

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 19 December 2011 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes	Mr W. R. J. Richmond
Mr T R Carter	Mr M. S. Robinson
Mr C. S. Clark	Mr S. J. F. Rogers
Councillor E. Gould (Chairman)	Mr F.J. Sharpe
Mr T.J. Lamb	Mrs P.A. Spencer
Mrs J A North	Mr N.C. Wilkin (Vice-Chairman)

Also Present

Mr B J English (Ward Representative)	Mr R.W. Duffield (Ward Representative)
Mr R.P. Childerhouse (Ward Representative)	Mr R. R. Richmond (Ward Representative)

In Attendance

Paul Jackson	- Planning Manager
Heather Burlingham	- Assistant Development Control Officer (Capita Symonds for Breckland Council)
John Chinnery	- Solicitor & Standards Consultant
Nick Moys	- Principal Planning Officer (Major Projects)*
Jane Osborne	- Committee Officer
Sarah Robertson	- Planning Policy Officer*
Jamie Smith	- Environmental Planning Officer (Capita Symonds for Breckland Council)

*Capita Symonds for Breckland Council

183/11 MINUTES

With regard to Minute No. 179/11 (e) it should read Executive Support Member for Asset Management and not Manager.

Subject to the above amendment, the Minutes of the meeting held on 28 November 2011 were confirmed as a correct record and signed by the Chairman.

184/11 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

Jamie Smith and Sarah Robertson were in attendance to provide the Members with an update. The Site Specifics Inspector's report had been received and was available on the website. The report would go to full Council with the recommendation that the Council adopted the document. If adopted it would result in a 3.6 year land supply. The report was delayed due to the additional consultation carried out in Shipdham, and following that the Inspector went with the original decision of one single site in the middle of the village. As part of the Document, all the settlement boundaries were reviewed.

If Members had any questions outside of the meeting, they were invited to contact the Officers direct who would circulate their replies to all Committee

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Members.

185/11 DEFERRED APPLICATIONS

1185 (a) Swanton Morley: Greengate: Erection of 20 residential dwellings with associated garaging, parking and access: Applicant: Hopkins & Moore Limited: Reference: 3PL/2011/0830/D

The Principal Planning Officer presented slides to refresh the Members' memory and went through the reasons why the application was deferred on 31 October 2011 and the amendments made to the proposed drainage strategy and flood alleviation proposal for the site.

Mr Atterwill, Parish Council, believed that the subject of flooding should be satisfied before full approval was granted. It was fundamental who would own the large swale feature and be responsible for the ongoing maintenance of it. He questioned why a third field access was being considered when there were two already available. The plan was out of date. Cladding had been changed and the number of rendered properties had been reduced. He did not believe that the pond had been assessed for suitability for great crested newts as advised it should be by the Tree & Countryside Officer in his comments shown in the report to the Committee on 31 October 2011.

Mrs Jameson, Objector, who resided at 40 Greengate was also present to represent the views of those who lived at 42 Greengate. She believed that the short notice given to interested parties was unacceptable. The field access was of concern. They were unable to dispute claims as they were not drainage experts.

Mr Hyde, Objector, stated that the proposed swale would not have a level base and would increase flooding to his property. Levels adjacent to the site had been ignored. 62 Greengate was 2m lower. His property would be used as a giant soak-away for the development.

Mr Eburne, for Applicant, advised that they had provided a Flood Risk Assessment. The development would not exacerbate the existing flood issues but would improve them which had been verified by the Council and its drainage advisors. The swale feature would be maintained and render materials could be withdrawn for bricks. He stated the development would be better for the locality than a field. Proper drainage would be installed. Currently there was no drainage under the road. The proposal was good and had been made better by the deferment. The field access and drainage system would be maintained by a formal management company. The farm access was a contractual arrangement and the land owner was reserving his rights.

Mr Richmond, Ward Representative, supported the Parish Council in their views that they were not pleased that there were still rendered properties proposed. There was no provision for street lighting. They were not happy with the second entrance as agricultural machines could travel through the site. The need for a newt and ecology survey seemed to have been ignored. Boundary disputes had not been clarified.

The Solicitor made reference to an eight page emailed letter received from Mr Hyde, Objector, on Sunday 18 December 2011 which raised a number of matters with regard to the proposed application. The Solicitor advised

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that he had not been consulted with about his legal opinion of the site. He believed any legal challenge with regard to outline permission has passed. He had not been asked for his opinion on the field access and disagreed with some of the points Mr Hyde raised in his letter. He had not seen anything within the letter that caused him concern with regard to the legal aspect.

The Principal Planning Officer stated that Members were not being asked to grant approval for the drainage scheme. He read out an extract from the standard letter provided by Norfolk County Council to Parish Councils at the start of the detailed approval process prior to entering into a section 38 Agreement with regard to street lighting.

The gate to the farm access was felt to be set too far into the site. If Members were minded to approve the proposal, it was suggested that the gate be placed on the boundary. It was also questioned why the swale could not be made deeper to compensate for the different levels to alleviate some of the fears raised.

Concerns raised by Members were that residents did not want rendered properties, the affordable housing did not look like the rest of the housing, use of materials, uncertainty over the management and maintenance of the swale, the field access including why did the Landlord require it. Due to this, Members did not feel they had sufficient information to make a decision.

Deferred, to allow Officers to look into points raised.

186/11 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the applications be determined as follows :

- (a) Item 1 : Beetley : Removal of Section 106 on pp 3PL/2005/0920 to allow occupancy for under 55s : Reference : 30B/2011/0002/OB

The report was presented by the Principal Planning Officer.

Mr Leigh, Parish Council, stated that the Parish Council had discussed the application at length on two occasions. When the development was consulted on in 2005, they felt that the S106 agreement was necessary to protect the development from potential residents who could disturb the tranquil neighbourhood and the Care Home. The original applicant was no longer the owner. The properties would not remain as ancillary accommodation for the Care Home. The Parish Council had discussed with the Agent lowering the age of occupants to 45, but they had received no response to that suggestion, and they continued to object to the proposal.

Mr Peacock, Agent, advised that since submitting the application, there were now six empty properties and he believed that part of the problem with regard to the marketing and saleability of those, was that they were two storeys, lacked nearby amenities and market competition. The Applicant was trying to free up the properties and make proper use of a valuable asset.

Mr Duffield, Ward Representative, questioned if the District Valuer

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had checked the property values which were leasehold and not freehold.

Members agreed with the Chairman's concerns over price and occupancy and that more options should be explored by the Applicant, one being affordable housing.

From evidence put before them, the recommendation to approve planning permission was not supported by Members, as they believed the same reasons still applied as they had at the time of the original application 3PL/2005/0920/F.

Contrary to the recommendation, the application was refused as Members were not convinced that sufficient evidence had been put forward to satisfy them that the reasons for entering into the agreement were no longer valid and for the detrimental effect on residents.

- (b) Item 2 : Croxton : Demolition of two existing dwellings and existing outbuildings : Reference : 3PL/2011/1020/CA

The application was considered at the same time as the item below.

Refused, as recommended.

- (c) Item 3 : Croxton : Residential development of 14 dwellings following demolition of two existing dwellings & ext outbuildings : Reference : 3PL/2011/1021/F

The application was considered at the same time as the item above.

The Principal Planning Officer presented the report and advised that significant representations had been received as detailed in the report. Two outstanding matters of concern were ecology and archaeology. A further survey on protected species (bats) was required, but as that could only be undertaken during the period May to September it was one of the reasons for refusal. The second being further information required following advice from Norfolk Landscape Archaeology.

Mr King, Parish Council, advised that whilst they had no objection to the demolition of the two existing dwellings, they found the proposal of a residential development of 14 dwellings unacceptable due to non compliance of core strategy policies. Reasons were detailed in the report, but he referred to housing density, elevation of the site, access, drainage and that it would be detrimental to the environment.

Mr Childerhouse, Ward Representative, stated that there was considerable local concern with regard to the number of dwellings for the site along with Thetford's growth, and that 14 dwellings represented a significant change and impact on the area and the poor design and layout would be too cramped. Croxton needed a quality development.

Refused, as recommended, along with additional reasons for refusal given as design and layout of the buildings and over development of the site.

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(d) Item 4 : Gooderstone : Erection of two dwellings : Reference : 3PL/2011/1088/F

Members were handed correspondence at the meeting on the item.

The Principal Planning Officer presented the report for the erection of two dwellings. Whilst the site received outline planning consent in 2004 for three dwellings, the permission had lapsed and significant changes had occurred with the planning system since that time.

Whilst Natural England and the Applicant's own ecologist raised no objection, Breckland Council's Ecology Advisor had concluded differently. The Principal Planning Officer spoke about stone curlews and their nesting habitats. The application failed to comply with Core Strategy Policy CP10 as it could not be ascertained that an absence of an adverse effect upon the stone curlew special interest feature of the SPA could be established.

On 16 December 2011 a report had been received from the Inspector with regard to the Site Specific Policies and Proposals Development Plan Document within which he had confirmed and endorsed the proposed changes with regard to the Settlement Boundary of Gooderstone.

Mr Goldsmith, for the Applicant, was present as an independent ecologist observer which was the same role he had with regard to the proposed site. He had been involved with stone curlews since 1965 and photographs were shown to the Members to accompany his statement. Gooderstone was on the edge of the main area where stone curlews were located. He advised that the number of breeding pairs had grown by approximately 10 pairs a year, with a UK population of about 500 pairs, all of which were not as threatened as they had been in the past. He stated that rare birds and people could live together and could do so in this instance.

Mr English, Ward Representative, was in attendance to support the application. The Parish Council had voted five in favour of the application, with one being against it. There was no definitive evidence to say that stone curlews would be affected by the development.

The Solicitor and Planning Manager advised that should Members be minded to overturn the recommendation they would have to come to the decision that the proposal would not adversely affect the integrity of the SPA.

A Councillor stated that the stone curlews were a very important matter of national importance and it was the responsibility of the Planning Authority to be mindful of that. Another Councillor felt that the buffer zone was a flexible one.

Design concerns were raised with regard to a very large window not in keeping with a cottage style bungalow and soldier bricks as opposed to arches. Added to this, as one of the dwellings did not have a chimney it was felt a chimney should be incorporated to be able to run carbon neutral with the installation of a wood burner.

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The recommendation to refuse planning permission was not supported by Members.

Contrary to the recommendation, the application be approved subject to conditions and the extra condition listed below, as taking into account the views provided, Members concluded that the application would not have an adverse affect on stone curlews in the SPA.

The extra condition was that plans be amended to incorporate a chimney on the dwelling shown to Members without one.

(e) Item 5 : Thetford : Erection of 13 dwellings (revised details to crescent block as previously permitted under 3PL/2002/1693/D

For the benefit of Members not on the Committee when the application was first considered, the Principal Planning Officer gave background details on the design and concept of the development.

Mr Smith, for the Applicant, advised that chimneys shown on some of the proposed dwellings were to provide a traditional look to the buildings. The windows were real sash ones. No formal detail had been submitted yet, but the intention was the first and second floors would be rendered. He believed the Applicant would incorporate curved arches over the top of the garages.

Whilst one Councillor was disappointed in the scheme and gave the reasons of the garages being at the front, the buildings did not conform to those on the other side of the road, and that the proposal was reminiscent of 1960s/70s buildings, other Councillors felt the design was far less cluttered, liked the simplicity of the lines, and there would be no space at the back for garages.

Given that the Applicant was striving to achieve a 21st century mews type crescent it was suggested that the garage doors be heavily recessed with a stone arch above, a good standard of materials used with a block type panelled garage door to match the front doors.

Approved, as recommended subject to conditions, with the additional conditions that the garage doors should be recessed with stone arches incorporated above and that permitted development rights to the front of all the dwellings be removed.

Notes To Schedule

Item No.	Speaker
1	Mr Leigh, Parish Council Ms Rose, Parish Council Mr Peacock, Agent Mr Duffield, Ward Representative
2	Mr King, Parish Council Mr Childerhouse, Ward Representative
3	Mr King, Parish Council Mr Childerhouse, Ward Representative
4	Mr Goldsmith, for Applicant Mr English, Ward Representative

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5	Mr Smith, for Applicant
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Written Representations Taken Into Account

Reference No.	No. of Representations
3OB/2011/0002/OB	
3PL/2011/1020/CA	2
3PL/2011/1021/F	8
3PL/2011/1088/F	
3PL/2011/1095/F	
3PL/2011/0830/D	3

187/11 EPR THETFORD LIAISON GROUP

Cllr Lamb advised that Thetford Town Council thought it was premature for them to take over the administration of the Group. However, the Chairman of the Planning Committee believed Thetford Town Council was better placed to enable issues to be dealt with by people local to the area. Whilst the Planning Committee had no input into the Liaison Group, they would not “close their minds” should there be a need to deal with any matters in the future.

RESOLVED to disband the Group.

188/11 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING

Noted.

189/11 ENFORCEMENT ITEMS

Noted.

190/11 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)

Noted.

191/11 STATE OF THE ENVIRONMENT

Dr Geoff Brighty, Area Manager for the Environment Agency presented his report after the meeting had closed.

The meeting closed at 12.30 pm

CHAIRMAN