

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 1 November 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 B. Rose
Mrs M.P. Chapman-Allen	Mr F.J. Sharpe
Mr M. Fanthorpe	Mrs P.A. Spencer
Mrs D.K.R. Irving	Mr N.C. Wilkin (Vice-Chairman)
Mr J.P. Labouchere	

In Attendance

Mike Brennan	- Principal Planning Officer (Capita Symonds for Breckland Council)
Heather Burlingham	- Assistant Development Control Officer (Capita Symonds for Breckland Council)
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Keith Eccles	- Building Control Manager (Capita Symonds for Breckland Council)
Helen McAleer	- Senior Committee Officer
Jane Osborne	- Committee Officer
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

192/10 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 11 October 2010 were confirmed as a correct record and signed by the Chairman.

193/10 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Mr Francis and Mr Rogers. Mr Rose was in attendance as substitute for Mr Rogers.

194/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Agenda Item 8a – North Elmham

Councillor Gould declared a personal and prejudicial interest in this item by virtue of a relative owning the adjacent land.

Mr Labouchere declared a personal and prejudicial interest in this item by virtue of knowing the applicant and living in the area.

Agenda Item 11 (Schedule Item 4) – Bradenham

Councillor Bowes and Mr Labouchere declared a personal interest in this item by virtue of knowing the applicant.

Schedule Item 5 – Attleborough

Mr Wilkin declared a personal interest in this item by virtue of knowing the applicant.

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195/10 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman advised Members that the bus tour scheduled to take place on 12 November 2010 had been postponed until the New Year.

There would be a full day of CABA training on 30 November 2010. Members were encouraged to attend as the last session had been extremely interesting.

The Development Services Manager introduced Mr Keith Eccles, Building Control Manager. Mr Eccles was in attendance as he would be taking over responsibility for Development Control and Planning Policy along with his Building Control duties when the Development Services Manager retired on 31 January 2011.

Mr Eccles told Members that he had been Building Control Manager since 2008 and he was looking forward to his new role.

196/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The application at Agenda Item 12 (Schedule Item 2) – Harling had been withdrawn.

197/10 URGENT BUSINESS (AGENDA ITEM 6)

None.

198/10 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

Nothing to report.

199/10 DEFERRED APPLICATIONS (AGENDA ITEM 8)

199 .1 North Elmham: Proposed Residential Development, Station Road for Clients of Land & New Homes: Reference: 3PL/2007/1688/O

Councillor Gould and Mr Labouchere declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

Mr Wilkin in the Chair.

This application for Outline permission for residential development had been approved, subject to a legal agreement, by the Committee in March 2008. Due to the failure to sign the agreement the application had come back to Committee in March 2010 recommended for refusal. However, Members had allowed the applicant a further nine months to finalise the legal agreement.

The applicant was now in a position to sign, but he was unable to provide the necessary visibility splay required at the access. He was asking the Committee to allow a lower standard as the access was within a 30mph zone and visibility was only restricted on the off-traffic side.

Mr Thompson, Applicant, said that negotiations had been long and protracted with many difficult issues which were all finally agreed except for the visibility splay. The proposals would improve visibility to the west where

Action By

Eastgate Street joined Station Road. A survey had been carried out which showed that most traffic was moving slowly due to the railway crossing. If he was unable to proceed with the development it would mean the loss of the improvements to the junction and the loss of affordable housing.

Members did not support the recommendation of refusal.

RESOLVED to approve the reduced visibility splay and that the application be deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

**200/10 WESTON LONGVILLE: THE OLD AIRFIELD, AIRFIELD LANE:
CONSTRUCTION OF 2 NO WIND TURBINES, METEOROLOGICAL
MAST, ALTERED ACCESS AND ASSOCIATED INFRASTRUCTURE:
APPLICANT: BERNARD MATTHEWS GREEN ENERGY (WESTON)
LTD (AGENDA ITEM 9)**

This item was a consultation from Broadland District Council on an application site close to the border with Breckland. Issues to be considered were the effect of the proposal on Breckland residents in terms of noise and shadow flicker, and landscape impact.

The nearest house in Breckland was more than 600metres from the site and there were properties in Broadland much closer. The Environmental Health Officer had raised no objections.

According to Breckland's Landscape Impact Assessment, this area was capable of taking small groups of turbines : therefore there was no objection on landscape grounds.

Hockering Parish Council had raised concerns re noise and impact and they had been advised to direct their comments to Broadland District Council.

RESOLVED that no objections should be raised.

**201/10 ELSING: THE OLD STABLES, ELSING HALL: VARIATION OF
SECTION 52 AGREEMENT ON PLANNING PERMISSION 3/88/2312 TO
ALLOW UNRESTRICTED RESIDENTIAL USE (AGENDA ITEM 10)**

Members were advised that this application to vary a legal agreement requirement was recommended for refusal due to the lack of supporting evidence in relation to the rental price of the accommodation.

Mr Lines, Applicant, explained that the holiday accommodation was large and expensive to keep. The previous owners also had problems renting it out. When it was occupied, the additional noise and movements were detrimental to the setting of the Hall, a Grade I listed building. He suggested that if it was allowed to be rented out on a long lease as residential accommodation, tied to the Hall, it would be more suitable and more likely to be occupied. It would provide security to the stables and Hall and ensure their future upkeep.

The Development Services Manager advised that the Ward Representative supported the application, saying that the Hall was a beautiful Grade I listed building and the stables were an intrinsic part of the environment which should not be treated as a normal barn conversion.

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The Applicant was asked for more information about the problems with letting the stables as tourist accommodation. He explained that the rent had been set to compare with other tourist accommodation in the area. The income also had to cover the cost of the rates and cleaning the property between lets. Both of those costs could be avoided by allowing long-term letting.

For the reasons that the building was important in relation to the Listed Building, and that a residential use in this instance would have less effect on the Listed Building than a commercial use, it was :

RESOLVED to approve the variation, subject to The Old Stables being tied to the Hall by a legal agreement.

202/10 BRADENHAM: HALE ROAD: PROPOSED RESIDENTIAL DEVELOPMENT FOR CLAYLAND ESTATES: REFERENCE: 3PL/2010/0928/F (AGENDA ITEM 11)

Councillor Bowes and Mr Labouchere declared a personal interest in this item.

Members were reminded that a previous application for 14 dwellings on the site had been refused for policy reasons. This application was for six bungalows and five houses built to Code Level 3. One of the bungalows would be adapted to full special needs standard and there would be a further four affordable units.

The Parish Council and Highways Authority had raised objection to the proposal which was strongly supported by the Council's Housing Officer due to the acknowledged need for affordable housing in the village.

There was also a strong objection from the Planning Policy Officer. The proposal would be a departure from the Core Strategy and a scheme of this size was not considered acceptable due to the lack of facilities in the village.

The main issues were National and Local Policies and the relationship of the new dwellings to existing. Officers felt that the issues were finely balanced.

Mr Allhusen, Chairman of the Parish Council, said that they were aware of the need for affordable housing but there were no shops, school, public houses or streetlights in the village and occupants of the scheme would have to use cars. To allow 11 dwellings would be against all policies. Other concerns were highway safety, overlooking and sewerage/drainage issues.

Mr Tilley, applicant, said that the previous scheme had been revised to address issues. They had reduced the scale and changed the layout. Foul and surface water issues had been resolved. The affordable housing was seamless with the open market housing. The scheme was deliverable and sustainable.

Members discussed the breach of policies, the lack of facilities and the need to give weight to local opinion.

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The Principal Housing Officer (Strategy and Enabling) was asked to comment and she explained that in the changing economic climate this would be a development at no cost to the Council, providing affordable housing. The market housing element of the scheme was what made it possible and such development was not against Government Policy. The housing would be for people with a local connection.

The Chairman agreed that it was a finely balanced issue, as there was not a large supply of land for housing such as this and developers had to be allowed a certain amount of market housing to make such schemes viable.

The Highways representative was asked to confirm that there would be a pedestrian crossing provided if the scheme was approved. Mr Worsfold, explained that two plans had been submitted, one had a footway running across the entire site frontage and the other, which allowed the retention of more of the hedge, had a partial footway and a pedestrian refuge to assist crossing. Neither scheme had been agreed yet.

Members voted against the recommendation for approval with additional conditions and a legal agreement including the requirement for a pedestrian crossing.

RESOLVED to refuse the application as the proposal was in breach of policies, DC2 and CP14.

203/10 HARLING: LAND OFF THE GLEBE: PROPOSED RESIDENTIAL DEVELOPMENT FOR BENNETT PLC: REFERENCE: 3PL/2010/0818/O (AGENDA ITEM 12)

This application had been withdrawn.

204/10 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 13)

RESOLVED that the applications be determined as follows:

- a) Item 1: Thetford: Mundford Road: Layout of access roads within the site in relation to development of Enterprise Park for The Crown Estate: Reference: 3PL/2010/0743/D

This item was considered concurrently with Schedule Item 6 (time limit extension request).

In March 2010 approval had been given for a new roundabout. The Reserved Matters application sought approval for a spine road which would link to that roundabout, with a service road and an emergency access provided onto Brunel Way. The emergency route would provide a link for pedestrians and cyclists.

If minded to approve, Members were requested to defer the application and delegate authority to the Development Services Manager to negotiate changes to the details of the proposal.

Officers were recommending approval of the extension to the time limit as guidance issued encouraged Councils to take a positive and constructive approach to such proposals.

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Deferred and authority delegated to the Development Services Manager to approve following negotiation of detail changes.

Members unanimously supported the recommendation to extend the time limit for a further three years.

- b) Item 2: Harling: Land off The Glebe: Proposed residential development for Bennett plc: Reference: 3PL/2010/0818/O

This application had been withdrawn.

- f) Item 3: Attleborough: Former Woodys Yard, Adjacent Anglian Demolition, West Carr Road: Proposed oil storage and distribution depot, including office building, installation of tanks and change of use of land for J R Rix & Sons Ltd: Reference: 3PL/2010/0896/F

The application site had been chosen for its good relationship to the A11. It was proposed to fence the site and have a gated access for security. The buildings were low and the site was well screened. Lighting would be restricted, reducing any potential impact on neighbouring amenity.

The Ward Representative had raised concerns about traffic using the lanes in the vicinity and the applicants had indicated that they were willing to accept a routing restriction.

A Member asked about contamination from the previous use of the site as a scrap yard and the potential for future contamination from flushing out of the tankers. The applicant advised that preliminary testing indicated only slight contamination (probably from tarmac) and that the tankers used were compartmentalised and were not flushed out. If any welding was required to the vehicles it would be carried out off-site.

In response to other question it was confirmed that the materials stored at the adjacent site did not pose a risk to the fuel storage; the proposal would increase staffing levels from 16 to 20/21; and the routing restriction would require access and egress via the A11.

Approved, as recommended, subject to additional lighting, drainage and routing conditions.

- d) Item 4: Bradenham: Land South of Hale Road: Development of 6 open market homes and 5 local needs homes (including 1 special needs home) for Mr C Tilley: Reference: 3PL/2010/0928/F

Refused, contrary to recommendation. See Minute No 202/10.

- e) Item 5: Attleborough: Little Barn, Eden Lane: Change of Use from office to dental practice (D1) erection of single storey extension to front for Mr & Mrs A Stasiak: Reference: 3PL/2010/0980/F

Mr Wilkin declared a personal interest in this item.

He asked why such items (applications by Councillors) could not be dealt with by another Authority and was advised that it was possible to delegate such functions to another Planning Authority if too many

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Members had to declare an interest.

It was confirmed that the Town Council had raised no objections.

Approved, as recommended.

- f) Item 6: Thetford: Thetford Enterprise Park, Mundford Road: Extension of time limit on pp 3PL/2007/0715/O to develop land as business park including Use Class B1, B2 and B8 site for hotel: Reference: 3PL/2010/0039/TL

Approved, as recommended. See a) above.

Notes to the Schedule

Item No	Speaker
3	Mr Trenerry – Applicant Mr Beath - Applicant
4 (Agenda Item 11)	Mr Allhusen – Parish Council Mr Tilley - Applicant
Agenda Item 8a	Mr Thompson - Applicant
Agenda Item 10	Mr Lines - Applicant

Written Representations taken into account

Reference No	No of Representations
3PL/2010/0896/F	2
3PL/2010/0928/F	15

205/10 HOUSING NEEDS (AGENDA ITEM 14)

The Principal Housing Officer (Strategy and Enabling) gave Members a PowerPoint presentation.

She explained that there was a legal requirement for the Council to know its Housing Need. Every five years, in partnership with other authorities (to keep costs down) a 'snapshot' was taken, using various sources of information, to assess that need.

The current Housing Register indicated a need for 964 houses per year for the next five years. The Register worked on a points based system. There were over 3,000 people on the Register and that number was slowly increasing.

Allocation of housing within an area required 'Local Connection'. This could be through living in the area, working in the area, or having relatives requiring care living in the area. The length of time of association was reflected in the points allocation, as was length of time on the Register.

There was a low turnover of housing stock in the district and 60% of villages had no vacancies in the current year.

The Housing Register provided a lot of information and that would still be available when the Council changed to Choice Based Lettings, which was expected to 'go live' soon. Hometrack, which was a web based system, provided a lot of additional, up-to-date information, including house price to income ratio and average house prices in a Ward area.

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This additional information would be used in future to provide an explanation for why certain sites were being supported for development. It was not just a matter of providing affordable housing, it was having the right type of housing in the right place.

Due to the current financial climate there was no funding coming forward and future affordable housing would have to be procured through developers.

Members asked the following questions:

Did the number of people on the Register mean that there were 3,000 homeless people in the district?

The Register included those currently living with parents; in poor quality housing; or needing sheltered or adapted housing as well as those that were actually homeless.

Do people in Private Rented accommodation qualify for Housing Benefit?

Some did – it was means tested, but if it was a single person they would only get Single Room Rate. Current plans to cap Housing Benefit would mean more pressure on the Housing Register.

Would that pressure bring rents down?

If there was not enough affordable housing it might push Private rents up. Currently only 6% of properties in Breckland were privately rented. Housing Association rents were governed by the Government and would rise to 80% of private housing rent.

Can anyone apply for accommodation under the Choice Based Lettings scheme?

Anyone could apply to go on the Register but what they could bid for would be controlled.

Would vacancies in a Parish go to someone in that Parish rather than someone from outside?

It would depend on whether the housing was tied by a legal agreement requiring a local connection.

Is there any way that the Council could make it possible for people to own their own properties?

There were currently some shared ownership products. It would be very difficult for the Council to put capital into mortgages and so they were trying to concentrate on affordable homes, working with Partners to give opportunities where possible. The cost of building properties for affordable housing was high. Housing Associations had to borrow money and charge rent to recover that. It was difficult to keep up with the supply of affordable housing.

There was more affordable housing in Watton than was needed. Would Officers look more favourably on Developers in Watton providing commuted sums towards affordable housing in other areas?

Yes, or look for more specialist housing.

During the debate on an application including affordable housing it had been said that living in a village was a luxury – do you agree?

No. If someone could afford to buy they could choose to buy anywhere. If they had to live in affordable housing why should that choice be limited?

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Rural affordable housing units were not hard to let and the people that occupied them often played an important part in village life. There was a need to meet people's aspirations as well as their actual needs.

Does the LDF policy of removing Settlement Boundaries affect the availability of accommodation?

It did have an impact but there was an exception site policy.

The Chairman thanked the Principal Housing Officer (Strategy and Enabling) for her presentation.

206/10 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (AGENDA ITEM 15)

This item was noted.

207/10 APPEAL DECISIONS (AGENDA ITEM 16)

This item was noted.

The meeting closed at 1.12 pm

CHAIRMAN