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Rory Ringer – Democratic Services Team Leader  
General Enquiries: Telephone No. 01362 656870  
Member Services Fax No. 01362 690821  
DX743950 Dereham 2

To The Members of the Council

Our Ref: JB/L.18  
Contact: Julie Britton  
Direct Dial: 01362 656343  
E-mail: [julie.britton@breckland.gov.uk](mailto:julie.britton@breckland.gov.uk)  
Date 17 May 2013

## **AGENDA SUPPLEMENT**

Dear Sir/Madam

### **COUNCIL - THURSDAY 23 MAY 2013**

I refer to the agenda for the above-mentioned meeting and enclose the following items:

<b>Item No</b>	<b>Report Title</b>	<b>Page Nos</b>
(b)	Unconfirmed minutes of the Planning Committee meeting held on 8 May 2013	58 - 70

Yours faithfully

*Julie Britton*

Senior Committee Officer



**BRECKLAND COUNCIL**

**At a Meeting of the**

**PLANNING COMMITTEE**

**Held on Wednesday, 8 May 2013 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mrs S Armes	Mr W. R. J. Richmond
Mr S.G. Bambridge	Mr M. S. Robinson
Mr T R Carter	Mr F.J. Sharpe
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mrs J A North (Vice-Chairman)	Mr P.J. Duigan (Substitute Member)

**Also Present**

Mrs E. M. Jolly	Mrs L.S. Turner
Mr W.H.C. Smith	

**In Attendance**

Heather Burlingham	Assistant Development Control Officer*
John Chinnery	Solicitor & Standards Consultant
Paul Jackson	Planning Manager
Helen McAleer	Senior Committee Officer
Nick Moys	Principal Planning Officer (Major Projects)*
Martin Pendlebury	Director of Planning & Business Manager *
Chris Raine	Senior Planner*

\* Capita Symonds for Breckland Council

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**42/13 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 8 April 2013 were confirmed as a correct record and signed by the Chairman.

**43/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)**

Apologies for absence were received from Councillor Bowes, Mr Lamb and Mrs Spencer. Mr Duigan was present as Substitute for Mrs Spencer.

**44/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)**

Members had received direct correspondence concerning Schedule Item 7 (Harling).

**45/13 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)**

Members were notified that Schedule Item 1 (Mattishall) had been withdrawn.

**46/13 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)(AGENDA ITEM 7)**

The Director of Planning & Business Manager advised Members that the consultation on the Revised Statement of Community Involvement had closed on 3 May. The Statement would be presented to Council for adoption in July.

The Draft Charging Schedule for the Community Infrastructure Levy was currently out for consultation. Members and Parish Councils had been given briefings on the Schedule.

Work was on-going on evidence for the Local Plan with regard to housing numbers, employment growth and Gypsy and Traveller sites.

The draft reports of the Attleborough Transport Studies were expected at the end of May.

**47/13 DEFERRED APPLICATIONS (AGENDA ITEM 8)**

47 .a Mattishall: Summer Meadows, off Mill Road: 3PL/2012/1004

This application had been presented to the Committee on 8 April 2013 and after discussion by Members had been deferred for a Site Visit which had taken place on Friday 26 April 2013.

The Principal Planning Officer (Major Projects) gave Members a brief reminder of the details of the application. There had been an issue regarding the serving of Notice on the landowner. The Notice had now been served and further representations had been received but they referred to Rights of Way and Title of the site which were private matters to be resolved elsewhere.

North Tuddenham Parish Council had been consulted and had raised concerns about issues including traffic. Concerns had also been raised about the scale of development. The National Planning Policy Framework advised that Gypsy sites should not dominate their surroundings.

He concluded by reminding Members that Human Rights should be borne in mind due to the family circumstances, with children attending local schools.

The Officers recognised local concerns but felt that the site met the necessary criteria. They were therefore recommending approval subject to additional conditions regarding fencing and lighting.

Mr Simmonds (Solicitor representing Mattishall and North Tuddenham Parish Councils) referred Members to the adopted Core Strategy and Policies for the Travelling Community. He listed the Policy requirements and contended that they were not sufficiently satisfied. He raised concerns about environmental matters and the fact that

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Mattishall's utilities were at their limit. He said that the Parish Councils had not been consulted adequately. The development would cause extra traffic and set a precedent for further development on the narrow road. He concluded by saying that Human Rights applied to everyone.

With regard to Human Rights the Council's Solicitor advised that the Council had to do an assessment, balancing the rights of the Applicants and their family with the community.

Mr Rockliff (Mattishall Parish Council) made the point that other people would like to live on land they owned in the vicinity but knew that they would not get permission. He said that was reverse discrimination. He noted that it was the second retrospective application on the site and if granted would send a signal that all such applications would be approved. He thought that greater consultation should have taken place as a considerable travellers' site was being created by default. He urged Members to turn down the application, regardless of its merits, until a Policy for the whole area had been decided.

Mr Pratt (Objector) had spoken previously about the cumulative effect of applications on adjacent plots which caused disturbance and increased traffic. The access track had been advertised for sale which indicated that there would be further plots in future. He appreciated the need for the children's education but was concerned for their safety as they played in the narrow road which was used by fast moving vehicles.

Councillor Claussen noted that Mattishall was a Service Centre. It had taken part in the consultations during the Core Strategy preparations and had persuaded the Council that it did not want any further expansion as its facilities were at capacity and the highway infrastructure was incapable of accepting further traffic. The Council did not have a good policy on Travellers and he proposed that the Committee should recommend to Council that Policies should be put in place without further delay.

Councillor North agreed and said the Council should have designated Traveller sites for the District. She also thought that it was unfair for the Committee to have to deal with retrospective applications. She suggested conditions on boundary fencing and lighting if Members were minded to approve the application and noted that the narrow lane was probably used as a cut-through by local people.

Councillor Sharpe sympathised with the Parishes, but he could not think of a planning reason to refuse the application.

Councillor Carter was unhappy at having to approve another retrospective application and noted that on the site visit he had seen that the conditions applied to the previous retrospective application had not been adhered to requiring enforcement action using more ratepayers' money.

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Councillor Bambridge thought the wider issue was the need for a distinct policy on the site which needed to be formulated as soon as possible. He did not think the Committee could determine the application without that policy.

The Chairman had concerns about the escalation of uses on the site. He asked Officers if the Committee could grant a Temporary Permission whilst a policy was formulated.

The Planning Manager confirmed that the Committee could make decisions on justifiable planning reasons. Their concern about uncontrolled and retrospective development and the wider issues about the need to develop a strategy for the future use of the site indicated that they did not have enough information to make a rational decision in the absence of a Policy. There was therefore no problem with the proposal to grant a temporary permission. The Council's Solicitor agreed.

The Officer's recommendation to approve the application was not supported. Members discussed the length of temporary permission to be granted and took advice from the Planning Manager who suggested that 18 months was a reasonable time to give the Council to consider the site given the concerns about further development in that locality due to infrastructure problems. It would also set a marker to prevent other applications being considered prematurely.

**RESOLVED** that the application be approved for a period of 18 months subject to the conditions noted in the original report with the addition of fencing, landscaping and lighting conditions and the removal of the off-site highway work conditions.

The Committee further **RESOLVED** to **RECOMMEND TO CABINET** that the Council's policies on Gypsy and Traveller Sites and facilitation of provision of suitable site(s) be brought forward for urgent resolution.

**48/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

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

- (a) Item 1: MATTISHALL: Plot adjacent to 6 South Green: Demolition of existing outbuildings and erection of dwelling and garage: Applicant: Ms J Wright: Reference: 3PL/2012/1165/F

This application had been withdrawn.

- (b) Item 2: SHIPDHAM: The Old Waggon & Horses, Chapel Street: Residential accommodation public open space and associated infrastructure (all matters reserved except access): Applicant: The SH1 Consortium: Reference: 3PL/2013/0095/O

This outline application for 90 dwellings, open space and land

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for a doctor's surgery, was on a site allocated under the Council's Site Specifics Policy. Part of the allocation site remained unused and would be the subject of a separate application expected to be for retail development.

The application met all normal policy requirements except for affordable housing where it was proposed to provide 13.3%, rather than the 40% policy requirement, due to viability issues.

Subject to confirmation of viability from the District Valuer and comments from Anglian Water regarding foul water the application was recommended for approval.

Ms Whettingsteel (Agent) said the proposal was an efficient use of the land and would provide a sustainable extension to the village and make a positive contribution to housing supply. The Open Space, Play Area and Doctor's Surgery would add to the services in the village. The development would compliment and enhance the Conservation Area providing a high quality residential environment.

Councillor Turner (Ward Representative) spoke on behalf of residents who supported the scheme. Development on the site would enable walking to schools, etc and include new residents in the community.

Councillor Carter acknowledged that times were difficult but thought it seemed a very low affordable housing figure.

The Principal Planning Officer (Major Projects) advised that it was similar for Councils all over the country. The site had some areas of contamination from previous uses which would add to development costs.

Councillor Bambridge asked what would happen if the District Valuer set a different figure and the Planning Manager suggested that if the figure was higher Officers could negotiate with the applicant. If agreement was reached they could grant approval. However, if there was no agreement, or the District Valuer set a lower figure, the application would be brought back to the Committee.

Councillor Bambridge asked if there was a problem with sewage and the Agent advised that studies had been carried out by professional engineers and referred to Anglian Water. If there was a problem a technical solution could be found.

It was suggested that if the application was approved by Committee, the decision would not be issued immediately and if Anglia Water raised significant issues it would be brought back to Members. Otherwise, a condition could be attached requiring drainage details to be agreed.

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Councillor Duigan asked about the land for the Doctor's Surgery and was advised that it formed part of the legal agreement. The land would be reserved for five years and if not used in that time would be subject to a separate planning application for alternative use.

Councillor North was concerned about the affordable housing percentage and asked if that figure could be revisited if market conditions improved. It was confirmed that there was a clause in the legal agreement to cover that eventuality.

Councillor Sharpe asked if only one access to the site was sufficient and was advised that the Highway Authority were satisfied; developments of over 100 houses required two accesses.

The Chairman had a problem with the cost of contamination at the front of the site (part of the area not included in the current application) being covered by the reduction in affordable housing element. He was concerned that the second area of land might become a wasteland and asked what guarantee there was that the area would be decontaminated and developed.

The Principal Planning Officer (Major Projects) suggested that if the applicant could provide an outline of the uses proposed on the other piece of land the District Valuer could be asked to take that into his considerations. He agreed that there was no guarantee of development of the second piece of land but said that the access could be conditioned to ensure that it provided an attractive approach to the development.

Councillor Robinson asked if there was a need for another surgery and whether there had been any indication from local GPs that they would use the site. The Ward Representative confirmed that the Partners at the existing surgery had expressed a desire to have a bigger surgery with more facilities.

Councillor Richmond asked who would have responsibility for the Open Space and was advised that the management terms would be determined in the legal agreement.

It was clarified that if Members were minded to grant approval conditions would be included requiring drainage details and landscaping to the access route. If the District Valuer agreed with the applicant's affordable housing figure, or set a higher figure, Officers could negotiate agreement with the applicant. If a lower figure was set the application would be brought back to Committee.

**Deferred and the officers authorised to grant approval,**



**subject to conditions and the additional requirements noted above, on completion of the section 106 agreement.**

- (c) Item 3: SWAFFHAM: Land East of Brandon Road: Erection of 92 No residential units together with associated car parking, access, open space and landscape provision: Applicant: Taylor Wimpey East Anglia: Reference: 3PL/2013/0110/F

This site was adjacent to a housing allocation site. It had had planning approval for some years and development had commenced recently on a roundabout at the access to the site. Part of the site had been sold to Taylor Wimpey and they were applying to amend previously approved designs.

Members were shown the previously approved site layout and house types and the proposed differences were pointed out. The access had been slightly amended. The number of units remained the same. More on-plot parking was being provided. Officers were happy that the changes were compatible with other development on the site.

Mr Welchman (Agent) said there had been pre-application consultation with the Town Council, Police and the Planning Officer. Amendments had been incorporated in response to Highways Authority comments.

Councillor Sharpe asked how soon development would commence if the application was approved and the Agent advised that development was already progressing on nine units previously approved and the developer was keen to press on with the rest.

Councillor North raised concerns about the three storey building in the centre of the site and wondered if it needed a softer appearance. However, it was pointed out that there was a considerable area in front of the building which would soften its appearance.

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

- (d) Item 4: DEREHAM: 14-16 and 18 Norwich Street: Part demolition and refurbishment with part new build including retail units to ground and first floor and 4 No residential units (2<sup>nd</sup>): Applicant: Mr Basil Todd: Reference: 3PL/2013/0115/F

Items 4 and 5 were considered concurrently.

This application had frontages on to Norwich Street and Nunns Way and would involve the demolition of two buildings on a site which had been subject to fire damage. The proposal would

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replicate what had previously fronted Norwich Street whilst providing a more contemporary and larger scale development to Nunns Way. There had been very little opposition to the proposals. It was considered that the application was a good use of the location and provided a good mix of traditional and contemporary development in Dereham Town Centre.

Councillor Duigan welcomed the development and asked that Highways ensured that the pathway outside the flats opposite Iceland was wide enough to ensure safe pedestrian passage.

Councillor Bambridge was concerned that residents would use parking spaces provided for shoppers.

Councillor Robinson thought that it would be better to have offices above the retail units.

**Approved, as recommended.**

- (e) Item 5: DEREHAM: 14-16 and 18 Norwich Street: Part demolition and refurbishment with part new build including retail units to ground and first floor and 4 No residential units (2<sup>nd</sup>): Applicant: Mr Basil Todd: Reference: 3PL/2013/0117/CA

See (d) above.

**Approved, as recommended.**

- (f) Item 6: FRANSHAM: Church Farm, Station Road: Installation of a single micro scale wind turbine (14.97m to hub, 5.6m diameter blades): Applicant: Mr R Hurn and Mrs P Williams: Reference: 3PL/2013/0138/F

This application had received objections on grounds of the visual impact and noise disturbance of the turbine. However, the landscape assessment identified a high capacity to accept single turbines and Environmental Health Officers had requested conditions to protect amenity.

Mr Potter (Objector) lived near an existing turbine which was noisy. He could not open his windows because of the noise. The turbine was also taller than trees and a blot on the landscape.

Mr Buckley (Objector) objected on behalf of residents on noise, safety, wildlife and landscape grounds. He said the High Court had ruled that landscape was more important than renewable energy. The noise was unreasonable and there was no justification for placing a generator in a residential area.

Councillor Claussen had heard that the pressure differentiation of turbines caused internal haemorrhaging in bats. The Solicitor

advised that there would need to be clear evidence that the turbine was on a bat route if Members wished to refuse the application on those grounds.

Councillor Bambridge asked how close the turbine was to houses and was advised by Mr Buckley that it was within 150metres and downwind of dwellings.

The Solicitor explained that conditions were stringent and intended to control any noise problem. The Council could give notice for the turbine to cease completely or to only operate during specific times if necessary.

**Approved, as recommended.**

- (g) Item 7: HARLING: Furneaux, West Harling Road: Erection of detached super eco home, with integral garage and associated access and landscaping: Applicant: Mr & Mrs A Hales: Reference: 3PL/2013/0214/F

Members had received direct correspondence about this application.

This application was the resubmission of a proposal previously refused on policy grounds. Members were shown the details of the proposal which set the dwelling well back in the plot to protect trees in the site frontage. The plot was in a well established cluster of development and could be considered as infilling in the context of its immediate surroundings; although it needed to be acknowledged that the site was within open countryside and therefore without a defined settlement boundary.

The proposal was for a striking contemporary design, but it was made clear to Members that it did not qualify as 'exceptional' under the NPPF definition. Although the house scored highly as it was proposed to be built to exceed the highest Code level, it was not in a sustainable location and was therefore recommended for refusal.

Councillor Jolly (Ward Representative) said that design and carbon efficiency concerns raised previously had been addressed. The Parish Council had raised no objection this time. The proposal would be unique – there was nothing else like it in the village. She contended that it did meet 'exceptional' credentials and would raise standards in the rural area.

Mr Ravenhill (Supporter) said that the house exceeded the Code 6 energy rating and was carbon zero which was a fantastic achievement. It was not a normal type of house but with the trees in front it would be in keeping with the surroundings. There were no local objections, everyone

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supported it and it was the right time to build such a house.

Mrs Hales (Applicant) said that the proposal was in accordance with the NPPF which sought to encourage self-build. It also had local support. The carbon footprint would be reduced by using local tradesmen. The house was innovative but blended into the landscape. The family would be able to walk and cycle into the village. She wanted to raise standards and show what could be achieved.

Councillor Bambridge asked if the flint tower would use actual flints and that was confirmed.

Councillor North asked what metal would be used and it was explained that the details had not been finalised and could be conditioned.

Councillor Duigan asked who defined 'exceptional'. He liked the design and thought it was the way forward for houses in rural locations.

The Planning Manager asked Members to be careful and think about the future. The definition of 'exceptional' contained in the NPPF was set by National Government. There was no policy in the Local Plan to define locally exceptional development nor any policies which positively promoted exceptions for autonomous dwellings. Unique meant one-off and he advised that this proposal was clearly far from unique. If Members were minded to approve the application they needed to set out clear reasons for doing so as they had already refused a dwelling on the same site. He acknowledged Members' view that the fact that the site was within a cluster of other dwellings meant it was not as unsustainable as other places and did not have the same impact on open countryside as other dwellings in more isolated or open settings. However, conditions needed to be considered very carefully, the reasons for imposing conditions made clear, and the overall reasons for approving the development clearly explained on the decision notice.

Members did not support the recommendation of refusal. It was proposed that as the dwelling was set within a site contained within a cluster of existing dwellings it did not encroach, given its context, into open countryside. This particular set of circumstances, taken together with the commitment to sustainable credentials in terms of the nature and form of the development itself, set this development apart from others. Conditions should be attached to ensure Code 6 was delivered.

**Approved, contrary to the recommendation.**

- (h) Item 8: ROCKLANDS: Rocklands Mere Fishery, Chapel Street, Rockland St Peter: Erection of essential workers dwelling:

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Applicant: Rocklands Mere Fishery: Reference:  
3PL/2013/0261/F

This application proposed a dwelling on the site of an existing fishery, sited to provide surveillance of the shop and office which had been subject to break-ins. The business had been in operation for 11 years. Officers did not consider that security was enough justification for a new dwelling in the countryside.

Mr Smith (Parish Council) had no objection to the proposal. They wished to support this successful local business which attracted anglers from all over Norfolk and beyond. It was an isolated site with expensive equipment in the shop and office. There were several other isolated dwellings in the vicinity. The view from the village would not be spoilt by the dwelling and any loss of habitat was compensated for by the improvements works and tree planting carried out by the applicant. The design was tasteful and environmentally friendly.

Ms Whettingsteel (Agent) said that the dwelling was not just needed for security. It would have social and economic benefits as well. It was an established business with significant investment which benefitted more than the local community. A continuous presence was required to ensure security and public safety and to manage the welfare of the fish stocks. The high quality dwelling was not prominent in the landscape and would provide low impact, low energy living, an exemplary property for a sustainable business.

Councillor Smith (Ward Representative) said that the business had a national profile and was involved in the protection of a rare species of fish. It was not a short term gambit. He believed it was important to the community and should be treated as an exception. He had attended the Little Ellingham Parish Council meeting the previous evening and they had raised no objection (the site was on their boundary). The design was innovative and sympathetic and he commended the application to the Committee.

Councillor Richmond asked how many people were employed by the Fishery and was advised that the applicant and his wife were the sole workers and they would occupy the dwelling.

Councillor North asked what other security measures could be implemented. It was noted that an alarm and CCTV system already operated on site. There had been a recent incident when the alarm had gone off in the early hours of the morning. It had taken the applicant 15 minutes to reach the site to turn it off.

Councillor Claussen asked what the value of stock on site was and was told that the fish stocks amounted to £10-15,000 and

the stock in the office and shop to about £20,000. The other security measures would be retained if the dwelling was approved.

The Chairman questioned the orientation of the dwelling if its prime purpose was surveillance. It was explained that there was a sensor on the gate which triggered an alarm and the balcony faced the access drive.

The recommendation for refusal was not supported. Members proposed that the application should be approved as essential worker accommodation, tied to the business by a legal agreement. They noted that the business was well established and that it was important to have a presence on site for security and fish husbandry.

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

**Notes to the Schedule**

<b>Item No</b>	<b>Speaker</b>
2	Councillor Turner – Ward Representative Ms Whettingsteel - Agent
3	Mr Welchman - Agent
6	Mr Buckley – Objector Mr Potter - Objector
7	Councillor Jolly – Ward Representative Mr Ravenhill – Supporter Mrs Hales - Applicant
8	Councillor Smith – Ward Representative Mr Smith – Parish Council Ms Whettingsteel - Agent
Deferred Item 8a	Mr Simmonds – North Tuddenham PC Mr Rockcliff – Mattishall Parish Council Mr Pratt – Objector

**Written Representations Taken into Account**

<b>Reference No</b>	<b>No of Representations</b>
3PL/2013/0138/F	13
3PL/2013/0214/F	26
3PL/2013/0115/F	1
3PL/2012/1004/F	2

**49/13 ENFORCEMENT ITEMS (FOR INFORMATION)(AGENDA ITEM 10)**

Noted.

**50/13 APPEAL DECISIONS (FOR INFORMATION)(AGENDA ITEM 11)**

Noted.

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**51/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF  
COMMISSIONING (AGENDA ITEM 12)**

Noted.

The meeting closed at 1.00 pm

CHAIRMAN