

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Tuesday, 26 May 2015 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes	Mr K. Martin
Mr R F W Brame	Mr J Newton
Councillor M. Chapman-Allen	Mr F.J. Sharpe (Vice-Chairman)
Mr H E J Clarke	Mr N.C. Wilkin (Chairman)
Mr P.D. Claussen	Mr P S Wilkinson
Mr P.J. Duigan	Mr W. R. J. Richmond (Substitute Member)

Also Present

Mr A.P. Joel (Ward Representative)	Mr S Askew – Norfolk County Councillor
Mr A.C. Stasiak (Ward Representative)	

In Attendance

Mike Brennan	Operations and Contract Manager (Planning Services)
Heather Burlingham	Assistant Development Control Officer*
Paul Clough	Planning Lawyer (Lincolnshire County Council)
Helen McAleer	Senior Democratic Services Officer
Nick Moys	Principal Planning Officer *
Jayne Owen	Senior Planner*
Simon Wood	Interim Head of Planning Services

* Capita for Breckland Council

Action By

50/15 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 13 April 2015 were confirmed as a correct record and signed by the Chairman.

51/15 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillor Smith. Councillor W Richmond was present as his Substitute.

**52/15 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

All Members had received direct representation on Agenda Item 9, Schedule Item 2 (Banham).

53/15 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman welcomed the new Members of the Committee and introduced the Planning Officers that would be presenting at the meeting. He congratulated Councillor Sharpe on being appointed as Vice-Chairman and thanked Councillor Robinson for all his work in the past as previous Vice-Chairman who was no longer on the Committee.

54/15 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 4)

Agenda Item 9, Schedule Item 3 (Attleborough) had been deferred to address outstanding issues.

55/15 URGENT BUSINESS (AGENDA ITEM 6)

None.

56/15 LOCAL PLAN UPDATE (AGENDA ITEM 7)

The Interim Head of Planning Services had nothing to add to the report and invited questions from Members.

Councillor Clarke asked two questions relating to the update from the previous meeting and the Interim Head of Planning Services agreed to provide him with details outside the meeting.

57/15 DEFERRED APPLICATIONS (AGENDA ITEM 8)

None.

58/15 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- a) Item 1: DEREHAM: 159 Shipdham Road: Proposed Residential Development (6 detached dwellinghouses and one pair of semi-detached dwellinghouses): Applicant: Mrs R Wilkins: Reference: 3PL/2014/0979/O

This outline application was for development on an existing builder's yard which was a brownfield site. Indicative layout and street-scene drawings showed traditional simple designs. Officers did not consider that the development would result in any significant harm to the character of the area.

Councillor Duigan was Ward Representative for the area and said that the site was currently run down and the modest size of the development would have no effect on traffic and only some effect on ecology.

Approved, as recommended.

- b) Item 2: BANHAM: Land adjacent to Kenninghall Road: Outline planning application for the erection of up to 43 dwellings: Applicant: MLN (Land and Properties) Ltd: Reference: 3PL/2014/1006/O

All Members had received direct representation on this item.

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Additional information had been provided in a supplement to the Agenda.

This outline application with only access to be approved was on a site adjacent a Listed Building and in close proximity to a Site of Special Scientific Interest (SSSI). A main gas pipeline crossed the site and the indicative layout submitted showed development divided down the middle with an open space over the pipeline. More open space was provided near the SSSI.

Members were advised of additional representations received since the report had been published. No new issues had been raised. Correspondence had also been received about an Environmental Impact Assessment and Screening Exercise. Officers and the Applicant's legal advisor did not consider that the application was Schedule 2 development, therefore Screening was not required. However, the site had been Screened twice. The Council's own legal advice had not yet been received. If Members were minded to approve the application it was suggested that they should delegate authority to Officers to approve the application subject to receipt of that legal advice.

In view of the Council's five year housing land supply shortage it was considered that the application was acceptable in principle and that conditions could overcome the issues raised.

Councillor Joel (Ward Representative) spoke on behalf of 137 residents who wanted the application refused. The site was Grade 3 agricultural land which was used for grazing cattle and sheep. The area of open countryside had been purposely kept and a previous Appeal Inspector had said that the form and character and setting of the village would be affected by its loss. Nothing had changed. There were alternative brownfield sites available in the village for development. Wash Lane had a history of flooding problems, the school and doctors were full and the village had only one bus a day.

Mrs Sayers-Cowper (Parish Council) reiterated that there were several brownfield sites available on which development would be acceptable to the village and repeated that the Appeal Inspector had said that the loss of openness would have a harmful effect and be an unacceptable extension to Banham. She confirmed the long standing problems in Wash Lane which flooded every winter. There had also been problems with sewage overflowing: the Banham Zoo system was full. There were many objections and she asked Members to listen to the residents.

Mr Weatherly (Agent) said there was a presumption in favour of development due to the Council's housing land shortage. There would be a number of benefits from the development with was technically sound and had received no statutory objections. The proposal was viable and deliverable and would comprise high

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quality, low density rural design. It would provide 17 affordable homes. The drainage system would improve existing problems. The objections should not outweigh the benefits.

Cllr Askew (NCC) was disappointed by the recommendation for approval. Nothing had changed since the previous refusal which had been upheld on appeal, except the Council's housing land shortage. The village was wholeheartedly against the proposal. The school and doctor's surgery were full. He recognised that people needed houses but this would be the largest development in the village. The Officers' recommendation was inconsistent. A recent refusal for three houses had been on the grounds of unsustainability, yet they were saying this proposal for 43 houses was sustainable.

Councillor Chapman-Allen asked if the applicants owned the land and was advised that they had a contract to purchase it subject to planning approval. She was sad to see good agricultural land used for development.

Councillor Claussen was dismayed that all the work done on the Local Development Framework (LDF) was being overturned due to the Council's housing land shortage. Sustainability should be considered in the round.

Councillor Sharpe asked what the land was used for presently and was advised that it was rented out to a local farmer for grazing.

In response to a question Councillor Claussen was advised that no land had been allocated for housing in Banham through the LDF process.

The Operations and Contract Manager (Planning Services) explained that those policies were no longer valid due to the National Planning Policy Framework (NPPF) and the lack of housing land supply.

Councillor Brame was confused about sustainability and also asked why there were no comments about flooding from the consultees. He was advised that the relevant bodies had been consulted and they were saying that conditions could address any problems. With regard to sustainability Banham was identified as a Local Service Centre (LSC) which could accommodate this level of development. The proposal would provide an education contribution. To recommend refusal Officers would have to be able to demonstrate that the proposal would cause significant harm and they could not do that.

Councillor Clarke had sympathy with the concerns raised and questioned the mix of dwellings proposed. More one, two and three bedroom properties were needed in the District.

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The Chairman noted that the views of Parish Councils were taken into consideration but in this case he was concerned that Banham Parish Council had stated that they had no housing need. The Housing Officer had advised him that there were currently 50-60 people wanting to be housed in Banham.

Councillor Chapman-Allen was concerned about potential disruption for traffic if approval was given and roadworks were required to put in services. She requested a condition restricting any works to the autumn/winter to reduce any effects on the business of Banham Zoo.

Councillor Bowes said that it would be nice if the Committee could see detailed plans for proposals outside of Settlement Boundaries.

Deferred and Officers authorised to grant approval, subject to conditions, on receipt of legal advice.

- c) Item 3: ATTLEBOROUGH: Phase 3, 4 & 5, Land at Carvers Lane: Erection of 91 dwellings, access roads, alterations to Carvers Lane, open space, landscaping & associated works: Applicant: Norfolk Homes Ltd: Reference: 3PL/2014/1264/F

This application had been deferred from the Agenda. See Minute No 54/15 above.

- d) Item 4: GREAT ELLINGHAM: Land to the rear of 68 Long Street and on the paddock to the south: 4 No detached houses and garages: Applicant: Mr Tim Davidge: Reference: 3PL/2014/1366/F

Amended plans had been received to alter the size of the garages to allow room for vehicles to turn within the site. Issues about the visibility splay, which was the reason the application was recommended for refusal, could be overcome with the appropriate legal agreement.

Comments from Councillor Cowen (Ward Representative) who could not be present were read out to Members. He asked Members to note the importance of good design. The proposed designs were at variance with local character but would enrich the built environment and champion good design.

Officers were concerned about the scale, massing and incursion into the land behind.

Mr Betts (Parish Council) supported the application which had received favourable comments from residents and neighbours. Following a special meeting attended by 80 residents the village had adopted a policy of encouraging developments of up to 12 dwellings providing a mix of housing types. They wanted to attract business people. The Parish Council supported appropriate cul-de-sac development with good quality design and discreet format. The

assessment notes were not supported by residents or neighbours. No negative representations had been received. He asked Members to support that application.

Mr Barbuk (Agent) said there were no policy reasons for refusal. The proposal had been designed to minimise its highway presence. The houses were positioned to avoid overlooking and there would be extensive planting between new and existing properties. The bulk had been kept low. Highways objections had been addressed by a legal agreement. It was a good scheme with exactly the type of housing required by the village.

Councillor Stasiak (adjacent Ward Representative) had hoped to show photographs of a nearby development of a house which would make the new development look small in comparison. He supported the application. All the issues raised in the report had been addressed. The houses would enhance the area and cul-de-sac design was more pleasing than linear development.

Councillor Chapman-Allen knew the site and said that only the first house would be visible from the road due to existing mature trees. She agreed that there was a 'huge' house just up the road and did not think that scale and design were reasons for refusal.

Councillor Martin knew that Long Street had a history of flooding problems and asked if the new development would join to the mains or have septic tanks. The Agent assured him that all regulations would be complied with.

The recommendation of refusal was not supported. A proposal was made and seconded to approve the application on the grounds that the good design would enhance the area and the development would contribute to the five year housing land supply.

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

- e) Item 5: MATTISHALL: Mill Road: Erection of 4 bed house (code 6 sustainability) and parking for 2 cars: Applicant: Mr Philip Whitman: Reference: 3PL/2015/0034/F

A colour brochure was tabled for Members and a photo montage of the proposed development was displayed.

This proposal was recommended for approval under the provision for houses of exceptional design within the NPPF. The house was of contemporary design and would be sited end-on to the road, set well back on the site. To qualify as exceptional design various tests had to be applied. The proposal had to be to the highest standard of architecture, use sustainable construction methods and be sympathetic to the character of the area.

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The proposal would be built to the equivalent of Code 6 which was the highest level, with a range of sustainable measures as detailed in the report. It was recommended that a Condition be included requiring detailed specifications to be agreed and required in construction.

The site was secluded so there would be limited visual impact and the modern design included a number of references to rural buildings which were not unusual in the countryside.

Officers felt that the design met the requirements and the proposal also had considerable local support.

Mr Gibbs (Agent) said he would welcome questions on sustainability. The core issue was to innovate to make a difference to people's lives and to influence mass house builders. The dwelling would be built to Passiv Haus standard using local straw and carpenters.

Councillor Claussen thought it was a wonderful innovative design.

Councillor Chapman-Allen asked about the life expectancy of the metal work and was advised that it would last longer than bricks and mortar.

Approved, as recommended.

- f) item 6: SAHAM TONEY: Locket Ridge, The Drove, Saham Hills: New Eco-Dwelling on land adjoining Locket Ridge. New turning head and revised visibility splay at junction: Applicant: Mr Christopher Brian: Reference: 3PL/2015/0100/F

This site was on the north edge of Saham Toney set back from Hills Road in a cluster of development with access from the Drove. The proposed dwelling would be sited centrally in the plot and would be of traditional design. It was well related to the existing built up area and close to a wide range of facilities. Concerns had been raised by the Highways Authority about visibility splays which would be restricted by an existing hedge. Agreement had now been reached to set the hedge back, improving visibility for all residents and the Highways Authority had withdrawn their objection.

Councillor Claussen did not approve of the design.

It was confirmed that there was not a balcony to the rear.

Councillor Bowes raised concerns about the narrow access road. Two vehicles could not pass and that might lead to vehicles reversing out onto Hills Road. The Council would need to enforce the conditions about the visibility splay and turning area.

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Councillor Martin noted that the design would be improved if the garage roof was turned.

Approved, as recommended subject to further discussions with the applicant in relation to the garage roof.

- g) Item 7: LITCHAM: Land off Drury Lane: Erection of detached dwelling: Applicant: Mr C Mitchell: Reference: 3PL/2015/0184/F

This application for a dwelling was off an unmade track on part of a Builders Yard. It was within walking distance of a range of facilities. Although it was outside the built up area it would sit within a small pocket of existing development and would not intrude significantly into the countryside.

Mr Mitchell (Applicant) said he was the third generation of his family living in the village. He owned the builders yard and the new house would put his home and business on one site, improving security.

Approved, as recommended.

- h) Item 8: ATTLEBOROUGH: Woods View, Poplar road: Erection of a new two-storey four bedroomed detached dwelling with double garage: Applicant: Mr & Mrs Andrew Hector: Reference: 3PL/2015/0190/O

This outline application on land outside the Settlement Boundary met the criteria for sustainable development. There were a wide range of facilities and the site was not isolated development in the countryside. It was proposed to reduce the time limit for commencement.

Councillor Stasiak (Ward Representative) supported the application. There was a shortage of four bedroom houses in the village and the Committee had approved another application nearby recently.

Councillor Martin who was also a Ward Representative also supported the proposal. Recent works to the automatic safety barriers on the railway line had vastly improved safety.

Councillor Bowes asked for the application to come back to Committee at Reserved Matters stage and reiterated her suggestion that applications outside the Settlement Boundary should be required to provide details of design and materials.

Approved, as recommended.

The Chairman agreed that the Reserved Matters application should be brought to Committee.

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- i) Item 9: ATTLEBOROUGH: Hulsig, Hargham Road: New cottage style dwelling and garage on garden plot: Applicant: Mr S Hall: Reference: 3PL/2015/0196/F

This proposal met the sustainable criteria and was considered acceptable. It was within an area of sporadic development and would have limited impact. There was a wide range of facilities within easy reach and no amenity issues. Full details of the sewage treatment plant would be required by condition.

Councillor Stasiak (Ward Representative) supported the application which was sympathetic to the adjacent period property. There would be major growth in Attleborough and the area would have thousands of houses in the coming years.

Approved, as recommended.

- j) Item 10: GOODERSTONE: Adjacent 12 The Street: Proposed new dwelling: Applicant: Mr N A & P A Cater: Reference: 3PL/2015/0321/O

This outline application sought approval in principle for development with only access to be considered. It was an infill site in the village street, outside the Settlement Boundary. An indicative layout showed a two storey property set to the rear of the site behind two adjacent properties. The site was well related to the village within easy access of facilities. The main concern was the potential overlooking and loss of privacy to No 12 but the dwelling could be designed to avoid those effects. The window arrangement would be decided at Reserved Matters stage. An advisory note could be added to make those concerns clear.

Mr Lake (Objector) lived at No 12 which would be overlooked. He wanted the proposal to be single storey not two storey. He was also concerned about future road safety as the driveway access was on a corner where cars parked outside the existing house.

Mr Parsons (Agent) Said the overlooking issues would be addressed at the Reserved Matters stage. His client would be happy for that application to come back to Committee. The report mentioned that the house was for market sale but it was in fact intended for the son of the owner who would be a fourth generation resident of the village.

Approved, as recommended, subject to an advisory note that the proposed dwelling should be designed to avoid overlooking of the neighbouring properties.

Notes to the Schedule

Item No	Speaker
2	Cllr Joel – Ward Representative Cllr Askew – NCC Mrs Sayers-Cowper – Parish Council Mr Weatherley - Agent
4	Cllr Stasiak – Ward Representative Mr Betts – Parish Council Mr Barbuk - Agent
5	Mr Gibbs – Agent
7	Mr Mitchell – Applicant
8	Cllr Stasiak – Ward Representative
9	Cllr Stasiak – Ward Representative
10	Mr Lake – Objector Mr Parsons - Agent

Written Representations taken into Account

3PL/2014/1006/O	116
3PL/2015/0190/O	4
3PL/2015/0034/F	5
3PL/2015/0321/O	6
3PL/2014/0979/O	1
3PL/2014/1366/F	5

59/15 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)

Noted.

60/15 APPEALS DECISIONS (AGENDA ITEM 11)

Noted.

61/15 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 12)

Noted.

The meeting closed at 12.22 pm

CHAIRMAN