

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 7 March 2011 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
Mr P.J. Duigan (Substitute Member)	Mr B. Rose (Substitute Member)
Mr P.S. Francis	Mr F.J. Sharpe
Mr M. Fanthorpe	Mr N.C. Wilkin (Vice-Chairman)
Mr J.P. Labouchere	

In Attendance

John Chinnery	- Solicitor & Standards Consultant
Keith Eccles	- Building Control & Development Services Manager (Capita Symonds for Breckland Council)
Mike Brennan	- Principal Planning Officer (Capita Symonds for Breckland Council)
Nick Moys	- Principal Planning Officer (Major Projects) (Capita Symonds for Breckland Council)
Jane Osborne	- Committee Officer

49/11 MINUTES

The Minutes of the meeting held on 14 February 2011 were confirmed as a correct record and signed by the Chairman.

50/11 APOLOGIES & SUBSTITUTES

Apologies for absence were received from Cllrs Spencer, Irving and Chapman-Allen. Cllr Duigan was in attendance as a substitute for Cllr Irving, and Cllr Rose was in attendance as a substitute for Cllr Spencer.

51/11 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

Cllr Bowes declared personal interest in Agenda Item 8 (ii) Bradenham, as she was acquainted with the applicant; likewise, Cllr Labouchere declared a personal interest in the item by virtue of knowing the Chair of the Parish Council.

The Chairman declared a personal and prejudicial interest in Agenda Item 8 (i) (North Elmham), as a family member owned a site adjacent to the site. Mr Labouchere declared a personal and prejudicial interest in that item, by virtue of knowing the applicant.

Cllr Bowes declared a personal interest in Agenda Item 10 (Shropham), by virtue of knowing the applicant. Cllr Francis declared a personal interest in the item by virtue of living near to the site.

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52/11 CHAIRMAN'S ANNOUNCEMENTS

Keith Eccles, Business Manager (Planning and Building Control) would give a presentation to Members at the end of the Committee meeting on the Code for Sustainable Homes and BREEAM.

53/11 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA

With regard to Agenda Item 8, North Elmham : Reference : 3PL.2007/1688/0, Cllr B Borrett had asked that it be deferred, the request would be discussed when the item was reached.

Agenda Item 9, Watton : Holiday Accommodation, Richmond Park Golf Course, Saham Road for Richmond Park Golf Club : References : 3PL/2007/1310F, 3PL2008/1157/F & 3PL/2010/0533F, had been deferred to a later meeting, in order to obtain up to date plans and other information.

54/11 URGENT BUSINESS

There were none.

55/11 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

Keith Eccles, Business Manager (Planning and Building Control) gave a status update.

Thetford Area Action Plan – The 5 week consultation period ended on 4 March. 300 comments had been reviewed, processed and were available on the website. The next step would be to assess the comments, recommend final changes and report back to full Council in June/July.

Site Specifics – consultation would end on 21 March, there had been 8 representations thus far. A Programme Officer had been appointed. A document with recommendations was likely to be submitted before Easter and public hearings held during 2 weeks in July at Elizabeth House, Dereham.

Attleborough and Snetterton Area Action Plan – consultation closed on 28 January, the 1000 comments received were being assessed and were available on the website. The Attleborough Task Force would review prior to it going to Cabinet.

56/11 DEFERRED APPLICATIONS

Noted.

See Agenda Item 8 (ii) Minute No.63/11 with regard to 3PL/2010/1333/F : Bradenham.

57/11 WATTON : HOLIDAY ACCOMMODATION, RICHMOND PARK GOLF COURSE, SAHAM ROAD FOR RICHMOND PARK GOLF CLUB : REFERENCES : 3PL/2007/1310F, 3PL2008/1157/F & 3PL/2010/0533F

The item had been deferred prior to the meeting, see Agenda Item 5, Minute No. 53/11, to obtain up to date plans and other information.

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58/11 SHROPHAM : GRANGE FARM, HARGHAM ROAD : TRADITIONAL NORFOLK POULTRY : REFERENCE : ENF/2010/0376/CAS

Cllr Bowes declared a personal interest by virtue of knowing the applicant.
Cllr Francis declared a personal interest by virtue of living near to the site.

Traditional Norfolk Poultry Ltd were using an adjacent site for activities in connection with the authorised poultry factory, mainly for the parking of staff vehicles, the outdoor storage of pallets/plastic crates and occasional lorry parking and turning. The site was located to the rear of six residential properties fronting the Hargham Road, Shropham.

Planning permission was granted in 2010 for the replacement of fire damaged industrial units but the scheme had not been implemented.

One recent complaint had been received with regard to unloading at 6 p.m.

No planning conditions applied, but if there was excessive noise, Environmental Health would be informed.

Dependent on the Members' view, the Principal Planning Officer would report back to the owners of the adjacent site.

RESOLVED that taking into account the present level and nature of activity, the site's previous history and that it benefits from an extant planning permission for light industrial use, it would not be expedient to take enforcement action. The site however should continue to be monitored on an ongoing basis to see whether the situation developed.

59/11 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the application be determined as follows :-

- (a) Item 1 : Attleborough, Woodview, Leys Lane : Change of use of land for siting of 9 caravans & 4 touring caravans, replace 3 static & 2 tourers assoc. work for Mr A Jones : Reference : 3PL/2010/1231/F

The Members advised that they had received an email from Mr Becker, one of the Objectors present.

The proposal sought the enlargement of an existing gypsy site currently occupied by a single family and made personal to the Jones family. The proposal was partly retrospective, included the change of use of part of the site and the stationing of a total of 9 static caravans and 4 touring caravans, and the erection of a storage building. The proposal would replace the current permission on part of the land for 3 mobile homes and 2 touring caravans. Enforcement action was being progressed in respect of the storage of scrap metals, vehicles and 2 caravans.

The Town Council objected to the scheme due to poor access and loss of amenities, trees and land contamination. The Planning Policy Officer objected due to the cumulative affect of additional units and affect they would have on the road system. Highways objected as the unclassified road that served the site was considered to be inadequate. 3 letters of objection had been

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received with regard to the unsuitable road, increased traffic, site contamination, impact on character, family status and commercial use of site.

The applicant had been on site 20 years, he had 8 children and one cousin aged between 17-27 who he wanted to accommodate. The Principal Planning Officer had been advised that the children were not gypsies as they had not lived a nomadic way of life.

The location should not dominate the nearest community and put pressure on the local infrastructure and it was felt that having an additional 6 units would be harmful to the character and be excessive for the location.

Mr Worsfold, NCC Highways stated that an increase in the number of residential units would result in an additional number of vehicle movements. Leys Lane had restrictive width, the carriageway was suitable for single traffic only, it was sub-standard and additional vehicle movement would cause conflict, danger and inconvenience for users of the public highway.

Mr. Harvey, Objector, said that the Jones family had devastated a mature woodland, a scrap metal business was run from the site, and oil tanks had been buried.

Mr Becker, Objector, advised it was a small lane, there were 40' containers, it was a designated quiet area, and was a dangerous situation for prams etc. His family owned most of the land around the site and the backfill into the site had caused tar to leak into the water courses on the farm land, there was oil from the trucks, the woodland had been destroyed and there was disrespect for the planning rules. Harassment and anti social behaviour had gone on for 5 years.

Mr Jones, Applicant, said that he had lived on the site since 1984 and had been a resident of the area all his life. If the site was made permanent he would make it tidy to match the adjacent site. He would be happy to talk to anyone on site.

The Chairman asked the Applicant where the children would live. He replied some on site and some elsewhere. The Chairman advised the Applicant that the children did not have gypsy designation.

Some Members felt the site was in the wrong place, the road was sub-standard, the land was contaminated and caused problems for others, and therefore it would be wrong to put more caravans and vehicles onto the site.

Members queried that the application was for the Applicant's family. He was asked if he understood that if the Committee approved the application as submitted the Enforcement Team could evict members of his family. The Applicant stated he was mindful that there were two pieces of property. The Principal Planning Officer clarified the situation by showing once again the slide of the 'approved site', and stated that the units in the current application as

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it stood, could not be occupied by named members of the family who were not gypsies by definition. The Applicant was asked if he understood that, and he replied he did.

Refused as recommended. Appropriate Enforcement action should be progressed.

The Committee adjourned at 10.55 and reconvened at 11.15.

- (b) Item 2 : Swaffham, 1 Low Road : Two dwellings with garages for Mr B V Rowe : Reference : 3PL/2010/1263/F

The application sought full planning permission for the erection of two detached chalet style dwellings with detached garages. The plots were accessed via the existing Low Road.

The site benefitted from planning permission for a single dwelling, although outside the Settlement Boundary and was brought to the Committee for Members to consider if the site could adequately accommodate two dwellings.

Mr Wingate, Agent stated that the principle of a residential development outside the Settlement boundary had been established and the application looked to put two smaller developments on the site rather than one.

A Member asked that instead of soldier bricks used in the design that segmented arches with attention to detail be afforded.

Approved as recommended, with arches being incorporated instead of soldier bricks.

- (c) Item 3 : Great Ellingham, Homelea Farm, Penhill Lane : Erection of 1 no. duck breeder unit and 1 no. straw bale storage barn for Green Label Farms Ltd : Reference : 3PL.2010/1371/F

The application sought full planning permission to construct two buildings on the site to be used in connection with the applicants' existing duck breeding business. The scheme would comprise of one duck breeding building and one straw bale storage barn. The site was outside the Settlement Boundary. The site currently comprised of four breeder units similar in size and scale to those proposed, and a number of smaller buildings.

The Parish Council had raised no objection subject to no increase in traffic through the village. The Applicant had stated the site was currently under capacity. One letter of concern with regard to additional traffic had been received. A condition to control lighting was recommended.

The Chairman advised a Member who had concern over ducks without water, that that was not a planning issue.

In answer to a question raised as to what the structures were made

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of, the Principal Planning Officer advised the duck breeder building was made of olive green sheeting with louvered ventilation panels, and the straw bale storage barn was open sided steel portals, with a roof of grey cement fibre sheeting.

Approved, as recommended.

Notes to Schedule

Item No	Speaker
1	Mr Harvey – Objector Mr Becker – Objector Mr Jones – Applicant Mr Worsfold – NCC Highways
2	Mr Wingate - Agent

Written Representations Taken Into Account

Reference No.	No. of Representations
3PL/2007/1688/0	4
3PL/2010/0533/F	3
3PL/2010/1231/F	3
3PL/2010/1333/F	28
3PL/2010/1371/F	1

60/11 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION)

Noted.

61/11 APPEAL DECISIONS (FOR INFORMATION)

Noted.

62/11 NORTH ELMHAM : STATION ROAD : PROPOSED RESIDENTIAL DEVELOPMENT FOR CLIENTS OF LAND & NEW HOMES : REFERENCE : 3PL/2007/1688/0

The Chairman declared a personal and prejudicial interest as a family member owned a site adjacent to the site. She left the meeting for the Agenda Item and Cllr Wilkin (Vice-Chairman) took the chair.

Mr Labouchere declared a personal and prejudicial interest by virtue of knowing the applicant, and left the meeting for the Agenda Item.

The application had first been considered in 2008, referred back on 8 March 2010 and a further report put to the Committee on 1 November 2010 which amended the site access onto Station Road, as that previously agreed could no longer be secured within the applicant's ownership.

The Principal Planning Officer (Major Projects) advised the applicant requested further changes in terms of site area, and some land in the ownership of others had been excluded. Given the period of time, it was felt appropriate to bring back to the Members to reconsider the application against current planning policy including the now Adopted Breckland Core

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Strategy document.

It was an outline application, and the minimal changes and conceptual plan were shown to the Committee.

The application had been reassessed inline with current policies and as a result changes had been made to the proposed S106 agreement, and the percentage of affordable housing had increased to 35%.

There had been some concerns from the Parish Council with regard to access, but the latest amendments did not have new access implications. Cllr Bill Borrett had asked for the item to be deferred as had the Parish Council, as it appeared they had had difficulty in accessing the plans sent to them in January 2011 despite having been sent a link to the website.

Mr Read, Objector, was the owner of adjacent land, which was still available for the access, but had concerns with regard to the proposed access road. He felt that the changes made had been done in order to reduce costs. His own driveway was within 20' of the access road. He believed that if the Committee were to sanction the application without consulting residents and against the advice of the Highways, it would be unacceptable and the item should be deferred.

Mr Thompson, Applicant stated that the access had already been agreed.

A Councillor asked if the future of the railway line was assured, or was it threatened in anyway, and the Principal Planning Officer (Major Projects) advised that consideration had been given to see if any future development would impact, and it had been concluded that the proposal would not prejudice what would happen to the railway line.

Mr Thompson, Applicant did not know what the railway wished to do, but nothing in the application would hinder the operation of the railway.

RESOLVED that the application be deferred and the Officer be authorised to approve as recommended on completion of the legal agreement.

63/11 BRADENHAM : HALE ROAD : PROPOSED RESIDENTIAL DEVELOPMENT FOR CLAYLAND ESTATES : REFERENCE : 3PL/2010/1333/F

Cllr Bowes declared a personal interest as she was acquainted with the applicant. Cllr Labouchere declared a personal interest by virtue of knowing the Chair of the Parish Council.

The report concerned a planning application for the development of 11 dwellings on land off Hale Road, Bradenham and was considered by the Committee on 14 February 2011, when it was resolved to defer the application to enable further local consultation on revised footpath proposals to take place.

Two alternative schemes had been submitted for consideration, and the Applicant had provided up to date details on the four Path Consultation Options which were distributed to all Members. The Principal Planning Officer (Major Projects) went through them. Drawings produced were indicative.

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Option 1 – roadside connection to crossing point and extending to village green, complete hedge removal, large amount of bank removed.

Option 2 – internal site path connecting to crossing point and extending to village green, minor hedge and bank removal for splays and entrances.

Option 3 – relocated eastern access. Internal path to roadside path connecting to existing crossing point. Substantial hedge retention, existing crossing point enhanced, path extending to village green.

Option 4 – roadside/internal path. Substantial hedge removal, connecting to crossing point and extending to village green.

Local residents and the Parish Council had been re-consulted. Very little local representation had been received apart from concerns with regard to the possible loss of the hedge.

The Highways preference was for Option 1 and on the basis of that, they would withdraw their previous objection. They confirmed their view that they considered the pedestrian crossing to be inappropriate due to the location of the site.

Option 4 provided a compromise and deserved most scrutiny in that it provided some retention of the existing hedge. Highways had indicated that the footway would not be used, and the footway adjacent to the road would be more convenient but the issue was the loss of hedge.

Mr Worsfold, NCC Highways, reiterated that Options 2-4 did not provide benefits to the wider community as the footway was to the rear of the hedge and would likely be used by residents of the development only. Option 1 provided benefits to the entire community. The hedge was very close to the carriageway edge and in order to provide visibility splays there would have to be significant re-grading of the bank and would require removal of a significant amount of hedge. He was asked if anymore of the hedge would need to be removed, to which he replied that more hedge would have to be taken out than was shown on the plans.

The Principal Planning Officer (Major Projects) reminded the Committee that the amount of hedge had been subject to previous discussions and the Applicant had been asked to provide further drawings, which were the ones submitted to Members at the meeting. There were always elements of uncertainties with regard to the effect of ground works on hedges. It was felt more appropriate to consider the amount of hedge to be retained.

Mr. Alhusen, Parish Council, stated that an open meeting held on 22 February 2011, residents had been largely in agreement with the Parish Council on supporting Option 1, the Highways preference. Residents felt that the footway inside the site would not get used by other residents, and that the pavement would be of much greater benefit. Widening of the road would be welcome, along with 2 road calming signs, concerns remained with regard to rainwater and sewerage. He reiterated that if the shared ownership houses could not be sold, that they be changed to lettings instead. Access had been discussed and he asked if the site could have one entrance, and there had been concerns with regard to fuel tankers.

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Mr Tilley, Applicant, advised that Breckland Council, Bradenham and residents of the adjacent properties had been consulted. Option 4 would be best in their opinion, and the isolated section of path should be omitted as it provided very little benefit. The scheme was ready to be delivered. 350m of footpath would link the main village areas, there would be road widening, a crossing point, speed restriction signs, and he felt that the 6 open market homes could provide no more benefits than those proposed.

The hedge had been assessed for the purposes of the planning application. Norfolk Police had no specific view on the options, but their advice was that it should be open to as much casual surveillance as possible.

A Member of the Committee felt that Options 3 and 4 should be looked at to protect the hedge.

The Chairman questioned Mr Alhusen from the Parish Council that it was Option 1 that members of the public now thought was the best option. He replied that although the hedge would have to come out, the longer term had been taken into account with regard to replanting a new hedge and to have a pathway.

The Chairman proposed Option 1, as she wanted to take into account the views of the Parish Council and the local people; the proposal was seconded.

RESOLVED that the application be deferred and the Officers authorised to grant approval subject to conditions on the basis of Option 1 on completion of the legal agreement.

64/11 PRESENTATION : CODE FOR SUSTAINABLE HOMES/BREEAM

- (a) Keith Eccles, Business Manager (Planning and Building Control) gave a presentation to Members on the Code for Sustainable Homes and BREEAM.

He went through the key issues of the Code for Sustainable Homes which were as follows :-

- History of Code
- How it Works
- Categories
- Mandatory Issues
- Weighting of Points
- Energy
- CO² Emissions
- Water
- Materials
- Surface Water Run Off
- Waste
- Pollution
- Health & Wellbeing
- Management
- Ecology
- Conclusion

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BREEAM would be brought in inline with the Code, and had a different scheme for different types of developments. To be consistent with the Code BREEAM was moving to a star rating system (1-6).

When asked by a Member of the Committee if Breckland were in a position to encourage developers in the area that they would like them to achieve the Code, he answered that it was a decision for the Council to make as to whether they wished to move forward on the issue. The Chairman explained that discussions had commenced and a report was being drawn up.

- (b) The Chairman advised that there would be a possibility of a site visit on 10 or 14 March to an Anaerobic Digestion Plant in Taverham. Further information would be emailed to Members.

The meeting closed at 12.12 pm

CHAIRMAN