

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 21 June 2010 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

In Attendance

Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Nick Moys	- Principal Planning Officer (Major Projects)
Mike Brennan	- Principal Planning Officer
Sheila Cresswell	- Committee Officer
David Spencer	- Principal Planning Policy Officer (Capita Symonds for Breckland)
Diana Dring	- Committee Officer

97/10 MINUTES

Subject to an amendment to delete Mr P Duigan's name from the record of Members present at the meeting. The Minutes of the meeting held on 2nd June 2010 were confirmed as a correct record and signed by the Chairman.

98/10 APOLOGIES & SUBSTITUTES

Apologies for absence had been received from Mr P Francis and Mr M Fanthorpe. Mr Duigan was present at the meeting as a substitute for Mr Francis.

99/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

Members were asked to declare an interest at the time the applications were introduced.

100/10 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that Design Training had been arranged on 16 July 2010.

101/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA

The Development Services Manager reported that a request for deferral of the Harling application had been received and should be considered as part of the discussion on this item.

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102/10 URGENT BUSINESS

None.

103/10 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

The Principal Planning Policy Officer gave an update of the Local Development Framework (LDF). The Site Specifics Policies and Proposals Preferred Options consultation process would end on 30 July 2010. Comments had already been received and were available on the website for general viewing.

The Secretary of State for Communities and Local Government had stated that the new government were not retaining the Regional Strategy, which meant that, in practice the Regional Spatial Policy had been abolished although the LDF would still be required at the local level. The key issue would be the level of housing requirement which could change if evidence showed a requirement for an alternative amount. Breckland had already agreed housing figures to 2026 in the LDF.

The Government had issued amendments to Planning Policy Statement 3 'Housing', which affected the development of private recreational gardens and removed the national average minimum density for new housing of 30 dwellings per hectare. Breckland had already moved to 22 houses per hectare in rural areas in the LDF Core Strategy. Local Authorities were expected to make housing decisions based on what was best for the area.

The Development Services Manager clarified that gardens would no longer be classed as 'brownfield' development sites and therefore that would not be a material consideration when making planning decisions. Such applications would need to meet the need to enhance the form and character of a settlement as well as other planning considerations.

104/10 DEFERRED APPLICATIONS

- (a) Riddlesworth: Gardeners Cottage, Hall Lane, Riddlesworth: Erection of 6kW Wind Turbine (Retrospective) for Rev D Blackledge: Reference: 3PL/2009/1150/F

The Principal Planning Officer presented the report on the application for a wind turbine, which had been deferred from the last meeting to enable Committee Members to make a site visit.

The main issues were noise, impact on landscape and the setting of listed buildings. The potential to erect an additional wind turbine at the same site using an existing planning permission had also caused objections but the applicant had agreed to a S106 undertaking restricting development to just one turbine on the site.

Rev. Blackledge, the applicant, informed the Committee, that the noise from the wind turbine was difficult to distinguish from the ambient noise and that there was minimal visual impact to the neighbouring properties, which could be verified by the resident in the adjacent property, Bothy 3. The wind turbine was also used as an educational tool to show children at the adjacent school a working example of renewable energy.

Lady Fisher, Ward Representative, had attended the site visit with other

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Members and commented that it had not been a windy day and the any noise made by the wind turbine was masked by traffic noise. She observed that there had been additional tree planting and that the visual impact of the wind turbine was no more intrusive than other objects such as TV aerials.

Other Members who attended the site visit commented that the wind turbine was working and that there had been slight noise but the sound was minimal, and that the visual effect was not as dramatic as the photographs suggested and the turbine was only visible from certain angles. Members were concerned that there should not be more than one wind turbine on the site.

RESOLVED that the application be deferred and the officers be authorised to approve it as recommended subject to conditions on completion of a S.106 agreement that there should be only one wind turbine on the site.

105/10 HARLING: LOPHAM ROAD: PROPOSED RESIDENTIAL DEVELOPMENT BY MR D TAYLOR: REFERENCE: 3PL/2010/0374/F

The Principal Planning officer (Major Projects) presented the report on the revised application for 15 new dwellings on the fringe of Harling. This application had been designed as the second phase of development on the site, which would bring the total to 25 dwellings.

Adjustments to the position and number of dwellings had been made which had improved the compatibility of the proposed housing with existing trees. The traditional design of the houses and revised layout around a central open space were considered satisfactory. Concern regarding the potential conflict with the neighbouring commercial units should not be an issue as this proposal was further from the units and the units use was restricted to light industrial and warehouse use only. The proposal met the criteria set out in Policy PPS3 Housing, in relation to sites outside the development boundary.

There had been considerable concern about the effect of the proposal on the Harling site specific allocation of housing in the Local Development Framework (LDF), as this was not the preferred site and, if this application was approved it could lead to exceeding the village allocation of 50 new houses.

At a recent appeal inquiry the appeal Inspector had found that the previous development proposal on this site would not have a harmful effect on the site specific policies. The Inspector's decision was an important material consideration in relation to this application and, if planning permission were refused on this basis the Council would run the risk of being found unreasonable at an appeal and costs could be awarded against it.

The Parish Council had requested the application be deferred so that they could have more time to consider the LDF site specifics, but they had previously expressed their support of development at the other preferred site.

Mr Bailey, a business owner from the adjacent site, speaking on behalf of the objectors from the business units, pointed out that information about the businesses and traffic was incorrect. He raised potential issues to residents relating to: noise and traffic created by the business activities; adverse effect on the existing drainage system (soakaways and septic tanks); and

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complaints relating to intrusion from the lighting and camera system.

Mr Taylor, applicant, responding to the objections, said that the site had well drained soil and surveillance cameras had been encouraged in previous applications. Throughout the planning process he had worked closely with the Council's planning officers to meet any objections and adjustments had been made to the plans to accommodate these.

Lady Fisher, Ward Representative, expressed concern about setting a precedent regarding the LDF and the new government localism bill. The Parish Council had been diligent in holding meetings to consider appropriate development sites and this was not one of the preferred sites. She pointed out that the application would represent piecemeal development; excessive walking distance from the doctors' surgery; would be detrimental to the fringe landscape and would adversely affect the geodiversity and biodiversity of the area.

The Principal Planning Policy Officer informed Members that the Council was required to allocate a five year land supply amounting to 800 homes each year. The Council had a shortfall of 2 ½ years and that this was dropping so there was a need for further housing but it must meet the policy guidance and fit with the development strategy. The Inspector had put considerable weight on the view that the Harling proposal met the criteria.

Members discussed the application and were particularly concerned that approving this application would conflict with the LDF site specifics which the Council had recommended. Queries were raised about the drainage issue and possible cross contamination of the water supply involving the septic tanks, but officers advised that this would be covered by the detailed planning conditions.

The effect of the noise from the industrial site on the proposed housing had been raised by Environmental Health but in view of the distance and positioning of the houses, and the light industrial use of the business units, they were deemed compatible.

The Solicitor and Standards Officer reminded Members that the fact that an LDF plan was in the course of preparation would not be reason enough to refuse planning permission. The figures provided in the site specifics were target figures and not necessarily a ceiling figure. The application should be considered independently on its own merits.

Following questions from Members about the control of CCTV cameras and lighting on the industrial site and its potential intrusion on the residential properties, the Solicitor advised that there was no evidence that these would be intrusive and the design and layout of the site would help moderate any effect.

A vote on the recommendation to approve the application was lost by 4 votes to 6. Members considered a new proposal to refuse the application on the basis of: proximity to the industrial site; impact on the landscape and countryside; outside the development boundary and not being the preferred site in the LDF process. The Solicitor reminded Members that the Inspector had found the site satisfactory in policy terms, and policy arguments would not be sustainable.

At the request of a Member, a recorded vote on the proposal to refuse

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planning permission was taken but was lost, 5 Against: Cllr Gould, Mr Duigan, Mrs Irving, Mr Sharpe and Mr Wilkin, 4 For: Mr Labouchere, Cllr Bowes, Mr Lamb and Mrs Spencer, 2 Abstentions: Mrs Chapman-Allen and Mr Rogers.

It was then proposed and seconded that the application be approved as recommended.

RESOLVED, by 6 to 5, that the application be deferred and the officers be authorised to grant approval, subject to conditions, on completion of a Section 106 agreement, relating to affordable housing and open space.

106/10 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the applications be determined as follows:

- (a) Item 1: Bawdeswell, Elsing Lane: Redevelopment of existing broiler breeder unit, demolition of 11 sheds & erection of 6 new with associated bin feeds etc for Cobb Breeding Co Ltd: Reference: 3PL/2010/0341/F

The Principal Planning Officer (Major Projects) presented the report on the proposal for the replacement of existing poultry buildings and a new access at the front of the site. There would be a slight increase in the number of birds to be housed. The existing Leylandi would be replaced by Scots Pine and additional tree planting would be made at the front.

A recent meeting with the Highway Authority had not raised any objections subject to a condition relating to the visibility splay. No other objections had been received.

Members queried the size of the buildings and compliance with poultry regulations and these were found to be satisfactory.

Approved, as recommended, subject to conditions as detailed in the report

- (b) Item 2: Harling, Lopham Rd.: Residential development for Mr D Taylor: Reference: 3PL/2010/0347/F

Approved, as recommended, see Minute 105/10

Item No	Speaker
1	Lady Fisher – Ward Rep Rev. Blackledge
2	Lady Fisher – Ward Rep Mr Bailey – Objector Mr Taylor - Applicant

**107/10 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE
(FOR INFORMATION)**

Noted.

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108/10 APPEAL DECISIONS (FOR INFORMATION)

The Development Services Manager commented that the Inspector had made a split decision regarding the appeal made by Iceland to the refusal of planning permission, finding in favour of the Council's decision. While the Inspector was allowed to make a split decision, the Council would not be allowed to do this.

109/10 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)

Noted.

The Solicitor and Standards Officer informed Members that the Standards Board was likely to be abolished. This would not change the Code of Conduct and Members would be kept informed of any other changes.

The meeting closed at 11.24 am

CHAIRMAN