

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 19 September 2016 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mrs J Hollis (Substitute Member)	Mr P M M Dimoglou
	Mrs L.S. Turner

In Attendance

Steven Bell	Legal Advisor
Chris Hobson	Principal Planning Officer*
Nick Moys	Principal Planning Officer *
Kathryn Matthews	Planning Technician
Simon Wood	Interim Business Manager (Capita)
Michael Horn	Solicitor to the Council (for Agenda Item 9, Schedule Items 5 & 6 only)
Sarah Robertson	Senior Planning Policy Officer
Julie Britton	Senior Democratic Services Officer

** Capita for Breckland Council*

Action By

117/16 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 22 August 2016 were confirmed as a correct record and signed by the Chairman subject to it being noted that Councillor Sharpe had never been a Ward Representative for Holme Hale (see Minute No. 113/16(h)).

118/16 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

There were no apologies for absence and Councillor Hollis was in attendance not as a substitute but as an observer.

**119/16 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED
(AGENDA ITEM 3)**

None.

120/16 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman welcomed everyone to the meeting particularly Mike Brennan, the Council's Planning Manager who, although still on long term sick leave, was in attendance to observe the meeting.

Following the usual formalities the meeting commenced.

**121/16 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA
(AGENDA ITEM 5)**

Agenda Item 9, Schedule Item 1 (Sculpton) had been deferred from the Agenda as further information was still awaited.

122/16 URGENT BUSINESS (AGENDA ITEM 6)

WATTON: Land south of Mallard Road: Proposed residential development of 177 dwellings: Applicant: Mark Dakeyne, Janet Strickland-Miller, Nicholas Rickett & Tesni Properties: Reference: 3PL/2015/0254/O

The Chairman had agreed to take this urgent item of business. The report had been published on the Supplementary Agenda on page 118.

Nick Moys, the Principal Planning Officer (Capita) presented the report and drew Members' attention to the appeal that had been lodged against the refusal in April 2016. The appeal would be considered at a local inquiry in due course. Breckland Council had to submit its Statement of Case to the Planning Inspectorate by 19 October 2016. It was noted that no comments had been received from NHS England; therefore, the reason for refusal relating to effects on healthcare provision would be withdrawn and the Planning Inspectorate and appellant would be advised accordingly.

Councillor Clarke felt that it was a shame that the Council had no direct control over these matters and felt that it was a weakness that healthcare facilities did not come into the equation. Councillor Claussen agreed that there was some form of disconnection.

Approved, as recommended.

Councillor Bowes abstained from voting on this matter.

123/16 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

Sarah Robertson, the Senior Planning Policy Officer informed Members that the consultation period for the Local Plan Preferred Site Options and Settlement Boundaries had commenced and would run from 19 September 2016 for a period of 6 weeks until 4pm on 31 October 2016. A number of comments had already been received.

Fourteen drop-in events had been arranged across the District and all comments would be reported to the Local Plan Working Group following the close of the consultation period. Further to this, letters had been sent to all concerned.

In the interim, the Planning Policy Team would continue to look at a number of evidence base studies including a Gypsy and Traveller Needs Assessment as well as an Indoor Sports Study that had recently been commissioned.

Referring to Neighbourhood Plans, Yaxham Parish Council had submitted theirs and had already been advertised under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012. This was the first one of its kind for Breckland Council and would run for a period of 6 weeks until 21 October 2016.

As far as the Local Plan consultation was concerned, Councillor Clarke felt that

the dates and times of the drop-in events should have been added to all correspondence also, he had not seen sight of the Transport Study that Councillor Charles Carter said would be included. Members were informed that the dates and times were all available on the website and had been included in the correspondence. The Senior Planning Policy Officer pointed out that the majority of sessions ran from 2pm until 8pm and as far as the Transport Study was concerned this had not been included but did form part of the evidence base studies and could be commented on through the consultation process. In response to a request, paper copies of this particular document would be made available at the drop-in sessions. Councillor Martin highlighted the fact that he had seen the dates, times and venues of the drop-in sessions advertised in the local press. Councillor Duigan raised concerns in relation to the mitigation plans and costings that had not, as yet, been put forward for the Transport Study. He pointed out that it would be difficult to ask or respond to any questions on Dereham if such matters were not available. Councillor Claussen agreed and mentioned the cumulative impact that the Transport Study would have on neighbouring villages which must also be taken into consideration. He knew that many people were not happy about what was being proposed in the Local Plan and felt that these concerns should be addressed and the drop-in sessions should be well advertised and be held in large enough venues. He suggested that a mechanism should be put in place to take on board what the people were saying and it needed to be made clear how this evidence would be taken forward beyond the closure of the consultation period. In response to another question in relation to further preferred sites, the Senior Planning Policy Officer advised that such sites were actively being sought and the Team would continue to look at new evidence in certain villages to ascertain whether any new land was available – new sites could still be put forward in the process. Councillor Joel wanted to know if other villages could take further allocations in such cases where the proposed allocations could not be met. Members were informed that such matters would be considered by the Local Plan Working Group. Councillor Wilkinson advised that he had circulated copies of the Neighbourhood Planning Bill to Members as it emphasised that local people must be heard and included in their Local Plan.

The Chairman thanked the Senior Planning Policy Officer for her update.

124/16 DEFERRED APPLICATIONS (AGENDA ITEM 8)

Noted.

125/16 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- a. Item 1 – SCOULTON: Land at Norwich Road: Erect new crematorium, car park, access road, ancillary buildings and gardens of remembrance: Applicant: Thornalley Funeral Services Ltd: Reference: 3PL/2014/1204/F

Deferred (Minute No. 121/16 above refers).

- b. Item 2: SPORLE: Land off Dunham Road: Residential development of 6 dwellings & associated access drive, parking, garaging and amenity space: Applicant: Mrs G Lloyd: Reference: 3PL/2016/0093/O

Simon Wood, the Interim Business Manager (Capita) presented this application. Mr. David Futter was in attendance to represent the applicant.

The application had been accompanied by further evidence including an ecology statement and a contamination report. Mr. Futter informed Members that this site was an untidy parcel of land and this proposal would tidy it up and provide new properties for the village. The majority of existing trees would be maintained and the Parish Council welcomed the proposal. The new dwellings would provide a number of benefits including job creation and assist with the sustainability of the existing facilities in the village.

Approved, as recommended.

- c. Item 3: Garvestone: Land South of Southburgh Road & North Blackwater River: Erection of dwelling and garage: Applicant: Mr Tristan, Raymond, John Smith: Reference: 3PL/2016/0122/F

Chris Hobson, the Principal Planning Officer (Capita) presented the application. It was noted that according to National Planning Policy, as set out in paragraph 55 of the National Planning Policy Framework (NPPF), local Planning Authorities should avoid isolated new homes in the countryside, but extends the special circumstances that may justify development to include, amongst other things, the exceptional quality or innovative nature of the design of the dwelling (the qualifications were highlighted).

A 3D model of the application site was displayed.

Councillor Pablo Dimoglou was in attendance as Ward Representative in support of the application. He reported that 80 parishioners had attended the Parish meeting to discuss this application. Almost all in attendance had been in support and many compliments had been received and felt that there should be more striking architectural buildings such as this in Breckland. The applicant had put a great deal of effort to enhance the flora and fauna.

The agents, Mr. Meynell and Mr. Chadwick were also in attendance and provided Members with a detailed overview of the application which would be of a contemporary design. The majority of the site would be left untouched and the low energy alternative building would provide the illusion of it rising out of the ground.

Councillor Clarke asked where the solar PV array would be situated. Members were informed that it would be tucked under a very high parapet on top of the garage.

Councillor Claussen concurred with the Ward Member's views. A dwelling of this calibre and design should be encouraged and the idea of going off grid was, in his opinion, completely unique and very sustainable.

Mr. Meynell asked the Chairman if Members were mindful to approve the application if a site visit could be arranged. The Chairman welcomed the invitation but advised that this invite would have to come from the owner. Councillor Brame mentioned Policy CP.14 in relation to the dwelling being near a bus stop or a shop which this proposal clearly was not. The Chairman raised concerns about Anglian Water's lack of response as the dwelling would be located near the river.

Approved, as recommended.

Action By

- d. Item 4: SHIPDHAM: 32 & 34 Letton Road: Demolish of 2 existing dwellings and erection of 3 no. dwellings with access parking: Applicant: R. Paterson: Reference: 3PL/2016/0225/F

The Interim Business Manager (Capita) presented this application. Further information had been received which had been sent out as a supplement to the agenda.

Mr. Proctor, the applicant, stated that very little work had been carried out on the dwellings both of which had been empty for quite some time. One gable end had been replaced and the other needed replacing too. The three new builds could accommodate local families and could assist with the infrastructure in Shipdham to make the village more vibrant.

Councillor Lynda Turner as a Ward Representative and on behalf of the Parish Council was in attendance to speak in support of the application. She felt that as the village had been designated as a Local Service Centre (LSC) the proposal for three dwellings would go some way to meet the housing need in Shipdham and she would be happy for conditions on design to be proposed. She pointed out that the cost of renovating the two existing cottages, which had been built in the mid 1930s for farm workers, were deemed uninhabitable and would cost more than their worth.

In response to a question as to whether these two cottages had been mentioned in the village appraisal, Councillor Turner advised that they had not and had not been mentioned in the historical appraisal either. The Chairman remembered the Weasenham application that was not as ancient as it looked and was of very poor quality.

Councillor Marion Chapman-Allen believed that Georgian properties such as these were normally very valuable and asked the applicant if he had considered putting them on the open market. She felt that the cottages were not beyond repair and she would be supporting the Officer's recommendation of refusal. The applicant advised that he had not, and as for their uniqueness, there were already two more cottages on the farm built out of the same material - clay lump. Councillor Bowes agreed with Councillor Chapman-Allen and felt that they did have some heritage value and even though they were small buildings they should not be lost. Councillor Claussen asked the applicant if the old pantiles and features would be used in the new build. Members were informed that according to the design consultant the skew back arches would not be a problem, flint work would also be incorporated in the new build and the new roofs would be tiled the same as the old ones.

The Interim Business Manager, Capita, felt that Members needed to be conscious of the architectural features as the design being shown before them did not include them. He further felt that Members needed a scheme that maintained these features; however, this could be accomplished by utilising the existing buildings.

Refused, as recommended.

- e. Items 5 & 6: KENNINGHALL: Green Farm, Edge Green: Operational development & use of grinder house (Certificate of Lawfulness): Reference: 3PL/2016/0317/EU and use of buildings constructed up to 2005, exclude grinder house, access & hard surfacing area (Certificate of Lawfulness):

Applicant: CCL Holdings Ltd: Reference: 3PL/2016/0318/EU

Nick Moys, the Principal Planning Officer (Capita) presented the two applications together both of which related to Certificates of Lawfulness. Mr. Jay Mehta, the applicant's agent and Mr. Steve Gordon, the Chairman of Kenninghall Parish Council were in attendance to speak on the items. The agent was fully aware of the history of the site and informed Members that the applicant had worked tirelessly since 2010 to allow this well established business to continue. He drew attention to the Environmental Statement that had addressed a number of previous concerns, as it highlighted the fact that the site was properly maintained and well managed. He fully endorsed the Officer's recommendations. Mr. Gordon, the Chairman of the Parish Council welcomed the fact that the activities on the site would now be regularised and did not contest the lawful use; what he did contest; however, was the intensification of the use over the years. He disagreed with the information provided in the Environmental Statement in relation to traffic movements and asked for some conditions, or benchmarking, to be specified in the CLEUD. Michael Horn, the Solicitor to the Council, advised on the two points that had been raised; the first issue related to intensification. It needed to be made perfectly clear that Officers had formed the view – based on the extensive evidence that the applicant had submitted with the application - that whilst there had indeed been some intensification of use over the years, the scale and character of this intensification did not amount to a change of use. Mr. Horn referred to the law and conclusions set out in Paragraphs 31 and 41 of the application report. The second issue raised by Mr. Gordon was in relation to highways and in this regard, Mr. Horn read out the conclusions set out in Paragraph 58 of the application report.

The Vice-Chairman, Councillor Sharpe pointed out that Members had to determine this application on the facts and evidence before them. Mr. Horn drew Members' attention to Paragraph 18 of the application report, and pointed out that there was nothing in the representations that the Parish Council had made that contradicted the evidence put forward by the applicant. Councillor Claussen said that he had underlined the word 'evidence' in the application report, which – in reaching a decision on these two application - had to be relied on from both a planning and a legal point of view. He felt that the Committee had to go with what the Officers were recommending. Mr. Horn responded by saying that Members had been referred (in Paragraph 26 of the application report) to all the representations that had been received by the Council in respect of these two applications, so that Members could see these for themselves and make their own judgements. Councillor Marion Chapman-Allen raised a concern based on Paragraph 58 on page 71 and was disappointed that Norfolk County Council Highways had refused the requests of the residents of Heath Road for a traffic survey to be carried out. She asked if a condition could be added to the CLEUDs to reflect this request. In response, Mr. Horn stated that it was not possible to put conditions on a CLEUD. Mr. Gordon again said that the Parish was not objecting to the application itself; it was just the traffic movements. He added that all the residents of Heath Road wanted were some benchmarks to be set on tonnages and traffic movements to stop further intensification of this site in future. Mr. Horn stated that he understood the logic of what Mr. Gordon was saying. He further pointed out that these so-called 'benchmarks' were already contained in the extensive evidence that the applicant had submitted in its application. It was accordingly clear what the present scale and character of activity on this site were, and, should there be any further

intensification of change of use in the future, then any such issues could be determined by reference to the evidence that had been submitted with the present applications. The applicant's agent reminded the Committee that the applications were for Certificates of Lawfulness, which Members could either approve or refuse. Should there be any development in the future then further application(s) would have to be submitted and considered accordingly.

Item 5 - Approved, as recommended

Item 6 – Approved, as recommended

- f. Item 7: GREAT ELLINGHAM: Mellor Metals, Attleborough Road: Development of 75 dwellings: Applicant: Mellor Metals Ltd: Reference: 3PL/2016/0648/O

The Interim Business Manager (Capita) presented this application. Further information had been received which had been sent out as a supplement to the agenda.

Mr A. Presslee, the applicant's agent was in attendance to speak on behalf of the applicant. He stated that the application was for outline planning permission and that half of the site incorporated the scrap yard. Employment would not be lost as the applicant was looking to relocate and invest in a more suitable location. This application would deliver development of a brownfield site, the proposals had been met with local support and all matters requested had been addressed. He hoped that Members would support the application.

The Chairman of Great Ellingham Parish Council was in attendance. He pointed out that the Parish Council supported the application as it would eliminate the business which he felt was unsuitable for the locality. He concurred with the views of the agent as the owner had also informed him that his intention was to move the business to a more suitable location. There would be many benefits for the community if this proposal was approved, footpaths would be installed and the application would help sustain local facilities. He did ask however, that the affordable housing quota be reduced.

Councillor Marion Chapman-Allen asked if there would be any lighting conditions imposed if the application was approved. The reason for this question was due to the fact that Great Ellingham had 'dark sky' status and there was no street lighting in the village. The Committee was informed that the lighting would be controlled in the communal areas but the Parish Council and the Observatory would be consulted accordingly. The Vice-Chairman, Councillor Sharpe had noted that the Parish Council had asked for the social housing quota to be reduced and he asked if there had been any comments received from the Breckland Housing Team on this matter. In response, the Interim Business Manager (Capita) advised that there would be a process of negotiation via the S106 Agreement and the affordable housing element was the only area that could be challenged. As this proposal was for outline planning permission this matter could come back at the full application stage.

Councillor Martin fully supported the application as part of the site in question had just been left as scrub land. Councillor Claussen presumed that this application would come back to Committee at some stage as he

was not overly impressed by the street scene. He also felt that the affordable housing quota of 40% was not logical for this site. In response to a further question about whether the length of time for this outline application could be reduced, Members were informed that it would be appropriate to reduce the time period to two years.

Approved, as recommended; subject to the conditions as listed in the report, and the outline time limit be reduced to two years.

- g. Item 8: GUIST: Land near 9 Bridge Road: Outline application for 10 bungalows of less than 100 square metres each: Applicant: Mr. Lester Palmer: Reference: 3PL/2016/0702/O

Chris Hobson, the Principal Planning Officer (Capita) presented the application. It was noted that the previous scheme had been refused. The proposed (indicative) scheme was highlighted and it was further noted that an additional condition would be required. Members were informed that this additional condition would be in the form of a Section 278 Agreement which was part of the Highways Act 1980 that allowed developers to enter into a legal agreement with the Council to make alterations or improvements to a public highway, as part of a planning application.

Guist Parish Council was in support of the application; however, a number of objections had been received. Mr. Jerry Stone, the applicant's agent was in attendance to speak on the application. He reported that the application had been refused by the Planning Committee in April 2016 but following advice from Planning Officers was now being re-presented. The Parish Council had been very supportive and five people from the village had already approached the applicant making enquiries about the proposed properties. Mr. Stone pointed out that these properties, if approved, would free up a number of family homes in Guist.

Councillor Claussen queried the shape of the site. In response, Members were informed that the site had been designed as such to keep visibility away from the road, as advised by Officers. Councillor Joel was pleased to see an application for bungalows and felt that they would be well received. In response to a further question, it was noted that the play area had been completely removed.

Approved, as recommended; subject to a S278 Agreement been added as a further condition.

126/16 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)

Noted.

127/16 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 11)

Noted.

The meeting closed at 12.50 pm