

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 16 December 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
Mr W. R. J. Richmond
Mr M. S. Robinson (Vice-Chairman)
Mr F.J. Sharpe
Mr N.C. Wilkin (Chairman)
Councillor M. Chapman-Allen (Substitute Member)

Also Present

Mrs S. Matthews

Mr B. Rose

In Attendance

Mike Brennan
Heather Burlingham
John Chinnery
Paul Jackson
Helen McAleer
Martin Pendlebury
Chris Raine

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

* Capita Symonds for Breckland Council

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121/13 MINUTES (AGENDA ITEM 1)

Councillor Bambridge noted that the first sentence of the final paragraph of Minute No 117/13(g) should say '...it should be treated as an *exceptional* site'.

Subject to that amendment the Minutes of the meeting held on 25 November 2013 were confirmed as a correct record and signed by the Chairman.

122/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillor Spencer. Councillor Chapman-Allen was present as her Substitute.

**123/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

With regard to Agenda Item 9, Schedule Item 2, Councillors Bambridge and Claussen noted that they both lived in Hockering.

124/13 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Director of Planning & Business Manager gave the following update.

New District Wide Local Plan

The team were continuing to work on the initial issues and options paper for the Local Plan. At a meeting of the Local Plan Working Group (LPWG) on 3 December, the Employment Growth Study and a technical report on setting a localised housing target for Breckland were considered. Both of those studies would form an important part of the evidence base for the Local Plan and help shape the spatial strategy for the District. A visioning session for Members would be arranged for the New Year to feed into the Local Plan process.

Community Infrastructure Levy

The Draft Charging Schedule for the Community Infrastructure Levy was reported to Cabinet on 29 October. Cabinet decided to delay the consultation on the Draft Charging Schedule until after the CIL regulations were published in January to consider the likely impact they would have on CIL in Breckland.

Neighbourhood Plans

Reports on the progress of any neighbourhood plans within the District would be provided to the LPWG. The Neighbourhood Plan covering Attleborough and Besthorpe Parishes was formally designated by Cabinet on 29th October. A request had just been received from Croxton Parish Council to designate a plan area for the parish (however more information had been requested from the Parish to enable the request to be progressed).

Duty to Cooperate

Although Breckland was the first Council in Norfolk to be producing a new style local plan elsewhere in the country Inspectors at Local Plan Inquiries were identifying difficulties that could halt Plans from proceeding to adoption if they failed to meet stringent requirements - to demonstrate how the Duty to Cooperate had informed the preparation of that Plan from it's outset. Members would be advised on the implications and obligations arising from this new Duty set out in the Localism Act 2011. It was likely to influence planning policy responses to adjoining local Planning Authorities and statutory bodies etc as well as the preparation of the Breckland Local Plan itself.

Local Plans around the country were being failed almost routinely/daily by Inquiry Inspectors over the Duty to Cooperate. It would be interesting to see how that would be reconciled with the announcement in the Autumn Statement on a new obligation on Local Planning Authorities to have Local Plans in place.

Breckland was moving forward apace into Issues and Options and this is where the Duty to Cooperate obligation had to inform the process at a meaningful level – "from the outset".

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Doubtless that would be a matter to be tackled at the Visioning Session being organised for early in the New Year. The Team would be sending out an early invitation to Members to get a slot in diaries for the New Year.

Councillor Bambridge asked where the Council was with the five year land supply.

The Director of Planning & Business Manager advised that in the spring site visits would be carried out to see whether work had started or progressed. Some significant sites had been released to try to address the shortfall. Rapid progress was needed with the Local Plan to avoid the Council having to make ad-hoc decisions.

In response to a question from Councillor Lamb it was explained that it was becoming clear that the 'duty to co-operate' was not something that could be 'bolted on' at the end of the Plan process. It needed to be addressed from the outset by a meaningful dialogue with neighbouring authorities and there might be a need to set housing and infrastructure targets co-operatively with other districts. As Breckland was 'ahead of the game' a lot of effort would be needed to drive dialogue with neighbouring authorities.

Councillors Claussen referred to an item on the radio that morning which had said that planning boundaries might be 'fuzzed out'. He thought it might mean that some authorities would try to allocate housing in neighbouring districts.

Councillor North asked if the Visioning session would be open to Town and Parish Councillors and the Director of Planning & Business Manager said that there would be subsequent opportunities to engage with others, but in the first instance it was intended to explore the issues with Breckland Councillors to understand the shape of the future in spatial plan terms.

125/13 DEFERRED APPLICATIONS (AGENDA ITEM 8)

125 .a DEREHAM: Greenfields Road/Wheatcroft Way: 220 Homes with Associated Landscaping and Infrastructure: Applicant: Mr R Green: Reference: 3PL/2011/0898/O

This application had been approved in 2007 subject to a legal agreement, conditions and providing 40% affordable housing. It was now proposed to reduce the affordable housing provision to 15% due to viability issues which had been confirmed by the District Valuer. Members were recommended to agree the lower level and to include a claw-back clause to re-evaluate at the end of the scheme to see if that percentage could be increased.

Mr Needham (Clerk to the Town Council) said that they liked the development and thought it fitted well but they were concerned about the delivery of the Open Space. The quantity was there, but not the quality. Areas of the land identified for Open Space were on slopes and would not

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meet the required standards. He was concerned that the quality could not be provided without the housing density being increased.

Mr Haslam (Agent) said it was a shame the Town Council had not pointed out their concerns two years ago when they had given their broad agreement to taking on the Open Spaces. It was the applicant's intention to provide the Open Space to the proper standards and those requirements could be brought to bear at the Reserved Matters stage. The main issue for consideration today was viability at the density shown. If the site was not viable it would not be delivered.

Mr Green (Applicant) was present to answer questions.

Councillor Richmond asked about the number of bedrooms to be provided and was advised that it would be up to whoever developed the site and the market conditions at that time. He then asked if level play areas could be conditioned and the Officer confirmed that the draft legal agreement specified the amount of Open Space and that it should meet the required standards.

Councillor Carter was sad to see yet another application with reduced affordable housing provision.

Councillor Sharpe asked if a developer had been identified and it was confirmed that the Applicant did not intend to develop the site himself. Once the legal agreement was settled the land would be put up for sale. Councillor Sharpe asked why the legal agreement needed to be changed in that case and it was explained that potential purchasers needed to know where they stood.

Councillor Claussen thought it was a lovely low density site. He asked if the Reserved Matters application would come to the Committee and it was confirmed that it would.

RESOLVED that the reduction in affordable housing provision be agreed subject to a claw-back clause in the legal agreement and the application be deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

126/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: DEREHAM: Greenfields Road/Wheatcroft Way: Construction of 220 homes with associated landscaping and infrastructure: Applicant: Mr Robin Green: Reference: 3PL/2011/0898/O

See Minute No 125/13a.

- (b) Item 2: HOCKERING: Land off Heath Road: Residential

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development (up to 18 dwellings): Applicant: Greatbrisk Limited:
Reference: 3PL/2013/0821/O

Councillor Claussen was one of the Ward Representatives for Hockering. It was noted that he and Councillor Bambridge lived in Hockering.

This outline application with all matters reserved included an indicative layout plan showing fairly dense development from a single access point off Heath Road. The main issues were highway safety; effect on character and appearance and loss of hedgerow.

Mr Hawker (Parish Council) objected to the application as it was outside the Settlement Boundary which had been extended in 2012, against the Parish Council's wishes. The adjacent Glebe development had flooding problems which had required storm drains; the same would be true for this development. The village had enough affordable housing.

Mr Slade (Objector) was developing two farm buildings to the rear of the site. Stringent planning conditions had been imposed to maintain the rural properties of those buildings. If the proposed development went ahead it would be at odds with those conditions which sought to protect the natural environment.

Councillor Rose (Ward Representative) endorsed the comments made. His main concern was the highway which was never intended for the amount of traffic using it. It was the main link between the A47 and the north of the County and would eventually join the Northern Distributor Route which would make matters worse. The loss of the hedge to attain the required visibility splay was also an unacceptable price to pay. The village did not want that many houses in that location.

Councillor Richmond referred to the Housing Enabling Officer's comment about an identified need and asked how many people were on the waiting list.

The number was not known, but Councillor Claussen noted that the village did not want more small houses as it was turning into a transit camp and destroying the school. It was also far too dense for that part of the village. It was another example of a developer chancing their arm due to the lack of housing land supply and such an application would not be considered otherwise.

Councillor North agreed that it was too dense, although it offered a good affordable housing percentage. However, she wondered if that might be affected by viability. She was also not happy about the destruction of the hedgerow and thought that the development would put the oak trees at risk.

Councillor Bambridge confirmed that Hockering did not need any

more small houses. It needed three and four bedroom houses as more than 50% of the existing houses had two bedrooms. Bigger houses were needed to keep young families in the village. He also said that drainage needed to be considered.

The Planning Manager urged Members to be mindful of sites promoted on the grounds of the lack of housing land supply (which he pointed out needed to be a six year supply) when applicants were routinely promoting such on the basis of also delivering 40% affordable housing in line with the requirements of policy. This particular proposal related to an outline application and the applicant was promoting the scheme on the basis of a clear commitment to the provision of 40% affordable housing. However, the application was not itself supported by any form of viability evidence and that made it difficult to properly take account of the likely deliverability of that level of affordable housing contribution. As that was of itself material to the context of determining all such proposals for housing, and particularly so when housing was proposed on non-allocated housing sites, the Planning Manager advised that Members ought to make it clear to the applicants that if a further application was submitted it should be supported by evidence of viability in order that account could be taken of the likelihood of deliverability. Further, the Planning Manager reminded Members that the starting point for sites outside the Settlement Boundary was one of exception, and therefore 100% affordable housing. Unallocated sites promoted on the basis of land supply needed to acknowledge this fact, argue the case on land supply grounds, consider those policies applicable to allocated sites and then consider, in equal terms, both the likely viability and deliverability of those sites on the basis of offered levels of affordable housing. In the Planning Manager's view it was not good enough to simply accept that 40% affordable housing would be provided and delivered in line with policy without being provided any form of evidence that that was likely to be achievable.

Refused, as recommended, and any future application to include viability evidence.

- (c) Item 3: SHIPDHAM: Ash Farm, King Row: Erection of hay storage barn: Applicant: Mr A Thorne: Reference: 3PL/2013/0947/F

This application was for an open sided barn to provide storage for hay to be used by the existing equine business. The main issue was visual impact and it was considered that the grey roof would blend in with the sky and that planting would mitigate its appearance.

Councillor Bowes thought that the size of the barn was too big for 250 bales of hay. She was concerned that it might be used for something else, but was advised that it could be conditioned for hay storage only.

Councillor Richmond agreed that it seemed very big for the size of holding and suggested an additional condition that the hay could only be used for the holding, to prevent increased vehicle movements to and from the site.

Councillor Bambridge was concerned about the size and also the way the buildings on site 'sprawled' across the landscape. However, he said that the Council should support commercial operations in the countryside.

Councillor Claussen was concerned about the roof colour and thought that pantiles would blend in better.

Approved, as recommended, subject to agreement of roof materials by Officers, in consultation with the Chairman.

- (d) Item 4: HARLING: Cloverfield, Lopham Road: Extension of approved residential development to provide 8 dwellings and garages/cart sheds: Applicant: Mr & Mrs P Burton: Reference: 3PL/2013/1006/F

This application was Phase Two of a development of 17 dwellings allowed on appeal. It represented natural infill of a site surrounded on three sides by residential development. Trees on the boundary would be removed as they were already causing problems to existing properties.

Mrs Thompson Craig (Objector) lived in a neighbouring property and was representing her own views and those of other residents. She raised concerns about development outside the Settlement Boundary; the need to have a Local Plan in place to prevent random development; the lack of school provision and other amenities close to the site; and traffic and parking problems.

Mr Belton (Agent) thought there were three issues: suitability, residential amenity and viability/deliverability. Harling village had many amenities. The proposal placed bungalows closest to existing dwellings to reduce loss of amenity and they already had an agreement with partners to proceed. The development would provide nine affordable units and one bungalow would have disabled facilities.

Councillor Lamb supported the objector. The development was only infill because other sites had been approved outside the Settlement Boundary. Harling had indicated an appropriate amount of housing requirement and that had been more than doubled.

Councillor Chapman-Allen said that Harling had been identified in the Core Strategy for moderate growth and had been given a housing allocation of 50 which had been reduced by 10 due to an existing permission for housing. The application approved on appeal together with the current application would double the

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amount of housing the Parish had wanted. They had not objected because they felt helpless to prevent the creep of development. She was also concerned about the Open Space provision and asked about S106 contributions for play equipment. Finally she wanted to ensure that new screening would be provided once the trees were removed.

Councillor Sharpe noted that the developer had agreed to 37% affordable housing. He wondered why some developments could provide that level and others could not.

The Planning Manager advised that the Parish Council could apply for S106 money from the Council's current pot of money set aside for play equipment. With regard to viability he said that industry standard costs had to be used. Unallocated sites usually cost less than allocated sites because of land prices.

Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement and variation of the existing section 106 agreement on the applicant's adjacent site.

- (e) Item 5: SWAFFHAM: 38 Mill Farm Nurseries: Construction of a detached dwelling with parking: Applicant: Mr & Mrs D Maclean: Reference: 3PL/2013/1015/F

This was the resubmission, in amended form, of an application that had been refused twice by the Committee as it was out of keeping with the streetscene and on grounds of scale and design.

Members were shown elevations of the new proposal compared to the previously refused elevations. The dwelling had been reduced in size by the removal of the garage and the first floor. The roof lights had also been omitted.

Mr Birtill (Objector) said the application was still too large for the plot. The roof was higher than neighbouring properties and the footprint bigger. If permission was granted the first floor could be reinstated and rooflights added. His property to the rear would be overlooked.

Mrs Maclean (Applicant) had amended the application to reduce the size and repositioned the dwelling on the plot to increase the distance between it and the adjacent bungalow. Internal floorspace had also been reduced. She would be happy to accept an exclusion to prevent a first floor being added. Other buildings on the estate were the same height.

Councillor Matthews (Ward Representative) was glad that the applicant would accept a condition. She had previously objected due to the size and height of the dwelling and the rooflights. The overall size was still too big for the plot. The bulk and height was

unacceptable.

Councillor Carter noted that the Committee often refused applications which came back with little change. In this instance they had been listened to which was an achievement. He felt that the building now fitted the site. The applicant was ready to agree to conditions and he would support a restriction on first floor development.

Councillor Bowes agreed and also supported the restriction of permitted development rights including ground floor extensions.

Councillor Sharpe felt that the Committee could not ask the applicant to make any more concessions.

Councillor Bambridge asked how enforceable any restrictions would be. The Planning Manager responded saying that Officers were clear about Members' concerns about overlooking. If permitted development rights were removed any development would require permission and he would expect such applications to come before Members. However, he could not guarantee that their decisions would be supported by an Inspector at appeal.

The Principal Planning Officer advised that the site notice for the application had not expired. He requested that permission to approve the application should be delegated to the Planning Manager if no further objections were received.

Approved, as recommended, subject to the restriction of permitted development rights for first floor development, including windows, and extensions at ground floor including garages. Permission was delegated to the Planning Manager to issue the decision after expiry of the Site Notice, subject to no other objections being raised.

Notes to the Schedule

Item No	Speaker
1 (Agenda Item 8a)	Mr Needham – Town Council Mr Haslam – Agent Mr Green - Applicant
2	Mr Hawker – Parish Council Mr Slade – Objector Cllr Rose – Ward Representative
4	Mrs Thompson Craig – Objector Mr Belton - Agent
5	Mr Birtill – Objector Mrs Maclean – Applicant Cllr Matthews – Ward Representative

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Written Representations Taken Into Account

Reference No	No of Representations
3PL/2011/0898/O	6
3PL/2013/0947/F	2
3PL/2013/1006/F	3
3PL/2013/0821/O	7
3PL/2013/1015/F	12

127/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

128/13 APPEAL DECISIONS (AGENDA ITEM 11)

Noted.

The meeting closed at 11.45 am

CHAIRMAN