

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 29 July 2013 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

Mr T.J. Lamb
Mrs J A North (Vice-Chairman)
Mr N.C. Wilkin (Chairman)
Councillor M. Chapman-Allen (Substitute Member)
Mr P.J. Duigan (Substitute Member)

Also Present

Councillor E. Gould
Mr K. Martin
Mr M J Nairn

Mr R. R. Richmond
Mr A.C. Stasiak
Mr M. A. Wassell

In Attendance

Heather Burlingham
Jemima Dean
Michael Horn
David Higgins
Paul Jackson
Helen McAleer
Nick Moys
Sarah Robertson

Assistant Development Control Officer*
Senior Development Planner*
Solicitor to the Council
NCC Highways
Planning Manager
Senior Committee Officer
Principal Planning Officer (Major Projects)*
Planning Policy Officer*

* Capita Symonds for Breckland Council

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68/13 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 1 July 2013 were confirmed as a correct record and signed by the Chairman.

69/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillors W Richmond, M Robinson, F Sharpe and P Spencer.

**70/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

The following declarations were made with regard to Agenda Item 9:

Schedule Item 2 (Weeting) – for transparency Councillor C Bowes declared that she served on a local charity fundraising committee with the applicant, Councillor R Childerhouse.

Schedule Item 8 (Wellingham) – for transparency Councillor T Carter declared that he had called the application in to Committee and had met with the applicant Mr Joice.

71/13 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman informed Members that it was Nick Moys last meeting before he left the Council. All Members joined him in thanking Nick for all that he had done and wishing him good luck for the future.

It was Jemima Dean's first time at the Committee and she was introduced to Members.

Attention was drawn to the supplementary report which had been issued to update Members on information received about applications to be considered, after the main agenda had been published.

72/13 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The application at Schedule Item 1 (Lyng) had been withdrawn.

73/13 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)(SCHEDULE ITEM 7)

This item was presented with Agenda Item 10.

The Planning Policy Officer informed Members that work on the new Local Plan was on-going and parts of the vision and evidence base would be presented to the Working Group in the Autumn, along with a report on housing numbers.

A sustainability appraisal scoping report had been circulated to all Statutory Consultees for comments. These had been reviewed and accepted by the Deputy Planning Manager and the Executive Member.

An initial consultation had taken place on the CIL Preliminary Draft Charging Schedule and having reviewed the comments received more evidence and viability work would be undertaken before further consultation took place.

The new Statement of Community Involvement had been adopted by the Council. The Statement described the consultation processes for Policy documents and planning applications.

It was confirmed that Members would see the revised CIL Draft Charging Schedule before it went out for further consultation.

74/13 DEFERRED APPLICATIONS (SCHEDULE ITEM 8)

75/13 WATTON: 119 NORWICH ROAD: VARIATION OF SECTION 106 AGREEMENT: APPLICANT: S & A JONES: REFERENCE: 30B/2012/0004/OB

This application had been considered by the Committee on 1 July 2013 and Members had raised a number of questions. The application had been deferred for further information and the report contained the latest updates which included an offer by the applicants to provide a £5,000

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contribution for local recreation facilities. They hoped to start work within six months and complete within three years.

Mr Futter (Agent) clarified some points raised at the previous meeting. The scheme had stalled because it was unviable. Even with all the contributions removed there would only be a 5.5% return on investment compared to the more usual 17%. The District Valuer had concluded that with the current obligations the site would produce a loss. There had been some confusion during the debate about the number of new properties being sold in Watton. Those houses were being sold for a minimal return. The removal of the obligations would produce jobs and houses. As a gesture the applicant was offering £5,000 for off-site recreational facilities.

Councillor Wassell (Ward Representative) was heartened by the offer. However, as the Town Council now had responsibility for maintaining play equipment he asked the Committee to consider reinstating the original £13,400 contribution for recreational facilities and the transport contribution which added together would only be about 5% of the original obligation.

Members discussed the offer of £5,000. Councillor Lamb suggested that if the development was not viable it should be scrapped.

It was pointed out that the scheme was for larger, higher specification houses in response to local demand. If Members refused the variation the applicants could indeed scrap the scheme and come back with a proposal for denser development which was not what the local community wanted, but which might be more viable.

Members acknowledged that but were still concerned that it might set a precedent. Councillor Claussen asked whether a mechanism could be included to claw back contributions if market conditions changed.

After further debate the Planning Manager advised that costs were a fundamental part of the process. There was a Government mandate to re-assess requirements to promote development. There would be costs involved if the Committee made a decision that could not be defended on appeal and the Council's lack of housing land supply also needed to be taken into account.

It was suggested that the application be deferred again for further negotiations. The Agent was keen for the matter to be determined. As his clients were present he asked for time to speak to them. The matter was held in abeyance whilst another item was discussed.

On returning to the item, the Agent advised that having spoken to his clients and to the Ward Representative the applicant had agreed to pay the full £13,400 contribution to recreation facilities, half on the signing of the legal agreement and the other half on the sale of the third house. Councillor Wassell confirmed that he was happy with that proposal.

RESOLVED that the section 106 agreement be varied as

requested, subject to the following amendment:

- (1) the £13,400 recreation facilities contribution requirement to be retained; and
- (2) the contribution to be paid in two instalments, 50% on signing the legal agreement and 50% on the sale of the third house.

76/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the planning applications be determined as follows:

- (a) Item 1: LYNG: Land at Cherry Tree Farm off Blind Lane: Installation of a single wind turbine (max height 77m), access track, hardstanding, sub-station and works: Applicant: Bawdeswell & Cherry Tree Partnership: Reference: 3PL/2012/1079/F

This application had been withdrawn.

- (b) Item 2: WEETING: Land to east of The Beeches, Lynn Road: 24 residential dwellings: Applicant: Childerhouse Lodge Farms: Reference: 3PL/2013/0258/O

Councillor Bowes made a transparency declaration on this item.

This outline application comprised phase 2 of a development approved on appeal. The original application was for dwellings and allotments. The new application proposed amendment to three of the approved dwellings and moving the allotments back and building more houses on their original position. The new application also sought to renegotiate the number of affordable housing units due to viability issues. The Council's Housing Team agreed the assessment figures. An early review of viability could form part of any legal agreement.

As the previous permission had been granted on appeal it was difficult to substantiate an objection given the Inspector's conclusions and methodology.

Councillor Nairn (Parish Council) was primarily concerned with the access from Cromwell Road which served a lot of traffic. The development would produce an additional 2-300 traffic movements per day. The local primary school would need an additional classroom. The Parish Council had not been consulted about the 70 proposed allotments and did not think there was any demand for them and the terms of the lease were onerous.

Ms Whettingsteel (Agent) said the development would help to meet the substantial shortfall in market and affordable housing in the District. The advice from Natural England was that the cumulative effect of the two schemes would not affect the SPA. A new circular path would enhance pedestrian access to the village.

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The applicant had offered 40% affordable housing in good faith but it was not financially viable, the reduction to 21% would make the scheme viable and deliverable.

Members were concerned about the proposals and Councillor North pointed out that the Inspector's decision gave permission 'in accordance with the approved details' which were now being amended. She was concerned that the new proposals moved development closer to the SPA and would increase the chances of predation by domestic animals.

Councillor Bambridge agreed and said that the Inspector had approved the scheme with 40% affordable housing and the new proposals would increase the number of dwellings but reduce the affordable housing to 21%. If the Parish Council did not want the allotments what community benefit would they get in their place.

Councillor Claussen was concerned that the Committee did not have the District Valuer's assessment to consider as he believed that there was viability for 40%.

The Planning Manager advised Members that the Inspector's decision was not based on viability and reminded them that other sites were being approved in the District with less than 21% affordable housing. With regard to the SPA he explained that without scientific evidence of harm decisions should not go against the Government's advice.

Councillor Duigan advised that there were two different categories for allotments and the current proposals would not provide protection against their future development.

Councillor North noted that Members had been handed a copy of the allotment lease and points 7 and 8 seemed to preclude the Parish Council from objecting to further planning applications. She was advised that they were standard clauses.

The Principal Planning Officer said that under the terms of the draft legal agreement if the Parish Council did not accept the lease all previous obligations would be removed.

The Parish Council representative was asked for their views and said that they had not had the chance to consider it at their meeting but had concluded that it could not be accepted due to the onerous terms. He also noted that only 15 people had registered an interest in having an allotment.

Councillor Claussen proposed that the application be deferred and the District Valuer's input sought as the Committee needed that information to make a decision. The Solicitor agreed that it was reasonable for the Committee to ask for evidence about viability.

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Councillor Duigan asked that the status of the allotments should also be looked into.

Deferred for further information.

- (c) Item 3: ATTLEBOROUGH: Banham Poultry Ltd, Station Road: Retail (A1), office (B1), and leisure (A3/A4/A5) uses, petrol filling station and associated works including access: Applicant: Banham Group Ltd: Reference: 3PL/2013/0278/O

Members noted that they had received direct representation about this application.

David Higgins – Norfolk County Council Highways, was in attendance for this item.

This was an outline application for mixed use development with access only to be considered. Members were shown an indicative site layout and advised of the main issues to be considered.

The effect on the town centre had been assessed using the key and sequential tests. There were two other potential redevelopment sites in the town centre but they were both too small to cater for all of the proposals. Overall it was considered that the effects of the development on the town centre would not be significant and would not have an adverse effect on link trips.

Economic and employment factors were important. The applicant was planning to relocate their poultry business to Bunns Bank and the proposals would provide the capital to fund the relocation as well as creating more than 500 jobs. There had been a suggestion that the application and the relocation proposals should be linked by a legal agreement, but the Officer did not feel it was necessary as Banham Poultry had made significant investment in Bunns Bank.

The new roundabout junction to Station Road had been approved in principle by NCC highways and they also considered that the town centre gyratory system and surrounding roads were capable of accommodating the additional traffic generated by the site, subject to some improvements to the closest road junction.

Following concerns raised by the Fire Service some amendments had been made to the junction improvements scheme.

Secondary issues to be considered were amenity and the impact on the character and appearance of the area. Conditions could be imposed to address noise concerns and the new proposals would significantly enhance the appearance of the site.

The Environment Agency had objected on the grounds that they had insufficient detail. Further information had been provided

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which should satisfy their requirements.

Mr Middleton (Town Council) strongly supported the plans to move the poultry business to Bunns Bank but raised objections about traffic and the wider infrastructure problems. The proposal, on top of other developments for more than 500 houses, would have an effect on the gyratory system which had been assessed as being at capacity five years ago. A practical solution to the traffic problem was needed before development which should form part of the Neighbourhood Plan process. The Town Council welcomed the employment opportunities and hoped the Council would support the Bunns Bank application which they wanted to be more closely linked to the current proposal.

Mr Hall (Objector ACT) wanted to support the relocation but objected to the proposal on traffic, highway safety and impact on retail and amenity grounds. The schemes should be intrinsically linked to guarantee local relocation.

Ms Ashby (Objector) lived close to the site and already experienced difficulty exiting her driveway due to congestion. New jobs at Bunns Bank would also generate additional traffic on the same road. It was not the right site for the development, Victory Park near the A11 would be much more suitable.

Mr Delafield (Agent) cited a letter from the CEO of Banham Poultry saying that the planning application was inextricably linked to the relocation. They had support from local residents and George Freeman MP. The site would provide many benefits and if the town did not 'keep up' it would lose out in leakage to other retail areas.

Councillor Stasiak (Ward Rep) lived in Station Road and supported the application which would safeguard more than 700 jobs. He acknowledged the highway issues and thought the development would add pressure to deliver the relief road sooner rather than later. Most people left town to do their main shop and a big supermarket would address that and provide more jobs.

Councillor Martin (Ward Rep) also welcomed the application as the town needed a large supermarket and there was the potential at Bunns Bank for major investment. The town already had a blueprint and progress was being made to provide a link road.

Mr Higgins (NCC Highways) was well aware to the opposition to developments in Attleborough on traffic grounds. He advised that the development would not operate 'flat out' before the new housing and link road were developed. It would make the network busier but would not cause significant congestion.

Councillor North lived in Attleborough and knew about the traffic issues and welcomed the positive response from Highways that the link road was coming. She noted that there was an important

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ecological stream running through the site and asked that it be taken into consideration. With regard to the junction improvements she asked what would happen to the Crimean War Memorial currently sited there. She noted that there were many access points onto Station Road and was concerned that the roundabout would cause problems for heavy vehicles from the chemical factory.

Mr Higgins advised that there were no plans to move the Memorial. The junction improvements would just change the shape of the island.

Councillor Lamb was concerned that the supermarket would have an effect on local traders. He also supported the requirement for a legal link between the development and the relocation of the poultry business to ensure it stayed in the vicinity.

The application was deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

- (d) Item 4: BRADENHAM: Land Adjacent to The Lord Nelson, 1 Hale Road: Proposed erection of two detached cottage style dwellings with garages: Applicant: Mr Edward Sorrell: Reference: 3PL/2013/0399/F

This application for two, mirror-image dwellings on a site outside the Settlement Boundary would have little impact on the countryside as the adjacent site had been approved for development.

Mr Cutting (Agent) advised that a Unilateral Undertaking had already been signed and the applicant was willing to accept the conditions proposed.

Councillor North asked how close the dwelling was to the Public House and was advised that it was 25m at the closest point but that there was a hedge and garage between. There were no known complaints about noise from the Public House and Councillor Lamb pointed out that the Council had powers to deal with noise nuisance.

Approved, as recommended.

- (e) Item 5: SHIPDHAM: Mill Road: MMA to 3PL/2010/0732/F (revisions to 4, 11,12,32 and 43 and revised footpath arrangement adjacent 43): Applicant: Abel Homes Ltd: Reference: 3PL/2013/0420/F

This application was for minor material amendments to a previously approved major application. The amendments related to the slight repositioning of some dwellings, the widening of a footpath, changes to some garage doors and an additional garage

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in place of an old brick building with no historic value.

Approved, as recommended.

- (f) Item 6: THETFORD: Units 11-29 (odds) Brunel Way, Brunel Way Industrial Estate: Replace existing flat roof with new pitched roof, composite cladding, fascia and soffit: Applicant: Breckland Council: Reference: 3PL/2013/0457/F

This application proposed the replacement of existing flat roofing with a small pitch. Members were shown photographs and elevations of the units.

Agreed, as recommended.

- (g) Item 7: NECTON: Development at The Birches, Off Oaks Drive: Minor Material Amendment to 3PL/1991/1231/D (Change timber joinery to PVCU window/doors): Applicant: Necton Management Ltd: Reference: 3PL/2013/0478/D

This minor amendment proposed the replacement of previously approved wooden doors and windows with UPVC which was already used in neighbouring properties. It was clarified that this last phase of the development had not been commenced.

Agreed, as recommended.

- (h) Item 8: WELLINGHAM: Uphouse Farm Ltd, Uphouse Farm, Swaffham Road: New dwelling for occupation in connection with an existing farming enterprise: Applicant: Uphouse Farm Ltd: Reference: 3PL/2013/0491/O

Councillor Carter made a transparency declaration about this item. All Members had received direct representation.

This application was for a new farm workers dwelling. The house was sited in Breckland but the access track was in North Norfolk district and they were dealing with that application.

The proposed dwelling would be occupied by the applicant's son who was trained to maintain the biomass plant which provided heat to the poultry units. Data had been provided which showed that the plant required regular maintenance, often out of normal working hours.

Other farm workers dwellings were nearby and there was a back-up heat source and so on balance it was not considered that there was an essential need for the dwelling.

Mr Joice (Applicant) said the biomass energy centre had been in operation for two years. It was new technology and was essential for the business. It was critical to maintain the temperature in the poultry units. It was the first small scale unit using poultry manure

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as fuel and was at the forefront of technology, hence the technical issues. Mr Joice's son currently worked 60-80 hours per week and was on call 24/7. The business was successful and millions had been invested.

Councillor R Richmond (Ward Rep) explained that Mr Joice's son lived in his Ward which was 12 miles from the farm. He had witnessed occasions when the son had had to leave social functions to return to the farm to maintain the plant. An expert had to be employed to maintain the plant if the son went away on holiday. The farm had won various awards and the Council was committed to support businesses so he hoped Members would support the application.

Councillor Bambridge knew the farm was innovative and efficient and said that the dwelling could be secured by agricultural restrictions.

It was noted that a stand-in engineer would stay in the house if the son was away. None of the other farm workers were trained to maintain the plant.

Councillor Claussen thought Members had heard sufficient justification for the dwelling. Rural roads could be impassable in bad weather so it was important for the son to be on-site and the dwelling would not have a significant visual impact.

The recommendation for refusal was not supported.

Approved, contrary to the recommendation on the grounds that technical expertise was needed on site to ensure animal welfare and the dwelling would have minimal impact on the landscape.

Notes to the Schedule

Item No	Speaker
2	Mr Nairn – Parish Council Mrs Whettingsteel - Agent
3	Councillor Martin – Ward Rep Councillor Stasiak – Ward Rep Mr Middleton – Town Council Ms Ashby – Objector Mr Hall – Objector ACT Mr Delafield – Agent Mr Huggins – NCC Highways
4	Mr Cutting - Agent
5	Mr Futter - Agent
8	Councillor Richmond – Ward Rep Mr Joice - Applicant
Agenda Item 8a	Councillor Wassell – Ward Rep Mr Futter - Agent

Written Representations Taken into Account

Reference No	No of Representations
3PL/2013/0278/O	13
3PL/2013/0258/O	4
3PL/2013/0491/O	1

77/13 FIVE YEAR HOUSING LAND SUPPLY STATEMENT 2013 (AGENDA ITEM 10)

The Planning Policy Officer presented the report which was updated annually.

The Core Strategy set the housing target of 19,100 for 2001-2026. That equated to 764 new homes every year but in the last financial year only 329 houses had been built. There had also been a shortfall in the previous few years. That under-delivery should be made up in the next five years, equating to 1,342 new homes per annum. Taking all the sites with planning permission and those identified within the Local Plan documents there would still be a 2.8 year housing land shortfall. That shortfall had an effect on planning applications as Members knew.

The numbers were no longer up to date and a review of housing numbers would form part of the work being carried out for the new Local Plan. Previously housing targets had been set regionally, now they could be set locally.

Councillor Lamb pointed out that there was plenty of land available with permission that was not being developed. He thought the housing figures were too high and the requirement for a five year housing land supply was causing all sorts of issues.

Councillor Duigan asked about applications for development where there was insufficient high school places and was advised that the NPPF requirement for land to be deliverable, available and suitable meant that unsuitable applications could still be refused.

Councillor Claussen was concerned that the CIL had been meant to provide infrastructure and with a CIL rating of zero the housing need might never be met. He was advised that although parts of the district would be zero rated S106 contributions would still apply to on site infrastructure.

Councillor North remarked that she hoped the development in Attleborough went ahead as it was one of only a few areas that would make a CIL contribution.

Councillor Bambridge thought that a zero CIL was madness. He also thought the 19,100 housing target was unrealistic. Too many houses were being built and not sold. Somewhere the figures were wrong.

The Planning Manager advised that the figures had been set when times were good. The annual target had only been met twice (in 2004 and 2005). He agreed that the numbers needed revisiting. Houses were not

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being built because they could not be sold and they could not be sold because people could not get a mortgage.

Councillor Bowes asked how SSSI sites could be protected from potential development proposals and was advised that it was areas with a positive housing allocation that were most likely to be affected and those areas in the Core Strategy for no growth should be protected by environmental constraints which would affect the NPPF criteria.

The Chairman thanked the Planning Policy Officer for the report, which was noted.

**78/13 PLANNING APPLICATION INFORMATION REQUIREMENTS
(AGENDA ITEM 11)**

The Principal Planning Officer (Major Projects) presented the report.

The Council had produced a list of the information required to be submitted with a planning application in 2009 and it was overdue for updating. A change in legislation at the end of July 2013 meant that if the list was not updated the Council would no longer be able to require the information to be submitted.

There had been a lot of guidance from the Government about what to include and regard had been given to that advice. It was not an onerous list and there had not been many alterations to the requirements. However, there had been a lot of changes in the procedures for validation and so the accompanying guidance notes had also been updated.

Consultation had been carried out on the amended list and no comments had been received.

RESOLVED that the revised Local List be adopted.

**79/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF
COMMISSIONING (AGENDA ITEM 12)**

Noted.

80/13 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 13)

Noted.

The meeting closed at 14.55

CHAIRMAN