

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Wednesday, 1 September 2010 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Councillor E. Gould (Chairman)	Mr J.P. Labouchere
Councillor Claire Bowes	Mr T.J. Lamb
Mrs M.P. Chapman-Allen	Mr F.J. Sharpe
Mr P.J. Duigan	Mrs P.A. Spencer
Mr P.S. Francis	Mr N.C. Wilkin (Vice-Chairman)
Mrs D.K.R. Irving	

**Also Present**

Mr P.D. Claussen	Lady Fisher
Mrs J. Ball	Mr K.S. Gilbert
	Mr A.P. Joel

**In Attendance**

Mike Brennan	- Principal Planning Officer (Capita Symonds for Breckland Council)
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Kathryn Matthews	- Planning Technician (Capita Symonds for Breckland Council)
Nick Moys	- Principal Planning Officer (Major Projects) (Capita Symonds for Breckland Council)
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
David Spencer	- Principal Planning Policy Officer (Capita Symonds for Breckland Council)
Helen McAleer	- Senior Committee Officer

**140/10 MINUTES**

It was pointed out that Mr Bishop was Swaffham Town Clerk not Thetford Town Clerk as appeared in the minutes (final paragraph page 12 of the Agenda).

Councillor Bowes asked that it be noted that she had left the meeting at 14.30 hours.

Subject to those two amendments the Minutes of the meeting held on 2 August 2010 were confirmed as a correct record and signed by the Chairman.

**141/10 APOLOGIES & SUBSTITUTES**

Apologies for absence had been received from Mr S Rogers.

Mr P Duigan was in attendance as Substitute for Mr Rogers.

**Action By**

Action By

**142/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED**

Councillor C Bowes declared a personal and prejudicial interest in Agenda Item 12 (Schedule Item 5) Watton, by virtue of having an interest in adjacent land. She exercised her right to speak on the application and then left the room.

Mrs Irving declared a personal interest in Agenda Item 10 (Schedule Item 4) Watton, by virtue of being Chairman on the NCC Community Services Overview and Scrutiny Panel.

Mrs Chapman Allen, Councillor Gould, Mrs Irving, Mr Sharpe and Mr Wilkin all declared that they had had telephone conversations with Mr Gray concerning Agenda Item 11 (Schedule Item 7) North Pickenham.

**143/10 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members of the training session to be held on Friday 8 October 2010 by CABE on 'Building for Life'. She asked those wishing to attend to register their interest as soon as possible.

**144/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA**

None.

**145/10 URGENT BUSINESS**

None.

**146/10 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)**

The Principal Planning Policy Officer (Capita Symonds for Breckland) informed Members that the Site Specifics consultation had finished and 1775 comments had been received. A report would now be presented through the committee process with a view to re-publishing the document early next year for final comment.

A Member queried if this meant further consultation and it was clarified that a final publication period was required but it was not a consultation per-se – more an opportunity to allow comments on the way the document had been prepared.

The Attleborough and Snetterton Heath Action Plan document would be presented to the Attleborough Task Force on 14 September 2010 for agreement prior to being presented to Cabinet. It was expected that the document would go out for consultation at the end of October.

The Chairman suggested that as the consultation period for the Site Specifics document was now at an end the LDF should remain on the Agenda as a Standing Item but The Principal Planning Policy Officer (Capita Symonds for Breckland) need only attend the Committee if there was something specific to report.

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**147/10 DEFERRED APPLICATIONS**

147 .a Attleborough: Teasel Road, Proposed residential development for Taylor Wimpey: Reference: 3PL/2010/0518/F (Deferred from meeting of 2 August 2010) (Agenda Item 8A)

The Principal Planning Officer (Major Projects) reminded Members that this application had been deferred to allow the application to be amended to overcome concerns about a pair of two storey houses overlooking an adjacent bungalow.

Two revised schemes had been put forward for consideration.

- 1) To replace the two storey dwellings with two, two-bedroom bungalows. This would reduce the total number of dwellings from 21 to 20 and would overcome the overlooking problem. However the Council's housing team preferred larger dwellings. The Affordable Housing contribution would also reduce to 30% as the two bungalows would be adapted for wheelchair users.
- 2) The second scheme proposed two larger bungalows. This would also avoid the overlooking problem, but it would bring the sidewall of one bungalow closer to the boundary with greater visual impact on an existing adjacent dwelling.

A possible third scheme could provide one three and one two bedroom bungalow.

Mr Chapman, for applicant, said that the scheme had evolved to overcome the concerns raised.

The Chairman sought clarification of the distances to the adjacent dwelling from the two schemes. The first option provided a distance of three metres to the main wall, whereas with option two there was only one metre from the boundary to the main wall. The Chairman was concerned that one neighbour's concerns had been addressed at the cost of another neighbour's amenity. She proposed that a smaller unit should be placed on the corner plot with a larger unit adjacent.

**RESOLVED** that authority be delegated to the Deputy Chief Executive to approve the application, subject to conditions, following the receipt of suitably amended plans showing a two bedroom dwelling on the corner plot and a three bedroom dwelling adjacent.

**148/10 HARLING: KENNINGHALL ROAD: PROPOSED RESIDENTIAL DEVELOPMENT FOR HERITAGE DEVELOPMENTS LTD: REFERENCE: 3PL/2010/0596/F (AGENDA ITEM 9)**

This application for 40 dwellings on land at the edge of Harling raised issues relating to planning policy and impact on the character of the surrounding area.

Members were shown a slightly revised plan showing two areas of Open Space.

The site was outside the Settlement Boundary. In light of the Council's housing land shortfall, it was therefore assessed against criteria in PPS 3

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and performed quite well. However, Harling had an allocation of 50 houses under the Spatial Strategy of which 25 had already been granted. A further 40 would exceed the allocation.

Other concerns included the housing mix; more large family units were needed, but this could be negotiated; and Norfolk Landscape Archaeology required additional information.

Impact on the character of the area was considered to be minimal and the layout worked well. The proposed second area of Open Space was not well overlooked and was not ideal for appearance or supervision.

No recommendation had been made due to outstanding detailed matters. However, the scheme had much to recommend it. Members' views were sought on the principle of the development. If Members supported the scheme it was suggested that the application be deferred to allow further negotiations.

Mr Bartram, for the Applicant, said that local people were in favour of the site. Referring to the housing allocation for Harling he said that the Core Strategy did not state an upper limit. With regard to deliverability, the applicant was keen to start work as soon as possible and six affordable houses could be available within twelve months. The second area of Open Space would fit well if future development were to take place.

Lady Fisher, Ward Representative, was concerned that with other windfall sites and a further pending application, as many as 120 extra dwellings could be built in Harling, more than doubling the amount required. Development on the site would 'land lock' the school. It was a long way from the facilities in the village and she asked Members to give consideration to the infrastructure and to reconsider the number of dwellings.

A Member pointed out that the local people supported the proposal and that the Parish Council had voted unanimously in favour of it; it had been their preferred site and they were keen to have the social housing.

Another Member could not understand why the Parish Council supported the application when they had agreed to the housing allocation. He said that the application broke all the Policies the Council stood by and that every developer was using the Housing Land supply shortage to support their schemes outside Settlement Boundaries.

The Principal Planning Policy Officer explained that the Core Strategy process had allocated 50 dwellings for Harling, over the next 15 years. Those figures were 'floors' not 'ceilings' and that it was always accepted that other windfall sites would contribute more. Due to the housing land shortage the Council was required to consider sites that met the criteria of PPS 3 for housing.

The Development Services Manager also clarified that through the Site Specifics process the application site had been identified as the preferred site for the village.

The Principal Housing Officer (Strategy and Enabling) was asked to update Members on the housing need in the village. She advised that there were currently 276 on the waiting list including 150 families with children and 81

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single people.

Members then debated the following issues: housing need, the LDF allocation, village infrastructure and school capacity.

**RESOLVED** to defer the application and advise the applicant that Members were minded to approve the application subject to amendments to design and layout.

**149/10 WATTON: BEECHWOOD HOUSE, HIGH STREET: ERECTION OF RESIDENTIAL CARE HOME FOR JETSPARK: REFERENCE: 3PL/2010/0627/F (RESUBMISSION) (AGENDA ITEM 10)**

Mrs D Irving declared a personal interest in this item.

This application was the resubmission of a scheme previously refused in 2009 due to overdevelopment of the site.

The key differences between the submissions were that the current application proposed to improve the existing access and provided very little on-site parking.

The main issue was impact on the character of the area. The proposal would change an open area into a densely developed site with the removal of a number of trees. The protected Copper Beech on-site, which made a substantial impact on the appearance of the area, would be retained but there were concerns that the improvements to the access could damage the tree.

A possible option was to leave the access as it was and restrict traffic flows so that there was no increase to the frequency and weight of vehicles accessing the site.

Other issues were finely balanced, but there were significant concerns relating to the protected tree and on that basis the application was recommended for refusal.

Mr Pettifer, Applicant, said they would be happy to defer the application to discuss ways of overcoming concerns.

A local Member said that she supported the views of the Town Council. This was the wrong development for this site; Norfolk County Council said there was no need for such a care home in Watton; the house was of historic interest; changing the wall would totally change the character of the area and the old garden should be retained as too many had been lost.

Members raised concerns about the lack of on-site parking; potential damage to the protected tree; and the lack of need for such a facility.

**RESOLVED** to refuse the application on the grounds that the development would be likely to result in harm to the protected copper beech tree to the detriment of the character and appearance of the area, on the inadequate parking and on the effect of the development generally on the character of the area.

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**150/10 NORTH PICKENHAM, LAND AT BRECKLANDS: PROPOSED  
RESIDENTIAL DEVELOPMENT FOR MR T GRAY: REFERENCE:  
3PL/2010/0742/F (AGENDA ITEM 11)**

Mrs Chapman-Allen, Councillor Gould, Mrs Irving, Mr Sharpe and Mr Wilkin had all had telephone conversations with Mr Gray regarding this application.

This application for seven dwellings was the resubmission of an outline application for nine dwellings previously refused in January.

Additional consultation responses had been received from the Parish Council, which raised no objection; the Planning Policy Officer, who objected on policy grounds; and from the Tree and Countryside Officer who raised concerns about the effect on the rural setting. The Housing Team supported the application.

The policy issues were finely balanced as the site did not intrude into open countryside; it was well screened; development would be to Code Level 3; and it would provide affordable housing and a recreation contribution.

However, the site was divorced from the main part of the village, which had few facilities and it would lead to the loss of amenity space.

Mr Evans, Agent, said that the previous application had been refused on a 5 to 4 vote. The new application was for less dwellings but would still provide three affordable homes. There were already 20 houses on the site and the proposal would give balance to the development.

Mrs Ball, Ward Representative, referred Members to the Highway objection, which she hoped might add weight to calls for road improvements. She did not want that to stop the development though as she would like to see the application approved.

The Chairman sought clarification of the proposal by the applicant to build the affordable houses and then rent them to the Council.

Mr Evans explained that a legal agreement would be signed to make the houses available to the Council in perpetuity and they could also decide who should occupy the properties.

The Chairman was concerned that such a legal agreement might be appealed, leading to the affordable houses becoming private housing. The Principal Housing Officer (Strategy and Enabling) advised that as part of the new Affordable Housing Policy adopted by the Council, Members had encouraged the use of other landlords. Mr Grey fell into that category and the Housing Team were happy with the proposal.

Members discussed the highway objection; the housing need; the legal agreement; and deliverability. It was suggested that if approval was given the starting time limit should be shortened to 18 months/two years.

As members were concerned that the legal department had not had an opportunity to examine the proposed legal agreements a deferment was suggested.

**RESOLVED** that the application be deferred to allow the legal

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department to discuss the legal agreements with the Housing Team.

A Member requested more information on how the Housing List was compiled and the Chairman suggested that Members could be briefed at the end of the next meeting.

**Darryl  
Smith**

**151/10 WATTON, SAHAM ROAD: PROPOSED RESIDENTIAL  
DEVELOPMENT FOR HOPKINS HOMES: REFERENCE:  
3PL/2010/0639/F (AGENDA ITEM 12)**

Councillor Bowes declared a personal and prejudicial interest in this item. She exercised her right to speak on the application before leaving the room.

It was noted that all Members had received direct representation about this application.

This application was for 91 dwellings on three parcels of land which were surrounded on three sides by existing housing.

The site was outside the Settlement Boundary on a site not identified through the LDF process. It met some of the criteria of PPS 3, being well related to the town, with good access to facilities and with a high standard of layout and design.

However, there were concerns about the ability of the infrastructure to deal with the development. The sewage system could not cope and there was a risk of flooding.

Another issue was that the affordable housing element of the proposal was not well integrated with the rest of the development and currently the parking areas were visually dominant, although this could be overcome.

Overall the development did not meet all requirements because of the unsuitable drainage and it was therefore recommended for refusal.

Mr Rudling, representing the Town Council, said that they and the residents were strongly against the proposal which was not in keeping with plans for the town. 91 additional homes would impact on the schools, doctors and wildlife and there were serious concerns about drainage and flooding. Finally he drew attention to the exit from the site over the bridge to Swaffham which was a dangerous, narrow road.

Mr Upton, objector, said that there were already sufficient sites to provide housing up to 2026 which would still maintain Watton's market town status. The infrastructure could not support such growth and there was no major employment in the area. The area was prone to fluvial flooding as the site acted as a natural soakaway, being the lowest point in Watton.

Mr Smith, for Applicant, said that the Environment Agency were comfortable with the proposal in principle. He was aware of the drainage/sewerage concerns which were caused by problems with the network. The sewage treatment works did have sufficient capacity and the network problems would be resolved. Highway and landscape issues could also be overcome. They were aware of the deficiencies in the layout and were happy to address them. He felt that all issues could be overcome.

Mr Gilbert, Ward Representative, asked Members to refuse the application

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which was outside the Settlement Boundary and not on a 'preferred' site. He thought it was one of the worst designs and layouts he had seen.

Councillor Bowes, Ward Representative, supported the residents and Town Council in objecting to the proposal. She said the site was rural in character and the boundary would be blurred if the development went ahead. The urban style was detrimental to the area and would put pressures on the sewerage system. There were many new houses in Watton which were not selling. She urged Members to refuse the application.

*Councillor Bowes then left the room.*

A Member agreed with the remarks about the poor design and was also concerned that if approved the development might impact upon the leisure complex at the Golf Club.

**RESOLVED** to refuse the application on the following grounds:

- 1) that the development would be contrary to local and national planning policies that seek to restrict new housing development outside development boundaries;
- 2) that the proposal would conflict with local policies relating to affordable housing and housing mix;
- 3) that the proposal would be likely to exacerbate existing sewerage capacity problems in the area; and
- 4) subject to any further comments from the Environment Agency, that there was inadequate assessment of the potential flooding problems.

**152/10 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 13)**

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

- a) Item 1: Beeston: Ploughshare, The Street: Alterations to Ploughshare PH, car park and erection of three terraced dwellings for Mr R Scammell: Reference: 3PL/2010/0516/O

It was noted that the application description referred to three dwellings but this had been reduced to two.

Outline permission was sought to retain and refurbish the public house and construct dwellings in the grounds. A post office/village shop was proposed to be incorporated within the public house. Only access and layout were to be considered.

The main issues were form and character; amenity; design and the protection of key services.

It was noted that the garden area of the public house was recommended for removal from the Settlement Boundary under the Site Specifics proposals and this should add weight to the determination.

The impact on the occupiers of the new dwellings was also an issue and the potential for complaints about noise from the public house and function room which might affect its viability.

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Mrs Laws, Parish Council Vice-Chairman, said residents were concerned that long term amenity might be affected by the loss of the garden and the closeness of the new dwellings. She said that if there was a shop and post office in the pub the limited parking available could lead to long term problems with on-street parking and affect public safety. Finally she was concerned that the applicant had made no effort to re-open the public house.

Mrs Howden, objector, wanted to retain the village pub. She lived close to it and knew about noise problems and she felt that having houses so close would lead to the pub failing. It had been well run in the past and had been the hub of the village. She had collected about 50 signatures on a petition against the proposal.

A written representation from Mr Scammell, applicant, was summarised by the Principal Planning Officer:  
The poor recent history had been caused by lack of investment. The proposal would allow the pub to revive. He had held a meeting to reassure residents. He was willing to enter a legal agreement that the pub would reopen before the housing was developed and that no lease would be for less than ten years. He asked Members to ensure the long term viability of the pub.

The Chairman said that the Ward Representative could not be present, as adjoining Ward Representative she read out his thoughts:

He had attended the Parish Council meeting at which the proposal was discussed. He was concerned about the access to the new dwellings being through the pub car park and the dwellings being so close to the pub would lead to complaints. He referred to the proposal to remove the garden and carpark from the Settlement Boundary under the LDF and said that previous proposals to use a pub to get development had been refused.

Members were concerned that the loss of the garden would affect the viability of the pub and that new houses so close would lead to conflict.

**Refused**, on these grounds and on conflict with Policy DC18.

- b) Item 2: Harling: Land East of East Harling School, Kenninghall Road: Change of use of agricultural land to residential for 40 units and garages/car spaces including sixteen affordable homes for Heritage Developments Ltd: Reference: 3PL/2010/0596/F

**Deferred, see Minute No 148/10.**

- c) Item 3: Attleborough: Lyng Farm, Long Street: Erection of 32,000 bird free range egg unit, 4 x feed silos, extension to access way and hard standing for Mr P J Southgate Ltd: Reference: 3PL/2010/0603/F

This application sought approval for an identical structure to the one already existing on site. The application followed changes to the standard reducing the 'roaming' area required for the birds, therefore provision for additional birds was needed.

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An objection had been received from the nearest neighbour and the building had been moved further from there and landscaping and mitigation measures were proposed.

Mrs Shelly, Agent, said the application was due to the change in density. Two flocks would be kept separately, each having 16 hectares of land. The birds were kept on a 13 month cycle and were cleaned out once every 13 months. The litter stayed in the unit, there were no fans and it stayed dry so there was no smell. Following the objection they had moved the building. Chicken wire would be provided to the boundary with the dwelling. No incineration would take place when the wind was from the south west.

A Member asked if the smell was monitored and the agent explained that when the objector was invited to visit site there had been no smell. The site was licensed by the Environment Agency.

**Approved, as recommended.**

- d) Item 4: Watton: 43 Beechwood House, High Street: Residential care home (C2) with associated parking/access, retention of Beechwood House, demolition of side wing and outbuildings for Jetspark: Reference: 3PL/2010/0627/F

**Refused as recommended, see Minute No 149/10**

- e) Item 5: Watton: Saham Road: Erection of 91 residential dwellings with associated open space for Mr Chris Smith: Reference: 3PL/2010/0639/F

**Refused as recommended, see Minute No 151/10**

- f) Item 6: New Buckenham: Kings Head Public House, Market Place: Erection of one two storey dwelling with detached garage for Mr R Jay: Reference: 3PL/2010/0722/F

This application sought permission for a dwelling and garage on land to the rear of the Kings Head Public House (listed building). The site was not currently used by the public and would be accessed off Rosemary Lane.

A passing bay was proposed to the front of the new dwelling, created by removing an area of the existing boundary wall and rebuilding it 2.4 metres into the site.

There had been previous refusals on the site on highway safety grounds.

Mrs Highton, objector, said this was an identical proposal to the previous refusal. The highway situation remained the same, the lane was narrow and rough and used by pedestrians of all ages. The wall was a big feature of the historic village and the loss of green coverage at the centre of the village would decrease drainage and damage the Conservation Area. It was Government Policy to discourage backland development. The three supporters were not

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residents of the village.

Mr Venning, Agent, said that the wall was not part of the listing of the Public House and probably dated from the 1880s. It was deteriorating and would require rebuilding in the next few years. The proposal to provide the passing bay was to help traffic movements. The lane was within a 20mph zone (which had been introduced since the previous application) and there would be minimal traffic movements from one dwelling. An additional dwelling would help the viability of the pub.

Mr Joel, Ward Representative, said the site was in the middle of the village and the proposal was supported by the Parish Council. He did not want to lose the pub which had financial problems due to lack of business. The previous application, for two dwellings, had been refused on highway grounds. This application for one dwelling reduced the number of movements that would be made. He asked Members to take these matters into consideration.

A Member asked if there was vehicular access to the site from the Public House side to avoid removing part of the wall, but there was not.

**Refused, as recommended.**

- g) Item 7: North Pickenham: Romany Dream, Brecklands Green: Residential development – 7 No dwellings and detached double garage for Elliott House for Mr Terry Gray: Reference: 3PL/2010/0742/F

**Deferred, see Minute No 150/10.**

**Notes to the Schedule**

<b>Item No.</b>	<b>Speaker</b>
1	Mrs Laws – Parish Council Mrs Howden - Objector
2 (Agenda Item 9)	Lady Fisher – Ward Representative Mr Bartram - Applicant
3	Ms Shelley - Agent
4 (Agenda Item 10)	Mr Pettifer - Applicant
5 (Agenda Item 12)	Mr Gilbert – Ward Representative Mr Rudling – Town Council Mr Upton – Objector Mr Smith - Applicant
6	Mr Joel – Ward Representative Mrs Highton – Objector Mr Venning – Agent Mr Jay - Applicant
7 (Agenda Item 11)	Mrs Ball – Ward Representative Mr Gray – Applicant Mr Evans - Agent
Deferred Item (Agenda Item 8a)	Mr Chapman - Applicant

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**Written Representations taken into account**

<b>Reference No.</b>	<b>No. of Representations</b>
3PL/2010/0516/O	9
3PL/2010/0518/F	23
3PL/2010/0596/F	6
3PL/2010/0603/F	2
3PL/2010/0627/F	1
3PL/2010/0639/F	28
3PL/2010/0722/F	35
3PL/2010/0742/F	5

**153/10 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION)**

This item was noted.

**154/10 ENFORCEMENT ITEMS (FOR INFORMATION)**

A Member asked if the Stop Notice mentioned in Item 14 stopped the work from being undertaken. This was confirmed, as Scheduled Monument Consent was required before the work could be undertaken. However the deadline remained.

This item was noted.

**155/10 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)**

This item was noted.

**156/10 APPEAL DECISIONS (FOR INFORMATION)**

A Member asked for an explanation of the decision of the first North Tuddenham application in the list. The Solicitor explained that as the Inspector had otherwise agreed with the Council's decision, it just meant that an amended Enforcement Notice should be served.

The item was otherwise noted.

**157/10 MINUTES OF THE FINAL MEETING OF THE SNETTERTON CIRCUIT LIAISON GROUP - 27 MAY 2010 (FOR INFORMATION)**

The minutes were noted.

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**158/10 NECTON: LAND OFF NECTON ROAD, LITTLE DUNHAM:  
PROPOSED ELECTRICITY SUBSTATION FOR DUDGEON OFFSHORE  
WIND LTD: REFERENCE: 3PL/2009/1188/O (FOR INFORMATION)**

The Principal Planning Officer (Major Projects) gave background information in advance of the site visit to be made.

Packs of extracts from the application had been provided by the applicant and were distributed to Members. Everything in the packs was available on the public website.

Members would be able to see various elements within the site and the main parts of the development had been pegged out. The applicant would be in attendance to explain where everything would be.

This was an outline application and none of the detail formed part of the application, it was just indicative.

Further reports would be made to Committee in due course. This application had attracted considerable public interest and there would be a full opportunity for representations to be made to a future meeting of the Committee.

A map had also been provided to Members showing a route to drive around the vicinity of the site which would allow them to familiarise themselves with the area.

Members would meet on site at 3.15pm.

The meeting closed at 2.30 pm

CHAIRMAN