

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 25 November 2013 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes	Mr M. S. Robinson (Vice-Chairman)
Mr S.G. Bambridge	Mr F.J. Sharpe
Mr T R Carter	Mrs P.A. Spencer
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mr T.J. Lamb	Mr P.J. Duigan (Substitute Member)
Mrs J A North	

Also Present

Mr S. Askew	Mrs A.L. Steward
Mr K.S. Gilbert	Mr M. A. Wassell
Mrs L.H. Monument	

In Attendance

Viv Bebbington	Senior Development Control Officer
Heather Burlingham	Assistant Development Control Officer*
John Chinnery	Solicitor & Standards Consultant
Paul Jackson	Planning Manager
Helen McAleer	Senior Committee Officer
Martin Pendlebury	Director of Planning & Business Manager *
Chris Raine	Senior Planner*
Paul Took	Interim Senior Planner*

* Capita Symonds for Breckland Council

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110/13 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 28 October 2013 were confirmed as a correct record and signed by the Chairman.

111/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Bowes and W Richmond.

Councillor Duigan was present as Substitute.

**112/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

All Members had received direct representation for the following items:

Schedule Item 2	Watton
Schedule Item 5	Little Dunham
Schedule Item 9	Dereham

113/13 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman welcomed Paul Took to the meeting. He was temporarily working in the Planning Department again.

114/13 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Schedule Item 4 (Old Buckenham) had been withdrawn and Schedule Item 10 (Thetford) had been deferred from the agenda.

115/13 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Director of Planning & Business Manager gave an update.

Work was continuing on key pieces of evidence to support the Local Plan. The next meeting of the Local Plan Working Group would be held on 3 December 2013 and would consider the Employment Growth Study and the Housing Numbers reports.

The three Transport Studies for Attleborough had been considered by Cabinet and the Local Plan Working Group on 29 October and had been accepted as part of the evidence base for the Local Plan. Further work was needed to assess the costs associated with the Council using its powers of Compulsory Purchase.

Work was also underway on a Local Service Centre topic paper which would re-look at which villages should be local service centres and the potential for housing growth within them.

The Draft Charging Schedule for the Community Infrastructure Levy (CIL) had been reported to Cabinet on 29 October. Just prior to that meeting the Government had released its response to the consultation on changes to the CIL Regulations. New Regulations would be published in January. Cabinet had therefore decided to delay the consultation on the Draft Charging Schedule until after the CIL regulations were published. The delay was likely to set back the introduction of CIL charging to October-December 2014.

Councillor Bambridge asked whether the principles would be changes for the Local Service Centre Review. The Director of Planning & Business Manager advised that all Councillors would be invited to a visioning exercise to be held in the New Year to look at the whole aspect and he expected that to result in a change to the principles.

Councillor Claussen asked if the Council stood to lose any money due to the late introduction of the CIL but he was advised that was not likely.

116/13 DEFERRED APPLICATIONS (AGENDA ITEM 8)

116 .1 COLKIRK: Azure, Market Hill: Minor Material Amendment to 3PL/2011/0747/F in respect of increased height of the dwelling and garage and a Juliet balcony to the front elevation (retrospective): Applicant: Mr and Mrs Cram: Reference: 3PL/2013/0434/F

This application, for an amendment to a dwelling which had been built higher than approved, had been deferred from the Committee meeting on 1 July 2013 for negotiations between the Applicants and the Objector on mitigation measures.

The Applicants had suggested planting bamboo between the fence and wall as it would reach a good height quickly and would screen softly, with movement. Other options had been considered and rejected for various reasons. The neighbour had not been satisfied with their proposal and had suggested the planting of mature pleached hornbeam with a maintenance agreement. The main volume of the trees would be above the fence creating a good screen.

Attention was drawn to a recent amendment adding a Juliet balcony. Officers felt that both the balcony and the proposal to plant bamboo were acceptable.

Mrs Lawrence (Objector) had suggested the pleached hornbeam as it would provide a natural hedge-on-stilts with no risk of root damage. She was even willing to have the trees planted on her side of the fence. Bamboo was non-native, did not fit the rural location and had invasive roots.

Mrs Cram (Applicant) said the application sought approval for the additional 15 inches in height. They were willing to mitigate its appearance but as the fence was less than five feet from the garage it was difficult to plant. Bamboo had been suggested after research. The impact of the extra 15 inches was not adverse. Most of the house was single storey whereas Mrs Lawrence's house was three storeys. If the extra height had been included in the original application it would probably have been accepted.

Councillor Armes was very disappointed. She did not think that bamboo was suitable; it could be noisy and invasive. She favoured the pleached hornbeams. She was also concerned about the sudden addition of the Juliet balcony.

Councillor Spencer agreed and asked where the balcony would be located. The position of the balcony was pointed out. It was also clarified that a Juliet balcony was a safety feature only, providing railings across a window opening to stop people falling out.

Members discussed their powers to impose a condition for the planting of the pleached hornbeams. The Planning Manager advised that it would be

difficult to enforce a condition to plant the trees in the neighbour's garden and might require a legal agreement.

Mrs Cram asked whether the Council would be liable for any damage to the foundations if they enforced such a condition and the Solicitor advised that the Council would not normally be liable for any such damage in connection with a planning permission but said that she should take legal advice.

It was confirmed by several persons present that pleached hornbeam could be planted (if done in the correct manner) without any risk to buildings.

RESOLVED that the application be approved subject to conditions including:

- a) the planting of pleached hornbeam along the length of the garage wall;
- b) details of the planting scheme and future maintenance to be submitted to the Council within two months;
- c) planting of the trees to take place within two months of approval of the planting scheme; and

Members further approved Enforcement Action if the conditions were not complied with.

117/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: DEREHAM: Mill Vue Farm, Badley Moor: Revocation of covenants 5.1, 5.3 & 5.4 on pp 3PL/2006/1067 relating to occupational restriction: Applicant: Mr & Mrs Worledge: Reference: 3OB/2013/0002/OB

This application requested the lifting of restrictions tying the dwelling to the agricultural engineering business. The applicants had not been able to secure a mortgage to build the house due to the legal tie. Although Officers had sympathy with the applicants there was no policy justification to remove the restriction.

Mr Futter (Agent) said the Applicants had been trying to obtain a mortgage since 2008 but due to the restriction they could not find a lender. They were living on site in the caravan which had been given temporary permission. They had lived on the site for 21 years and wanted to build a modest dwelling. It was a successful rural enterprise.

Councillor L Monument (Ward Representative) said that the legal agreement was a blight on the property which would continue to affect whoever owned the site. There was no chance to borrow money. Officers were right about the Policy but she asked

Members to use their prerogative to make an exception.

Councillor Claussen noted that the rules and policies had been drawn up in better times.

The temporary permission for the caravan was clarified by the Planning Manager who advised Members that once that permission expired Enforcement Action could be taken to remove the caravan if necessary. However, if the restriction was lifted and the dwelling built, the caravan could remain as a chattel in the grounds. If economic conditions changed the house could be built. He asked Members to consider whether they would grant permission for an unrestricted dwelling on the site.

The vote was tied and the Chairman used his casting vote to support the recommendation.

Refused, as recommended.

- (b) Item 2: WATTON: Thetford Road: Erection of 110 Dwellings with associated Open Space: Applicant: Hopkins Homes Limited: Reference: 3PL/2013/0510/F

This full application for 110 dwellings would include 25% affordable housing (28 units). The District Valuer had confirmed that 40% was not viable and 25% was acceptable. The supplementary information provided referred to a contribution for bird monitoring and mitigation. That figure had been re-calculated and should be £125,000. If that sum was required the applicant would have to reduce their affordable housing contribution to 22% (25 units).

Mr Denempont (Objector) said that Watton did not have the facilities to accommodate the development. If affordable housing was developed it would attract more people and there were not enough shops, doctors or schools.

Mr Smith (Applicant) said the development had been carefully planned in consultation with officers and key stakeholders. The current scheme would provide affordable and market housing, open space and land for the school.

Councillor Wassell (Ward Representative) had concerns about the development. The four accesses to the site were potential accident spots, there should be a roundabout at Barn Ruche. He was also concerned about the proposal to reduce the number of affordable housing units. Finally he noted it was a very muddy site which often smelt of sewage.

Councillor Gilbert (Ward Representative) thanked the Applicants for their thorough public consultation. However, certain aspects were still not right. He agreed that the access should be off a roundabout at Barn Ruche, if not a right turn lane would be essential. He asked

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Members to defer the application for further consideration.

Councillor Spencer thought that a roundabout would help as it was a very dangerous junction.

Councillor North agreed and said that needed to be re-examined. She was concerned that a three storey unit overlooked a bungalow. With regard to the reduction in affordable housing she asked whether there would be any contributions if 28 were retained.

The Planning Manager apologised for the confusion with the figures which was not the Applicant's fault; they had also received late notification. He suggested that affordable housing in this instance was more important than a contribution to protect wildlife but it was up to Members to decide. With regard to the request for a roundabout, he advised that it was not a policy requirement. It was also on land outside the ownership of the Applicants and would have a significant impact on the tree belt and on the affordable housing provision.

Councillor Bambridge was also concerned about the access and hoped some improvements could be made. He suggested that the parking places and some roads on site should have sustainable drainage.

Councillor Sharpe asked if a roundabout would affect the viability of the site and the Agent advised that it would as there would be a substantial cost, besides the issue of them not owning the land. He also confirmed that there was no Highways justification for a roundabout.

Councillor Sharpe asked about a separate access point for emergency vehicles and also requested that the affordable housing element be re-valued and uplifted if necessary when the site was completed. He agreed that social housing should take priority over birds.

Councillor Lamb made the general point that not enough consideration was given to how the new residents would be accommodated without additional infrastructure.

The Chairman suggested that the 30mph zone should be extended and questioned the number of accesses onto the busy road, especially the one that served only three properties.

It was proposed and seconded that the application be deferred for the issues raised to be addressed. It was noted that the three storey dwelling was 20m from the bungalow and should not cause an issue.

Deferred, contrary to the recommendation, for consideration of an extension to the 30mph zone, the number of accesses to be

looked at, particularly the northernmost access; road markings and signage possibly with a right-hand turn lane at the site entrance; and the provision of an emergency access/exit.

- (c) Item 3: THETFORD: Former Railway Depot, Station Yard: Conversion of former train engineering workshop to 4 x 2 bed flats & 2 x 1 bed flats & erect 4 x 2 bed houses: Applicant: Havebury Housing Partnership: Reference: 3PL/2013/0852/F

This application was for 100% affordable housing in a sustainable location.

Mr Wilkie (Agent) said it was an excellent opportunity to bring a derelict site back into use and deliver one and two bedroom affordable housing.

Councillor Armes was very concerned that the requirement for Open Space had been waived as there was nowhere for the occupants to go.

Councillor Lamb said it was the only part of the railway system left in Thetford and if passenger traffic increased there would be no opportunity to extend the railway station as all the land would have been used. There was not enough parking for the station and the site could accommodate that need.

Councillor Spencer asked how residents would be separated from the railway line and the Agent advised that there would be a gateway between the building and the railway line and fencing. The access to the site would be narrowed and surfaced differently to secure residents' parking.

Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

- (d) Item 4: OLD BUCKENHAM: Land off Folly Lane: Erection of agricultural livestock building & associated hardstanding & feed bin: Applicant: O P Bunn: Reference: 3PL/2013/0876/F

This item had been withdrawn. See Minute No 114/13 above.

- (e) Item 5: LITTLE DUNHAM: Brick Kiln Pightle, Barrows Hole Lane: Erect 4 Dwellings, create 2 new access points & 2 passing places onto Barrows Hole Lane: Applicant: Susan Wright: Reference: 3PL/2013/0888/F

All Members had received direct representation on this item.

It was clarified that there was no Settlement Boundary for Little Dunham; it had been removed by the LDF process. The main concern was that it was development in the countryside. The location was not sustainable and could not be considered against

the housing land shortfall.

Mr Wright (for Applicant) asked Members to support the small, much needed contribution towards the housing land supply. The Highways objections were inconsistent. The application offered high quality design which could be delivered. The site was between two Service Centres.

Councillor Carter lived near the area. He accepted that small villages were not sustainable. The site was near the A47 and could access other areas for facilities. Villages needed life. Highways had commented on the width of the road but NCC had granted permission for lorries to use the road without limitations.

Councillor Claussen agreed and said 95% of Norfolk was unsustainable. There was a need to put life blood back into villages.

The Planning Manager asked Members to be mindful of policy and to be consistent. If they were minded to approve the application they needed clear reasons why it was acceptable when others had not been.

The recommendation for refusal was not supported.

Deferred, contrary to the recommendation, and the officers authorised to grant approval on completion of the section 106 agreement, on the grounds that Members were mindful of the positive benefits of the scheme relating to specific and directly-related improvements to highways conditions and to the provision of an affordable housing contribution; and were equally mindful of the need to re-visit within the Local Plan process the desire to seek to promote some small-scale, reasonably sited and inherently well-designed housing development in settlements currently lacking defined settlement boundaries within the open countryside; approval being subject to conditions including requiring improvements to the highway network; the provision of passing places; site investigation and archaeological work; and an affordable housing contribution.

- (f) Item 6: BEETLEY: 16 Beech Road: Erection of a single storey upvc/glass conservatory on the side of the house: Applicant: Miss Gillian Rosindell: Reference: 3PL/2013/0902/F

This application was before the Committee as the applicant was a member of staff.

Approved, as recommended.

- (g) Item 7: ICKBURGH: The Old Rectory, Ashburton Road: Residential development of four detached dwellings and garages: Applicant: Mr

Donal McGovern: Reference: 3PL/2013/0908/F

Mr Took left the room whilst this item was discussed.

This application proposed the development of a vacant site, previously used for storage. The scheme itself was acceptable but as there were limited facilities in Ickburgh there would be significant reliance on cars and Officers felt the disadvantages outweighed the advantages.

Mr Gore (Parish Council) said there was overwhelming support for the development. It would remove old buildings used by drug users and dealers. The Applicant had offered to provide passing places. Local facilities were in Mundford which was only one mile away.

Mr Hendry (Agent) advised Members that the site had permission for commercial use which could be intensified. Breckland needed houses and the brownfield site could be brought forward quickly and would support local facilities. It would have negligible impact on ecology and would reduce hardstanding by 85%. A habitat buffer would be provided increasing the bio-diversity of the site. A Unilateral Undertaking would provide contributions for affordable housing, open space and passing places.

Councillor Steward (Ward Representative) said the Local Development Framework (LDF) had looked for windfall sites such as this. It would provide executive housing for people employed in the area. The site had been advertised for employment for two years. All procedures had been followed. Local people wanted the site developed.

Councillor Lamb noted that people in villages also wanted commercial opportunities and the site could enhance work opportunities in the village. If houses were built it would increase traffic in the countryside.

Councillor Bambridge disagreed and thought it should be treated as an exception site. He asked how the buffer zone would be accessed for management and the Agent advised that the applicant owned adjacent land and could make the access wider if necessary and also provide access to the rear.

Refused, as recommended.

Mr Took returned to the room.

- (h) Item 8: BANHAM: Rear of 59 Crown Street, off Greyhound Lane: Residential development (3 dwellings): Applicant: Mr & Mrs Barry Pardue: Reference: 3PL/2013/0940/O

This proposal was not for 100% affordable housing and would result in a cramped form of development outside the settlement

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boundary. Officers felt it would have limited effect on the five year housing land supply deficit. There were also Highways objections.

Mr Evans (Agent) thought that if all such sites were permitted it would impact the housing land shortfall. The proposal was similar to the adjacent site which had received approval. There was scope to amend the layout and parking provision. The access complied with visibility requirements and the adjacent application included a footpath. The site would provide much needed low cost housing.

Councillor Askew (Ward Representative) said Banham was a large village with good amenities. It was a logical site for modest development which the Parish Council were keen to have included within the boundary. He was confident that resident's concerns could be addressed at Reserved Matters stage. The Parish wanted the development and it would contribute to the housing land shortfall.

It was clarified that some market housing could be acceptable if a viability case was made to cross fund the affordable housing.

Members were shown photographs of the existing footpath on the opposite side of the road, which did not extend to the junction. There was no guarantee that the proposed footpath with the adjacent site would be developed.

Councillor Duigan was concerned that public perception would be that the Council favoured large developments and smaller developments were discriminated against because they did not address the housing land shortfall.

The Planning Manager agreed about gradually addressing the shortfall through smaller sites, but said that the consequence of allowing ad-hoc development meant poor layout. If the two sites could be developed together it would provide a better form of development.

Councillor Lamb said that if the Parish had wanted the whole area to be included within the boundary a small part should not be granted permission in isolation.

Refused, as recommended.

- (i) Item 9: DEREHAM: Old Hall Nurseries, Dumpling Green: Erection of two 3 bedroomed detached houses with garages: Applicant: Reads Nurseries: Reference: 3PL/2013/0945/F

All Members had received direct representation on this item.

Additional information had been supplied in the Agenda Supplement. A letter from Mr Goreham, Ward Representative was read out. He supported the application saying that the application

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site was sizeable and the proposal was not intrusive or unpleasant.

Officers felt that the scheme made very little contribution to the housing land deficit and were concerned that approval would set a precedent.

Mr Cannell (Objector) lived opposite and showed photographs of the access road which was a farm track which he said could not sustain further development. If permission was granted he feared that other residents would follow suit. It was a unique, rural part of Dereham outside the Settlement Boundary, which he did not want to be lost.

Mr Mathews (Agent) said that the Applicant's family had owned the Nursery for 100 years. They had spent time and money maintaining the track. The proposed houses were in keeping with the area and would maintain neighbour's privacy. No other applications discussed had been refused because of setting a precedent. Each application should be considered on its own merits. The site was available, suitable and achievable and was therefore appropriate in light of the housing land shortfall.

Mrs Edwards (objector) had had to leave before the item was discussed. The Solicitor believed her main objection had been about land ownership

Councillor Carter noted that the development would make a contribution to the shortfall but Councillor Lamb noted that the main issue was that the site was outside the Settlement Boundary.

Refused, as recommended.

- (j) Item 10: THETFORD: Tesco, Kilverstone Lane: Extension of time limit on pp 3PL/2009/0973/F – extension to foodstore, car park & associated works: Applicant: Tesco Stores Ltd: Reference: 3TL/2013/0013/TL

This item had been deferred from the Agenda. See Minute No 114/13 above.

Notes to the Schedule

Item No	Speaker
1	Cllr L Monument – Ward Representative Mr Futter - Agent
2	Cllr Gilbert – Ward Representative Cllr Wassell – Ward Representative Mr R Denempont – Objector Mr C Smith - Applicant
3	Mr Wilkie - Agent
5	Mr Wright – for Applicant
7	Cllr Steward – Ward Representative Mr Gore – Parish Council

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	Mr Hendry - Agent
8	Cllr Askew – Ward Representative Mr Pardue – Applicant Mr Evans - Agent
9	Mrs Edwards – Objector Mr Cannell – Objector Mr Mathews – Agent Mr Read - Applicant
Deferred Item 8a	Mrs Lawrence – Objector Mr & Mrs Cram - Applicants

Written Representations Taken Into Account

Reference No	No of Representations
3PL/2013/0510/F	32
3PL/2013/0908/F	8
3PL/2013/0940/O	6
3PL/2013/0945/F	17
3PL/2013/0888/F	10
3TL/2013/0013/TL	3
3PL/2013/0434/F	2

118/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

119/13 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 11)

Noted.

120/13 APPEAL DECISIONS (AGENDA ITEM 12)

Noted.

The meeting closed at 1.35 pm

CHAIRMAN