

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 14 January 2008 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Councillor E. Gould (Chairman)	Mrs D.K.R. Irving
Councillor Claire Bowes	Mr R. Kemp
Mr A.J. Byrne	Mr M.A. Kiddle-Morris
Mr P.J. Duigan	Mr J.P. Labouchere
Mr P.S. Francis	Mr B. Rose
Mr M. Fanthorpe	Mr F.J. Sharpe
Mrs S.R. Howard-Alpe	Mr N.C. Wilkin (Vice-Chairman)

**Also Present**

Mr C.R. Jordan	Mr D.R. Williams JP
Mrs A.L. Steward	

**In Attendance**

Julie Britton	- Committee Services Officer
Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
David Spencer	- Principal Planning Policy Officer

**1/08 MINUTES (AGENDA ITEM 1)**

Minute No. 208/07: Snetterton: Proposed hotel/restaurant, The Flame Restaurant, Adjacent A11

A Member queried the conditions agreed in respect of the above application. She asked whether her suggestion of the planting of Scots Pines had been included as part of the landscaping conditions. In response, the Development Services Manager advised that her suggestion had been picked up as part of the overall permission.

The Minutes of the Development Control Committee meeting held on 17 December 2007 were confirmed as a correct record and signed by the Chairman.

**2/08 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mrs M Chapman-Allen, Mr T Lamb, Mrs P Spencer and Mr M Spencer.

**3/08 DECLARATION OF INTEREST (AGENDA ITEM 3)**

Members and Officers were asked to declare any interest as appropriate at the time the applications were considered.

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**4/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman advised the meeting of the procedures for public speaking.

Members were reminded of the Development Control training session that had been arranged for Monday, 28 January 2008 at 2.15pm in the Norfolk Room. All Members were encouraged to attend.

**5/08 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)  
(AGENDA ITEM 7)**

The Principal Planning Policy Officer was in attendance for this item.

Members were informed of the forthcoming six week consultation period, with regard to the Core Strategy Document and the Development Control Policies. All Parish and Town Councils, public and stakeholders would be issued with a copy of the aforementioned document as well as a CD Rom, and the consultation process would be from 28 January to March 2008. All parties who had an interest in the Local Development Framework would also be notified.

An on-line version would become interactive on 28 January for people to make comments and put their views forward electronically.

To accompany the launch of the Strategy document, the following meetings had been arranged:

- Watton Town Council - 24 January 2008 – 7.00pm
- Old Buckenham Village Hall – 26 January 2008 – 10.30am (Old Buckenham Parishioners only)
- Attleborough - 30 January 2008 – The Community and Enterprise Centre - 6.30pm (Town and Parish Councils only)
- Dereham - 5 February 2008 – a special event for Local Service Centres, Breckland Council, Elizabeth House, The Anglia Room – 6.00pm
- Thetford - 6 February 2008 – public exhibition at the Carnegie Rooms – two drop in sessions on the LDF – 10.00am to 2.00pm and 5.00pm to 7.00pm

The Planning Policy Team would also be in attendance at the Town and Parish Council Forum on 31 January 2008 at 5.30pm, at the Guildhall Complex in Thetford.

The Ward Representative extended an invitation to the Planning Policy Team to attend the Hermitage Ward meeting on 14 April 2008.

**6/08 DEFERRED APPLICATIONS (AGENDA ITEM 8)**

- a) Swaffham and Sporle: A wind energy development comprising six wind turbines and associated works on land off Sporle Road for Next Generation: Reference 3PL/2007/0314/F

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The Principal Planning Officer presented the report which concerned a planning application for the erection of six wind turbines with hard-standing areas, information board, electricity sub-station and a temporary construction compound on land off Sporle Road, Swaffham. The application had been deferred from the meeting held on 17 December 2007 to enable further representations to be submitted.

A Member was concerned, having read the related reports over the past few months, particularly in relation to the MOD objections, whether the application should be heard. In response, the Solicitor advised that he was aware that there was a conflict of opinion but this was an application that the Committee should take forward and be dealt with today.

The six turbines would have a tower height of 78 metres and a blade diameter of 82 metres. For comparison, Swaffham II had a tower height of 85 metres and a blade diameter of 70 metres.

If the proposal was permitted, it would bring with it significant environmental benefits; clean electricity from a renewable source would be provided for up to 9,500 homes. The applicant had estimated that the six turbines would save on the emissions of up to 31,474 tonnes of carbon dioxide and would also contribute 1.8% of the capacity required to achieve the region's 2010 target or 7% of that identified for Norfolk.

The consultation process had been extensive and a large number of responses had been received including 30 objection letters. Since the publication of the Agenda, Sporle Parish Council had provided a second objection to the application and a letter had also been received from CATS (Campaign Against Turbines at Shipdham) objecting to the proposal. The main concern related to flicker. Members were informed that the matter of flicker was one that had been recognised and could be controlled by condition.

Photo montages of present and future views of the area had been provided with the Landscape Assessment document. Members were able to comprehend what effect the turbines would have on the landscape from various locations.

The Principal Planning Officer explained that the Council had received an objection from the MOD who had requested that the development, if approved, should not commence until a proven technical solution had been found.

The Committee was informed that in the light of the detailed objection from the MOD relating to the impact of the proposal upon air traffic control radar and air traffic management procedures at RAF Marham, the application had been recommended for refusal.

The following speakers were in attendance for this item:

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- Mr D Williams, Ward Representative
- Mr Hickey, Sporle Parish Council
- Mrs Bartley, Sporle Parish Clerk
- Mrs Burrows, Objector
- Mrs Stone, Objector
- Mrs Cawley, Objector
- Mr Partridge, Ecotricity

Mr Hickey, who was in attendance with Mrs Bartley, said that both had concerns relating to noise and the environmental impact. Mr Hickey felt that the cumulative effect of the turbines would turn a tranquil landscape into an industrial one.

Mrs Burrows felt that the major fault of the proposal was the location particularly with regard to the bridleway/restricted byway which should remain open to the public at all times. Mrs Burrows pointed out that the bridleway was frequently used by horse riders and was concerned that the British Horse Society, that had guidelines on wind turbines, had not been consulted.

Mrs Stone, who lived in Sporle, and was the closest resident to wind turbine II, had concerns about power surges and noise, and had further concerns relating to the effect this proposal would have on the value of her property. She felt that no thought had been given to her or her neighbours.

Mr Partridge had been involved in the industry for 14 years and had been very impressed with the vast majority of views concerning wind turbines from Swaffham residents. He felt that the Officers had taken a very pragmatic approach in reducing their grounds of refusal to one. Mr Partridge mentioned a similar application at South Norfolk District Council where a "Grampian" condition had been imposed as part of the permission. He explained that such a condition could be effectively discharged over three years.

The Development Services Manager explained that a "Grampian" condition was a planning condition attached to a decision notice that prevented the start of a development until certain matters or works had been completed. One of the requirements of a "Grampian" condition was whether there was any reasonable prospect that the condition could be complied with. The Development Services Manager felt that the imposition of such a condition at this stage was not appropriate.

Mr D Williams, the Ward Representative, emphasised the importance of the MOD objections and urged Members to refuse the application. He pointed out that the wind turbines would be on the aircraft approach to the largest air base in Britain. He asked Members to consider the consequences if all 18 aircraft had to divert away from the area; he highlighted the Necton incident as an example.

A Member complimented Mr Williams on the aforementioned statement; however, he agreed with Mr Partridge's comments

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that most Swaffham residents did like the wind turbines. Nevertheless, this was a proposal that would increase the "family" and he was afraid that if the application was approved, Swaffham and the surrounding areas would become known as "wind" valley. He reminded the Committee that no-one in the area would gain from the electricity as all the power would be fed into the national grid.

Another Member had calculated that the turbines would be approximately 9,000 metres from Marham's runway and would be bang in line with the final approach; therefore he was not able to support the application and proposed that the Committee supported the Officer's recommendation of refusal.

**RESOLVED** that the application be refused as recommended on the basis of the objection from the Ministry of Defence: i.e. that the turbines would leave an unacceptable impact upon Air Traffic Control Radar and air traffic management procedures at RAF Marham.

b) Yaxham: Former Breckland Garden Centre: Development of a "Lodge Park" within the site of the former garden centre and re-use of ex-camping and caravan site for THPD Properties Ltd

This application had previously been deferred to allow time for the applicant to provide additional supporting information in relation to the proposal. The report took into account the additional information submitted by the applicant and by third parties, and as such superceded the "Assessment Notes" section of the previous committee report.

The application was recommended for refusal.

The Principal Planning Officer presented the report which concerned the stationing of 50 timber clad holiday lodges plus an office/reception. The existing bungalow on site would remain as the manager's dwelling. The scale and density of the proposed development would, in the opinion of the Local Planning Authority, result in an unwarranted intrusion into the rural landscape to the detriment of the character and visual amenities of the area.

It was considered that the applicant had failed to adequately demonstrate to the satisfaction of the Local Planning Authority that the proposal had taken account of the following issues:

- Flood risk
- Protected species and habitat; and
- Landscape issues

In support of the proposal, the applicant had stated that the development would provide an economic boost to the community and would create 11 full and part time jobs. The units would be sold off to individual owners with a covenant preventing the dwellings from being sub-let. The applicant had further felt that the development would protect existing housing

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stock from being bought as second homes. The proposal would not compromise local services such as doctors, dentists or hospitals as these could be accessed in the owners' home towns.

The Principal Planning Officer advised that a further letter had been received from Yaxham Parish Council that was a direct result of the Parish meeting held on 10 January 2008. Yaxham Parish Council had objected to the application for a number of reasons, including: failing to demonstrate the need, the scale and density of the development, increase in traffic and less employment than the applicant envisaged.

Mid Norfolk Railway Preservation Trust had also objected to the application as it felt that the development could create trespass and safety problems.

Natural England objected on the grounds that the application contained insufficient survey information that could demonstrate whether or not the development would have an adverse effect on legally protected species.

The Council's Tree and Countryside Officer felt that the applicant had provided insufficient detail to support the application, for example: the supply of services, the removal of waste water, the character of access tracks and night time lighting.

The Council's Environmental Planning Policy Officer and the Environment Agency had also raised objections to the application.

Further to the above, 31 written letters of objection had been received from local residents together with a 126 named petition undertaken by the Parish Council.

Members were made aware that although the site could be accessed by an hourly bus service a footpath would not and could not be provided from the site to the town.

The Principal Planning Officer advised that all of the aforementioned issues had been taken into consideration.

The following speakers were in attendance for this item:

- Mr Jordan, Ward Representative
- Mr Crummet, Parish Council
- Mr Cutting, Supporter
- Mr Martin, Objector
- Mr Anema, Objector
- Mr Dimoglou, Applicant
- Mr Hay, Applicant

Mr Crummet, the Chairman of Yaxham Parish Council, said that Yaxham was a very pleasant village that had less than 200

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dwellings and a thriving village hall. He supported future development but did not support this application. Mr Crummet stated that he had never known a planning application to create such an uproar in the village. He failed to see the need for these holiday homes and he was concerned that these dwellings would become second homes.

Mr Cutting had no problem with the application. He had visited similar sites around Norfolk that the applicants owned and he complimented them on their good business experience.

Mr Martin spoke on behalf of Yaxham residents who had submitted the petition. A photograph was displayed that illustrated that not all the site was brownfield land; only one acre at the front of the site was brownfield and the remainder was horticultural. The site was outside the settlement boundary and he felt that the application would be for second homes in the village.

Mr Anema owned 9½ acres of farmland adjacent to the site and was concerned about the increase in surface water that would run from the hard-standing into the ditch. He was further concerned with regard to the risk of pollution from the proposed water treatment plant. Mr Anema said that he had spoken to the Environment Agency who had advised him that the water would not be drinkable and would be polluted.

Mr Hay and Mr Dimoglou had both been involved in the holiday business for many years and had won many awards. Mr Dimoglou advised that the development would employ local people and the lodges would not be sub-let. He felt that the site could not be fully appreciated without a site visit.

Mr Jordan pointed out that there were more objectors than supporters to this application. He had a number of concerns; firstly, if the site happened to change to residential in the future, Yaxham could end up with 10 acres of housing estate outside the guidelines. Secondly, he was not convinced that the water treatment plant would not carry bacteria and finally, the impact on the village. The people who supported the application felt that the proposal would enhance the village; the objectors did not want Yaxham to become a dormitory to Dereham. Mr Jordan hoped that he had provided the Committee with a balanced view.

In response to a question on when Officers had visited the site, the Principal Planning Officer confirmed that he had met with the applicant in February 2007 and felt that the site was well landscaped and that it could be used for some tourist dwellings but not as many as proposed.

The Development Services Manager explained that the recommendation of refusal had been based purely on the consultation.

A Member asked whether this was an application for second

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homes or a holiday park. Mr Dimoglou replied that the proposal would be for a holiday park and was intended for holiday use only. The park would be aimed at semi/retired professional people who would be able to leave their holiday homes for a long period and come back to them in a pristine condition.

Another Member considered the site to be a housing estate where no council tax would be paid and he supported the Officer's recommendation of refusal.

The Solicitor quoted the definition of tourism and advised that the normal restrictions for pure tourism were much more restrictive than had been suggested. He mentioned the Appeal decision for a similar application in Beetley. This application, in his opinion, was a different type of tourism.

A Member felt that the proposal was in the wrong place. There was no demand for such holiday homes in the area and the development would not bring wealth or health to the area. He asked to view an illustration of the type of dwellings that would be installed.

The holiday lodges would be transported to the site and would be in the form of two and three bedroom log cabins.

In response to a question concerning flood risk, Mr Dimoglou had yet to submit the details of the water disposal. This could be solved by means of a condition. Mr Dimoglou had been disappointed with the lack of support from Breckland Council and the Environment Agency on this matter. This was a £2m investment for the area which he felt should be supported.

A Member asked the Principal Planning Officer to clarify the Highways Authority decision. The Committee noted that the Highways Authority had requested one minor improvement to the visibility splays.

In conclusion, the Committee

**RESOLVED** that the application be refused as recommended on the four grounds as set out on page 51 of the Agenda.

**7/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

- a) Item1: 3PL/2007/1721/F: Great Ellingham: Land at Old Hall Farm, Penhill Road: Proposed free range egg production for 16,000 chickens, erection of 2 feed silos and associated vehicular access for P J Southgate Ltd

Approved, as recommended in the Schedule.

- b) Item 2 - 3PL/2007/1722/F: Great Ellingham: Old Hall Farm, Penhill Road: Proposed agricultural dwelling for poultry manager for P J Southgate Ltd

Deferred, contrary to the recommendation; however, the

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Development Services Manager be authorised to grant permission subject to the conditions as listed in the report and subject to the completion of a S106 Agreement requiring the dwelling not to be occupied until the chicken shed was operational.

- b) Item 3 – 3PL/2007/1723/F: Attleborough: Lyng Farm, Long Street: Erection of two storey agricultural dwelling/garage and office for poultry manager for P J Southgate Ltd

Deferred, contrary to the recommendation; however, the Development Services Manager be authorised to grant permission subject to conditions and subject to the completion of a S106 Agreement requiring:

- i) the new dwelling and Lyng Farm farmhouse to be tied to the existing farming enterprise; and
- ii) the new dwelling on the site to be tied to the adjacent free range egg production unit.

A number of Members were unsure about granting permission for an additional dwelling on the same site. Ms Shelly, the applicant's agent advised that the house was required for an existing manager who currently lived in rented accommodation away from the farm.

The proposal had been supported with a technical appraisal which had concluded that there was a need for an experienced stockman to live on the site for the security and welfare of the birds.

- c) Item 4: 3PL/2007/1742/F: Riddlesworth: Home Farm, Thetford: Proposed free range egg production unit for 16,000 chickens, erection of 2 feed silos and associated access for A Chandler (Norfolk) Ltd

Approved, as recommended.

Note: Mr J Labouchere abstained from voting on this application.

- d) Item 5: Snetterton: Oakwood Industrial Estate, Harling Road: Demolition of two WWII buildings and erection of two industrial buildings, service yard and parking for Ripblast & Co Ltd

Approved, as recommended. Also, the Development Services Manager to confirm with Norfolk Landscape Archaeology whether there are any internal items which could be preserved.

- e) Item 6: Harling: Unit 1, Cloverfield Industrial Estate, Lopham Road: Change of use of first floor only from B1 business to A1 usage for a licensed sex shop for Mr Christopher Thomas

Refused, contrary to the recommendation on the following grounds:

- i) unsustainable location;

- ii) inadequate pedestrian access and parking; and
- iii) precedent.

Members felt that if permission was granted it could set a precedent for other units to apply for A1 use and trade would be taken away from the town. The Committee suggested that the applicant looked elsewhere to set up his business, preferably on an industrial estate which already had mixed uses.

**Notes to the Schedule**

The following persons were in attendance to speak on the following items:

<u>Item No.</u>	<u>Speaker</u>
Agenda item 8 (Yaxham)	Mr Jordan, Ward Representative, against the application
	Mr Crummett, Parish Council
	Mr Cutting, Supporter
	Mr Martin, Objector
	Mr Anema, Objector
	Mr Dimoglou, Applicant
	Mr Hay, Applicant
Agenda item 8 (Swaffham/Sporle)	Mr Williams, Ward Representative, against the application
	Mr Hickey, Parish Council
	Mrs Bartley, Parish Council
	Mrs Burrows, Objector
	Mrs Stone, Objector
	Mrs Cawley, Objector
	Mr Partridge, Ecotricity
1	Ms Shelley, Applicant's Agent
	Mr Verguson, Noble Foods
2	Ms Shelley, Applicant's Agent
	Mr Verguson, Noble Foods
3	Ms Shelley, Applicant's Agent
	Mr Verguson, Noble Foods
4	Ms Shelley, Applicant's Agent
	Mr Verguson, Noble Foods
6	Revd. Kinsella, Objector
	Mrs Burton, Objector

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Mr Oliver, Objector  
Mrs Langridge, Objector  
Mr Taylor, Objector  
Mr Bottrell, Applicant

**Written representations taken into account**

<u>Reference No.</u>	<u>No. of Representatives</u>
3PL/2007/0314/F	29
3PL/2007/1493/F	35
3PL/2007/1742/F	1
3PL/2007/1842/CU	22

**8/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES  
MANAGER (FOR INFORMATION) (AGENDA ITEM 10)**

This item was noted.

**9/08 APPEALS DECISIONS (FOR INFORMATION) (AGENDA ITEM 11)**

A Member had asked the Solicitor for an update on two appeals. The Solicitor advised that he would have the information in time for the next meeting.

**10/08 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL  
(FOR INFORMATION) (AGENDA ITEM 12)**

This item was noted.

The meeting closed at 12.50 pm

CHAIRMAN