

**BRECKLAND COUNCIL**

**At a Meeting of the**

**PLANNING COMMITTEE**

**Held on Monday, 24 November 2014 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mrs S Armes	Mr T.J. Lamb
Councillor C Bowes	Mrs J A North
Mr T R Carter	Mr F.J. Sharpe
Councillor M. Chapman-Allen	Mrs P.A. Spencer
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan	

**Also Present**

Mr S.G. Bambridge  
Mr K. Martin  
Mr A.C. Stasiak

**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 *
Jayne Owen	Senior Planner*
Martin Pendlebury	Director of Planning & Business Manager *

\* Capita for Breckland Council

**110/14 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 27 October 2014 were confirmed as a correct record and signed by the Chairman.

**111/14 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)**

During the meeting apologies for absence were received from Councillor M Robinson.

**112/14 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED  
(AGENDA ITEM 3)**

Agenda Item 8a, Deferred Item (Colkirk) – all Members had received direct correspondence.

Agenda Item 9:

Schedule Item 1 (Lyng) – all Members had received direct correspondence.

Schedule Item 5 (Attleborough) - for clarity Councillor North declared that she knew the Applicant's son.

**Action By**

**113/14 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman thanked Members for attending the coach tour which had been very successful. He also thanked Mr and Mrs Cross for allowing Members to view their home, Mr and Mrs Abel for showing Members their site, Broom Hall Hotel for a lovely lunch; the coach driver for his skill in manoeuvring in tight spaces and the Officers for enabling the tour.

**114/14 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)**

The Planning Manager advised that Agenda Item 9, Schedule Item 2 (Bridgham) had been deferred from the agenda as the consultation with the Secretary of State, required by the Environmental Impact Regulations, had not been carried out. It was therefore premature to debate the matter. It was likely that the item would be included on the 22 December 2014 agenda.

**115/14 URGENT BUSINESS (AGENDA ITEM 6)**

None.

**116/14 LOCAL PLAN UPDATE (AGENDA ITEM 7)**

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

The Issues and Options Consultation had commenced and would run until 9 January. Drop in sessions would be held in each of the District towns. Approximately 50 people had attended the town and parish council meeting held on 17 November and the same number at the Dereham session held on 20 November. Anyone interested was encouraged to attend one of the four remaining drop in sessions and to ensure they got their comments in before the 9 January deadline. The remaining sessions would be held at:

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

A call for sites for people to put forward additional land for consideration through the Local Plan was also being carried out. There had been a very good response so far and everyone was reminded that this opportunity would also close on 9 January.

An Agent's Forum would be held in the Anglia Room on 28 November, 2.15pm – 4pm, when amongst other matters the Issues and Options consultation and call for sites would be drawn to the attention of regular local planning agents.

A formal request from Kenninghall parish council to designate a neighbourhood plan area following the parish boundary had been received. A six week consultation was being carried out and would close on 22 December. The plan area would be considered by Cabinet on 13 January 2015.

The Retail Study has now been completed and would be considered by the Local Plan Working Group on 11 December, so that it could be used as part of the evidence base for the Local Plan and also as a material consideration for all retail planning applications. The new retail study included floorspace figures for each of the District towns up to 2036.

Councillor Claussen was aware that four parish councils had raised concerns about the Local Plan process, not directly linked to the Issues & Options document. He asked if those concerns could be addressed at a Town & Parish Council Forum.

The Director of Planning & Business Manager agreed that there would be an opportunity to raise those concerns at the next Forum (date to be confirmed).

**117/14 DEFERRED APPLICATIONS (AGENDA ITEM 8)**

117 .a COLKIRK: Site at Jarvis Drive: Proposed 5 No dwellings and related garages/parking: Reference: 3PL/2014/0885/O

All Members had received direct representation on this matter.

The application had been deferred from the October meeting for clarification on the loss of trees, access arrangements and concerns about overdevelopment.

The Senior Planner recapped the details of the proposal and showed Members additional photographs of Jarvis Drive and the access to the site. The dimensions of Jarvis Drive were clarified and the area to be widened was pointed out on the photographs.

An indicative site layout had been provided and the Agent had confirmed that a paved area would be provided beside the access from Jarvis Drive for refuse bins to be taken to, to save the refuse lorry from having to access the site.

The majority of trees on the site would be retained with just two being removed.

Future residents would be reliant on cars but would enhance and maintain existing amenities in the village. The development would also contribute to the Council's housing land supply.

Mrs Filby (Objector) said the photographs seen by Members had shown an empty road because existing properties on Jarvis Drive had large driveways. The new dwellings had no provision for visitor parking. She had brought photographs showing two vehicles passing each other on Jarvis Drive. It was only just possible for two cars to pass and even when widened there would not be enough room for a lorry to pass a car. If the refuse lorry could not enter the site neither could removal vans or fire engines. An additional condition from Highways required all vegetation to be cut down to ground level up to 2.4metres back from the road, meaning the loss of the existing hedge which was valuable for wildlife. Finally she pointed out that the ownership of the verge had not been decided by Land Registry.

Mr Starling (for Applicant) said the mix of housing would provide a natural infill and help to sustain the local school, public house and bus service. The existing paddock was unused and had become neglected.

Mr Moulton (Agent) advised that an ecologist had revisited the site and deemed it to be of negligible value. The two trees to be removed had structural defects. The bin area had been provided to avoid the lorry having to access the site but access was possible for lorries, etc. The proposal was below the density level for rural areas; would look similar to existing; and had been designed to avoid overlooking. The Council had indicated it was willing to sell the land once legal issues were overcome.

**Action By**

Councillor North was concerned about the loss of the hedgerow but the Officer confirmed that only two trees would be lost.

Councillor Lamb did not agree with allowing development outside Settlement Boundaries in unsustainable locations. He felt the five year housing land supply deficit was being used to get houses anywhere.

Councillor Chapman-Allen was concerned about parking provision and thought that the widening of the road would not make a difference. She asked where the objector had got her information about the Highways condition and Mrs Filby offered to show a copy of their memo.

The Planning Manager pointed out that the hedgerow could be removed at any time as it was not protected. However, permission would provide for its maintenance and protection.

Councillor Claussen was concerned that the density and one and a half storey form of development was wrong for a rural location.

Councillor Duigan noted that a similar application in Litcham which had been refused by the Committee had been allowed on appeal.

Members did not support the recommendation of approval.

**RESOLVED** that the application be refused on the grounds that it was outside the Settlement Boundary, in an unsustainable location and harmed the form and character of Jarvis Drive.

117 .b THETFORD: 27 Croxton Road: Variation of S106 on p/p 3PL/2012/0509/F - to remove the obligation to provide affordable housing: Reference: 3OB/2014/0009/OB

This application to vary the terms of the legal agreement had been considered by the Committee in October. The details were recapped for Members. The original proposal had been for seven houses of which two units were to be affordable houses. The build was almost complete, but due to viability issues the developer was requesting the removal of the requirement to provide two affordable houses. Financial supporting information had been submitted to show that even without affordable housing the development would not provide the benchmark 20% return for the developer.

Government guidance encouraged Councils to be flexible to ensure that housing was released wherever possible.

Although a number of the open market units were already sold the developer was currently not in a position to repay their borrowing and the units could be repossessed by the mortgage lender. If that happened the lender was not bound by the legal agreement and could dispose of the affordable housing as open market units. The applicants had made extensive efforts to sell the affordable housing without success.

The application had not been referred to the District Valuer as under the terms of the legislation the Council only had 28 days to make a decision. However, the financial appraisal had been done by a professional and Officers had no reason to believe it was not correct.

**Action By**

Councillor Carter was very concerned that in his time on the Committee he had seen regular requests for reductions in contributions. In this case the local area would get nothing from the development.

Councillor Chapman-Allen thought that as experienced developers they should have priced the build more accurately.

In response to a question from the Chairman the Principal Planning Officer advised that although it might cause delays to the enforcement of planning conditions if a development went into Receivership, when the matter was eventually resolved the general conditions would still apply.

Members discussed the figures provided and the possibility of reducing the time limit for completion or adding a claw-back clause.

Councillor Armes was extremely disappointed as the Committee had compromised by offering to accept one affordable unit. Thetford needed affordable homes and the developer should recognise that.

The Chairman suggested an amendment to the recommendation, to vary the legal agreement to omit the requirement for affordable housing subject to completion within three years. Councillor Duigan suggested a further amendment to reduce the time limit to 12 months. The proposal was not supported.

Councillor Claussen said that Developers needed to realise that they had to give something.

**RESOLVED** to defer the application for renegotiation with the Developer to get some form of contribution.

**118/14 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

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

- a) Item 1: LYNG: Lakeside Country Club, Quarry Lane: Revocation of part consent 3/90/1720/F (16 units – 1 bed) and install 9 holiday lodges (static caravans) and works: Applicant: Lakeside Lakes & Apartments: Reference: 3PL/2014/0373/F

All Members had received direct correspondence on this item.

A previous scheme for 13 lodges had been refused and this revised application had reduced the density of development. Officers considered that most of the concerns raised could be addressed by conditions. An extant permission for 16 units could still be implemented and the new proposal was not expected to generate more traffic than that. The applicant was happy to relinquish that permission if the current proposal was approved.

Concerns about the piecemeal development of the site and enforcement issues were also addressed. The use of the holiday units as permanent dwellings had been investigated and could not be proven therefore no further enforcement action was proposed although the use would continue to be monitored. An additional occupancy condition was proposed if Members were minded to approve the application. A legal agreement would also be required to revoke part of the extant permission.

**Action By**

Mr Lambley (Parish Council) said the site was close to residential properties which shared the access road. The Club was not a good neighbour. The Bowls Club which used the facilities had been given notice to quit. The need was not justified; the existing permission would have been implemented if there was a need. It was common knowledge some units were used as permanent accommodation. He urged Members not to approve the application without a clear plan for the future of the site and further enforcement action and suggested a site visit should be made.

Mr Booth (Objector) lived next to the site. When he had bought his property the access track had been a metalled road with traffic calming, but the surface had been skimmed and the track was not well maintained. Surface water flowed into gardens; debris was thrown up by passing traffic; dust was a problem in dry weather. Acoustic fencing had been removed and the buffer zone did not work. Residents suffered from anti social behaviour from Club visitors. Before more development the road should be made up to a satisfactory standard.

Mr Futter (Agent) said the Club was very successful and offered various facilities including bowls, snooker and a swimming pool. The complex had been inundated with enquiries from families requiring larger accommodation. They were therefore seeking to replace the extant permission for one bed units with nine, two and three bed units. Planning policy supported tourism and sustainable leisure development and the Club benefitted local businesses and the community.

Councillor Bambridge (Ward Representative) noted that the bowls complex should be a jewel in the crown, but it was not. It was in a rural location close to the River Wensum, which had high protection status. There were many unresolved matters and he asked Members to defer their decision and 1) carry out a site visit to see what was already there and what was proposed; 2) request a full appraisal of the outstanding applications and agree the total extent of future development; and 3) establish the actual use of the units.

Councillor Spencer wondered why it had taken so long for the applications to come to fruition. She asked to see an updated business plan but was advised that the applicant was not required to submit that sort of information.

Councillor Duigan asked what constituted holiday accommodation as opposed to permanent accommodation. If 11 months' residence was permitted that was more or less a permanent permission. He asked if the time limit could be reduced. He was also concerned about the maintenance of the access track and lighting.

The Principal Planning Officer explained that there were lots of variations of 'holiday accommodation'; some were seasonal but more often there was no restriction on the months of occupation as tourism went on all-year. The Government encouraged flexibility. It made it very difficult to determine the difference between holiday and permanent accommodation. With regard to lighting the concerns were in respect of the previous permission and could not be address in the current application although lighting for that could be restricted to low-level only. The applicant had agreed to bring Quarry Lane up to a good standard

which should mean less maintenance would be required in future. Other properties used the access and it would be expected that they would make a private arrangement to contribute to the maintenance costs.

Councillor North asked about the Bowls Club and the Agent advised that he was unaware they had been given notice to quit. Mr Booth said that he had been informed that the bowls rink would be used as a children's indoor play area in future.

In response to a further question about job creation the Agent advised that he did not know if there would be more jobs, but year round accommodation meant that people were employed all year.

After further discussion Councillor Claussen proposed that a site visit was needed and Members supported that suggestion.

**Deferred, for a Site Visit.**

- b) Item 2: BRIDGHAM: Land at Hall Farm and Field Barn Farm: Solar farm and associated works (inverter cabins, switchgear, access tracks, security measures and landscaping): Applicant: RE:think Energy Limited: Reference: 3PL/2014/0589/F

This item was deferred from the Agenda. See Minute No 115/14 above.

- c) Item 3: NECTON: Town Farm, Chantry Lane: Erection of four dwellings: Applicant: Mr I Thompson: Reference: 3PL/2014/0590/O

This outline application for four dwellings was on a site outside the Settlement Boundary which was partly occupied by a car sales enterprise. The proposal was for four detached, two storey 4-6 bedroom dwellings with no affordable housing to be provided due to viability issues which had been confirmed by the District Valuer.

The proposal was considered to be sustainable as Necton had a full range of amenities. The site was well screened so there would be no significant negative impact.

Mrs Allen (Objector) was concerned because the access road was only six to eight feet from her windows and she could not see how it could be widened.

Mr Reeve (Agent) explained that the applicant could not make ends meet with the car business. The site was immediately adjacent the Settlement Boundary and the village had adequate services. The houses would be constructed to code level 4 and would be 'built for life'.

Councillor Carter was sorry to hear the business was not viable as it had been when the applicant had moved to the site from Fransham two years previously.

Councillor North agreed, she remembered that it had been a thriving business unable to find other premises. She had concerns about the lack of viability and the access road. Large houses would generate a lot of traffic movements and there did not seem to be any passing places.

The Senior Planner advised that Highways required the road to be

widened to 4.5 metres for the first ten metres into the site only.

Councillor Claussen felt that if no affordable housing was offered permission should be refused and Councillor Lamb agreed and noted that all the applications on the agenda were outside the Settlement Boundary.

The Chairman asked the Planning Manager to explain why the application was before the Committee. The Planning Manager explained that the Council's policies were out of date in the context of the NPPF (National Planning Policy Framework). The requirement for development had increased. As the site already had commercial use National guidance was very much in favour of allowing its development for housing.

The Director of Planning & Business Manager pointed out that Settlement Boundaries were relevant as a starting point for determining the relationship with existing development in the context of deciding sustainability in relation to the five year housing land supply shortage.

Councillor Claussen accepted that but said there was only one mechanism for delivering affordable housing and he objected to it being lost.

Councillor Carter pointed out that the houses would rely on the village for services but were giving nothing towards its resources. Councillor Bowes agreed and said she could not support the application without an affordable housing contribution.

Councillor Claussen proposed that the application be deferred and the Planning Manager be asked to negotiate with the developer before a decision was made. The Planning Manager was happy to do that.

**Deferred, for investigation into affordability.**

- d) Item 4: HOLME HALE: Site adjacent No 12 Station Road: Proposed dwelling and new access/parking to No 12 (donor property): Applicant: Mr J M Wright: Reference: 3PL/2014/0763/F

This application sought permission for a single dwelling in the side garden of an existing dwelling which formed part of a mixed, linear form of development. The new dwelling would be built gable end on to the road and would have a simple, contemporary feel. Although the proposal did not perform well with regard to access to local services, there were villages nearby with better services. Other issues were finely balanced but overall Officers felt it would be consistent with the character of the area and were recommending approval.

Mrs Hammond (Objector) lived in the adjacent property which was on land much lower than the application site. She was concerned that she would have problems exiting her driveway if vehicles were parked on the highway which might occur as there would be less parking with a shared driveway. The application was for a self-build which would mean noise and disturbance at weekends. The application would set a precedent.

Mrs Kerr (Objector) lived over the road and said the driveway opposite would look directly into her bedroom and sitting room being very intrusive and leading to loss of privacy. She also pointed out that the road was very narrow and there would be problems caused by vehicles parked on

the road during construction.

Mr Wright (Applicant) had bought the site with the intention to self build a home for his family. The existing planning permission had expired because he had needed to move the footprint of the dwelling. The original permission had been granted when the site was within the Settlement Boundary – it was now outside. He acknowledged that there would be some disruption during the build but he would try to address any issues as he did not want to fall out with his future neighbours. He had shrunk the design and obscured the windows to overcome other concerns.

Councillor Bowes asked to look again at the elevations to see the extent of overlooking. The window layout was explained.

**Approved, as recommended.**

- e) Item 5: ATTLEBOROUGH: Land south side of Bellevue Bungalow, Poplar Road: Erection of one dwelling house: Applicant: Mrs Suzanne Large: Reference: 3PL/2014/0952/F

For clarity, Councillor North declared that she knew the Applicant's son.

The application sought permission for a two storey dwelling in garden land between two bungalows with a ditch to one boundary. The height had been kept to a minimum and it was not considered that the development would be out of place. It was recommended for approval subject to conditions including an assessment of the capacity of the existing septic tank and an archaeological condition which had been requested by the NCC Historic Environment Officer.

Councillor Stasiak (Ward Representative) supported the application which was on land that the applicant had owned for 30 years. It was a perfect infill plot. The nearby railway line now had automatic barriers which had improved safety. The recent decision on the route for the relief road would lead to major development in the area in future.

Mrs Large (Applicant) had signed a Unilateral Undertaking to provide £1400 for Open Space improvements. The proposal met sustainable development criteria and concerns raised by residents could be overcome.

Councillor Martin (Ward Representative) said that both he and the Town Council fully supported the application. He agreed that concerns could be overcome.

Councillor Bowes asked whether responsibility for maintenance of the ditch would rest with the applicant or the occupier of the proposed property. She was advised that the responsibility would run with the owner of the land. The ditch would be covered by drainage conditions.

**Approved, as recommended.**

**Notes to the Schedule**

Item No	Speaker
1	Cllr Bambridge – Ward Representative Mr Lambley – Parish Council Mr Booth – Objector Mr Futter - Agent
3	Mrs Allen – Objector Mr Reeve - Agent
4	Mrs Hammond – Objector Mrs Kerr – Objector Mr Wright - Applicant
5	Cllr Stasiak – Ward Representative Cllr Martin – Ward Representative Mrs Large - Applicant
Agenda Item 8a Deferred Item Colkirk	Mrs Filby – Objector Mr Moulton – Agent Mr Starling – for Applicant

**Written Representations taken into account**

Reference No	No of Representations
3PL/2014/0373/F	11
3PL/2014/0590/O	2
3PL/2014/0885/O	10
3OB/2014/0009/OB	1
3PL/2014/0763/F	3
3PL/2014/0952/F	4

**119/14 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)**

Noted.

**120/14 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 11)**

Noted.

**121/14 APPEAL DECISIONS (AGENDA ITEM 12)**

Noted.

The meeting closed at 12.50 pm

CHAIRMAN