

**BRECKLAND COUNCIL**

**At a Meeting of the**

**PLANNING COMMITTEE**

**Held on Monday, 27 October 2014 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mrs S Armes	Mr M. S. Robinson (Vice-Chairman)
Councillor M. Chapman-Allen	Mrs P.A. Spencer
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan	Mr A.P. Joel (Substitute Member)
Mrs J A North	Mr W. R. J. Richmond (Substitute Member)

**Also Present**

Mr S. Askew	Mr P R W Darby
	Mrs S.M. Matthews

**In Attendance**

Heather Burlingham	Assistant Development Control Officer*
Gary Hancox	Principal (Major Developments)*
Paul Jackson	Planning Manager
Charlotte Lockwood	Solicitor
Helen McAleer	Senior Democratic Services Officer
Nick Moys	Principal Planning Officer *
Jason Parker	Principal Development Management Planner*
Martin Pendlebury	Director of Planning & Business Manager *

\* Capita for Breckland Council

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**98/14 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 29 September 2014 were confirmed as a correct record and signed by the Chairman.

**99/14 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)**

Apologies for absence were received from Councillors Bowes, T Carter, Lamb and Sharpe. Councillors Joel and W Richmond were present as Substitutes.

**100/14 DECLARATION OF INTEREST AND OF REPRESENTATIONS  
RECEIVED (AGENDA ITEM 3)**

Agenda Item 9 – Schedule Item 3 (Hardingham) All Members had received direct correspondence.

**101/14 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The date of the Planning Coach Tour had been set for Friday 14 November 2014.

**102/14 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)**

None.

**103/14 URGENT BUSINESS (AGENDA ITEM 6)**

The Chairman advised Members that an application for a solar farm at Bridgham would be on the next agenda. He proposed a site visit in advance of the next meeting as he felt that viewing was essential for Members to be able to determine the application. All Members agreed.

Members would be notified of the date and time of the Site Visit in due course.

**104/14 LOCAL PLAN UPDATE (AGENDA ITEM 7)**

Local Plan

At the Cabinet meeting on 22 October consultation on the Issues and Options document had been agreed. The consultation would take place between 17 November and 9 January 2015. It had been extended to eight weeks rather than 6 to take account of the Christmas period.

There would be a pre-launch briefing on 4 November for the Association of Local Councils which would take place in Thetford and on 17 November there would be a drop-in session for Town and Parish Councils only from 2pm to 7pm in the Anglia Room, Elizabeth House, Dereham.

Public drop-in sessions would take place on:

- 20 November – Dereham Memorial Hall (2pm-7pm)
- 24 November – Swaffham Assembly Rooms (2pm – 6:30pm)
- 27 November – Watton Queens Hall (2pm – 7pm)
- 4 December – Attleborough Town Council (2pm-6pm)
- 9 December – Thetford Guildhall (2pm-7pm)

The consultation was open to everyone and people could comment on the Local Plan either by using the online consultation portal, by email or by post. The Local Plan Issues and Options document would be posted to all parish councils and copies would also be placed in the libraries and customer service centres. The consultation would include a call for sites for people to submit any land which they would like to be allocated through the Local Plan process.

Neighbourhood Plan

Initial correspondence had been received from Kenninghall Parish Council regarding the designation of a neighbourhood plan area for the parish. When further details were received they would be published for a six week consultation period prior to the designation being considered by Cabinet.

Norwich Northern Distributor Route

A Statement of Common Ground comprehensively addressing all the

mitigation measures identified for Breckland had been agreed with County Highways and submitted to the Planning Inspector in October 2014.

Councillor Claussen did not think that all the mitigation measures had been agreed and he hoped that the affected Parish Councils would be consulted.

**105/14 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

**RESOLVED** that the applications be determined as follows:

- a) Item 1: THETFORD: 27 Croxton Road: Variation of S106 on p/p 3PL/2012/0509/F – to remove the obligation to provide affordable housing: Applicant: Baker & Nisbet Ltd: Reference: 3OB/2014/0009/OB

This application requested the removal of the requirement for two affordable houses. The site was in an advanced stage of construction. A detailed appraisal had been submitted and the site was not viable with two affordable houses. There was concern that the development would not be completed if the obligation was retained.

In response to a question the Solicitor clarified that the legal agreement went with the land, not the developer.

Thetford Members in particular did not agree that the site would not be completed. The housing market was booming and the opening of the A11 dual carriageway was likely to improve things further.

Councillor Robinson asked if the option of providing one affordable house had been explored.

The Chairman agreed with the Members and asked the Planning Manager to clarify the issues.

The Planning Manager shared Members' frustration but was concerned that the application was under a section of the Planning Act with the right of appeal if a decision was not made within 28 days. That did not allow time to get the District Valuer to assess viability.

The Solicitor asked Members to exercise caution as a detailed viability appraisal had been submitted which said that the affordable housing could not be provided. The Council would be required to provide evidence of viability to support a refusal at appeal.

Further debate followed. Some Members questioned the accuracy of the figures. Councillor Joel pointed out that the price of raw materials had risen and there was a shortage of bricklayers, but he agreed that house prices were also going up.

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The Planning Manager did not doubt the veracity of the Agent's case however only two options had been considered; one with two affordable houses and the other with none. He suggested that the developers could be requested to consider the option of providing one affordable house although Members needed to be mindful that they might choose to go straight to appeal.

**Deferred, for the Developer's to be asked to consider providing one affordable house.**

b) Item 2: SWAFFHAM: Land off New Sporle Road: 55 dwellings with access: Applicant: De Merke Estates: Reference: 3PL/2014/0358/O

This application proposed development on a site adjacent the A47 which was not allocated for housing and was outside the Settlement Boundary and therefore contrary to Policy. However, due to the Council's lack of Housing Land Supply there was a presumption in favour of sustainable development. The site was well related to the built up area of the town and well screened. The indicative layout could be amended to mitigate noise concerns due to the proximity of the A47. It was not considered that the wind turbines nearby would cause any problems. The proposal included 40% affordable housing, but no viability appraisal had been provided.

Councillor Matthews (Ward Representative) was pleased to support the recommendation of approval as the town wanted development to the north to reinforce the town centre.

Mr Cavalier (Applicant) was present to answer questions.

Councillor Darby (Ward Representative) spoke on behalf of the Town Council. They supported the proposal but asked that a footway could be included for safety. Speaking from personal experience, having lived in the vicinity, he confirmed that the wind turbines did not create any noise problems.

The Principal Planning Officer confirmed that the proposal would provide a footway along the site frontage.

Councillor North thought that there needed to be a balance between providing housing and losing agricultural, food-producing land. Her main concern was that the application might come back for reduced affordable housing.

Councillor Claussen totally agreed. He thought the Council's affordable housing Policy needed to be changed. He asked if the air quality concerns in Swaffham had been addressed.

It was confirmed that air quality was still being monitored in Swaffham town centre where problems had arisen due to vehicles stopping and queuing at traffic lights.

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Councillor Joel suggested that the District Valuer should be asked to do a feasibility report and authority be delegated to officers to approve the application if the figures were realistic.

Councillor Robinson noted that the Housing Enabling Team felt there was insufficient evidence about viability. He too was concerned that the application would come back for amendment on viability issues.

Councillor Chapman-Allen asked about primary school provision and Councillor Matthews confirmed that places were available.

The Planning Manager advised that Members would have the opportunity to address their viability concerns if a lower amount of affordable housing was proposed at a later date.

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

- c) Item 3: HARDINGHAM: Land to the East of Hardingham: Extension to Hardingham II Solar Park. Install solar photovoltaic panels & associated works: Applicant: Solarcentury: Reference: 3PL/2014/0545/F

All Members had received direct correspondence.

This application proposed an extension to an existing solar farm on an isolated site currently used for agriculture. The key issues were the principle of development, impact on the area and loss of agricultural land. It was noted that only 15% of the land was Grade 2 with the rest being Grade 3c, 3b and non-agricultural.

An additional condition was requested to require details of the CCTV before commencement.

Mr Grindley (Agent) and Ms Lawrence (for Applicant) were present to answer questions.

Councillor Chapman-Allen was concerned about the loss of good agricultural land and the fact that the Government would be removing its subsidies for solar energy.

Councillor Spencer referred to the information sent to Members and asked if the site would be planted with wild flowers and used to graze sheep.

Ms Lawrence confirmed that the field margins would be planted following consultation with the bumble bee trust. The original site had been planted with flowers.

Councillor Claussen asked about the discrepancy between the report which said the land was Grade 2 and the presentation which

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had advised that only 15% of it was that grade.

The Principal (Major Developments) Officer explained that the site had a National land classification of Grade 2 but that a study carried out by a specialist had identified that the vast majority of the land was only Grade 3a or 3b.

Councillor Claussen felt that Members needed more information on the balance to be struck between food and energy.

Councillor Armes was unhappy at the loss of land capable of producing hay to feed animals. She also asked about the decommissioning of the site.

It was explained that the permission was for 25 years after which time the panels would be removed and the land reinstated. The development should have limited impact as not much concrete was used.

Councillor Duigan pointed out that getting enough energy was a bigger problem than getting enough food.

**Approved, as recommended.**

- d) Item 4: SNETTERTON: Homestead, Wash Lane: Demolish dwelling, garage & outbuildings & erect replacement dwelling & garage. Re-position access: Applicant: Mr Peter Karalis: Reference: 3PL/2014/0565/F

This application proposed the demolition of an existing bungalow and its replacement by a two storey dwelling and two storey garage. The recommendation was contrary to Policy which required the replacement to be proportional in scale to the existing. As the site was large and well screened and the development would have low impact on neighbours it was considered acceptable.

Ms Foley (Parish Council) supported the application as the development would enhance Snetterton.

Mr Karalis (Applicant) said that the bungalow had been empty for seven years and was unsafe due to flood and fire damage. The replacement would be energy efficient and met everyone's approval.

Mrs Karalis (for Applicant) said they had worked to reduce visual impact by position and materials. The 'Home for Life' design included a ground floor bedroom/washroom.

Councillor Askew (Ward Representative) was pleased with the recommendation. The application was 'future proof'. He wholly supported the proposal.

Councillor Armes asked about flood risk and it was clarified that the flood damage to the existing dwelling had been caused by the attempts to put out the fire.

In response to a comment about conflict with Policy the Planning Manager advised that changes to planning regulations regarding extensions had created tensions with the Council's current policy of proportionality. However, there was a requirement to look at the overall 'package' and in this case the application could be supported.

Councillor Chapman-Allen asked that the comments about bats be noted.

**Approved, as recommended.**

- e) Item 5: COLKIRK: Site at Jarvis Drive: Proposed 5 No dwellings and related garages/parking: Applicant: Mr & Mrs Thatcher: Reference: 3PL/2014/0885/O

This was an outline application with all matters except access reserved. The site was outside the Settlement Boundary but was recommended for approval subject to the widening of Jarvis Drive.

Ms Filby (Objector) spoke on behalf of the residents of Jarvis Drive. Their main concerns were: meeting the Council's housing need would not justify the harm to the green belt; there was no identified need for further housing and the village had no capacity to sustain further growth; Jarvis Drive was too narrow for two vehicles to pass and widening it by only half a metre would not be sufficient; there was no visitor parking provision within the site which would lead to on-road parking; Refuse vehicles would be unable to access the site. Finally the visual impact and architectural imbalance with the existing bungalows would harm the appearance of Jarvis Drive.

Mr Thatcher (Applicant) had owned the paddock since 1981. It had originally been used for a pony. Since then, despite advertising it for free use, it had been mainly empty and neglected. It would be best used to provide small houses for the village.

Mr Moulton (Agent) said the site was near the centre of the village with development on three sides. Jarvis Road was adopted and it was unusual to be developed on one side only. Highways had not objected to the proposal. They were liaising to purchase the verge from Breckland Council to provide the additional width required. The proposal would provide three market price and two affordable dwellings and would be designed to avoid overlooking.

The Principal Development Management Planner advised that 'Green Belt' was a specific term and was mainly a metropolitan designation. There was no green belt in Norfolk.

Councillor North thought that parking would be a problem. She was concerned that Members had not been shown views along Jarvis Drive to judge for themselves. That was crucial in making a proper decision.

Concerns were also raised about loss of trees, access arrangements and overdevelopment. The Chairman proposed that the matter should be deferred.

**Deferred, for more visual information and clarification.**

**Notes to the Schedule**

Item No	Speaker
2	Cllr Matthews – Ward Representative Cllr Darby – Ward Representative Mr Cavalier - Applicant
3	Mr Grindley – Agent Ms Lawrence – for Applicant
4	Cllr Askew – Ward Representative Ms Foley – Parish Council Mr Karalis – Applicant Mrs Karalis – for Applicant
5	Ms Filby – Objector Mr Thatcher – Applicant Mr Moulton - Agent

**Written Representations taken into account**

Reference No	No of Representations
3PL/2014/0885/O	10
3OB/2014/0009/OB	1
3PL/2014/0545/F	6
3PL/2014/0358/O	3
3PL/2014/0565/F	1

**106/14 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)**

Noted.

**107/14 APPEAL DECISIONS (AGENDA ITEM 11)**

Councillor North had requested a breakdown of the appeals statistics at the previous meeting.

The Planning Manager advised that there had been 17 Planning Appeals of which 11 had been dismissed and six allowed. He pointed out however, that 50% of those allowed had been the three related Kenninghall appeals.

With regard to Enforcement Appeals there had been eight of which one had been upheld, one overturned, two withdrawn and two were still outstanding.

Overall of the 25 Appeals eight had been allowed.

**108/14 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 12)**

**RESOLVED** that under Section 100(A) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

**109/14 ENFORCEMENT UPDATE (AGENDA ITEM 13)**

The Enforcement Team Leader provided an update to Members on the work of his team which included the monitoring of Section 106 agreements and Unilateral Undertakings.

Currently there were 110 live S106 agreements and 149 unilaterals with 28 more in the pipeline and 49 ancillary S106s.

In the current quarter there had been 144 enforcement complaints, compared to 99 in the last quarter. 86 cases had been closed in the last quarter and 112 had been closed in the current quarter. In comparison the numbers for the same quarters last year were 19 and 36 respectively. Case closures were much improved due to a more pro-active approach by the team.

Work was continuing to customise the new Ocella module. In time it would generate quarterly reports which would be sent to Members and Parish Councils to provide an update on live cases and the information would also be available on the website in due course. No sensitive information would be published.

Enforcement Notices were then discussed and the Enforcement Team Leader gave Members information on on-going cases.

The Chairman thanked the Enforcement Team Leader for his update.

The meeting closed at 12.10 pm

CHAIRMAN