

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 22 December 2014 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes
Mrs B Canham
Mr T R Carter
Mr P.D. Claussen
Mr P.J. Duigan

Mrs J A North
Mr M. S. Robinson (Vice-Chairman)
Mrs P.A. Spencer
Mr N.C. Wilkin (Chairman)
Mr A.P. Joel (Substitute Member)

Also Present

Mr S.G. Bambridge
Mr K.S. Gilbert

Mr M. A. Wassell
Mr D.R. Williams JP

In Attendance

Heather Burlingham
Gary Hancox
Paul Jackson
Charlotte Lockwood
Helen McAleer
Nick Moys
Jason Parker
Sarah Robertson

Assistant Development Control Officer*
Principal Planning Officer*
Planning Manager
Solicitor
Senior Democratic Services Officer
Principal Planning Officer *
Principal Development Management Planner*
Planning Policy Officer*

- Capita for Breckland Council

122/14 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 24 November 2014 were confirmed as a correct record and signed by the Chairman.

123/14 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Chapman-Allen, Lamb and Sharpe. Councillor Joel was present as a Substitute.

**124/14 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED
(AGENDA ITEM 3)**

Agenda Item 9a – Deferred Item (Lyng) – All Members had received direct correspondence.

Agenda Item 10 – Schedule Item 1 (Attleborough) – Councillor North had received direct correspondence.

125/14 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman welcomed Councillor Canham to her first meeting as a full member of the Committee. He also thanked Councillor Armes for her work on the Committee in the past.

Members would receive a review of the District Valuer's presentation at the end of the meeting.

Action By

**126/14 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA
(AGENDA ITEM 5)**

None.

127/14 URGENT BUSINESS (AGENDA ITEM 6)

None.

128/14 LOCAL PLAN UPDATE (AGENDA ITEM 7)

The Planning Policy Officer gave Members a brief update.

The consultation on the Issues & Options document was on-going. Five events had been held in the market towns which had been well attended. The key issues of interest had been housing growth, infrastructure, business growth and the five year housing land supply. The consultation was open until 5 January 2015. The document was available on the website and in libraries. All comments were welcome.

There was also a call for sites for inclusion in the new Local Plan. That opportunity would also close on 5 January 2015.

The Kenninghall Neighbourhood Plan consultation had concluded and a report would be presented to Cabinet on 13 January 2015.

The Local Plan Working Group had met on 11 December and reviewed the Retail and Town Centre Study. Further work had been requested and that work was being undertaken.

**129/14 CHANGES TO PLANNING PRACTICE GUIDANCE FOR PLANNING
OBLIGATIONS (AGENDA ITEM 8)**

The Planning Policy Officer presented the report which brought recent changes to Planning Practice Guidance to Members' attention and explained how they would impact upon Breckland.

The biggest change was that with effect from 28 November 2014 planning obligations could no longer be required from sites of ten or less houses. Previously the Council had sought affordable housing provision on sites of five or more and financial contributions (to open space, etc) from every dwelling approved.

The Planning Policy Team was in the process of calculating how much money had been raised for Open Space, but with regard to affordable housing, £700,000 had been raised since the Council's policy was introduced in 2009.

Councillor Duigan asked if the new regulations would affect the Community Infrastructure Levy (CIL) and he was advised that as CIL was a tariff based contribution it would be affected by the new policy. The Solicitor advised that CIL did not apply to affordable housing.

Councillor Claussen wanted to know the real impact on Breckland which had a lot of development below the threshold of ten dwellings. He asked that the Planning Policy Officer be invited back to the Committee to provide those figures to give Members evidence to lobby the Government because there was no doubt that

Action By

the loss of contributions would cause problems in the future.

Councillor Wassell (Leader of the Council) said that he would be interested to know the number of applications for between five and ten houses. He had already lobbied Ministers on the effect of the changes on rural communities and he would continue to do so.

Councillor Claussen asked for the figures for smaller developments to be included as well as they made contributions to open space. Members needed a complete understanding on the effects of the changes.

In response to a question from Councillor North the Planning Manager advised that any applications previously approved subject to a legal agreement, where that agreement had not yet been signed, were likely to come back to the Committee for review.

The report was noted.

130/14 DEFERRED APPLICATIONS (AGENDA ITEM 9)

130 .a 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

Members had received direct correspondence on this application.

The application had been deferred from the previous meeting for a site visit which had been carried out on 18 December 2014. The Officer gave a brief recap of the details of the application and showed photographs of the site. The proposal was to exchange an existing permission for 16 one bedroom units, for nine holiday lodges.

A previous application had been refused solely on the grounds of impact on neighbours. The present application had amended the layout to provide a grassed buffer area between the development and the neighbours. The Highways requirement for an upgrade to Quarry Lane would form part of a legal agreement if the application was approved.

Mr Lambley (Parish Council) reiterated his concerns about the site which had a history of unenforced conditions. The bowls club was no longer resident and there was an aura of decline. A previous approval remained un-built which implied that there was no justification for further units. Wensum Valley was an area of high value and he urged Members not to approve the application without a clear plan for the future.

Mr Booth (Objector) said there had been erroneous information in the press about the amount of accommodation on site. Some of the units were occupied semi-permanently which meant that traffic used the lane at all hours. The sewer system had problems. Prior planning conditions had not been complied with or enforced. There should already be buffer fencing but it had been removed. Residents wanted a legal undertaking that the road improvements, traffic calming and the buffer planting would be in place before further development commenced.

Mr Lewis (Agent) said there had been a reduced demand for bowls facilities and the owners had to react to the needs of the holidaymakers.

Action By

Councillor Bambridge (Ward Representative) referred to the high environmental value of the Wensum Valley which had protected status. He was concerned that the access road was not in a good state despite previous planning condition requirements. There was concern that there would be hot tubs with the new lodges. He had asked Members to understand the existing use of the accommodation before making a decision. He thought they should require a business plan and suggested conditions on length of occupancy, lighting and drainage.

The Chairman read a letter he had received which claimed that Members had been entertained at the Club and spoken with the applicant during the Site Visit and that the decision had already been made.

The Officer that had attended the Site Visit said there had been no form of entertainment, Members had looked at the whole site and the only person they had met on site was the site manager.

Members that had attended the Site Visit strongly refuted the allegations and confirmed that no decision had been made.

Councillor Joel suggested that an occupancy restriction of 11 months should be applied.

Councillor Claussen referred to a mention of static caravans, but said he had seen only wooden lodges on site. The Chairman agreed and asked the Agent about the hot tubs. It was confirmed that they had been removed from the application.

Councillor Spencer asked for a drainage condition to be included. She also wanted the extremely important Wensum Valley environment to be protected and asked for that to be added to the conditions.

Concerns were raised at the lack of screening which had been previously conditioned and the state of the access road.

The Planning Manager advised that conditions on any planning application had to be pertinent to that application and to ameliorate harm. Members could require conditions and the legal agreement to be done before development commenced. He agreed to speak to the Enforcement Officer and to update the Committee on the current position.

RESOLVED that the application be deferred and the officers authorised to grant approval, subject to conditions including an 11 month occupancy restriction, no hot tubs and drainage conditions, on completion of the section 106 agreement.

130 .b NECTON: Town Farm, Chantry Lane: Erection of four dwellings: Applicant: Mr I Thompson: 3PL/2014/0590/O

This application had been deferred for details about viability. However, due to the change in legislation no financial contribution would now be required.

The Officer gave a brief recap of the proposal and suggested that an additional condition be added, restricting the maximum floorspace of the dwellings. No legal agreement was required.

Action By

RESOLVED that the application be approved subject to conditions, including an additional condition to ensure that the reserved matters detail provided for dwellings which had a maximum combined floor space of 1,000 square metres.

130 .c THETFORD: Variation of affordable housing obligation: Residential development off Croxton Road: Applicant: Baker & Nisbet Ltd: Reference: 3OB/2014/0009/OB

This application had been considered by the Committee and deferred from the last two meetings for negotiations on affordable housing provision and financial contributions.

Due to the fundamental changes in National Planning Policy there was no longer a requirement for an affordable housing or financial contribution from sites of less than ten houses. Therefore it was recommended that the S106 be varied as requested.

Mr Pettitt (Applicant) asked Members to determine the application today. Despite protracted negotiations it had proven impossible to get long term finance for the site. The changes to the legal agreement had therefore been sought as there was a genuine risk to completion. It had been confirmed that the site was not viable and statements about the competency of Baker & Nesbitt had not been correct. If the application was deferred again it would go to appeal and if awarded costs it would receive £5,000 which was what was being offered as a financial contribution.

RESOLVED that the current section 106 agreement be varied to omit the requirement for affordable housing and to require the payment of an affordable contribution of £5,000.

131/14 **SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)**

RESOLVED that the applications be determined as follows:

- (a) Item 1: ATTLEBOROUGH: Land adjacent Oak Tree Park, Norwich Road: Outline application for the erection of 25 dwellings: Applicant: Tingdene Homes: Reference: 3PL/2013/1039/O

Councillor North had received direct correspondence on this item.

This was an outline application for 25 dwellings with all matters reserved except access. An indicative layout plan showed open space to the site frontage. The site was well related to the town and surrounded on three sides by development. 40% affordable housing was proposed and viability had been confirmed by the District Valuer.

Local residents had raised a wide range of concerns which had been supported by the Ward Representative Councillor Pettitt. She had been unable to attend the meeting but had sent a letter in which she said the development was not in keeping with the street scene and raised concerns about lack of parking provision, density and drainage.

Officers felt there were insufficient grounds to refuse the application.

Mr Lewis (Objector) was Secretary of the Oak Tree Park Residents' Association. They would prefer an extension of Park Homes. It was not a caravan park; the Park Homes were smart one and two bed homes, good

Action By

for downsizing for the semi-retired and retired. The proposed homes were crowded and close to existing. There would be overlooking and increased noise levels.

Councillor Joel was sad to lose the open space and noted that the green area to the site frontage caused the density problems.

The Chairman asked about development on the opposite side of the road and was advised that an application on that site for 350 dwellings would be likely to be presented to Members in March 2015.

Councillor North requested that if approved the application should form part of the 4,000 dwellings approved for Attleborough and should be included in the Neighbourhood Plan. She noted that the site was on a regular bus route.

Councillor Spencer asked for more landscaping to be required including trees to provide screening.

Approved, as recommended.

- (b) Item 2: DEREHAM: Adjacent to 9 Brook Grove: Erection of new two bedroom bungalow: Applicant: Tudor Property Agents: Reference: 3PL/2014/0542/F

This application proposed development in the side garden of an existing dwelling in an area of mixed development. The two main issues were the effect on the character of the area and on the amenity of residents. There had been two previous refusals on the site on the grounds of over-development.

Mr Ward (Objector) said the proposal was contrary to the Local Plan and harmful to the street scene. It did not overcome previous objections and would result in a cramped form of development to the detriment of the character and appearance of the area.

Mr Sizer (Agent) had worked closely with Officers to revise the proposal to address amenity space and parking issues. The hedge would screen the development from the street. Disabled access would be provided to the principle entrance.

Councillor Duigan said the site was in his Ward and it was cramped and contrived. It would make the gardens of the existing and new dwellings smaller than others in the area. He felt it was over-intensification of the site.

Refused, contrary to the recommendation, on grounds of overdevelopment of the site, lack of amenity space, parking concerns and the effect on the form and character of the area.

- (c) Item 3: WATTON: Red Hill Park, Red Hill Lane: Extension to mobile home park: Applicant: Lifestyle Living Group: Reference: 3PL/2014/0672/F

This proposed extension to a mobile home park would add 54 units to the existing 96. The site area was relatively well screened by existing hedges and trees and proposed highway improvements would provide passing places, widen the access route and improve the entrance.

Action By

Mr Laister (Agent for Applicant) said the site was occupied by people over 50 years old. They had worked hard to overcome the issues which had led to two previous refusals. A traffic count and survey had been carried out. The five proposed passing places and footway would provide significant improvements. Financial contributions to affordable housing, library provision and off-site open space would also be made. The development would contribute to the housing land shortfall. A reduced time limit for development would be acceptable.

Councillor Rogers (for Town Council) supported the development which was much needed and would improve the access for existing as well as future residents.

Councillor Gilbert (Ward Representative) was amazed at the recommendation of approval as the application had been refused twice before and there was only a small difference. The site was as big as it should be and any extension would put more pressure on the narrow roads around the site.

Councillor Wassell (Ward Representative) was opposed to the proposal. He had been contacted by concerned residents. They did not feel that sufficient services were being provided. The application had been refused twice on highway grounds and nothing had changed. The contribution to affordable housing was insufficient and the assertion that mobile homes were not dwellings was incorrect in English law. Accepting such a low contribution to affordable housing would set a precedent. He urged Members to refuse the application.

Councillor Carter was surprised that no objectors were present and it was suggested that residents might be reluctant to speak for fear of retaliation.

Councillor Joel was concerned about the previous refusals and asked if all the issues had been resolved. It was confirmed that the Highways Authority no longer objected as the passing places and footway provision had overcome their concerns.

Councillor Claussen thought that the units were classed as homes and should therefore trigger an affordable housing requirement.

The Planning Manager advised that the definition of a house in law was different to the definition of a house in Planning. These units were restricted to two people over the age of 50. He also advised that the previous refusals had only been on Highways grounds and he urged Members to exercise caution in introducing new requirements. No contribution had been offered previously compared to an offer of £60,000 this time.

Councillor Bowes had serious concerns about the parking provision and the amount of vehicles using the access roads.

Councillor Robinson's first impression was that the development was constrained and cramped. He was concerned that the extra traffic would affect the quality of life of residents and that the passing places were too far apart.

Mr Laister advised that they met Highways standards and the distance

Action By

between was determined by the circumstances of the road, including visibility, width and the number of vehicles using it.

Councillor North noted that it had previously been mentioned that large farm vehicles used the lane and she asked if the passing places would be large enough to accommodate those. She also wondered what limit should be set on the size of the mobile home park as there was land available for further extension.

The recommendation for approval was not supported. Members were asked to provide reasons for refusal. Several suggestions were made including over-development and density. However, the Planning Manager advised that they could not be used as they had not been reasons for refusal before. He suggested that Councillor North's concerns about the number of units that the site could support and whether farm vehicles could pass on the lane were more relevant. If new reasons for refusal were introduced the applicant could appeal and might be awarded costs.

The Chairman suggested that the application should be deferred as it was unclear if the land needed for some of the passing bays was in the control of the applicant. Councillor North also asked for a clearer map of the road improvements to be provided.

Deferred, for clarification of highway improvement details.

- (d) Item 4: NARBOROUGH: Cabin, Swaffham Road: Standing of static caravan mobile home with parking/drive (retrospective): Applicant: Mr K Bell: Reference: 3PL/2014/0798/F

This application sought retrospective permission for the standing of a caravan on a well screened site behind an existing dwelling. The gypsy/traveller status of the applicant had been confirmed and a Doctor's letter had been submitted supporting the need for settled accommodation.

Mr Wilkinson (Parish Council) raised concerns about the retrospective nature of the planning application; the fact that the site had been offered for sale with the caravan in situ; and that permission would give the site recognised status as an official gypsy/traveller site. There was room for more caravans, but no cesspit and running water was supplied by the land owner. The driveway crossed land not in the ownership of the applicant and the site exit was not safe.

Mr Nicholls (Agent) said the applicant's gypsy/traveller status had been confirmed as had her need to stop travelling for health and age reasons. The site had been offered for sale due to an administrative error only. The right of way issues were not planning considerations and the applicant had a legal right to water.

Councillor Williams (Ward Representative) was concerned that the applicant was using Planning Policy to bring the system into disrepute. The site could accommodate 10 more caravans and might become an unregulated traveller site like Dale Farm, which had started in the same way. There was no provision for a gypsy/traveller site in Narborough in the Local Plan.

Councillor Claussen asked how much consultation had taken place with the Parish Council as National Policy required sensible consultation

between the settled and travelling communities.

The Planning Manager advised that the application stood on its own merits and consultation had been carried out in accordance with legislation and did not conflict with National Policy.

Councillor Carter asked if approval would mean that the site became an official traveller site and he was advised that it would not.

Approved, as recommended.

- (e) Item 5: WHINBURGH & WESTFIELD: Shop Street: Erection of detached dwelling with garage and new access: Applicant: Otley Properties: Reference: 3PL/2014/1022/F

This application proposed a large floor area detached dwelling, typical for the area. The TPO trees were well away from the development. Due to the change in legislation, no affordable housing contribution was required. Although the site was outside the Settlement Boundary, due to the lack of housing land supply the proposal was considered acceptable.

Mr Long (Agent) had worked hard to produce a scheme that was sympathetic to the area. The village was a sustainable location. All technical matters had been resolved. He confirmed that the aim was to complete the development within 18 months.

Councillor Claussen felt that the Parish Council and residents should be informed that they would receive nothing from the development and the applicant should be encouraged to provide some benefit.

Councillor Robinson was concerned about the guttering layout which appeared to have a single run across the property frontage. It was agreed that a condition be added requiring guttering details.

Approved, as recommended, subject to the additional guttering condition.

- (f) Item 6: THETFORD: 11-29 (Odds), Brunel Way: Minor material amendments to 3PL/2013/0457/F – Re composite cladding, fascias: Applicant: Breckland Council: Reference: 3PL/2014/1087/F

This application was before the Committee as the units were owned by the Council. A section of flat roof would be changed to have a slight pitch and there would be minor changes to the profile of the roof cladding.

Approved, as recommended.

Notes to the Schedule

Item No	Speaker
1	Ms Lewis - Objector
2	Mr Ward – Objector Mr Sizer - Agent
3	Cllr Wassell – Ward Representative Cllr Gilbert – Ward Representative Cllr Rogers – Town Council Mr Laister - Agent

Action By

4	Cllr Williams – Ward Representative Mr Wilkinson – Parish Council Mr Nicholls - Agent
5	Mr Long – Agent
Agenda Item 10	Deferred Items
a)	Cllr Bambridge – Ward Representative Mr Lambley – Parish Council Mr Booth – Objector Mr Lewis – Agent
c)	Mr Pettitt - Applicant

Written Representations taken into account

Reference No	No of Representations
3PL/2013/1039/O	27
3PL/2014/0798/F	6
3PL/2014/0373/F	11
3PL/2014/1022/F	3
3PL/2014/0672/F	13

132/14 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 11)

Noted.

133/14 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 12)

Noted.

134/14 APPEAL DECISIONS (AGENDA ITEM 13)

Noted.

The meeting closed at 12.25 pm

CHAIRMAN