

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 21 September 2015 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes	Mr J Newton
Mr R F W Brame	Mr F.J. Sharpe (Vice-Chairman)
Councillor M. Chapman-Allen	Mr W.H.C. Smith
Mr H E J Clarke	Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan	Mr A.P. Joel (Substitute Member)
Mr K. Martin	

Also Present

Mr T Ashby	Mrs J Hollis
Mr W.P. Borrett	
Mr P M M Dimoglou	

In Attendance

Mike Brennan	Planning Contract Manager (Capita)
David Higgins	Highways, Norfolk County Council
Hamish Lampp	Principal Planning Officer*
Nick Moys	Principal Planning Officer *
Paul Rushworth	Solicitor
Teresa Smith	Democratic Services Officer
Iain Withington	Planning Policy Team Leader*

* Capita for Breckland Council

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103/15 MINUTES (AGENDA ITEM 1)

The Planning Contract Manager referred to Minute 95/15 and advised that Members did have a choice with regards to the Liverpool or Sedgefield calculations. Technically Members had the right to choose between 5 to 20% buffer in terms of housing land supply.

The Government guidance was clear, however if the Council continued to under-perform in development in accordance with the 5-year housing land supply the 20% buffer would not be an option.

The minutes of the meeting held on 24 August 2015 were confirmed as a correct record and signed by the Chairman.

104/15 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies were received from Councillors Claussen and Wilkinson. Councillor Joel was present as Substitute for Councillor Claussen.

**105/15 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED
(AGENDA ITEM 3)**

The following declaration was made regarding Agenda Item 10:

Schedule Item 1 (Attleborough) – Councillor Sharpe declared he had received

direct representation about this item.

106/15 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman reminded new Members of the Council that training was scheduled for Wednesday 23 September.

It was also noted that the Glossary at the front of the agenda would be removed and produced on a six-monthly basis.

107/15 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

None.

108/15 URGENT BUSINESS (AGENDA ITEM 6)

ATTLEBOROUGH: Land north of Norwich Road - Residential development of up to 350 dwellings, associated access, footpaths, cycle path, open space and landscaping

Members were reminded that this application was refused at the Planning Committee of the 16 March 2015, on the grounds that the drainage issues had not been adequately resolved. The Environment Agency raised no objections; however, the East Harling Internal Drainage Board (IDB) had expressed concerns and based on these it was the Members' decision to refuse the application.

Following this decision, the Applicant and the IDB engaged in discussions and as a consequence, the IDB had removed their objection to the planning application.

Members were asked to consider formally withdrawing their ground for refusal as continuing to pursue would place the Council at significant risk of an award of costs.

Councillor Chapman-Allen asked if the drainage facility would be funded until all the houses were sold, and if this was how all private management companies were funded.

The Principal Planning Officer said there would be standard conditions for the management company who would fund it and as householders buy the properties and into the management company, therefore paying it back.

Councillor Duigan said that a similar development was built in Dereham with a Management Company; however, the Town Council took over that scheme. He would encourage getting Town Council to manage the scheme rather than a management company.

RESOLVED that Members formally withdraw the current grounds of refusal.

109/15 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

The Planning Policy Team Leader advised that good progress continued to be made on the Local Plan and a detailed report would be going to the next Cabinet meeting. This would feed through the setting of the housing target, spatial strategy and settlement numbers and allow progress to be made on the

prioritising of suitable sites.

The Planning Policy Team had been asked to provide an update to Councillor Newton on the number of applications received for Brownfield sites.

Councillor Newton asked for the figures to be circulated.

Councillor Martin said that whilst the Council supported the development of Brownfield sites, it was the decontamination costs to developers which might deter them from beginning the development.

110/15 DEFERRED APPLICATIONS (AGENDA ITEM 8)

Noted.

111/15 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- a) Item 1: ATTLEBOROUGH: Phase 3, 4 & 5 Land at Carvers Lane: Erection of 91 Dwellings, access roads, alterations to Carvers Lane, open space, landscaping and associated works: Applicant: Norfolk Homes Ltd: Reference: 3PL/2014/1264/F

This was a full application seeking permission for 91 dwellings together with access roads, alterations to Carvers Lane and the provision of public open space.

The application proposed changes to Carvers Lane to include a restriction to sections of Carvers Lane to non-motorised vehicles only. The proposal created access points in existing estate roads and a new road off Carvers Lane. The properties on Carvers Lane could still be accessed but a different road would be used.

A draft Section 106 legal agreement was in progress, and obligations related to affordable housing, public open space and financial contributions towards schools and libraries.

This was a sustainable location with access to services within the Town.

The Attleborough Neighbourhood Plan was being prepared and as it was at an early stage would not influence an appeal.

The issue of Carvers Lane raised over 120 objections from local residents and a petition with 220 signatories had also been received.

Although the majority of trees would be retained, there would be some removal at the southern end to allow new access into Carvers Lane. It was reiterated that the approach to properties would be by a slightly different route; however it would be to a better standard than the lane was at the moment.

Highways had worked closely with the developer and were content with the proposal and raised no objections. Whilst there would be an increase in traffic levels this would be spread across the existing estate roads.

Consultations had taken place with the Environmental Agency, and subsequently with the Lead Local Flood Authority (LLFA), and a final response from the LLFA

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was awaited.

Councillor Ashby (Ward Representative) felt that this would be a significant loss of amenity and asked Members to defer the application and suggested a site visit. The main issue raised was that HGVs would need to use Honeysuckle Way if they were unable to use the turning head provided. Secondly a loss of amenity as the large greenery area was used by residents of Attleborough. Whilst he was not against development of areas, it should not be to the detrimental effect of small areas.

Mr Taylor (Town Council) fully supported economic growth and there was a plan for 4000 homes within the Town. The Town Council had worked closely with Breckland Council in the development of a Neighbourhood Plan and the Town could not cope with the additional service, transport and infrastructure the additional homes would create.

Mr Crouch (Objector) a resident of Carvers Lane said that it was an historic right of way and there was no need for it to be developed into a cycle way as there was one already in place. Phase 3 of the site would result in a sewage pumping station being installed next to a welding company, and when Phase 5 was completed it would mean the pump station would be within the Children's play area. Concerns were raised on access to properties currently on Carvers Lane such as refuse collection and oil deliveries. A number of objections had been received, and alternative options had been suggested, but had been rejected.

Mr Presslee (for Applicant) said that work had been underway since 2014 to establish design principles and it was considered to be a high quality scheme. Highways supported the application in principle, and said that Carvers Lane would be enhanced, not diminished. A response was still expected from the flood risk assessment by the Environmental Agency and with regard to the removal of trees; the Tree Preservation Officer had no objections. Whilst obligations had been met with the Section 106 legal agreement, a dispute as to the Library contribution was currently under investigation.

The Chairman asked for clarification that the closure of Carvers Lane resulted in re-direction of traffic and that refuse collection and emergency services would still be able to gain access. Mr Presslee confirmed that all roads were designed to meet the necessary requirements.

Councillor Martin said that West Carr Road was well established with a cul-de-sac and asked if there would be a restriction of traffic that would come onto West Carr Road. Mr Higgins, a representative of Norfolk County Council Highways confirmed that anyone would be able to use access through West Carr Road.

Councillor Smith said he was concerned about the Doctors Surgery within the town and if more properties were built, there would be a need to invest in the GP Surgery.

Councillor Chapman-Allen raised the Anglian Water comment that the development would lead to unacceptable flooding 'downstream' and asked for clarification on this.

The Principal Planning Officer said that this meant that the sewers and a drainage strategy would need to be prepared in consultation with Anglian Water to determine mitigation measures, and therefore a condition would be attached to the planning permission.

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Councillor Joel asked if there was any way Carvers Lane could remain open and also asked that as no report had been received on the flooding risk if the decision should be deferred.

The Chairman said that Carvers Lane was being re-directed and whilst this was an inconvenience to motorists, it was a small lane and the development could not happen if the lane was to stay.

Councillor Clarke asked if Members were minded to give approval, what would happen if the Council did not accept the final report from the LLFA.

The Principal Planning Officer said that permission would not be issued as the completion of the Section 106 was still being worked on. He said that if LLFA raised further objections then the application would be deferred, and would come back to Members.

The Chairman welcomed the 30% provision of affordable housing.

Deferred, and the Officers authorised to grant approval, subject to conditions, on completion of the Section 106 agreement and no adverse comment being received from the Environment Agency.

b) Item 2: MATTISHALL: Land off Cedar Rise: Residential Development:
Applicant: Able Homes Ltd: Reference: 3PL/2015/0279/O

This was an outline application for a residential development on greenfield land to the south of Cedar Rise, Mattishall with all matters reserved apart from access.

Indicative plans had been submitted illustrating a layout for 35 dwellings, with an area of public open space to the east of the application, and a second to the west.

The application proposed 40% affordable housing provision and access from Dereham Road would be via Cedar Rise. The public footpath would also be extended.

Over 150 representations had been received in relation to the application; however, no statutory consultees had raised any objections in principle, subject to the standard conditions.

The District lacked a five-year housing land supply, and the development would make an important contribution to that.

Ms Hunton (Parish Council) said the Parish Council strongly opposed the development and asked for the decision to be deferred until the Neighbourhood Plan was in place. Over 1000 responses had been received for the Neighbourhood plan in Mattishall, and meetings were planned for October.

Mr French (Objector) spoke on behalf of the residents, and said the development would destroy Mattishall's identity. There were congestion issues every day around the entrance to Cedar Close. The school had reached capacity and the surgery had already been asked to take on new extra patients from neighbouring Yaxham and Dumping Green.

Mr Abel (Applicant) was a reputable builder in Norfolk. The site would be developed within the suggested two year period. All objections had been addressed and all consultees were content with the proposal. With regard to the

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Doctors Surgery, Mr George Freeman, MP, confirmed that “his Government is committed to providing high quality healthcare wherever they live”. In summary, the site did meet the criteria of NPPF and that took precedence over the Neighbourhood Plan which was still in its infancy.

Councillor Borrett (County Division Representative) said he was not against new development and explained the need to keep Breckland alive by providing new housing for new families. He supported the Parish Council as they were the bedrock for democracy and Mattishall was a very engaged village. The returns in the appraisals were very impressive and showed community spirit, and the Neighbourhood Plan should not be underestimated. He felt that a decision to be made now would be a mistake and urged the Committee to wait to see the Neighbourhood Plan.

Mr Dimoglou (Ward Representative) said there had been a planning application submitted and refused earlier in the year (Gladman) and the same issues applied to this case. The Gladman application was currently under appeal, and he felt the outcome of that appeal would affect the decision made on this application. He said that Mattishall did not want to become a town and that George Freeman, MP, also raised objections. He also felt that the Committee should consider the work undertaken on the Neighbourhood Plan.

The Chairman said that a letter had been received from George Freeman, MP, who said he had visited the site and shared concerns about the emerging Neighbourhood Plan.

Councillor Sharpe asked for the timescale of the Neighbourhood Plan. Mr French said it was at stage two of seven, and would expect to bring the plan forward in Spring 2016.

The Planning Contract Manager said that the Mattishall Neighbourhood Plan was still in its infancy and it was up to the Parish Council in how it progressed. As yet it has not been subject to any formal consultation. Given this early stage of the plan process, very limited weight was afforded to the Mattishall Neighbourhood Plan and therefore the application was not deemed premature in this context.

Councillor Chapman-Allen asked for clarification as to the grade of the agricultural land and how many hectares it was. It was confirmed it was 1.8 hectares of Grade 3 agricultural land.

Councillor Chapman-Allen said Members had heard that the school and surgery were over-subscribed; however Norfolk County Council had not made comment as such. She was aware that the NHS was not a statutory consultee, but asked if the Section 106 monies would be ring-fenced and used for Mattishall.

Councillor Smith noted that Members seemed to be making decisions in isolation and were told of the lack of availability in services and said that communities were only viable if they had access to services. He also asked what the village experience of flood risk was and what were the weather scenarios were based on.

Mr Blake (Drainage Engineer, Blake Consultancy) said the report was based on a model site, with a 1:100 year storm event taken into account. It also included an increase in variation of 20-30% to allow for climate change.

Councillor Smith was still concerned about the scenarios that had been used and the possibility of flooding.

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The Planning Contract Manager said that a decision should be made based on the evidence provided, and that the Environmental Agency had not objected. He also reminded Members that all matters were reserved therefore further research would be required depending on the layout.

Councillor Duigan asked if the Neighbourhood Plan covered this site as one of the potential sites it would like to see developed.

Ms Hunter (Parish Council) said that the Parish Council was currently considering potential sites, and whilst some had been identified they had not yet been consulted on.

Councillor Clarke asked for a view on the condition regarding flood risk and drainage.

Mr Blake said that Anglian Water had been consulted, and improvements offsite were being proposed.

Ms Hunter said she had spoken to Anglian Water who had carried out an internal feasibility study and suggested that they might build holding tanks, but there had been no definite decision and it could have a detrimental effect.

Councillor Clarke also asked how close the new development would be to the two properties that would adjoin the site. The Planning Officer said it was shown as approximately six-meters in the indicative plan; however it could be 12-meters once the full layout was known.

Councillor Brame asked if any decision made would set a precedent; especially as a second application was being appealed.

The Chairman clarified that each application was determined on its own merit.

Councillor Joel said he was aware that other local areas would be feeding into the Mattishall Doctors Surgery, and asked if the money raised through the Section 106 would go to Mattishall Primary School, or would it go to other parts of the County.

The Planning Contract Manager confirmed that the County had to be specific where the money would be spent, and as it mentioned the Primary school this was where the money would go.

The Chairman said comments raised from Councillor Claussen (page 94) were noted.

In summary, the Chairman's view was that it could be viewed in isolation even though the Parish Council were delivering a Neighbourhood Plan. He felt that the drainage issues were not a strong enough reason to refuse the application and the site was well related to the village centre.

Deferred, and the Officers authorised to grant approval, subject to conditions, on completion of the Section 106 agreement.

- c) Item 3: ATTLEBOROUGH: Land adjacent to Hawthorndon, London Road: Proposal for three two-storey dwellings: Applicant: Mr Colin Kilby: Reference: 3PL/2015/0486/F

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This was a full application for the erection of three two-storey detached dwellings on land to the rear of Hawthorndon, London Road, Attleborough. The proposal would provide a new private access off London Road giving a shared drive to the three properties and a public footway to the front of the site. Three existing trees were proposed to be removed.

Objections had not been received from the Parish Council and no residents had objected.

The trees to be removed were of little arboricultural value and the Tree and Countryside Officer had no objections. However, replacement planting would soften the area.

Mr Western (Agent) was pleased no objections had been received and Officers supported the proposal.

Councillor Martin explained to Members where the site was and outlined other applications that were surrounding the proposal.

Councillor Smith asked for similar native species of trees to be planted rather than Ilandi.

Councillor Joel said it was a well thought out application.

The Chairman raised a concern that the front garden walls appeared very high and asked that as residents preferred to use their back gardens, whether thought had been given to moving the properties forward, so the back gardens could be used.

The Agent said that this had been considered, but the back garden would be north-facing and he felt residents preferred them to be south-facing.

Approved, as recommended.

d) Item 4: NORTH ELMHAM: 59a Caravan, Eastgate Street: Erection of New Dwelling: Applicant: Mr M Tasker: Reference: 3PL/2015/0576/F

This was a full application for the erection of a single storey, one bedroom dwelling, which would seek to utilise the existing vehicle access off Eastgate Street. The site was currently occupied by a caravan that the applicant suggested had been occupied for over 10years. A condition was proposed that the Caravan be removed prior to occupying the property.

Seven letters of support had been received and there were no objections from neighbours or the Parish Council.

There were no amenity or highway issues, and the Tree consultant had no objections.

Councillor Smith was concerned that the Council was allowing back land to be developed. He asked if access to the property was wide enough for a road access should there be further development within the garden.

The Principal Planning Officer felt it was not a big enough plot for further development.

Approved, as recommended.

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e) Item 5: NORTH LOPHAM: Kings Head Lane: New dwellings with parking and turning: Applicant: Mr & Mrs D Hipperson: Reference: 3PL/2015/0637/O

This was an outline application for residential development on land located at the western end of Kings Head Lane, North Lopham. The appearance, landscaping, layout and scale were Reserved Matters.

An indicative site plan was provided showing a proposal of three, two-storey dwellings, accessed via a shared drive way to avoid the removal of the southern hedgerow.

Four objections had been received based on concerns of increased traffic on Kings Head Lane. The Parish Council had no objections.

Whilst there was protrusion into the countryside, it was adjoining a current development. The Principal Planning Officer suggested that three single storey dwellings would create a lesser visual impact.

The site was large enough to protect amenity but this would be considered at the detailed planning stage.

Highways raised no objections provided an adequate turning circle for access was provided.

A section 106 agreement was in progress.

Sarah Roberts (Agent) said that this was a proposal for a small development which would provide properties for family members.

Councillor Chapman-Allen (Ward Representative) noted that the original application was for six dwellings. She was content with the application provided that it was limited to three dwellings.

Councillor Martin asked if the other properties in Kings Head Lane were two-storey houses. It was confirmed they were.

Councillor Smith asked who would own the piece of land at the end of the development.

The Agent said that the Applicants owned the field and that three of the family members would each own a property. It had been suggested that the end field would be a wildlife meadow, and would belong to the third property.

Councillor Smith raised concerns about further developments which could be proposed.

The Chairman understood the concerns which had been noted, and said that this would need to be considered when the full application was received.

Councillor Joel confirmed he would like to see the application in more detail at the Reserved Matters stage.

The Planning Contract Manager said that if Members felt strongly about the parcel of land, then this could be addressed through the Section 106 Agreement.

Councillor Chapman-Allen was concerned that this was an outline application.

She did not want to be asked to approve further houses on the site at a future date and wanted assurance that this was an outline application for three properties only.

The Agent said the fee was based on the size of the plot, and told the applicant that it would not matter if the outline application was for six plots or three. She confirmed it had always been for three properties.

Members felt that the approval should be for single storey properties only.

Deferred, and the Officers authorised to grant approval, subject to conditions, on completion of the Section 106 agreement.

f) Item 6: ROCKLANDS: Land South of The Spinney, Low Road: Detached dwelling & Garage: Applicant: Mr & Mrs A Bainbridge: Reference: 3PL/2015/0640/F

This was a full application for a detached one and a half storey dwelling within the garden of The Spinney. The proposed dwelling would be provided with a detached double garage. New access would be created to the west, directly onto Low Road. The settlement boundary adjoined the site.

Five letters of support had been received, and the Parish Council had no objections. The proposal was considered sustainable and the amenity raised no issues.

Mr Bainbridge (Applicant) said he had spoken to all his neighbours before submitting the application and received overwhelming support. There would be no strain on the village infrastructure, and the only reason it came to committee was because of it being out of the settlement boundary.

Councillor Smith (Ward Representative) for Rocklands supported the application.

Councillor Sharpe asked if the applicant would be moving into the new property.

Mr Bainbridge said that he lived in The Spinney now, and that as the new build would be a smaller blueprint, he wanted to downsize and move into the new property.

Approved, as recommended.

112/15 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)

Noted.

113/15 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 11)

Noted.

114/15 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION) (AGENDA ITEM 12)

Noted.

The meeting closed at 1.10 pm

CHAIRMAN