

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 17 February 2014 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes	Mrs J A North
Mr T R Carter	Mrs P.A. Spencer
Councillor M. Chapman-Allen	Mr N.C. Wilkin (Chairman)
Mr P.D. Claussen	Mr P.J. Duigan (Substitute Member)
Mr T.J. Lamb	Mr A.P. Joel (Substitute Member)

Also Present

Mr R.P. Childerhouse	Mrs K. Pettitt
Mr K.S. Gilbert	Mr J.D. Rogers
Mr R.G. Kybird	Mr A.C. Stasiak
Mr K. Martin	

In Attendance

Mike Brennan	Head of Development Management*
Heather Burlingham	Assistant Development Control Officer*
John Chinnery	Solicitor & Standards Consultant
Paul Jackson	Planning Manager
Helen McAleer	Senior Committee Officer
Martin Pendlebury	Director of Planning & Business Manager*
Chris Raine	Senior Planner*
Paul Took	Principal Planning Officer (Major Developments)*
Kevin Ward	Thetford Growth Programme Manager
Graham Worsfold	NCC Highways Consultant

* Capita for Breckland Council

13/14 MINUTES (AGENDA ITEM 1)

Councillor North noted that she had not seconded the proposal at Minute No 6/14a (Watton) and had voted against it. Councillor Carter had seconded the amendment.

Subject to the removal of the reference to Councillor North at Minute No 6/14a the Minutes of the meeting held on 20 January 2014 were confirmed as a correct record and signed by the Chairman.

14/14 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Bowes, W Richmond, Robinson and Sharpe.

Councillors Duigan and Joel were present as Substitutes.

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15/14 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

The following declarations were made regarding Agenda Item 9:

Schedule Item 1 (Watton) – All Members had received direct representation.

Schedule Item 2 (Attleborough) – for clarity Councillor North declared that she was acquainted with the applicant as a former Town Councillor and Mayor. She had received direct representation; plans of the site and a letter of objection, which she had passed on to all Committee Members.

Schedule Item 3 (Croxtan) – All Members had received direct representation. Councillors Armes, Lamb and Spencer all declared that as the Town Council was the applicant and they were all Town Councillors under the rules of natural justice they would not vote on the application.

Schedule Item 4 (Dereham) – Councillor Duigan had received direct representation from the Applicant which he read out.

16/14 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman had expected a representative from the local press to attend the meeting to sing to the Committee. That option had been offered when the local reporter's mobile phone had interrupted the previous meeting. The representative had failed to attend and the EDP was therefore reminded that the £10 fine to be paid to the Chairman's Charity, which was imposed for such interruptions, was still due.

17/14 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Director of Planning & Business Manager presented an update on the Local Plan and thanked all the Members who had attended the Local Plan Visioning Session on 27th January. The discussions in the individual groups had been very informative and would help the Team to formulate the key issues and options within the first draft of the Local Plan.

The Issues and Options consultation document for the Local Plan would be included within the Council's committee cycle in the coming months. It would reflect the key themes discussed at the Visioning Session of Housing, Employment and the Environment and would also present a range of options for the spatial strategy.

As part of the consultation on the Local Plan, it was intended to include a new Call for Sites to allow members of the public to submit any land they would like to be considered as part of the Local Plan. A similar Call for Sites had been undertaken in 2013 and had received a good level of response. The Call for Sites would ask for a map of the land and also the type of use proposed, ie. residential, employment, or retail.

Community Infrastructure Levy – the Government had proposed a

number of amendments to the CIL regulations and the impact of those, on the potential of a CIL charge in Breckland, was being assessed. The amended regulations were initially meant to come into force in January. Due to further discussion and amendments they have been delayed.

Neighbourhood Plan - The Local Plan Working Group meeting on 11th February had been advised that:

- Limited progress has been made on the Attleborough Neighbourhood Plan following its launch event last year. The Deputy Planning Manager would be attending a meeting of its steering group.
- The consultation on the Croxton Neighbourhood Plan Area would close on 19th February. The consultation period had been extended beyond the six week period to account for the Christmas break. A report on the plan area would be presented to Cabinet on 1st April.
- No further parishes had expressed a formal interest in producing a Neighbourhood Plan.

18/14 DEFERRED APPLICATIONS

18 .a North Elmham: Station Yard: Residential Development for 19 Dwellings:
Applicant: Mr H S Thompson: Reference: 3PL/2013/1045/O

The Senior Planner recapped the application for 19 dwellings on a site adjacent the railway line. The application was Outline with only access to be considered.

The applicant had now served notice on two additional land owners and a revision had been made to the red line surrounding the site to exclude land owned by No 9 Station Road.

The site had planning history and had received a recent refusal due to failure to sign a legal agreement.

Significant discussions had taken place regarding highway safety and a railway crossing upgrade had been agreed in principle. However there were still concerns over visibility and the application was recommended for refusal on those grounds.

Mr Read (Objector) lived at No 9 Station Road and was concerned about the proposed road layout as it formed part of the 'safe route to school'. The site was also on the edge of the built up area where drivers started to accelerate out of the 30mph zone. It was also a dangerous junction. The required visibility splay included front garden land of Nos 9 and 7 Station Road. The Applicant owned No 7. Mr Read said his land was available but the applicant had failed to complete on two contracts which would allow the footpath to be set back and the road width maintained.

Mr Thompson (Applicant) apologised that the application was before Members again. He had not refused to sign the previous legal agreement but had been advised not to by an Officer. The old yard was a brownfield site. The required visibility splay to the west could be achieved by setting

the railway gates back. To the east visibility was below requirements but traffic from the east, driving on the left, would have adequate visibility. By moving the gates and narrowing the road the exit from Eastgate Street was improved. Curbing would be created and a footpath provided behind the crossing gates so pedestrian safety would be maintained. The development would provide much needed housing.

Councillor Lamb asked why the application was now recommended for refusal when it had been acceptable before.

It was explained that the application had originally been presented to Members in 2007/8 and had received a positive recommendation subject to a legal agreement. That agreement had not been concluded successfully. More time had been given and it had come to light that the required visibility splay could not be secured because it was reliant on third party land. Members had approved the application subject to a sub-standard access, but the legal agreement had still not been secured.

Councillor Lamb asked whether the applicant's inference that the entrance was OK included the land owned by the objector. He was advised that it did not.

Councillor Carter asked if the application should be deferred to allow time for agreement of the visibility splay but the Planning Manager advised that there was no guarantee that agreement would be reached within a reasonable timescale.

RESOLVED that, subject to the expiration of the time periods associated with the notices served upon third parties expiring, the application be refused on highway safety grounds.

19/14 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- a) Item 1: WATTON: Redhill Mobile Homes Park, Town Green Road, Redhill Lane: Extension to Mobile Home Park: Applicant: Lifestyle Living Group: Reference: 3PL/2013/1054/F

All Members had received direct representation.

This application proposed an additional 54 mobile homes in a similar form to the existing 96. In planning terms, mobile homes counted as dwellings. Although the Council had a housing land supply shortage, the application was not considered sustainable: the access road was in poor condition; motor vehicles would be needed; and no affordable housing provision had been offered. There was a strong highways objection and negotiations to address that had resulted in a variety of plans. The latest included a footpath closer to the site but the landowner had not agreed to that. The required flood risk assessment had not been submitted.

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Councillor Gilbert (Ward Rep) thanked Officers for keeping the local Members well informed about the application. He knew the site well but thought that it was already big enough. It was outside the Settlement Boundary and the road network was totally inadequate. He did not believe that the proposed footpath would decrease vehicle movements as it was a long walk to town and back.

Councillor Rogers (for the Town Council) said they were in favour of the development. The footpath would allow residents to walk safely into the town. The additional entrance would improve access for emergency vehicles. The church would benefit from a new wall and the £50,000 offered to the Town Council would enable the development of play areas for youngsters in the town.

Mr Lincoln (Objector) had lived nearby for 42 years. He used the road regularly and there was not room for two cars to pass. Parked cars and delivery vehicles impeded progress as well as pedestrians. Weddings and funerals at the church made the problem worse. Sometimes the ditch smelled of sewage and the bridleway flooded. It was a well maintained site but the entrance was not clearly marked and was near a dangerous bend in the road.

Mr Campbell (Agent) pointed out an error on the layout plan presented to Members. A revised plan was shown which had an area of Open Space in the middle together with visitor parking provision. The original application had been for 58 additional mobile homes and that had been reduced to 54 to provide those changes. The total number of homes would be dependent upon the site licence.

Mr Campbell went on to say that the site was a retirement site and the amount of people using cars was substantially lower than other types of residential development. There was no policy for mobile homes in the LDF therefore there was a presumption in favour of the development due to the housing land shortage. The proposal should be determined on its merits. The extension would make a successful site more sustainable. The £50,000 contribution was confirmed as well as the Open Space provision. Negotiations were continuing with the landowner to provide a footpath. The flood risk was no different to the current site.

The Chairman noted that the Highways representative was present to answer questions.

In response to a question from Councillor Carter it was confirmed that the initial permission had been before the requirement for an affordable housing contribution but the current application would be treated as any other and the Housing Enabling Officer wanted a contribution.

Councillor Armes thought that most people would use cars and

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therefore the road should be upgraded, but it was pointed out that only an upgrade to the footpath was proposed.

Councillor Duigan asked whether the footpath would be of sufficient standard to be used by motorised scooters and the Highways representative responded that it was unlikely to be wide enough. He pointed out that some mobility vehicles were required to use the road.

Further comments were made about the need for a flood risk assessment, the lack of an on-site shop and open space being needed for visiting children.

Refused, as recommended.

- b) Item 2: ATTLEBOROUGH: London Road (Benbree and land adjacent Westcroft): Demolition of Benbree and erection of 4 No dwelling houses: Applicant: Wright's Attleborough Ltd: Reference: 3PL/2013/1084/F

Councillor North made a declaration for clarity (See Minute No 15/14).

This application proposed four houses on former garden land, part of which already had permission for one dwelling. It was confirmed that the applicants were willing to provide a contribution for Open Space and affordable housing. Officers had concerns about the type and size of dwellings proposed as they did not feel that the scale and style reflected the character of the area.

Councillor Pettitt spoke as Ward Rep and for the Town Council. They supported the application which they thought was well thought out and attractive and would enhance the street scene. The layout would help to eliminate on-street parking as a turning space was provided.

Mr Barbuk (Agent) said that the layout had been carefully planned to ensure that amenity was not compromised and to avoid any overlooking. It was appropriate to develop the wide and deep site to a reasonable density. Minor detailing could be dealt with by conditions or amendments.

Councillor Spencer did not consider that the designs sat well with the Edwardian houses in the Conservation Area opposite. She asked about the affordable housing contribution and was advised that a financial contribution had been offered in lieu of on-site provision.

Councillor Chapman-Allen was concerned about water displacement following site clearance, but it was confirmed that the well defined hedgerow to the rear boundary had been retained.

Councillor Carter was surprised at the descriptions used about the proposed dwellings and said they were the sort of houses that people aspired to. They appeared well constructed and well presented and he liked them. Councillor Joel agreed but was concerned about the overlooking of gardens. It was pointed out that there was no issue due to the distances involved.

After further discussion about the design and clarification of the sash windows, Members were minded to approve the application.

In that case the Planning Manager asked them to consider restricting Permitted Development Rights.

The recommendation of refusal was not supported.

Deferred, and the officers authorised to grant approval, subject to conditions including a restriction on permitted development, on completion of a section 106 agreement.

- c) Item 3: CROXTON: Off Croxton Road: Erection of concrete skate park with associated lighting & fencing, access from Joe Blunts Lane: Applicant: Thetford Town Council: Reference: 3PL/2013/1108/F

See Minute No 15/14 for declarations.

Councillor Kybird asked why the Town Council members of the Committee could not vote when they were allowed to vote on applications submitted by Breckland Council. The Solicitor explained that the Committee had to be able to make a decision on the Council's own applications.

This application was presented as a complicated and contentious proposal for a skate park on the outskirts of Thetford, within Croxton Parish, adjacent to the Thetford Academy.

Litter bins and seating shown on the indicative plan were not proposed in the Management Plan.

The distance to neighbouring properties was shown. It was 180metres to the nearest dwelling. The land sloped down to the skate park which would screen it from view but also cause a lack of surveillance.

Additional information had been provided on page 76 of the Agenda Supplement.

Planning permission had previously been granted for a skate park at the Leisure Centre site, that land was no longer available. A number of alternative sites had also been explored. It was clarified that the skate park would not be part of the Academy which already had lots of facilities for community use.

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The lack of surveillance was a concern and CCTV would assist, but was not included in the details of the application. Key concerns were the safety of users; access arrangements and impact on the Academy. Currently it was proposed to access the park from Joe Blunts Lane only. The Lane was identified in the Local Plan as a potential cycle link but was currently only a footpath.

Councillor Kybird (Ward Rep) was also a member of the Moving Thetford Forward Board. He noted that the objections to the use of Joe Blunts Lane on grounds of light and noise were not supported by the Environmental Health Officer and under Policy TH11 the owner was required to agree to an upgrade of the path. The previous Principal of the Academy had been wholly supportive of the proposal which had considerable support from the Thetford community. 25% of the population was under 16 and a healthier lifestyle was a good thing for Thetford. The skate park would form part of the Urban Extension.

Mr King (Croxton Parish Council) had no objection to a skate park but thought it was an inappropriate location with a lack of emergency access and surveillance. It would be unsuitable for family type use and might lead to unsociable behaviour. The Planning Officer, Police, Highways Officers and Academy Head had the same concerns. The previous site at the Leisure Centre had been far more suitable as well as being more central. To ensure maximum value for money it should be in a better location.

Mr Andrew (Objector) said it was clear that the youths of Thetford wanted a skate park but this was the wrong location. The Headteacher thought it would have a detrimental impact on the Academy. It would be more appropriate to build it to the south of the town to revitalise that area.

Ms Fulford (Town Council) said that the previous planning application land was no longer available. They were willing to work with Croxton Parish Council. There had been a change in leadership at the Academy and they had worked hard to overcome concerns. They now had agreement for construction traffic to access the site from the car park and would be happy to extend the CCTV system. They were in consultation with the Joe Blunts Lane landowner to allow cyclists and were also looking at providing a path alongside the car park for access. 17 sites had been investigated. This was not near residential development. She asked Members to give permission subject to access details and they would take a partnership working approach to make it work.

Councillor Childerhouse (Ward Rep) said there were a number of unresolved issues and concerns. There was a strong desire for a skate park but not on this site. It should be centrally located, accessible for all and safe with no conflict with neighbouring uses. Many considered the access inappropriate and the park not safe. It

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was a long distance from the town centre and the south of the town had less facilities. The Council should not support a project that was detrimental to the Academy's aims. In view of the objections raised he urged the Committee to carry out a site visit to see why there were concerns.

The Chairman advised Members that the Thetford Growth Programme Manager was present to answer any questions.

Councillor Spencer read a statement. She said that the skate park provision was a priority for Moving Thetford Forward. They had worked with the Town Council to see it through and they had negotiated with the Academy for over six months. The work by the Town Council should be applauded. An alternative access should be looked for but the proposal had huge support.

Councillor Claussen said there were too many things that he could not understand, including the effect on the Academy. Five years ago young men had asked the Council to support the skate park and at the current rate they would be old men before it was provided. He proposed that the Committee attended a site visit to see for themselves and to put them in a better position to make a decision. That proposal was seconded by Councillor Chapman-Allen and supported by Members.

The site visit should be unaccompanied and for Officers and Committee Members only.

Councillor Lamb knew the area well as he had lived overlooking it for 30 years. The whole area was part of the Thetford Area Action Plan and would be covered by houses so he could not understand the landscape objections. He asked Members to bear that in mind when they visited it.

For a point of clarity, Councillor Childerhouse asked if it was appropriate for Committee members that were also Thetford Town Councillors to attend the Site Visit. The Solicitor confirmed that it was.

In response to a question about whether Ward Representatives could attend the Planning Manager made clear that it would be a fact finding visit by the Committee which should be carried out the same way as a Planning Inspector's site visit with no questions on site. The purpose of the site visit was to establish the facts, nothing more or less.

Deferred, for a Site Visit.

- d) Item 4: DEREHAM: 4a Market Place: Change of use (A1 to A2): Applicant: William H Brown: Reference: 3PL/2013/1177/CU

This application sought the change of use of an existing knitting

shop (A1) to provide room to extend the adjacent Estate Agents (A2). The extension would provide a level access entrance to the Estate Agents. The applicant was not willing to market the property for A1 use (as required by the Council's policies) as there were currently 24 empty properties in the Town Centre and a number of charity shops. Policy DC9 allowed the change providing it did not increase other 'A' uses above 25% in the Primary Shop Front Area. If approved, the change would increase the percentage to 50%.

Mr Evans (Agent) clarified that the Estate Agent's premises did have internal access to the toilets whereas the Knitting Shop staff had to exit the building and re-enter through another door to access them. The extension would be easily linked by the creation of two internal doors which would allow the expansion of the letting and new homes business. Refusal could put jobs at risk if relocation was needed. The marketing campaign would mean the landlord would lose 12 months rent. The shop was hindered by the market stalls in front of it on Tuesdays and Thursdays.

Councillor Duigan read out a letter he had received from the previous occupant of the premises opposite who supported the application saying that the applicant had been in business in the town for over 70 years and that there were no other suitable premises in the town.

Councillor Carter agreed and said it was an established business seeking to develop itself and would be a useful addition and welcome in the town.

The recommendation for refusal was not supported.

Approved, contrary to the recommendation, on the grounds that it was a natural extension to a long established premises and would provide disabled access.

- e) Item 5: ATTLEBOROUGH: Land opposite Old Hall Farm Barn: Erection of a 2 bedroom agricultural dwelling: Applicant: Mrs J Syrett: Reference: 3PL/2014/0009/O

This was the resubmission of an application which had been refused in July 2013 for failure to demonstrate need. Part of the reason for refusal had been the lack of a financial contribution, but a Unilateral Undertaking had been received that morning so that reason for refusal could be removed.

Currently the arable side of the business was run by the applicant and her son managed the Heavy Horse side of the enterprise. However, he was often away attending equine events or teaching. The case for the dwelling was based on the need for on-site security and welfare of the horses and the agricultural equipment. The NPPF was clear that a dwelling could be allowed if an essential need was established but that evidence had not been provided.

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Mrs Hocking (for Applicant) said that security was needed due to the value of the livestock and machinery. People often drove into the yard and currently Mrs Syrett had to cover when her son was away. A house swap had been suggested but might increase the number of journeys. There was no room for an annex due to existing buildings all used for the business.

Councillor Stasiak (Ward Rep) said that the application had the support of Attleborough Town Council and Besthorpe Parish Council. It was a family farming business and there was a need. The initial application had not raised a Highways objection.

Councillor Martin (Ward Rep) said each application should be taken on its own merits. This was a small hamlet away from the town which could accept an addition. He asked Members to support the proposal on security grounds.

Councillor Chapman-Allen noted that the Suffolk Punch was listed as a critically endangered species. They were expensive and valuable and security was paramount. She thought the application should be supported with the right restrictions on the use of the accommodation.

Councillor Lamb agreed. He did not usually support applications outside the Settlement Boundary, but thought that this application had a good reason and should be granted.

Councillor Carter came from a farming background and was aware of the need for security. He noted that the applicant, Mrs Syrett, might need help to manage the large horses over time.

Councillor North advised that there had been only three reported crimes in the Attleborough area in the last three months. She also advised that the refusal of a similar application had been upheld on appeal.

The Planning Manager thought there was a case to be made as the horses were rare and very large and care was needed, but no case had been made. The Applicant should get an independent report to support her application. The Committee wanted to support applications from the farming community but the Applicant was expected to provide better grounds.

Councillor Joel thought that security was a good enough reason to grant permission for the dwelling with an agricultural tie.

Councillor Chapman-Allen proposed that the application be deferred to allow the Applicant to provide more substantial information. Councillor Carter seconded that proposal.

Mr Hickman-Smith (Agent) said that they would have provided more

information if they had been advised that they needed to.

Deferred, for further supporting information.

Notes to the Schedule

Item No	Speaker
Deferred Report Agenda Item 8a	Mr Read – Objector Mr Thompson - Applicant
1	Cllr Gilbert – Ward Representative Cllr Rogers – Town Council Mr Lincoln – Objector Mr Campbell - Agent
2	Cllr Pettitt – Ward Representative Mr Wright – Applicant Mr Barbuk - Agent
3	Cllr Childerhouse – Ward Representative Cllr Kybird – Ward Representative Mr King – Croxton Parish Council Miss Fulford – for Applicants Mr Howard – for Applicants
4	Mr Evans - Agent
5	Cllr Stasiak – Ward Representative Cllr Martin – Ward Representative Mr Hickman-Smith – Agent Ms Hocking – for Applicant

Written Representations taken into Account

Reference No	No of Representations
3PL/2013/1108/O	68
3PL/2013/1084/F	3
3PL/2014/0009/O	1
3PL/2013/1045/O	6

20/14 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

21/14 APPEAL DECISIONS (AGENDA ITEM 11)

Noted.

22/14 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 12)

Noted.

The meeting closed at 1.13 pm

CHAIRMAN