

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 28 March 2011 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

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

**Also Present**

Mr W Nunn	- Ward Representative
Mr P Cowen	- Ward Representative

**In Attendance**

John Chinnery	- Solicitor & Standards Consultant
Mike Brennan	- Principal Planning Officer (Capita Symonds for Breckland Council)
Nick Moys	- Principal Planning Officer (Major Projects) (Capita Symonds for Breckland Council)
Paul Jackson	- Planning Manager (Breckland & South Holland)
Jane Osborne	- Committee Officer

**65/11 MINUTES**

The Chairman had been incorrectly omitted from the list of those present in the printed Minutes to Members; the published Minutes had been corrected on the website.

Subject to the above, the Minutes of the meeting held on 7 March 2011 were confirmed as a correct record and signed by the Chairman.

**66/11 APOLOGIES & SUBSTITUTES**

Apologies for absence were received from Cllrs Lamb and Rogers, and Keith Eccles, the Building Control & Development Services Manager (Capita Symonds for Breckland Council).

**67/11 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED**

Mr Nunn, in speaking as Ward Representative, declared a personal interest in Agenda Item 11 (Kenninghall), by virtue of being a distant relative of the applicant.

Cllr Bowes declared a personal and prejudicial interest in Agenda Item 17 (ii) (Watton), by virtue of a legal issue with one of the developers.

Cllr Wilkin declared a personal and prejudicial interest in Agenda Item 10 (Necton) by virtue of owning land near to the development site.

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**68/11 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman introduced Paul Jackson, who would be in post as the new Planning Manager for Breckland and South Holland as from 1 April 2011.

Mr Jackson stated he looked forward to working with Breckland.

**69/11 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)**

The Principal Planning Officer advised that the SHAAP consultation closed at 12 noon on Monday, 21 March 2011. 230 letters of comment had been received. Comments would be included in the report to go to Council on 24 April 2011 and passed to the PI Inspector. The EIP would take place in July. The timetable for the Inspection Report should be October 2011 with adoption of the site specifics in December 2011.

**70/11 DEFERRED APPLICATIONS**

**71/11 WEETING : APPLICATION TO VARY S106 AGREEMENT TO ALLOW VEHICLES OWNED/OPERATED BY APPLICANT TO USE A1065 THROUGH BRANDON ON PP 3PL/2005/0326/F : LOCATION : DAVID WATSON TRANSPORT LTD, MUNDFORD ROAD, FOR DAVID WATSON TRANSPORT LTD REFERENCE : 3OB/2010/0001/OB**

At the Development Control meeting on 5 January 2011 Members discussed a variation of the terms of the S106 signed by Milbank Floors Ltd which related to a routing agreement prohibiting HGV traffic movements through Brandon and Weeting.

Members had agreed with the request by David Watson Transport relating to part of the site to allow up to 15 movements per day through the town in order to support the local business and reduce its overall transport costs.

Whilst all local concerns were relayed verbally to Members, the application was returned to the Committee in order to allow members of the public and the Town Council the opportunity to make direct representations to Members.

Weeting Parish Council had raised no objection previously to the proposal, but Brandon Town Council, Forest Heath District Council and Suffolk County Council had.

Suffolk County Council would be involved in developing and implementing an air quality action plan if DEFRA declared the need for one. Nitrogen dioxide monitoring levels were shown for the period 2006-2009, and Suffolk County Council said at higher levels, they could be quite influential for vulnerable people. 15 traffic movements could have an impact on nitrogen dioxide levels and maintained their objection.

Members could not support the recommendation for refusal. The applicant did not use Brandon currently so he was not part of the emission details provided. Many HGVs came from Suffolk, so it was difficult to understand the Suffolk CC objection. Members had every sympathy for the Town Council.

One Member felt the applicant went into the site with 'his eyes open' and knew of the restriction and would recommend refusal.

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Councillor Childerhouse (Ward Representative) had reiterated his objection that if the proposal was allowed, congestion would be increased and David Watson Transport Ltd was aware of the S106 before the lease for the site was signed.

Mr Hughes, Brandon Town Council, had main concerns of congestion and pollution. The remainder of the site could be available to others and it would set a precedent if the S106 was removed. The railway crossing was to be upgraded and would add to the congestion and delay.

Mr. Lukaniuk, Objector, was also concerned about congestion.

Cllr Bishop, Objector, said Brandon had tried for 19 years to obtain a by-pass. Traffic filled the High Street, and in an area of two miles there were four pedestrian crossings and 2 sets of traffic lights. Extra traffic would create more problems and would be detrimental to health.

Mr Watson, Applicant, advised that compliance with the S106 agreement cost him an additional 37,000 litres of diesel. The direct route to Barton Mills was 10 miles, and the route to avoid Brandon was 21.9 miles, more than double. It cost £43,500 for fuel which had increased by £4,000 since January and cost £23,600 in extra driver time, totalling £67,000 which was a crippling cost. He felt the rule was unfair for him, as every other company could travel through the area. The Highways Development Officer and Weeting Parish Council had no objection. There was 9 months left on the current lease, and he would seriously consider the viability of the depot if the application was not granted.

**RESOLVED**, contrary to the recommendation to approve the application by David Watson Transport Ltd, on the grounds :-

1. the increase in HGV movements through Brandon would not be significant in relation to traffic movements as a whole;
2. it was unreasonable to insist on a provision which would affect the sustainability and viability of one company when many other businesses were not subject to the same restriction

**72/11 NECTON : PROPOSED RESIDENTIAL DEVELOPMENT, LAND OFF  
MILL STREET FOR HOPKINS HOMES LTD : REFERENCE :  
3PL/2010/1345/F**

Members had received written correspondence about the item.

Cllr Wilkin declared a personal and prejudicial interest by virtue of owning land near the development site. He left the meeting after addressing the Committee.

The application was for full planning permission for residential development on land to the north of Mill Street, Necton, for the erection of 30 dwellings and the construction of a new access road.

The development would trigger an open space requirement, but the applicant had amended plans to remove a small area of open space and proposed a financial contribution instead.

There was concern with the centre of the scheme where the road geometry dominated the street scene, and there was no clear relationship between

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the road and houses. It was felt that it could be improved, although the applicants would prefer to leave the scheme as in the application. The Principal Planning Officer welcomed views of Members, and showed sketches of different road arrangements and surfaces.

Local residents were concerned about flooding. A Flood Risk Assessment had been provided. The developer of their own volition had undertaken works in the area to improve the existing system.

Another issue of concern was traffic and highway safety. Mill Street only had a footpath along part of it, but it was proposed that an additional footway would link up with the existing one. Minor works were proposed to the junction of Mill Street with hard landscaping to keep visibility splays clear.

If the application was approved, the legal agreement would not require a contribution to education.

Mr Woodward, Necton Parish Council, said they did not object. Photos of Mill Street and Chantry Lane were shown after heavy rain. The culvert should be made wider. The Parish Council would like to be involved with the contribution with regard to the S106.

Mr Smith, Applicant, advised that over a year of pre-application consultations had taken place. A half day exhibition at been held at Necton Village Hall. Following concerns, improvements to the existing surface drainage system had been made and additional amendments to the detailed layout. Additional works along Mill Street would be undertaken. There would be a financial contribution in excess of £40k.

Mr Plumtree and Mr Tanner, Objectors, suggested that as the culvert could not cope with the storm flow the developer should contribute to work on that, rather than the money used on recreation. The development access onto Mill Street was inadequate, and access onto the A47 was dangerous.

Cllr Wilkin stated the site had always been ripe for development and the design and mix of house types was quite acceptable, but he was concerned the pond would be in a garden, and he did not think that the hard landscaping NCC proposed at the top of Mill Street would be enough, as the corner was very sharp. Instead, he would like to see a raised table or a different surface on that section. The village desperately needed a round-about. With regard to the commuted sum, contrary to Policy, 50% could go to recreational facilities and 50% to other community projects. Cllr Wilkin left the meeting.

Members were concerned with the road, chicane, drainage, flooding pond.

The Chairman asked the Applicant if he would be prepared to amend the application to incorporate the road layout shown on the sketch of the Principal Planning Officer. He said he would be happy to consider that, and that if the Committee asked him to do it, he would.

The Principal Planning Officer advised the Committee that the development would not create any more water, nor any increase in the rate it flowed off the site. By enlarging the pond, storage would be increased. Maintenance of drainage systems was important. The pond was in private ownership.

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**RESOLVED** that the application be deferred and the officers be authorised to approve it as recommended on completion of the legal agreement, subject to the amendment of the road layout along the lines of the sketch plan.

Cllr Labouchere asked that his vote against the motion be recorded.  
Cllr Wilkin rejoined the meeting.

**73/11 KENNINGHALL : PROPOSED BIOGAS RENEWABLE ENERGY PLANT, LAND OFF GARBOLDISHAM ROAD, FOR GREENSHOOTS ENERGY LTD : REFERENCE : 3PL/2010/1372/F**

Cllr Sharpe and other Members advised that they had received written communication on behalf of Kenninghall residents.

Cllr Wilkin stated that he had attended a function with the applicant, but that it was not relevant to the application.

The Chairman said that she had visited an Anaerobic Digestion Plant in Taverham where the applicant and members of the public had also been invited to visit.

Cllr Labouchere had attended the Anaerobic Digestion Plant, and had since been approached by an objector to the application by telephone.

Mr Nunn, Ward Representative declared a personal interest by virtue of being a distant relative of the applicant.

The application was for revised proposals for a renewable energy. Key differences between the current proposal and the previously refused application were the siting of the proposed plant and the level of technical supporting information. A new access was proposed off Garboldisham Road.

In excess of 80 letters of objection had been received, the majority of which had been local, along with a petition containing around 200 signatures.

There was concern about how the plant would sit within the landscape. With the existing landscape features and the proposed additional planting the view was that harm to the landscape would be short term only and would improve the situation long term.

The main source of noise would be from the operation of the CHP engine, and machinery during the day. A Noise Assessment had been submitted which made clear that if no attenuation measures were put in place, there could be some disturbance.

An Odour Assessment Report had been submitted with the application which provided a detailed analysis of likely odour emissions from the various elements of the development and the affect on properties, and proposed measures to mitigate the affects.

Other comments received were increased traffic and the affect on the surrounding road network. The level of traffic was not considered to be significant. A condition was recommended for a construction traffic management plan in line with The Highway Authority's recommendation.

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The applicant had provided background information with regard to potential explosion risk and samples of health and safety issues that would need to be addressed by other legislation outside of planning.

At the time the application was submitted no use for the excess heat had been identified. However since then, the applicant had said that an opportunity had arisen to use the excess heat with Crown Milling, which would be over and above what the applicant was required to do. It would not be a formal amendment to the application but was given as background information for Members to consider; the energy plant would be connected to Crown Milling by underground pipes. Local residents had had little or no time to consider the use of heat by Crown Milling generated by the proposed energy plant.

Mr Hall, Objector, was a parishioner and Deputy Chair of Governors at Kenninghall School, where some parents had considered removing their children. The site was elevated and totally inappropriate.

Mr Roberts, Objector, stated the Environment Agency was incorrect in stating it was not a waste management site. Information was contradictory as they had stated that there would be no hazardous waste, but there would be several hazardous substances, one of which would be methane. No risk assessment or fire report had been provided.

Mr Kay, Objector had lived for 35 years at Heath Farm which was 214m from the boundary of the proposed site. He had wanted to speak about DC15 and government policy.

Mr Gordon, Parish Council, advised that 90% of the Kenninghall residents voted against the proposal, 80 letters of objection had been received along with a petition of 200 signatures. The Parish Council voted unanimously against the proposal. The site was near more inhabited dwellings which already suffered from noise and smell generated by Crown Chicken Feedmill. Concern had been raised with regard to noise, combined heat and power unit, emissions and smell. Safety was a significant issue and the environmental credentials were unacceptable. The applicants had not acknowledged that there would be hazardous substances. He read out technical biogas information from the applicant's own data.

Mr Styles, Supporter, was in attendance to represent some village businesses and residents. The site would be unnoticeable except from 2 houses, and would be less prominent than the water tower. The bio plant would increase investment opportunity and would offer jobs on farms. There would be a shift in traffic, but no more traffic movement than currently. He embraced the opportunity for potential heat for the school and village hall.

Mr Alston, Applicant, said it was a new concept and opportunity for sustainable and renewable energy. It was an opportunity for farmers to make use of power from maize feed stock. Not a single resident took up the opportunity to visit a similar plant in Taverham.

Mr Nunn, Ward Representative, stated that the proposal had caused a great deal of concern in Kenninghall and North Lopham. Answers were required with regard to the visual impact, structure and smell. He wanted to know what had changed to alter the Environmental Officer's view. How noisy would it be? How much would the plant smell? What was the

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explosive risk? Elizabeth Truss, MP had suggested a site visit. Kenninghall was believed to have a population of 970.

The previous application did have a Noise Assessment but not an Odour one, whereas the current application had both. A number of discussions had taken place with the Environmental Health Officer who confirmed that taking everything into account, she was confident that information provided was sufficient for her to make a judgement subject to conditions.

The report mentioned anticipated noise levels and night time disturbance which concerned a Councillor, who asked was the plant really needed and by whom?

Mr Heap, was from UTS Biogas on behalf of the applicants, Greenshoots Energy Ltd, and had 18 years experience in biogas plants. 5,000 biogas plants operated in Germany and they had supplied technology to 1,500 in Europe. The UK was a new market for biogas outside of the waste water industry. There was very little information available in the UK about biogas but they had a wealth of experience from the European market. Explosion risks were mitigated by a regulatory framework that came under The Dangerous Substances & Explosive Atmospheres Regulations (DSEAR) and would be adhered to without fail. Risk assessments would be undertaken as part of the DSEAR regulations but not until approval for the proposal had been given, as these were not undertaken at the planning stage. He was asked how many explosions had occurred in the 5,000 plants, to which he replied he was not aware of exact occurrence details : there had been some fatalities, but none attributed to any UTS designs.

Mr Kay, Objector was asked for his comments on DC15 and the Government Policy. He replied that not everything was renewable. Feed stocks had not been looked at. There would be 17,155 tonnes of maize and he advised that DEFRA said that growing maize might raise commodity prices and had other adverse impacts. A full Environmental Assessment and Energy Audit should be undertaken.

A Member of the Committee was worried that the application for permission had not been accurately completed and was misleading, required better assurances that noise from the engine would be overcome, that Kenninghall would not be on the prevailing wind with regard to smell, and that the risk of explosion was eliminated completely.

The applicant had not ticked the box for ammonia on the application form but advised that very low level ammonia would be produced in the form of ammonia nitrogen, which would be captured and a high quality organic liquid fertilizer would be made as a result of the process.

A Councillor was not against anaerobic digestion plants but was concerned where it was sited, the noise, smell, and predictions made about environmental risk assessment. Concerns raised last year were not covered in the report and the Member therefore felt that the person who made the predictions should attend the Committee.

The methane would not be under pressure and would be stored above the two largest tanks. Any excess energy not used at Crown Milling would be exported to the electricity grid. There was an existing connection at Crown Milling.

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The Chairman made a proposal to defer the application, which was seconded and unanimously supported.

**RESOLVED** that the application be deferred to allow for the following :-

1. The Committee to attend a site visit
2. To receive a report from the Health & Safety Executive.
3. For the Environmental Health Officer to be present when the application is again considered by the Committee

**74/11 SCHEDULE OF PLANNING APPLICATIONS**

**RESOLVED** that the application be determined as follows :-

- (a) Item 1 : Dereham : Former Library Site, Church Street : Erection of 13 no. one bed flats and communal area with associated parking and landscaping for Acorn Building Services Norfolk Ltd : Reference : 3PL/2010/1259/F

The revised application was for full planning permission for the development of 13 one bedroom flats, together with communal facilities on land off Church Street in the centre of Dereham on the former Library site. The site was located within the Dereham Conservation Area and was adjoined by Listed Buildings. Some trees were subject to TPOs.

The design of the building was very similar to the previous approved scheme but different at the rear. The accommodation was on 3 floors. There were concerns with the visual impact of the building proposed at the rear as it would be close to the footpath, be dominant and have a visual impact on the character of the area. The impact of the sycamore tree on future residents was of concern.

An S106 would be required with a development agreement which had not been drafted as undertakings had not been received from the applicant.

Mr Burden, Applicant, advised that consultations had taken place and the scheme had been revised seven times which minimised damage to the tree. Consideration would be given to the tree crown and windows had been relocated to address shade. If the proposal was refused, it could be remodelled. The S106 had not been drafted due to payment being made out to an incorrect payee, which had since been corrected.

The gate on the street was for security. A Member of the Committee believed a revised design should be seen by Dereham Town Council.

**Refused, as recommended.**

- (b) Item 2 : Necton : Mill Street : Erection of 30 residential dwellings with associated new vehicular access for Hopkins Homes Ltd : Reference : 3PL/2010/1345/F

**Approved as recommended, see Minute No. 74/11.**

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- (c) Item 3 : Kenninghall : Garboldisham Road : Renewable energy facility for Greenshoots Energy Ltd : Reference : 3PL/2010/1372/F

**Deferred, see Minute No. 75/11.**

- (d) Item 4 : Watton : 29 Merton Road : Retention of shed for Mr R Old : Reference : 3PL/2011/0004/F

The application related to the retention of a detached outbuilding to the rear of an existing bungalow, construction of which had stopped. The plans indicated a shiplap boarded finish with plain pin tiles to the roof, the exterior currently only had the insulation material on it.

The applicant would use the shed for storage and in part as an office. The Parish Council had objected. A petition signed by 48 local residents had been received which called for the removal of the shed and fence due to the building being too large, out of keeping, significant impact on the street scene and future uses of the building.

The original application was for a shed and fence, and the Applicant's intention would be to re-submit an application for a fence if the application for the shed was approved.

Mr Reed, Objector, spoke on behalf of residents of Churchill Close especially Mrs Barley who resided at No. 1 Churchill Close. It was a new structure with cavity walls, mains services, UPVC doors and windows and a tiled roof. Any new building should not be separate. It dominated the view on the residential area, and the local planning meeting had recommended refusal.

Members were concerned that it caused distress to local residents due to its size and was not in character and was too close to the fence.

**Refused, contrary to the recommendation on the grounds that it was out of character, too large and within too close a proximity to boundaries, and was intrusive on the street scene. Enforcement action be pursued.**

- (e) Item 5 : North Lopham : 86 The Street : Installation of a small wind generator for Mr R Nunn : Reference : 3PL/2011/0017/F

The amended application sought full planning permission for the erection of a wind turbine. No objections had been received.

**Approved, as recommended.**

- (f) Item 6 : Hockham : Land adjacent Horn Fair Cottage, Shropham Road : Erection of two storey detached dwelling and garage creation of new vehicular access for Mr & Mrs S Templeman : Reference : 3PL/2011/0064/F

The application sought full planning permission for the erection of a two storey cottage style dwelling with an attached lean-to garage

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with provision of a new access which lies within the Settlement Boundary and the Conservation Area, and adjacent to a thatched Listed cottage.

The previously approved scheme set back just behind an adjacent building had now been set forward with a different design. The dwelling would not be rendered, but constructed of facing bricks and clay pantiles.

Great Hockham Parish Council had objected. Four letters of objection had been received with regard to scale, impact, materials proposed, loss of trees and inadequate parking.

The Principal Planning Officer advised that it was a sensitive site but well designed and was a well proportioned dwelling. The Tree & Countryside Officer had agreed to some tree removal.

Mr Thomas, Parish Council, objected to the design and scale being different to those around the site, and would give an imbalanced street scene. The use of red brick would be out of keeping whereas rendering would keep within the scheme. The original application had dormer style windows which would better fit the street scene. There should be a condition attached for an Archaeological survey. Under the building was a well to properties. The entrance to the property should be done in a similar way as others.

Mr Morley, Agent, advised that as a result of pre-application discussions, the design submitted was the preferred one of the Historic Buildings Officer. A two storey red brick building was located four doors away and sat comfortably with rendered properties. The dwelling would be visible from part of The Green. Space between the two buildings would ensure that amenities of both properties to the North and South would be retained. With regard to a private matter of the boundary and sewer, he confirmed it had been resolved by the applicant.

Mr. Cowan, Ward Representative, said there had been considerable objections from members of the public at the Great Hockham Parish Council meeting. The village was not opposed in principle to the development but the fact that it affected the character of the village whereas the previous application did not.

Some Members commented that the dwelling was too big and should revert back to the original application which was a better size. Another Member was in favour of breaking up the street scene and was happy to see a slight mix and believed it would match as it did not sit directly onto The Green.

**Refused, contrary to the recommendation on the grounds of unacceptable form and scale, and its adverse effect on the Conservation Area.**

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**Notes to Schedule**

Item No.	Speaker
1	Mr Burden - Applicant
2	Mr Woodward – Parish Council Mr Plumtree – Objector Mr Tanner – Objector Mr Smith - Applicant
3	Mr Nunn – Ward Rep Mr Gordon – Parish Council Mr Hall – Objector Mr Roberts – Objector Mr Kay – Objector Mr Styles – Supporter Mr Alston – Applicant Mr Gooderham – Applicant Mr Allinson – Agent Mr Heap – For Applicant
4	Mr Reed - Objector
5	N/A
6	Mr Cowen – Ward Rep Mr Thomas – Parish Council Mr Morely - Agent

**Written Representations Taken Into Account**

Reference No.	No. of Representations
3PL/2010/0533/F	3
3PL/2010/1142/F	12
3PL/2010/1345/F	27
3PL/2010/1372/F	90
3PL/2011/0004/F	10
3PL/2011/0017/F	10
3PL/2011/0064/F	4

The Committee adjourned for lunch at 12.50 and returned at 13:20.

**75/11 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION)**

Noted.

**76/11 APPEAL DECISIONS (FOR INFORMATION)**

Noted.

**77/11 ENFORCEMENT ITEMS (FOR INFORMATION)**

Noted.

**78/11 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)**

Noted.

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**79/11 DEFERRED APPLICATIONS**

- 79 .1 Dereham : Proposed residential development, open space & cemetery : Land off Norwich Road for Taylor Wimpey : Reference : 3PL/2010/1142/F

The report concerned an application for full planning permission for residential development and green infrastructure on land at Norwich Road, Dereham. The Committee considered the application on 5 January 2011, when it was resolved to defer the application to enable further consideration to be given to drainage issues. Discussions had taken place with the applicant, Anglian Water and the Environment Agency.

Dereham Sewage Treatment Works did not have capacity to accommodate foul water flows from the proposed development, so the basis of the application had been amended to include the possibility of foul water flows to be directed to Mattishall STW. Detailed appraisal works would need to be undertaken to determine the feasibility and sustainability of the option.

Mr Needham, Town Council, advised that the site had been carefully chosen. In future years it would be a very nice wooded area. The existing Dereham cemetery was next door to a school.

Mr Dawson, Objector, felt the proposal would affect the character and amenity and did not protect the interests of residents. Only a token provision on the outside of the area had been taken for planned open space where open space already existed, and would be of no extra benefit. If building on a green site was unavoidable he asked that the design be reconsidered and consideration be given to those who had already contributed to the town.

Cllr Bowes clarified that at the Committee meeting held on 5 January 2011, she had been concerned about the peace and quiet for relatives of the deceased.

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

- 79 .2 Watton : Holiday accommodation, Richmond Park Golf Course, Saham Road for Richmond Park Golf Club : References : 3PL/2007/1310/F, 3PL/2008/1157/F and 3PL/2010/0533/F

Cllr Bowes declared a personal and prejudicial interest by virtue of a legal issue with one of the developers. She left the room after giving her views.

The report concerned various proposals to make three separate amendments to the design of approved holiday units at Richmond Park Golf Club, Watton. The report had been deferred from consideration at the last meeting in order to enable additional information to be requested from the applicant.

S106 negotiations had stalled, and given that the applications had been with the Council for some years, it was proposed that there should be a deadline set of three months to allow the agreement to be finally completed if approved.

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**Application 3PL/2007/1310/F** - An amendment had been submitted for Plots 19-24, which followed the general format and layout of the approved scheme. Four slabs had been constructed, but no further work had taken place.

**RESOLVED** that the application be deferred and the Officers be authorised to approve it as recommended on completion of the legal agreement within three months, otherwise the application should be refused on the grounds that the required limitation to holiday use had not been secured.

**Application 3PL/2008/1157/F** – The new proposal had a slightly enlarged footprint on plots 11-13 so there would be less space than shown on the approved plan. The design, general shape, size and style of the building would be maintained but it was proposed to place the living accommodation on the first floor, changed window arrangements were proposed and balcony structures would be larger than originally given. Objections had been received over the visual impact of the building, parking, and increased overlooking due to the living accommodation on the first floor. The proposed design layout changes were not significant and would relate to the approved scheme, although there was a slight concern with regard to meaningful landscaping. It was suggested if approval was granted, that a revised landscaping scheme be required by condition.

**RESOLVED** that the application be deferred and the Officers be authorised to approve it as recommended on completion of the legal agreement within three months, otherwise the application should be refused on the grounds that the required limitation to holiday use had not been secured.

**Application 3PL/2010/0533/F** - The Committee were shown the original approved drawings and revised plans for units 7-10. The principle difference was the addition of balcony structures to the rear of the buildings, window lights in the roof space that were not there previously, and an increase in the length of the building. During the intervening period, work had continued on the balconies, and the buildings had been substantially completed.

Slides were shown of the balconies under construction at each of the four units at first floor level, all of which would have a hot tub placed on them. Timber handrails were currently being installed and different types of screening had been tried out when the Principal Planning Officer visited.

Objections had been raised by existing occupants of the holiday units and the owner of the property with the adjacent garden.

The balconies were at the end of the development and there were no rear views of the building by members of the public but concern had been raised with regard to size, appearance and design. It was suggested that the applicant considered additional screening, due to an overlooking potential.

Whilst the proposal was acceptable it would require a time limit to the S106 to allow it to be completed along with additional conditions of construction work carried out within reasonable working hours and practices adhered to.

Some conditions had not been met, in particular the omission of off-site highway works, the provision of a footway and road improvements in

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Watton all of which were required as part of the original planning permission. Given the history of the site and its protracted nature, caution was advised as there was an imminent danger of breach of condition. Conflicting information had been received with regards to the units being occupied. A Planning Contravention Notice should be served, along with consideration of enforcement action, and recommendations were as set out in the report.

Mr Driscoll, Objector, provided 'before' and 'after' photos. He was not originally opposed to the development but the changes made seemed to reflect that there were two sets of plans. His complaint was that he would suffer a total loss of privacy. Hot tubs used for pleasure would be 8' in the air, which would increase noise levels, and he was concerned for his family's privacy especially that of his young children. He would no longer be able to use his back garden with reasonable privacy even with moderate screening. The sun decks were for year round use and were massive. He invited Committee members to view the site from his side of the boundary.

Mr Hall, Agent, was not convinced Mr Driscoll's land was garden but agricultural land instead, and that a garden was not overlooked, but a field. He had spoken to the Planning Department with regard to overlooking and if Members felt that full height screening on the edge of the decks and additional planting was needed, it would be easy to do. He became aware of the S106 issue a few weeks ago and the problem had now been solved.

Mr Gilbert, Ward Representative objected to the balconies and hot tubs and stated it was "planning abuse by stealth". Changes had been made without planning permission, and the decks were bigger than the lounges. It was Mr Driscoll's garden. Mr Driscoll did not object to the original application of bedrooms looking out onto his garden, but it was unacceptable now that very large balconies with hot tubs on them and French windows would only be two paces away from his garden. Mr Garner was the applicant and not the Golf Club, and Mr Garner had offered to buy Mr Driscoll's garden so he had been told. He asked that Members deferred this part of the application and a site visit be carried out to see the position from both sides.

Cllr Bowes advised that Mr Driscoll had contacted her about concerns with parties, intrusion on his privacy and the application was not in keeping with the area. She asked the Committee to refuse the application and left the meeting for the remainder of the item.

The Chair questioned if it was a garden or a field. The applicant had obtained planning permission for holiday units with the bedrooms on the first floor. Balconies had been built more than half the gable width, the bedrooms had been relocated to the ground floor and would have no light. The lounges were now situated on the first floor and came straight out onto decks, and she felt the hedges would be cut down due to low light. She would have had no problem with the hot tubs on the ground level, but believed permission would have been refused for them at an elevated level, all Members agreed.

The Leisure facilities on site had not proceeded, and a Member felt that they could be seriously reduced and asked for advice as to how the new footpath could be put in place. The Solicitor and Standards Consultant advised that all necessary action possible would be taken if a breach was apparent.

**Action By**

**RESOLVED** that the application be refused contrary to the recommendation on the grounds of poor design, over-looking and noise issues. Also, enforcement action should be pursued vigorously to achieve the plans as originally approved.

Cllr Bowes returned to the meeting.

The meeting closed at 2.53 pm

CHAIRMAN