reminded Members that the site had been de-allocated in terms of employment, as well as the fact that another application had already been submitted for an equivalent amount of land. It was felt, therefore, that this proposal was unsuitable for the locality.

In response to a question, Mr Payne confirmed that the vehicles on-site were not there for insurance assessment, but were dismantled under European Union rules.

The Principal Planning Officer acknowledged that loss of agricultural land was a relevant concern, but also said that the Council needed to balance issues for each application. He then reminded Members about policy DC7, and other relevant policies under the Core Strategy. He explained that 'de-allocation' meant that a site which had previously been identified as an employment area in Breckland was no longer considered as such under the adopted Core Strategy. Any application for business use on such a site would therefore need specific justification.

A Member said that the site had arguably grown by default over recent years. The current business had outgrown its surroundings, including the road network. It might therefore be more appropriate for it to find a better site altogether – an acknowledged industrial site or perhaps an unused airfield etc.

Another Member pointed out that the neighbouring field was rated as Grade II by DEFRA (i.e. good quality agricultural land).

In response to a question, Mr Ashford confirmed that whilst residents may not have made many complaints to the Planning Enforcement Unit, they had certainly done so to the Environmental Health team on a number of occasions.

With regard to complaints about noise made by the concrete crusher, the Chairman pointed out that it should be borne in mind that there may well be more than one such machine operating in the vicinity, under different ownership.

Action By

Refused, against recommendation, on grounds of the failure to demonstrate need, and unacceptable impact on the landscape and on the amenities of local residents, including noise.

- (c) Item 3: Thetford: Sweyn Close, Fulmerston Road: Residential development

See Minute No. 46/10, above.

Notes to the Schedule

Item No.	Speaker
1	Mr Moore – Objector Mr Worsfold – Highways Mrs Garkin – Applicant
2	Mr Claussen – Ward Rep. Mr Ashford – Hockering PC Mrs Hickling – E.Tuddenham PC Mr Boswell – Objector Mr Claxton – Objector Mr Payne – Agent
R9	Mr Thompson – Applicant
R10	Mr Brand – Objector Ms Handford - Applicant

Written Representations taken into account

Reference No.	No. of Representations
3PL/2007/1688/0	4
3PL/2009/1186/CU	4
3PL/2010/0013/F	2
3PL/2009/0606/F	6

48/10 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION) (AGENDA ITEM 12)

This item was noted.

49/10 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 13)

Attention was drawn to the impending deadline for action at Attleborough (Mr Becker, Fine Furniture, Leys Lane).

Also that there was no change to the case at Roudham – Rackham, Camp Farm, which was still waiting for the case to be heard at the High Court.

Action By

50/10 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 14)

A Member took the opportunity to congratulate Officers and Members since once again, all the Appeals listed had been dismissed.

The meeting closed at 12.00 pm

CHAIRMAN