

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 3 September 2012 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes
Mr S.G. Bambridge
Councillor C Bowes
Mr T R Carter
Mr P.D. Claussen

Mrs J A North (Vice-Chairman)
Mr W. R. J. Richmond
Mr F.J. Sharpe
Mrs P.A. Spencer
Mr N.C. Wilkin (Chairman)

Also Present

Mrs S. Matthews (Ward
Representative)
Mr B. Rose (Ward
Representative)

Mrs E. M. Jolly (Ward Representative)
Councillor E. Gould (Ward Representative)

In Attendance

Paul Jackson
Heather Burlingham
John Chinnery
Jane Osborne
Nick Moys
Mike Brennan
Sue Bloomfield

Planning Manager
Assistant Development Control Officer*
Solicitor & Standards Consultant
Committee Officer
Principal Planning Officer (Major Projects)*
Principal Planning Officer*
Planning Obligations Officer (Capita
Symonds for Breckland Council)
Senior Environmental Health Officer

Ruth Ellerby

* Capita Symonds for Breckland Council

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83/12 MINUTES

Cllr Jolly clarified her position with regard to Minute 77/12 (a) Schedule of Planning Applications, Item 1, Roudham/Larling & Bridgham and stated that under the new regime she had no Disclosable Pecuniary Interest and was therefore able to speak on behalf of the residents.

It was noted that with regard to Minute No. 77/12 (c) Item 3 Swaffham, it was the Senior Planning Officer who presented the report and not the Principal Planning Officer (Major Projects).

The second paragraph Minute No. 77/12 (e) Item 5 Thompson, should have the words "building an affordable" removed from the minute record.

84/12 APOLOGIES & SUBSTITUTES

Apologies for absence had been received from Cllrs Lamb and Robinson.

85/12DECLARATIONS AND REPRESENTATIONS RECEIVED

Cllr C Bowes declared for the purposes of transparency, that she knew the applicant with regard to Agenda Item 9, Residential Development : Shipdham Variation of Agreement.

86/12LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

Following the adoption by Council on 5 July 2012 of the Thetford Area Action Plan, the Planning Manager advised that on 16 August 2012 a legal challenge had been made by Shadwell Estate Company Ltd on three grounds, in that they had requested that the plan be "quashed". Breckland Council had appointed a QC but the timetable was uncertain. He advised Members that until the outcome of the challenge was concluded the local plan remained in place which included TAAP. Decisions on planning applications should therefore continue to be made in accordance with the Council's current development plan policies.

87/12DEFERRED APPLICATIONS

- 87 .1 Swaffham : Former Sixth Form College Site (northern part), Market Place : Demolish buildings and erect 16 flats, works to boundary walls to widen/improve access and associated works : Applicant : Norfolk County Council : References : 3PL/2012/0527/F and 3PL/2012/0528/CA

The application had been deferred from the Planning Committee held on 6 August 2012 to allow the NCC Highways Officer to look at all possible options at the site given Members' concern about the suitability of the proposed site access. The Principal Planning Officer presented the report.

Mr Scales, Agent, outlined for Members' benefit discussions that had taken place pre-application when access issues had been extensively discussed and explored, and that the proposed scheme met Highway's requirements.

Mrs Matthews, Ward Representative, stated that visibility had never been an argument but congestion was, and she remained adamant that as the proposed access was awful it could not be sited there.

Members discussed the access thoroughly which was critical to the proposal.

The recommendation for approval was not supported.

A new recommendation was made to defer the application which was seconded.

RESOLVED, that contrary to the recommendation of Officers, the application be deferred to allow the

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Agent/Applicant time to consult with Norfolk County Council Highways on access issues.

88/12 RESIDENTIAL DEVELOPMENT: LAND OFF CHURCH CLOSE, SHIPDHAM: REFERENCE: 3PL/2007/1234/F: APPLICANT: ABEL HOMES LIMITED - VARIATION OF AGREEMENT

Cllr C Bowes declared for the purposes of transparency, that she knew the applicant.

The report was presented by Sue Bloomfield, Planning Obligations Advisor.

A comment made by a Councillor was that he had long suggested part and shared ownership schemes and that all be done to enable solutions of that nature to be developed which would improve the total mix of people within Breckland and give individuals a chance to get on the property ladder.

Approved, as recommended to vary the Section 106 Agreement to allow development to continue.

89/12 RESIDENTIAL DEVELOPMENT: LAND OFF MALLOW ROAD, ATTLEBOROUGH: REFERENCE: 3PL/1994/1300F: DEVELOPER: WILCON HOMES LIMITED

Sue Bloomfield, Planning Obligations Advisor presented the report.

Approved, that the area of public open space shown edged red on the plan be adopted and maintained publicly in order to ensure their future retention and maintenance, and that the offer of a commuted sum for their future maintenance (the exact sum to be agreed between Asset and the developer) be accepted.

90/12 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the applications be determined as follows :

- (a) Item 1 : East Tuddenham : Conv of existing structure to w/shop connected with use of site as place for storage of vehicles (retrospective) : Applicant : Mr R Taylor : Reference : 3PL/2012/0199/F

Retrospective consent was sought to extend an existing structure on site to form a vehicle workshop used in connection with an established vehicle storage use of the site. The vehicle workshop was of steel construction with a covered roof and open front.

The Principal Planning Officer advised that vehicles could remain on site from 14 days and up to 7 months. A long

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history of complaints about the site had been received principally from one source. A Member raised his concern that he had only received a copy of the full written representation from the complainant the morning of the Committee meeting.

Mr Gowler, Supporter, was the mobile engineer who used the workshop. He explained he was on site during school holidays but on average only 1-2 days when the schools were open. Over an eight week period he had worked on eight vehicles. Waste was properly disposed of, and any spillages were cleared and could not get out of the yard and into the river. He had never received any complaints himself from local residents, vehicle movements had decreased and he did not work after 6 p.m.

Mr Philpot, for the Applicant, stated that the building was used infrequently by a part time mechanic and was an ancillary element to the use of the site. The Certificate of Lawful Use had no restrictions over traffic volume and use of Traps Lane. Public views of the building were very limited and discrete in nature. Contamination was collected and complied with Regulations. The Applicant was seeking to install oil interceptors and environmental protection.

Mr Rose, Ward Representative, had been asked by East Tuddenham Parish Council to put forward their concerns which were mainly about the effect the active development had as it grew on the Tudd Valley and important surrounding environment. They felt that the site was unsuitable for the activity and should be located in an industrial area and asked for the retrospective application to be refused.

It was requested that a condition be imposed for the retention of fluids on site as the River Tudd was one of the cleanest rivers in Norfolk and of environmental importance. Hours of work should be conditioned and the Parish Council listened to, to ensure no extension of work took place.

Approved, as recommended subject to conditions as detailed in the report with the additional condition that only vehicles stored on the site be serviced in the building.

- (b) Item 2 : Scarning : C/U from A1 to A5, erect new shop front and erect extract duct and air compressors : Applicant : Domino Pizza Group Ltd : Reference : 3PL/2012/0392/F

The applicant sought full planning permission to change the use of an existing retail unit to A5 use (hot food take-away). A new shop front, extract duct and air compressors were also proposed. The shop front would be aluminium framed and the extract duct would be painted to match the existing brickwork.

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The Principal Planning Officer stated that from the principal view of the site, a lot of the flue would be screened by the Co-Op as identified on a photograph during the presentation.

Mr Unwin – Agent, advised that the applicant was very experienced in operating units of the type proposed. They had no objection to a personal condition. Deliveries would be made principally by car and not moped. He believed monies that would be invested in the property would give confidence to other local retailers. 15 full time jobs would be created.

Cllr E Gould – Ward Representative, stated that she had been contacted by several members of the public with regard to their concerns of noise and disturbance in a residential area. She was not convinced that cars would be better than mopeds.

The application had initially sought hours of operation between 8.00 a.m and 12 midnight, and Members were made aware that it had been changed to 11.00 p.m, and not 10.00 p.m as indicated in the report. Some Members were supportive of an 11.00 p.m closure whilst others preferred a 10.00 p.m closure.

The Agent confirmed that nobody would be allowed in the premises after 11.00 p.m. He was told by a Member that he had the same concerns as members of the public and would personally not like to see an application come forward for extended hours in future, given the area was predominantly residential.

It was requested that a condition be included that the applicant installed adequate litter bins outside the premises.

Approved, as recommended subject to conditions as detailed in the report with the additional condition of the installation of litter bins outside the premises.

- (c) Item 3 : Watton : Erection of 31 residential units (18 flats & 13 houses; estate road; parking areas & open space) : Applicant : Serruys Property Company Ltd : Reference : 3PL/2012/0503/O

The application sought outline planning permission for the construction of 31 dwellings consisting of 18 flats and 13 houses with associated on-site parking provision and area of open space. An earth bund with accompanying acoustic fencing was proposed to the western boundary. The scheme would be accessed via the adjacent Griston Road and would necessitate the demolition of the existing commercial premises on site. The application sought to deal with layout and access as part of the application with all other matters reserved, indicative plans of how the scheme could look were included

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as was a plan of the previous proposed scheme. The bund and open space would be maintained by a private management company.

Mr Took, for Objectors, represented Mr McCarthy who ran the engineering business adjacent to the site. Whilst the site needed developing, alternative uses would be far more appropriate. The application was a resubmission of a previous scheme put forward but had been increased to 31 dwellings. A 4m bund would be more typical against a motorway. He read out comments made by the Planning Inspectorate at a former Appeal. Concern had been raised on the impact of the established family firm with suggestions having already been made that they should relocate. All employment land was being used for housing.

Mrs Shelley, Agent, made Members aware of the continuous noise assessment carried out night and day for one month to establish patterns and noise levels. Extensive negotiations had taken place with Environmental Health and Planning Officers who had raised no objections. The scheme, orientation of dwellings, gardens, integration of flats and open space was satisfactory for the site in recognition of its position between residential and industrial developments. Windows to habitable rooms would be positioned in west elevations of the site.

Cllr C Bowes, Ward Representative, said to reserve the area in question for industrial use would be to the detriment of residents of housing in the area which had increased significantly in recent years. Should there be a demand in Watton for further industrial land it should be found on the perimeters of the town. It was an old industrial area of the town that had evolved and was now significantly residential. It could be argued therefore that residential use was now the most appropriate for the site. She added that Watton Town Council had no objections to the proposal.

Mr McCarthy, Objector, made the Committee aware that the plans shown during the presentation did not show the two extensions that were in the process of being erected to existing buildings by WECO which would increase noise and not decrease it on the industrial site which was extending. He stated that they already received complaints from occupiers of the present housing, and gave some background history on how he had built up his expanded business which sometimes operated at nights and occasionally at weekends. When asked whether a full viability study had been done for the site, the Principal Planning Officer advised that it had not been looked at as the applicant had agreed to provide the requisite affordable housing contribution.

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Ruth Ellerby, Senior Environmental Health Officer explained how the Acoustic Engineers undertook continuous noise monitoring over 28 days and gave details of some of the results.

The recommendation for approval was not supported.

Some Members were not convinced that the noise would be reduced significantly by the bund and acoustic boarding and the potential affect on the adjacent engineering works. Further comments were that a viability assessment was required, buildings would be within 9' of an industrial site which had a great deal of intrusive potential and that there would be other uses for the site.

RESOLVED, that the application be deferred to enable a site visit to take place on a date to be arranged.

- (d) Item 4 : Croxton : Residential development of 11 dwellings following demolition of two existing dwellings & outbuildings : Applicant : Bennet Plc : Reference : 3PL/2012/0624/F

The item was discussed at the same time as Item 5. Members had received communication from Cllr R Childerhouse, Member for Weeting Ward which detailed the local concerns of the community and the Parish Council about the proposal.

The application sought full planning permission for the erection of 11 dwellings with associated onsite parking on land at The Street, Croxton. The scheme would necessitate the demolition of 2 existing dwellings and associated outbuildings and garages (which were also the subject of a separate Conservation Area consent application). The development would also include the creation of an area of play space.

The Principal Planning Officer (Major Projects) stated that Members may wish to consider an extra condition which related to materials they might wish to specify such as clay tiles and not concrete ones and also that the flint was laid in a traditional way and a sample provided prior to commencement if the proposal was approved.

Mr King, Parish Council, stated that the application had added a second vehicle access on The Street, and the Parish Council were extremely concerned that it would destroy the existing form and character of the conservation area. The proposal constituted over development of the site. Anglian Water had confirmed that there was a foul water drainage problem both in the village and with the plot. Independent traffic surveys revealed speeding in the area. He pointed out all the accesses on the plan shown during the presentation and made them aware of a closed one, which was not marked

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on the plan.

Mr Stephen, Objector, advised he objected due to badly designed access, drainage, sustainability and inconsistency. Two entrances were excessive for 14 dwellings, and spoke of the results of automatic speed counts carried out in 2010. Some dwellings had problems with the soakaways. The proposal was for too many dwellings, and read out comments from the Environment Agency who required six conditions.

Mr Harvey, Agent, stated that the scheme had been fully agreed with Planning Officers. A wildlife pond would be provided and maintained to meet the requirement of the provision of a habitat for local species. Individual units would have their own cellular soakaways. The area of open space would be used for percolation as well as for individual units.

RESOLVED, that the application be deferred and the Officers be authorised to approve it as recommended, on completion of the legal agreement with an additional conditions with regard to flint usage and clay pantiles.

- (e) Item 5 : Croxton : Residential development of 11 dwellings following demolition of two existing dwellings & outbuildings : Applicant : Bennett Plc : Reference : 3PL/2012/0625/CA

The item was discussed at the same time as Item 4. Members had received communication from Cllr R Childerhouse, Member for Weeting Ward which detailed the local concerns of the community and the Parish Council about the proposal.

The application sought Conservation Area Consent for the demolition of two existing bungalows and associated outbuildings.

Approved, as recommended.

- (f) Item 6 : Dereham : Residential Development (approval of reserved matters) : Applicant : Bennett Plc : Reference : 3PL/2012/0628/D

The proposal sought reserved matters approval for the redevelopment of the former Dereham Swimming Pool site for a development of 25 dwellings. 15 dwellings would be open market dwellings and 10 affordable housing units. The development included single and two storey dwellings. Access was proposed from De Narde Road. Car parking would be provided at 2 spaces per dwelling. Materials comprised of a mixture of red and buff bricks and red concrete pantiles.

Following a comment made with regard to whether some form

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of piling would be provided in case of subsidence for the benefit of existing residents and future ones, the Principal Planning Officer (Major Projects) advised that it was not clear whether or not there would be a need for a retaining structure, however, it could be required by a planning condition but no concerns had been raised with regard to stability. He also responded when asked if the amenity space could be made into a play area for Under 5s, that it was not normally a reason for a development of the size proposed to provide one, also the area was not overlooked as well as it could be and was less accessible, however it did link into adjoining green spaces.

Approved, as recommended, subject to an additional condition relating to the detail of any retaining structures.

- (g) Item 7 : Necton : C/U of land for car sales & retention of workshop & portacabin for established business (retrospective) : Applicant : Mr Ian Thompson : Reference : 3PL/2012/0788/F

Members had received correspondence about the proposal.

Full retrospective planning permission was sought for the change of use of land for car sales and for the standing of a workshop building and portacabin for use as an office. Additional landscaping had been shown on the proposal. Members were advised of the planning history of the site.

Mr Watling, Parish Council, stated a local service had been provided by the applicant who had shown commitment to the community which would suffer if the application was not approved. The proposed site was previously a community one. It was important that a balance be established for Necton to retain the vital service.

Mr Thompson, Applicant, advised that he had addressed the entrance width and included the provision of a passing area. He did not intend to remove any trees. The scheme was not considered to be overly detrimental to the residential amenity of the area with regard to noise disturbance. There were no endangered species. The application was for a change of use for a small area of a local facility which served local people. There had been 300 signatures in support of the application. He did not have an alternative site for his business which had been established for 20 years and was viable and sustainable.

Members questioned the use of the facility along with its daily and weekly vehicle movements. The applicant stated that the traffic survey carried out was accurate which showed movement of 5-6 cars a day.

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The recommendation for refusal was not supported.

A new proposal was made and seconded that the proposed application did not currently cause any problems, and there was strong local support for the business which had the potential to create employment in the future.

RESOLVED, that contrary to the recommendation of Officers, the application be approved, and that Enforcement Action would be withdrawn against the applicant.

Notes To Schedule

Item No.	Speaker
1	Mr Rose, Ward Representative Mr Gowler, Supporter Mr Philpot, for Applicant
2	Cllr Gould, Ward Representative Mr Unwin, Agent
3	Mrs Surridge, Objector Mr McCarthy, Objector Mr Took, for Objectors Mrs Shelly, Agent Ruth Ellerby, Environmental Health
4	Mr King, Parish Council Mr Stephen, Objector Mr Harvey, Agent
5	Mr King, Parish Council Mr Stephen, Objector Mr Harvey, Agent
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7	Mr Watling, Parish Council Mr Thompson, Applicant

Written Representations Taken Into Account

Reference No.	No. of Representations
3PL/2012/0199/F	6
3PL/2012/0392/F	3
3PL/2012/0503/O	15
3PL/2012/0624/F	13
3PL/2012/0625/CA	4
3PL/2012/0788/F	6

91/12 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING

Noted.

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**92/12 APPLICATIONS DETERMINED BY NORFOLK COUNTY
COUNCIL (FOR INFORMATION)**

Noted.

93/12 APPEAL DECISIONS (FOR INFORMATION)

Noted.

The meeting closed at 1.24 pm

CHAIRMAN