

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 17 December 2012 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mr M.A. Kiddle-Morris	Mr W.H.C. Smith
Mr K. Martin	

In Attendance

Mike Brennan	Principal Planning Officer*
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*

* Capita Symonds for Breckland Council

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133/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 26 November 2012 were confirmed as a correct record and signed by the Chairman.

134/12 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies were received from Mr F Sharpe. Mr P Duigan was in attendance as his substitute.

**135/12 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

Agenda Item 9 (Schedule Item 3 – Attleborough) Members noted that they had received direct communication by letter and telephone from the Applicant.

136/12 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Agenda Item 9, Schedule Item 1 – Kenninghall, had been deferred for further information from the Applicant.

137/12 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)(AGENDA ITEM 7)

The Planning Manager informed Members that a report would be presented to Cabinet on 8 January 2013 to consider a range of options for the new Local Plan. A range of strategic issues would be considered including housing numbers and land supply.

The decision on the legal challenge to the TAAP was still awaited.

138/12 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: KENNINGHALL: Ash Tree Farm: Demolish 9 poultry sheds, erect 8 broiler houses for the rearing of poultry, feed bins and 4 service buildings: Applicant: Mr Bob Gooderham: Reference: 3PL/2012/0876/F

This item had been deferred for further information from the applicant.

- (b) Item 2: SWAFFHAM: Stanfield House, Lynn Road: Retirement Village comprising of care home and 13 assisted living cottages: Applicant: Mr J Ball and Mrs M Ball: Reference: 3PL/2012/0909/O

This Outline proposal was identical to a full application previously approved. The details were indicative only. The access had been moved to improve visibility and avoid a pipeline that crossed the site. The site was outside the Settlement Boundary and restrictive policies applied generally. Care Homes were allowed outside Settlement Boundaries, but assisted living accommodation was not technically permitted. If approved a legal agreement would be required to tie the units to people needing care.

Mr Bull (Objector) owned the caravan site next door. He had no objection to the proposal but requested screening if approved. He was also concerned about potential noise during the construction period.

The Chairman confirmed that screening could be conditioned and the Director of Planning & Business Manager advised that construction could be restricted to weekdays and not to commence before 7am.

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Members asked the following questions:

- What would be above the pipeline? *The layout (which was indicative only) showed an access road linking the car parking areas and landscaping. Details could be conditioned.*
- Would there be an age restriction? *An age restriction and certification of the need of care would be required.*

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

- (c) Item 3: ATTLEBOROUGH: Land at London Road: Erection of 375 dwellings with associated parking, garages and landscaping (FULL) and Employment Development (OUTLINE): Applicant: Taylor Wimpey UK Ltd: Reference: 3PL/2012/0958/H

This Hybrid application sought full permission for 375 dwellings and outline permission for employment land and was a follow up to similar proposals refused in July 2012 on Policy and Highway grounds. An appeal had been lodged and would be heard at a public inquiry in January.

A number of revisions had been made to the new application to address Members' concerns. The two and a half storey dwellings originally sited along London Road had been moved. Open Space had been sited alongside the Listed Building and more trees were proposed to the boundary.

Members were shown street-scene views of the layout and appearance of the proposed housing. At the back of the site an area of Open Space would provide a buffer between housing and the A11. Another large area of Open Space would include play areas and allotments. A number of traffic improvements were proposed including the extension of the 30mph zone on London Road and improvements to the junction of Exchange Street and Connaught Road.

The issues of the previous refusal were considered. In policy terms the site was outside the Settlement Boundary. However, as the Council did not have the necessary Housing Land Supply, it was required to consider the proposal in relation to the National Planning Policy Framework (NPPF) which had a presumption in favour of sustainable development. The proposal would provide economic benefits by the introduction of employment land and also by the construction work itself. It would provide Open Space and allotments to meet an identified need. 25% affordable housing was proposed (less than the required 40% due to verified

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viability issues).

With regard to prematurity (development in advance of the ASHAAP), it was generally accepted that unless a plan was well developed refusal could not be sustained on those grounds.

With regard to disturbance to existing residents on London Road the housing had been set further back and additional screening was proposed. An acoustic fence would be provided as a goodwill gesture to local residents.

Transport and traffic issues had been the subject of discussions with the Highways Authority. Mitigation proposals included putting traffic lights at the junction of Exchange Street and Connaught Road. There were still concerns about the impact of additional traffic on the gyratory system; however, the Highways Authority were satisfied with the Transport Assessment.

Mr Hall (Objector) represented the Attleborough Community Team. They had petitioned the Council against further development without parking provisions etc. He asked what had happened to the ASHAAP. He was concerned about the shortage of infrastructure and the effects on the Town Centre. The mitigation measures would not address the problems. Other developers were waiting for the decision and would come forward with proposals if it was approved. He urged refusal.

Mrs Taylor and Mr Middleton (Town Council) said that traffic was their main concern as it had not been properly assessed. A Traffic Survey for the ASHAAP was underway and its results should be awaited. Planned sustainable growth would be best. Refusal would protect the interests of the town.

Mr Maidman (on behalf of the Applicant) said they had worked hard to amend the scheme. A cash payment could be offered in lieu of the junction works if the ASHAAP identified other needs. There were also large contributions to the schools, library etc.

Mr Edmunds (on behalf of the Applicant) referred to previous developments at Carbrooke and Dereham and said that they continued to support those residents. The site would supply 200 jobs. 30 to 40 people could be employed on site within 12 months and the development would attract a large New Homes Bonus. They were ready to sign the legal agreement and get on with providing homes and jobs that were needed now.

Mr Martin (Ward Representative) said that the applicants and

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agents had attended meetings and answered questions. They had responded to concerns by amending the house types on London Road and offering to provide acoustic fencing. They were prepared to commence construction in the spring of 2013 that would continue for five to six years. He acknowledged there were infrastructure problems but said the lights at Queens Road worked well.

Members asked the following questions:

- Why was only the first junction in the gyratory system to be improved? *At each junction traffic diverted and the effect was diminished.*
- What would stop the courtyard parking areas being used improperly? *A number of different features including overlooking windows and fencing to rear gardens which allowed views into the parking areas should deter improper use.*
- What did the acoustic fencing look like? *The fencing was being proposed under a separate application. It would be 2.4m high and look like close-boarded fencing but be made of more substantial materials to block noise. The fencing would become the property of residents.*
- What safeguards were in place to retain the allotments? *It was proposed to transfer them to the Town Council. If not a Management Company would take control of them.*
- How had the employment figures been arrived at? *They were based on a study by the University of Reading. The number of jobs from the employment land would depend on the usage.*

After further discussions regarding the infrastructure problems and the benefits or otherwise of waiting for the ASHAAP the Planning Manager advised Members that the previous scheme had been refused on two issues and they should not introduce different reasons for refusing this application. The evidence was clear. The Highways issues had been addressed and infrastructure requirements would be dealt with by legal agreement. There was no clear planning reason to refuse the application.

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

- (f) Item 4: LITCHAM: Land West of Tittleshall: Solar photovoltaic panels and associated works including inverter housings, access tracks and security fencing: Applicant: Claypit Moor Solar Park Limited: Reference: 3PL/2012/1020/F

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This application for a solar panel farm was on undulating agricultural land. The permission would be temporary, for 25 years. Members were shown maps and photographs of the site and its surroundings. Officers considered that with additional planting and the timber cladding of the sub-station building there would be no significant impact on the area and renewable energy proposals were generally supported by planning policies.

Mr Smith (Tittleshall Parish Council) raised concerns which included: the lack of a comprehensive Environmental Impact Assessment (EIA) or Bird Survey; setting a precedent; inappropriate urbanisation of a rural landscape; and additional landscaping being ineffective as screening for ten years.

Mr Birkbeck (Objector) said the scheme would be acceptable on a redundant airfield or other brownfield site but not on unspoilt countryside which was close to charity land open to public use. He asked Members to visit the site.

Mr Garner (Objector) a local landowner and farmer objected strongly to the removal of good arable land from food production. With regard to being able to graze sheep on the site he said it would be very difficult to get a sheepdog to work among the panels.

Mr Hodgson (Agent) said that the applicant had been delivering solar farms for five to six years. The critical factor was connection to the grid system. Then each site was assessed for suitability including consideration of the impact on residential properties. The panels were only 2.2m high, much less visually intrusive than wind farms. Renewable energy was a key Government policy. They had provided a Bio Management plan for the site and there were no statutory objections to the scheme.

Mr Kiddle-Morris (Ward Representative) representing Litcham Parish Council and a local resident who was manager of the Rural Nature Reserve (RNR) adjacent to the site, said their concerns were the same as the previous objectors. Part of the site was in a Minerals & Waste Safeguarding site. If the application had not been temporary Norfolk County Council would have objected on those grounds. There were two core policies CP11 and CP12. One sought to protect the countryside and the other was pro renewable energy. It was up to Members to make their decision but if minded to approve the application he asked that the conditions proposed by the Chairman of Tittleshall Parish Council should be included.

Members asked the following questions:

- What Charity owned the land and how was it

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controlled? *The land belonged to Cole Charity from Wellingham and was administered by Tittleshall Common Committee on behalf of Wellingham and Tittleshall residents.*

- *What species occupied the RNR? Wild cowslips and early purple orchids.*
- *Why had no EIA been carried out? A Screening Opinion had been requested which had considered all the issues and concluded that the proposal would have no significant impact therefore no EIA was required.*
- *Could a condition be applied which confirmed that no precedent had been set? That was unnecessary. Any new application would be assessed on its merits.*
- *How would the panels be secured? The panels would be secured by piles, 1-2metres deep.*
- *Were the panels only effective when the sun was shining? The panels were up to 35% effective and worked on UV light so the sun did not have to be shining.*

It was clarified that construction would be commenced outside the bird nesting season.

Approved, as recommended, with conditions requiring wood cladding to the substation, colour of inverter cabins to be agreed and the panels to be piled.

- (e) Item 5: HARDINGHAM: Land to the East of Hardingham: Proposed development of solar photovoltaic panels (60,480 panels) and associated works including inverter housing, tracks, etc: Applicant: Hardingham 2 Solar Park Limited: Reference: 3PL/2012/1021/F

This application was similar to the previous one although a slightly larger site. Members were shown photographs of the site and its surrounds. A permissive footpath on the border would be retained. The Health & Safety Executive and the Fire Service had no concerns regarding fire risk. With regard to concerns raised by the Mid Norfolk Railway Trust about the use of heavy machinery near the railway line it was proposed to condition an exclusion zone.

A letter from Mr Jordan (Ward Representative) was read out as he could not attend. He said that a lot of residents had attended the Parish Council meeting and raised concerns about: visual impact; additional screening without trees being out of keeping; and the loss of agricultural land for growing food. There had also been a lot of supporters of alternative energy.

Mr Gibb (Objector) spoke on behalf of 43 residents and raised concerns including: the loss of food producing land; physical

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and visual impacts industrialising the landscape; planting not screening the site for ten years; increased vehicle movements during construction causing damage to verges and danger at the junction near the railway bridge; and the panels were only 12-20% effective.

Mr Hodgson (Agent) said that the applicant would be responsible for repairing any road damage caused by construction lorries. The scheme had the least visual impact of the three applications.

Members asked the following questions:

- Would noise be an issue? *The panels made no noise at all but there was a low hum from the inverter buildings which could only be heard close by.*
- Could the sub-station be wood clad and the inverter buildings be coloured green? *The Agent agreed the brick sub-station could be wood clad. The colour of the inverter buildings could be conditioned.*
- How long would construction take? *It was estimated that it would take 16 weeks to get the panels on site. Commencement would depend on any pre-conditions.*
- Did the panels feed straight into the grid or was it possible to store energy? *The panels produced electricity whenever there was UV light. Some energy could be stored and fed into the grid as required.*

The efficiency of the panels was confirmed by the Agent as between 35 and 40%.

A Member reiterated concerns about the loss of land for growing food. He also noted that the land would never return to agriculture because of the quantity of piles and concrete left in the ground.

Approved, as recommended, with conditions requiring wood cladding to the substation, colour of inverter cabins to be agreed and the panels to be piled.

- (f) Item 6: NARFORD: Land off Low Road: Solar photovoltaic panels and associated works including inverter housings, access tracks and security fencing and cameras: Applicant: Burntstalks Plantation Solar Park Limited: Reference: 3PL/2012/1036/F

This was the least contentious of the three solar farm applications and no objections had been raised. Members were shown a map and photographs. A small part of the site was within the Stone Curlew buffer zone. The site was well screened except from an existing footpath. The Ramblers Association had raised concerns about fencing and the

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applicants had agreed to move the fence further back and screen it with planting.

A Member requested that the same requirement to wood-clad the sub-station should be attached.

Approved, as recommended, with conditions requiring wood cladding to the substation, colour of inverter cabins to be agreed and the panels to be piled.

(g) Item 7: ROCKLANDS: Holly Cottage, Chapel Street: Single detached dwelling and garage: Applicant: D Batch: Reference: 3PL/2012/1057/F

This was a finely balanced application for a detached dwelling and garage off a private close. The history of the site was explained to Members. The issue to be considered was whether the impact on the character of the area and the harm to amenity would be sufficient to justify refusal. After careful consideration, officers were recommending approval.

Mr Smith (Parish Council) objected on two grounds. The proposal was backland development and would set a dangerous precedent which could change the character of the village and if approved, would lead to parking on the road or verges which would alter the nature and character of the area.

Mrs Thomas (Objector) reiterated those points. She lived opposite No 4 which was owned by relatives of the applicant. Approval could lead to emergency access points being blocked. Overspill from the new development would cause problems on the narrow, private road.

Mr Took (Agent) stressed that this was a significantly different proposal to the previous. Highway issues had been considered at appeal and the revised proposal addressed those. There would be no material harm to privacy. The Appeal Inspector's findings were relevant.

Mr Smith (Ward Representative) thought that the decision should err in favour of existing residents. Planning should consider all the facts and future consequences. Approval would lead to overcrowding and overdevelopment to the detriment of residents. There would be increased noise and disturbance.

The Chairman questioned the arrangement of the garages, with the proposed new dwelling having the garage for the existing conversion beside it and its own garage further away. The Agent advised that there might be scope to re-look at the arrangements.

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Members were concerned about the reduction in parking provision but were advised that the Highway Authority had accepted two parking spaces per dwelling.

It was noted that the application referred to mains sewers but there were none in the area. A private treatment plant could be conditioned and the details would be a Building Control matter.

The recommendation for approval was not supported.

The Planning Manager noted that Members were not happy with the proposed access and parking arrangements but that technically they met requirements. However, Members had clearly expressed their view that the layout and form of development was inconsistent with the prevailing character of the area and was contrived and fairly cramped and that concerns remained regarding amenity implications.

A new proposal was moved and seconded.

Refused, contrary to recommendation, on grounds of inappropriate backland development, and concerns about the effects on amenity and on the form and character of the area.

- (h) Item 8: SHIPDHAM: Lomond House, Mill Road: Erection of 2 storey dwelling and attached garage with new vehicular access: Applicant: Mrs G M Hewson: Reference: 3PL/2012/1069/O

This outline application was for one dwelling in part of the garden of an existing house. All matters were reserved except access. The Highways Authority had raised objections to the site access and the junction of Mill Road and the A1075 on grounds of poor visibility. Due to that objection the application was recommended for refusal.

Mr Hewson, speaking on behalf of the applicant (his mother) said that she had owned the property from 1954 and now lived in a care home. A business had operated from the site from 1954 to 1998. Mobile cranes, drilling rigs and lorries had regularly accessed the site and he pointed out that it was possible to turn right out of the property, avoiding the restricted junction with the A1075. However he had no knowledge of any incidents at that junction.

Members felt that the access would be adequate once the hedge was cut back. The lack of the required visibility splay was mitigated by the fact that traffic would not be moving fast at that point and the additional traffic from a single dwelling was not likely to have a big impact on the junction.

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The recommendation for refusal was not supported.

Approved, subject to conditions requiring the best visibility splay that could be achieved, contrary to the recommendation, on the grounds that the Highways objection did not provide sufficient grounds for refusal.

Notes to the Schedule

Item No	Speaker
2	Mr Bull - Objector
3	Mr Hall – Objector Mrs Taylor – Town Council Mr Middleton – Town Council Mr Edmonds – Agent Mr Maidman – Agent Mr Martin – Ward Representative
4	Mr Smith – Tittleshall Parish Council Mr Birkbeck – Objector Mr Garner – Objector Mr Hodgson – Agent Mr Kiddle-Morris – Ward Representative
5	Mr Gibb – Objector Mr Hodgson - Agent
6	Mr Hodgson - Agent
7	Mr Smith – Parish Council Mrs Thomas – Objector Mr Took – Agent Mr Smith – Ward Representative
8	Mr Hewson – for Applicant

Written Representations Taken into Account

Reference No	No of Representations
3PL/2012/0876/F	3
3PL/2012/0909/F	1
3PL/2012/0958/H	13
3PL/2012/1020/F	8
3PL/2012/1021/F	37
3PL/2012/1057/F	6

139/12 BRECKLAND COUNCIL PLANNING PROTOCOL : UPDATED VERSION (AGENDA ITEM 10)

The Solicitor presented amendments to the Planning Protocol.

The original protocol had been introduced in 2009 following a long discussion and scrutiny process. It had only been amended to address the recent changes to the Standards Regime particularly concerning Disclosable Pecuniary Interests and pre-determination.

A Member thought that there should not be any restriction on conversations with constituents. He accepted that if a Member was

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pre-determined that was a separate issue but said that he should have freedom to speak to any applicant or objector in his Ward.

The Solicitor confirmed that it was perfectly acceptable for a Member to talk about an application as long as they did not commit themselves in any way.

Another Member who had fallen foul of the process previously accepted that a Member should not vote if pre-determined but asked if they could still take part in the discussions. The Solicitor advised that they could address the Committee as a Ward Representative having declared their pre-determination, but then they should take no further part.

Concern was raised about Site Visits and whether Members that attended had additional information to those that did not. It was noted that some authorities debarred Members from consideration of applications if they had not attended an arranged site visit. The Solicitor did not think that was necessary but said that Members that had not attended the site visit should decide if they had enough information to vote.

At a recent site visit a Member had felt pressured by the Ward Representatives. The Solicitor suggested that any invitation to non-Committee Members should make it clear that they were only invited to point out relevant viewpoints to Committee Members, not to enter into discussions with them.

**Helen
McAleer**

140/12 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 11)

Noted.

141/12 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 12)

Noted.

The meeting closed at 1.50 pm

CHAIRMAN