

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 1 July 2013 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes
Mr S.G. Bambridge
Mr T R Carter
Mr P.D. Claussen
Mr T.J. Lamb
Mrs J A North

Mr W. R. J. Richmond
Mr M. S. Robinson (Vice-Chairman)
Mrs P.A. Spencer
Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan (Substitute Member)

Also Present

Mr J.P. Cowen
Mr A.C. Stasiak

Mrs A.L. Steward
Mr M. A. Wassell

In Attendance

Heather Burlingham
John Chinnery
Paul Jackson
Helen McAleer
Nick Moys
Jayne Owen
Martin Pendlebury
Chris Raine

Assistant Development Control Officer*
Solicitor & Standards Consultant
Planning Manager
Senior Committee Officer
Principal Planning Officer (Major Projects)*
Senior Planner*
Director of Planning & Business Manager *
Senior Planner*

* Capita Symonds for Breckland Council

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59/13 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 3 June 2013 were confirmed as a correct record and signed by the Chairman.

60/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies were received from Councillor Bowes and Mr Sharpe. Mr Duigan was present as substitute for Mr Sharpe.

**61/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

Any declarations would be made at the time an application was discussed.

62/13 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman advised Members that in future Planning Officers would present their own cases to the Committee. Officers in attendance

today would be Nick Moys, Chris Raine and Jayne Owen.

He also drew attention to the Supplementary Agenda which had been issued. It included information received after the original Agenda had gone to print.

**63/13 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)
(AGENDA ITEM 7)**

The Director of Planning & Business Manager gave Members a brief update on the work of the Planning Policy Team. They were currently analysing the responses received from the Community Infrastructure Levy and the Sustainability Scoping consultations.

They were providing supporting information for the Gypsy and Traveller Accommodation Study and the Annual Monitoring Report regarding the Council's Five Year Housing Land Supply.

They were also assisting Attleborough Town Council with their Neighbourhood Plan preparations.

Finally he advised Members that the next meeting of the Local Plan Working Group would be held following Cabinet on 30 July. A number of reports would be presented to the meeting and it would be a good opportunity for Members to engage in the process.

64/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: WATTON: 119 Norwich Road: Revocation of Section 106 on pp 3PL/2009/1084/F: Applicant: S & A Jones Developments Ltd: Reference: 3OB/2012/0004/OB

This was a request for a variation to a legal agreement to remove the requirement for financial contributions, due to viability issues that had been confirmed by the District Valuer.

If the agreement was varied it was suggested that a mechanism be applied so that if economic conditions improved and the development was not completed within three years, a review should take place.

Mr Futter (Agent) said that the site was currently available but not deliverable. Without the contributions it could be delivered within three years.

Councillor Richmond noted that the District Valuer was often involved in applications heard by the Committee and it might be useful for Members to receive a presentation on the methodology used.

The Planning Manager advised Members to determine the

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application on its merits. The scheme was for large units with a high specification making them more expensive to build. If the variation was refused the developer might come back with a different scheme for denser development.

Councillor Duigan asked the Ward Rep for Watton whether the town would prefer a financial contribution or a denser development.

Councillor Wassell thought that it might be acceptable to agree a nil contribution for affordable housing but not for recreation. He also wanted development to commence within a set period.

The Planning Manager suggested that agreement could include a specified commencement date and a review after three years.

Deferred, contrary to the recommendation, for negotiation to include a recreation contribution, an agreed start date for commencement and a review if not complete within three years.

- (b) Item 2: DEREHAM: Cemex Site, 10 Yaxham Road: Proposed mix use development (full – new drive through restaurant and family restaurant; outline – 51 bed hotel and development: Applicant: Mr A Scales: Reference: 3PL/2013/0071/H

This hybrid application sought full permission for a McDonalds restaurant and for a public house/restaurant and outline permission for a hotel and storage warehouse.

The relationship with the adjacent, sub-standard railway crossing was an issue. Following dialogue with Mid Norfolk Railway the applicant had agreed to part fund an upgrade to the crossing, which would be secured by a S106 Agreement. Amenity issues were not considered to be significant.

Mr Scales (Applicant) and Mr Largent (Agent) were in attendance to answer questions if necessary.

Mr Sidney (Objector) had no objection in principle to the use of the land but objected to the layout of the road at the exit which would cause HGVs to slow down traffic and cause blockages. His property was directly adjacent the site and was affected by noise and dust. He asked for a fence along that boundary.

Councillor Duigan hoped the applicants would take account of that request. Otherwise he felt it was excellent that a local man was bringing a national company to Dereham. He wished the A47 could be upgraded and acknowledged that there were traffic problems.

Councillor Richmond also warmly welcomed the job creation and inward investment. He asked about opening hours and

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whether litter bins could be conditioned. The Officer confirmed that litter bins could be conditioned and advised that sometimes drive-through McDonalds were open 24 hours.

Councillor Claussen was concerned that the road from the roundabout and across the railway line was often gridlocked and NCC needed to look at it.

Councillor Lamb was apprehensive and thought the new public house would sound the death knell for existing public houses. He did not think the proposal would improve Dereham.

Members discussed the traffic problems, litter and the treatment of the adjacent blue land.

Mr Scales (Applicant) advised that the hotel operator had withdrawn and they were looking for an alternative. He was concerned that restrictions on the McDonalds proposal might discourage other companies.

Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement. Councillor Lamb abstained from voting.

- (c) Item 3: ICKBURGH: Former Manor Farm Duck Site, Swaffham Road: Installation of plant and equipment: Applicant: Naturediet Petfoods Ltd: Reference: 3PL/2013/0289/F

This application sought permission to erect various pieces of plant and machinery on the site. Such matters would not normally require permission but when the original permission had been granted, permitted development rights had been restricted. A lot of local objections concerned the change of use of the site which was not an issue as the new use was covered by the existing permission.

Mr Gore (Parish Meeting Chairman) handed in a petition signed by 97 residents. The Parish Meeting had only been reformed two weeks ago and needed more time to gather information. He raised concerns about noise and smells and their harmful effect on local people.

Ms Orrow (Applicant) said that the units were cleaned inside before being stored outside. The refrigeration unit had been located on the far side of the building from Ashburton Road to reduce any noise effects. The site was surrounded by a tall and heavily planted bund which also acted as a noise buffer. The use conformed to all requirements and would bring additional employment and generate income for the area.

Mr Gore (Objector) was concerned about sewage blockages and light pollution. The trees were home to bats and owls and needed to be managed properly. Residents had a right to quiet

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enjoyment of their homes, he asked Members to defer their decision.

Councillor Steward (Ward Rep) had represented the area for over 10 years and recognised that local people were very concerned. Letters had been sent out unfranked and so people had not known about the proposal. The petition had been signed by almost half the local population. She asked how the site would be regulated. The Environment Agency Officer had said that noise and smell 'should' be OK. Residents needed reassurance. She asked the Committee to visit the site to see the storage facilities and to see how much the village had grown.

Councillor Richmond asked how much additional employment the site would bring and its hours of operation. The applicant advised that 25-30 new jobs should be created and it was a 24hr operation.

Councillor Bambridge asked how smells would be controlled during cooking and the applicant gave details of the water circulated system to be used, which would create less smell than their current operations in Shipdham. He also asked what the petition statement said.

The Solicitor read out the statement which opposed the application on grounds which included; due process not being followed, excess trade effluent, noise, smells and the devaluation of property.

Councillor Claussen sought clarification of what the Committee should be determining. It was explained that only the positioning of the various items of plant and machinery were under consideration and that it was not possible to condition the operations within the building.

Councillor North empathised with the residents but acknowledged that it was not the use of the factory that was under discussion.

The Chairman asked the applicant whether there were any residential properties near the existing operation in Shipdham and was advised that there was one property only 10m from the site and they had worked with the occupant to ensure noise and smell issues were negated.

Approved, as recommended.

- (d) Item 4: THETFORD: Former Magistrates Court, Old Bury Road: Conversion of former Magistrates Court into 14 flats: Applicant: Havebury Housing Partnership: Reference: 3PL/2013/0310/F

This application proposed the conversion of an empty building

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into 14 affordable housing flats. Members were shown before and after elevations. The existing roof lantern and parapets would be removed.

Ms Wise (Agent) and Mr Amador (Architect) were in attendance to answer any questions.

Members discussed parking, colour and materials, windows and the access point. It was explained that the grey render would cover panelling which would increase the buildings insulation and upgrade its energy rating. Changes to the windows were permitted development and did not require permission.

On the Chairman's casting vote, Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement on affordable housing and recreation.

- (e) Item 5: ATTLEBOROUGH: Land Opposite Old Hall Farm Barn: Erection of 2 bed dwelling in connection with farming enterprise: Applicant: Mrs Syrett: Reference: 3PL/2013/0334/O

Councillor North declared that she had received direct representation on this application.

This outline application was for a dwelling within a small group of buildings in open countryside. The farm was run by the applicant who lived on site and her son, who lived off-site. If approved the applicant would occupy the new dwelling and her son would move into the existing dwelling.

The issue was that Officers felt there was insufficient agricultural need to justify another dwelling.

Mr Hickman Smith (Agent) said the applicant was co-owner of the farm with her son. It would be more suitable for the son to live on site, but as he was often away for several days, travelling with the horses, it was necessary for Mrs Syrett to be nearby to assume responsibility for security and animal welfare when he was away. The site of the proposed dwelling was not suitable for agricultural purposes. They were happy to retain an agricultural condition on the property. Highways concerns had been addressed and the contribution towards Open Space had been resolved.

Councillor Stasiak (Ward Rep) spoke on behalf of the applicant and said that Councillor Martin also supported the application. It was time for the son to take over the running of the business but he was often away. There was a lot of historic equipment stored at the farm and security was paramount. A condition could be applied to ensure the dwelling could never be sold separately.

It was clarified that the financial contribution could be dealt with

by a Unilateral Agreement.

Councillor Bambridge asked whether the heavy horses actually worked and it was confirmed that they were used for demonstration and breeding purposes.

Councillor North asked about the possibility of an annex. The Agent explained that due to the positioning of the existing dwelling and surrounding farm buildings which were all in full use there was no space for an annex.

Refused, as recommended.

- (f) Item 6: ROUDHAM/LARLING: Erection of two semi-detached warehouse/industrial buildings: Applicant: Valley Traction Services Ltd: Reference: 3PL/2013/0358/F

This was an application for commercial development in an employment / industrial area. The only issue had been the future use of the building which had been clarified as restricted by condition to B1/B8, not B2.

Approved, as recommended.

- (g) Item 7: WATTON: Garden of 26 Watton Green: Retirement bungalow: Applicant: Mr & Mrs Alan Nichols: Reference: 3PL/2013/0378/O

This application proposed a bungalow in the side garden of the applicant's existing dwelling. The main issue were that the land was outside the Settlement Boundary and one dwelling would not make a significant contribution to the Council's 5 year housing land supply shortage. There was also no footpath to access local facilities.

Mr Evans (Agent) said a one bed bungalow would free up the existing three bedroom bungalow and make a contribution towards the housing shortfall. He showed a plan marked with permissions granted for 80 dwellings in the vicinity outside the Settlement Boundary over the last few years. He also advised that the applicants regularly walked into Watton despite the lack of a footpath.

Councillor Wassell said that Breckland Council's logo included the words 'a better place, a brighter future' and that was what the applicants hoped to achieve. They had lived in their current home for 40 years and wanted something smaller and more efficient for their retirement. The lack of a footpath was common in Breckland and many residents used the road for pedestrian access. The NPPF gave provision to consider such sites in view of the Council's lack of a 5 year housing land supply. One dwelling would not solve that problem but would be a step towards addressing it.

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Councillor Duigan thought that saying one house would not make a difference to the housing land supply was discriminatory against small developers.

The Planning Manager asked Members to determine the application on its merits and to be consistent in focussing their attention on whether the application was acceptable or not.

Councillor Carter cherished the idea that people could stay in their own communities when they grew older. Care in the community was important. Lots of properties were not sustainable and lots of villages did not have footpaths.

Councillor Lamb said that personal circumstances could extend everywhere and if this was allowed it could lead to a multitude of others. He thought Members should stick to the Policy.

Councillor Claussen asked about the definition of sustainability and said that it did not specifically mention the car. He felt that Norfolk needed its own definition and that planning should support communities.

Councillor Bambridge noted that the application had been brought to Committee because it was a borderline decision and it was up to Members to make a justifiable decision.

The Planning Manager disagreed. It was straightforward in Policy terms. If Members wanted to change Policy it should be done through the Local Plan process. Members needed to consider the implications for other properties with large gardens and whether they were setting a precedent.

Refused, as recommended

- (h) Item 8: GARVESTONE: Thuxton Lakes, Station Road: Manager's dwelling in association with fishing lakes: Applicant: Mr A Thompson: Reference: 3PL/2013/0389/O

This application was similar to one previously refused by the Committee in October 2012. The main difference was the additional information contained in the assessment regarding the functional need for the dwelling to prevent loss of stock.

Mr Cadney (Objector) representing the residents of Thuxton thought the proposal was a threat to biodiversity. The report used out of date information and did not take account of the water voles, bats, owls, otters and kingfishers that frequented the site. There was reference to high crime levels but there had only been three thefts locally in the last two years. There were a large number of new homes available in Garvestone. Approval would set a precedent.

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Mr Took (Agent) said that the resubmission addressed previous concerns about justification. The report was very comprehensive and detailed the importance of on-site management and supervision. Poaching was a problem. The site attracted fishermen from all over the country. Prevailing winds took smells from the nearby pig unit away.

Councillor Bambridge asked why the proposal placed the dwelling so close to the pig unit and the Agent explained that it was separate from the lakes and any effect on ecology and wildlife, and close to the entrance.

Refused, as recommended.

- (i) Item 9: ATTLEBOROUGH: Little Barn, Eden Lane: Change of use from D1 to A1 and A2 : Applicant: Mr & Mrs A Stasiak: Reference: 3PL/2013/0394/CU

This application proposed the change of use of a building within the Conservation and Primary Commercial Area of Attleborough. There would be no changes to the external appearance of the building which had previously been in A1 use.

Approved, as recommended.

- (j) Item 10: COLKIRK: Azure Plot 2, Market Hill: MMA to 3PL/2011/0747/F in respect of height of house and garage is greater than approved plans (retrospective): Applicant: Mr D & Mrs M A Cram: Reference: 3PL/2013/0434/F

Councillor Carter declared that he had had interactions with all parties and had would speak as Ward Rep on behalf of the Parish Council and Objectors. He did not vote on the item.

This application was for a minor amendment to an approved scheme. The critical issue was the relationship of the new dwelling with Lawrence House. The new dwelling had been built higher than approved and Members were asked to consider how it affected the adjacent properties in visual and amenity terms.

Mrs Lawrence (Objector) was owner of Lawrence House and showed photographs of views of the new property from her house and garden. The additional height increased viewing into her garden and had a negative impact. She suggested mitigation measures to soften the effects, such as a living wall along the garage, tree planting, 2.5m fencing with climbers on trellis and solid/opaque glass to the balcony wall.

Mrs Cram (Applicant) explained that the mistake had occurred when measurements were transferred from the planning to the working documents. The mistake went unnoticed due to the

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architect suffering a very serious accident at that time. As soon as it was detected it was acknowledged. She proposed to plant bamboo up to roof height.

Councillor Carter (Ward Rep) acknowledged that when the plans were first presented the parish council and neighbours had not objected. If built to the correct height it would have been much less obvious but as built it looked out of place, did not fit in and was overbearing. Shielding by planting would make a difference.

Members were generally in agreement that the extra height made the house unacceptable. Advice was given that if they were minded to refuse the application, exact instructions and reasons would be required for enforcement purposes.

Councillor Robinson noted that it was very refreshing that the objector had offered suggestions for mitigation.

Deferred, contrary to recommendation, for negotiation on mitigation measures between the applicant, objector and Officers. Authority was delegated to Officers to approve the application if all parties were satisfied, otherwise the matter would be referred back to the Committee.

- (k) Item 11: NARBOROUGH: Kings Lynn Indoor Bowls Club, Narborough Road, Pentney/Narborough: Variation of conditions 3 & 4 of pp 3PL/2011/0725/CU allow permanent standing of caravans: Applicant: Pentney Leisure & Bowls Club: Reference: 3PL/2013/0463/F

This application sought a variation to allow 10 caravans to stay on site for the whole summer and 10 caravans to be stored on site over the winter. The proposal did not extend the occupation time limits.

Local concerns had been raised about outstanding conditions on the original approval. A fence had now been erected to define the buffer zone and a passing place had been provided on the access road. An ecological survey was underway.

Mr Wilkinson (Parish Council) wanted a more permanent fence to protect the SSSI. The site was visible from the opposite river bank which was a public footpath. He requested mature tree planting between the fence and the site to enhance the buffer zone. There was also concern that residential caravans would be occupied full time.

Mr Evans (Agent) had not known about the public footpath. He confirmed that no overwintering caravans would be occupied and no stay would be longer than 28 days. It was not unusual to allow caravans to stay on site and to be stored. Trees had been planted and those that had died would be replaced.

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Mr Rayner (Objector) was concerned that approval would lead to further applications to extend the permission. The site spoiled the vista from the river banks and increased activity could cause fishermen to leave to the detriment of the area. The existing fencing and planting were insufficient.

In response to questions from Members it was clarified that the site was open grass fields with 40 electrical hook-ups. Occupation of the 10 caravans allowed to stay all summer would still be limited to 28 days. The stored caravans would be moved to a separate area on site.

Approved, as recommended.

- (l) Item 12: SHROPHAM: Oak Tree Cottages, Hargham Road: Extension of time limit on pp 3PL/2010/0185/F: Applicant: Traditional Norfolk Poultry Ltd: Reference: 3TL/2013/0004/TL

This application sought an extension to extend the time limit on a permission to replace a fire damaged building. Members were given a brief review of the approved proposals. Government advice was to take a constructive and positive view on time limit extension applications unless there had been a change in policies. There had been no such changes since the permission had been granted.

Mr Marsden (Agent) said the development was part of a series of proposals which had been discussed in detail with Officers. If the time limit was extended there would be an application to vary the proposal and a future application for a layerage building.

Councillor Cowen (Ward Rep) spoke on behalf of the Parish Council which had no objection in principle, but were very concerned on behalf of adjacent residents. The bund was in a poor state. Details of the acoustic wall and noise levels from the site were needed. The Layerage building would reduce noise but he was concerned about the proposed variation to conditions.

The Principal Planning Officer clarified that the 2010 permission had been subject to 18 conditions which comprehensively restricted the approval for amenity reasons. All those conditions would be repeated on the new permission.

Councillor Bambridge questioned the proposed amendments and why an extension to the time limit was required. The Agent explained that various elements had to be completed before the Layerage building was built. The approved proposal was too big and the variation would be to reduce the scale.

After a short discussion about Highways concerns Councillor

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Cowen confirmed that parking was not a problem, but insufficient signage meant that HGVs sometimes missed the turning to the site.

Approved, as recommended.

Notes to the Schedule

Item No	Speaker
1	Mr Futter – Agent
2	Mr Scales – Applicant Mr Largent – Agent Mr Sidney - Objector
3	Mr Gore – Parish Council and Objector Ms Orrow – Applicant/Agent Cllr Steward – Ward Rep
4	Ms Wise – Agent Mr Amador - Architect
5	Mr Hickman Smith – agent Cllr Stasiak – Ward Rep
7	Mr Nichols – Applicant Mr Evans – Agent Cllr Wassell – Ward Rep
8	Mr Cadney – Objector Mr Took – Agent
10	Mrs Lawrence – Objector Mr/Mrs Cram – Applicants Cllr Carter – Ward Rep
11	Mr Wilkinson – Parish Council Mr Rayner – Objector Mr Gray – Applicant Mr Evans - Agent
12	Mr Marsden – Agent Cllr Cowen – Ward Rep

Written Representations Taken Into Account

Reference No	No of Representations
3PL/2013/0071/H	3
3TL/2013/0004/TL	2
3PL/2013/0289/F	34
3PL/2013/0310/F	2
3PL/2013/0334/O	1
3PL/2013/0463/F	3
3PL/2013/0434/F	2
3PL/2013/0389/O	3

65/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

66/13 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 11)

Noted.

67/13 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 12)

Noted.

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The meeting closed at 2.55 pm

CHAIRMAN