

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 8 February 2016 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor C Bowes	Mr K. Martin
Mr R F W Brame	Mr J Newton (until 1pm)
Councillor M. Chapman-Allen	Mr A.P. Joel
Mr H E J Clarke	Mr F.J. Sharpe (Vice-Chairman)
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan	Mrs J Hollis (Substitute Member from 1pm)

Also Present

Mr S.G. Bambridge	Mrs L.S. Turner
Mr K.S. Gilbert	Mrs A M Webb
Mr A.C. Stasiak	Mr P S Wilkinson

In Attendance

Mike Brennan	Operations & Contract Manager (Capita) (shared)
Neil Campbell	Planning Policy Manager *
Chris Curtis	Enforcement Manager*
Gary Hancox	Principal Planning Officer*
Chris Hobson	Principal Planning Officer*
Helen McAleer	Senior Democratic Services Officer
Nick Moys	Principal Planning Officer *
Cathey Rix	Planning Assistant*
Nicola Swan	Locum Solicitor

* Capita for Breckland Council

14/16 UPDATED GLOSSARY OF TERMS & ABBREVIATIONS (AGENDA ITEM 1)

Noted.

15/16 MINUTES (AGENDA ITEM 2)

The Minutes of the meeting held on 11 January 2016 were confirmed as a correct record and signed by the Chairman.

16/16 APOLOGIES & SUBSTITUTES (AGENDA ITEM 3)

Apologies had been received from Councillor Robinson.

Councillor Newton left the meeting at 1pm for medical reasons and Councillor Hollis took over as his Substitute from that time.

**17/16 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED
(AGENDA ITEM 4)**

Agenda Item 7: Urgent Item (Watton) - Councillor Bowes abstained from voting on this item as her family owned land adjacent to the site.

Action By

Agenda Item 9:

Schedule Item 1 (Dereham) - All Members had received direct representation.
Schedule Item 2 (Old Buckenham) – Councillor Joel spoke as Ward Representative in support of the application and did not take any part in the discussion or voting.

18/16 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 5)

The Chairman introduced the presenting officers and also Scott Stockdale an Economics student who was present to observe the meeting.

He noted that it was Councillor Chapman-Allen's last meeting and thanked her for her work on the Committee. He also informed Members that it was Gary Hancox's last meeting.

19/16 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 6)

None.

20/16 URGENT BUSINESS (AGENDA ITEM 7)

WATTON: Land west of Saham Road: Residential development of 73 dwellings:
Applicant: Hopkins Homes: Reference: 3PL/2015/0219/F

The Chairman had agreed to take this urgent item of business. The report had been published on the Supplement to the Agenda.

The Principal Planning Officer explained the reason for urgency. The application was subject to an Appeal which would be determined by the Planning Inspectorate at a Hearing on 6 April 2016. The Council was required to submit a Statement of Case by 11 February.

In preparing the Statement of Case it had become apparent that the amenity ground for refusal was not defensible and would potentially place the Council at risk of the award of costs. It was therefore proposed that that ground for refusal be withdrawn. The Appeal would be defended on the other reasons for refusal.

Councillor Bowes declared that as her family owned the adjacent land to the site she would abstain from voting.

Councillor Claussen encouraged members of the public to attend the Hearing.

RESOLVED that the Council formally withdraws its amenity ground for refusal.

21/16 LOCAL PLAN UPDATE (AGENDA ITEM 8)

The Planning Policy Manager updated Members on current issues.

The consultation on the Local Plan would close on 22 February. To date 150 representations had been received and more were expected before the consultation closed. A number of well-attended public events had been held. Two further events would take place on Tuesday 9 February at Queens Hall, Watton and Thursday 11 February at Necton Village Hall (both from 2pm – 7pm).

The Evidence Base studies were all progressing as set out in the report.

Councillor Clarke asked when the briefing by the Lead Local Flood Authority would be received by the Committee. It had been scheduled to follow the January

Committee but due to the length of that meeting it had been postponed and would be re-arranged for March or April.

Councillor Claussen referred to the proposal in the Government's Comprehensive Spending Review (CSR) that New Homes Bonus (NHB) would not be paid to Councils for housing granted on appeal. The Council relied on NHB money and he felt that the planning process should work for the benefit of local people. The proposal was out to consultation at the moment and he asked the Chairman to write, on behalf of the Committee, to object in the strongest possible terms.

The Chairman agreed to construct a response with the Leader of the Council.

22/16 DEFERRED APPLICATIONS (AGENDA ITEM 9)

22a. NARBOROUGH: Chalk Lane: Reserved matters application for the erection of 55 dwellings & full application for the erection of 18 dwellings: Applicant: Persimmon Homes East Midlands: References: 3PL/2015/0926/D and 3PL/2015/0928/F

These two applications had been deferred by the Committee because of the following concerns: overlooking to the northern boundary; design of the dwellings; the location of affordable units; and the integration of open space.

Members were given a brief recap of the applications and shown comparison layout plans and house designs.

The Applicants had not been able to integrate the open space, due to an easement around the pumping station. Various options had been considered and one dwelling had been moved closer to provide natural surveillance to the area.

Amendments to address the impact on amenity provided five single storey dwellings on the northern boundary (three more than previously). The separation distances were considered acceptable and the landscape buffer would be increased.

Four of the affordable units had been relocated and they were now spread between three cul-de-sacs.

House types had been amended and enhanced. Officers considered that the concerns had been sufficiently addressed.

Further representations had been received and were shown to Members, together with the response sent by Officers.

Mr Bucknell (Objector representing residents of 1-19 Westfields) was disappointed that the outcomes of a number of public consultations by the Applicant had been ignored. Residents had requested that all adjacent dwellings should be single storey. The land had originally been purchased for 55 dwellings and now 73 dwellings were proposed. He was particularly concerned about Plot 66 which was only 2.5m from the boundary with Westfields.

Ms Dew (for Applicant) had worked with Officers to overcome Members' concerns. The elevational treatment for 78% of the houses had been enhanced. Three dwellings had been changed to single storey and separation distances had been increased and the affordable housing units had been redistributed to provide physical separation. The scheme was a high quality, sustainable development.

Councillor Wilkinson (Ward Representative) said that residents only objected to the northern boundary treatment. Despite dialogue with the Applicants there was still one two-storey dwelling (Plot 62) which was a blot on the landscape and would

cause overlooking. The Parish Council was also concerned that street lighting should be provided at the developer's expense.

Members asked if there was any possibility that Plot 62 could be single storey. However, they were advised that there would be no grounds for refusal as the separation distances were adequate. Officers would ensure that the landscaping proposals provided an immediate screen.

RESOLVED that both applications be deferred and the officers authorised to grant approval, subject to the conditions in the original reports, on completion of the section 106 agreements.

The Chairman stated for the record that the Committee was not happy that Persimmon had not listened to the residents' comments in their consultation.

22b. SHIPDHAM: Parklands Avenue: 24 dwellings and associated open space, parking and access road: Applicant: MDPC Ltd: Reference: 3PL/2015/0562/F

This application had been approved at Committee in December 2015 in accordance with the report, subject to the S106 Agreement. It had been made clear at that meeting that two existing bridleways would have to be diverted to accommodate the development.

Members were requested to confirm that they were satisfied that the diversion was necessary to enable to development to proceed.

RESOLVED that

- (1) the diversion of the bridleways was necessary to enable the development to proceed; and
- (2) authority be given to progress the diversion of the bridleways under section 257 of the Town & Country Planning Act 1990.

23/16 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- a) Item 1: DEREHAM: Land to the rear of 35-61 Westfield Road: Residential development of up to 100 dwellings including access: Applicant: Trustees of the GR Scott Will Trust: Reference: 3PL/2015/0846/O

All Members had received direct representation.

This was a locally contentious application due to concerns about the loss of employment land and traffic impact. Since agenda publication Councillor Millbank, Ward Representative, had written raising both of those concerns and the Dereham Business Forum had made representation about the loss of employment land.

It was clarified that the comments in the report under Asset Management (page 64) were the combined comments of the Asset and Economic Development teams.

One further update was that following receipt of the District Valuer's report the affordable housing contribution had been increased from 30% to 40%.

The site was suitable for residential development being well related to local services. It would make a significant contribution to the supply of housing,

Action By

including affordable housing, and would also provide public open space and financial contributions to local infrastructure including the local Doctor's surgery (to extend the existing premises). However, the proposal would cause the loss of designated employment land, contrary to Policies.

It was noted that the site had been allocated as employment land for 25 years with little interest being shown although the Town Council had suggested that that was due to a lack of marketing.

With regard to traffic concerns, Westfield Road was a two-way residential road subject to periods of heavy use and parking pressure, particularly at school times. There were already problems turning right at the junctions from that road. The transport assessment was that the scheme would lead to a 1-2% increase in traffic at peak times which would not make a significant difference. A traffic management scheme, including a 20mph limit would be conditioned. The detailed comments from Dereham Town Council had been referred directly to NCC and they maintained no objection.

Mr Needham (Clerk to Dereham Town Council) noted that the Council's Planning Policy and Economic Development Teams both supported retention of the employment land. There was insufficient evidence of a lack of demand and the land should be actively marketed for a reasonable time before housing development was approved.

Mr Robinson (for Applicant) said the site was in the Settlement Boundary and people would be able to walk or cycle to facilities making it a sustainable development. Dereham did need employment land but in the right place and this site was not viable as the cost of development for offices, etc, was too high. It had no services and was close to housing. The traffic congestion on Westfield Road was around school times which were different to peak commuter times. Children would walk or cycle to school or use the bus. The developer would fund the 20mph zone.

Ms Harrison (Objector) supported the Town Council's views. The roads were severely congested and there were long delays at the junctions and problems with on-street parking. The sewage works had reached capacity.

Mrs Baker (Objector) said a water main ran along the left side of the field so there could be no building within six metres of that. Seven other housing sites were available. This site was adjacent to Rash's Green which had all services. An upgrade to the A47 could improve the employment situation. The Neighbourhood Plan was in its early stages; she asked Members to wait for that.

The Chairman read out the comments of Councillor Millbank (Ward Representative). She raised concerns about the loss of employment land in an area where employment was needed and the build-up of traffic at the Tavern Lane traffic lights. The area was already congested and a 20mph limit would make no difference. The sewage details were vague and drainage problems in the area should be taken into consideration. She also asked Members to wait for the Neighbourhood Plan.

Members discussed the issues. Although the land had not been marketed it was clearly identified in the current and emerging Local Plan as employment land. It was not known when the Dereham traffic survey would be complete. It was incumbent on Members to make a decision on the application as submitted.

Councillor Claussen thought the 1-2% increase in traffic would make a difference as Dereham was already gridlocked. He also thought people would use the narrow railway bridge to access facilities which would add to problems. On balance he was against the proposal.

Councillor Duigan had supported the bid for the upgrade of the A47, part of which said that Dereham was a good place for employment. The improvements would change employment prospects in the lifetime of the Local Plan. He was also concerned that residential development of the site could put the nearby industrial units at risk. The site needed protecting for employment. No decision should be taken before the traffic survey results were known.

Councillor Clarke strongly supported the previous comments and said that the cumulative effects of other developments needed to be taken into account.

The recommendation for approval was not supported.

Refused, on the grounds that the loss of employment land was not acceptable.

- b) Item 2: OLD BUCKENHAM: Builders Yard, Hargham Road: Single dwelling with access: Applicant: Mr B Barnard: Reference: 3PL/2015/0869/O

Councillor Joel spoke as Ward Representative for this application and did not take part in the discussions or vote.

The site had previously been a builder's yard but was now being used for the storage of high value cars. A mobile home was currently in use on the site. The site area had been amended; the red line reduced and the proposed house brought forward on the site. The Applicant was the owner of the adjacent business and the occupation of the house would be tied to the business by legal agreement.

Mr Barnard (Applicant) had moved his business and his family to the village and had support from the villagers. He added to the local economy and would use a local builder if the house was approved. The business would not be sustainable without a dwelling for security. The proposal would tidy the site and improve the approach to Old Buckenham.

Councillor Joel (Ward Representative) lived in the village himself. The existing house had not been used for 32 years. The business was going well and a house was needed for security. The Parish Council and residents supported the proposal.

It was clarified that the Applicant was currently living in the mobile home on site and would be happy for that use to cease on occupation of the dwelling.

Decision that authority be delegated to the Executive Director Place in consultation with the Chairman to grant approval, subject to the conditions in the report, on prior completion of the section 106 agreement.

- c) Item 3: WATTON: Land off Town Green Road: Residential development of 98 dwellings and open space and play areas: Applicant: Abel Homes Ltd: Reference: 3PL/2015/1191/O

Action By

This was an outline application with only access to be considered. Details of the highway works for the single vehicular access were shown.

Mr Abel (Applicant) owned the land and would build the development, providing 40% affordable housing. The site was well related to services and transport links.

Mr Sales (Objector) had made representation to the Planning department about the road layout and raised concerns about a protected oak tree on the access route. There were a lot of properties being built in Watton and not enough doctors.

Councillor Gilbert (Ward Representative) said that Watton was facing a population explosion which it could not cope with. He quoted figures for the number of applications, approved and/or being built. The doctors', schools and drainage systems were hard pressed. He did not consider it to be sustainable development.

Councillor Bowes spoke as Ward Representative and Norfolk County Councillor and questioned the Highway response. She asked if the impact of traffic exiting and turning left from the site had been assessed. She was concerned that a 'rat-run' would develop on part of a 'walk to school' route. She had serious child safety concerns and asked Members to defer the application for further comments from Highways. If they were minded to approve she asked for an additional condition restricting access for construction traffic.

Councillor Clarke asked about the lack of comment from the NHS.

The Health Service was consulted on all major applications although they were not statutory consultees. A central point of contact had been identified for planning consultations and they then consulted locally. They had not responded to this consultation. It was clarified that they could only request contributions for infrastructure improvements, not to fund more doctors.

Councillor Chapman-Allen asked which oak tree Mr Scales was concerned about and he identified it on the map. The Planning Officer advised that it was not directly affected by the development. It was confirmed that an arboricultural report had been submitted.

Councillor Duigan asked the meaning of Condition 3003 – Early delivery of housing time limit and whether the houses were deliverable and sellable in those time limits.

It was explained that Outline applications were normally given three years to submit Reserved Matters and then two years to commence work. Condition 3003 reduced that to two years and one year.

Mr Abel confirmed that his Company had no unsold stock because they built the right sort of houses at the right price.

Councillor Claussen asked Councillor Bowes to identify her concerns on the map. She pointed out the 'walk to school' route and the roads that she thought might become a rat-run.

Members were advised that NCC Highways would have taken that into consideration.

Councillor Bowes reiterated her request that construction traffic be restricted from using that route. She then abstained from voting.

Decision that authority be delegated to the Executive Director Place in consultation with the Chairman to grant approval, subject to the conditions in the report and an additional condition to restrict construction traffic movements, on prior completion of the section 106 agreement.

- d) Item 4: SHIPDHAM: The Cricket Players, Old Post Office Street: Residential development for 23 No dwellings: Applicant: George Tufts & Son (Watton) Ltd: Reference: 3PL/2015/1267/O

This Outline application would provide 14 market and 9 affordable dwellings in a mix of semi-detached and terraced houses similar to others in the area. The site was within easy reach of facilities. Two previous applications had been refused but Officers considered that the proposed highway improvements would provide a net benefit to road safety and the development would contribute to the Council's housing land supply.

Mr Futter (Agent) said there had been major changes to planning since the previous refusals. The site was part of a larger area identified as a strategic housing site and should be considered in the context of sustainability. It would not harm the area and there were no objections from statutory consultees.

Mr Beech (Objector) thought the proposal was large, unsightly and inappropriate, being out of character with the existing rural setting in terms of density and style. It was remote from village amenities with no easy access. Existing dwellings would suffer loss of privacy, noise and disturbance. There was a risk of flooding; the foul water system needed to be sustainable and the modifications to the road would not ensure safety.

Councillor Turner (Ward Representative) spoke on behalf of Shipdham Parish Council. Two previous applications for 30 and 14 dwellings had been refused on a number of grounds. A large part of the site was outside the Settlement Boundary with no exceptional circumstances. The density was inappropriate and the highways alterations would cause more issues. There were concerns about drainage; great crested newts, bats and owls; and increased pressure on Doctors. 177 dwellings had already been approved in the village and other sites inside the Settlement Boundary had been identified for development.

Councillor Chapman-Allen asked if the stopping up of part of the junction would inconvenience residents and Councillor Turner confirmed that it would and it would cause problems for emergency vehicles, etc.

The context of the junction and how it had looked historically was discussed. The Officer advised that Highways felt the existing arrangement was dangerous and it would be safer for residents if the junction was changed.

Councillor Bowes agreed and thought the improvements would also provide more privacy for existing dwellings.

It was confirmed that the density of the development was similar to its surrounds, using the mix of dwellings along the site boundary as comparison.

Decision that authority be delegated to the Executive Director Place in consultation with the Chairman to grant approval, subject to the conditions in the report, on prior completion of the section 106 agreement.

- e) Item 5: ELSING: Garden land adjacent to Woodforde Cottage, Mill Street: Erect detached dwelling and garage: Applicant: R S Baker & Sons Ltd: Reference: 3PL/2015/1287/F

This was a finely balanced application for a dwelling on an infill plot. A similar application had been refused and dismissed on appeal. The key question was sustainability. The Planning Inspector had concluded that due to the distance and lack of safe pedestrian route to local services the scheme was unsustainable. It was therefore recommended for refusal.

Mr Moulton (Agent) said the proposal was for a three bedroom dwelling for rent. The Applicant owned and rented other properties in the area and they were all occupied usually on long-term lets by local tenants. An electric vehicle could be provided, charged using photo-voltaic panels, to address the Inspector's concerns. The route to Lyng was relatively safe, like many others in Norfolk and Lyng had local services and business/employment opportunities.

Councillor Bambridge (Ward Representative) agreed the application was finely balanced but it did have the support of the Parish Council and most of the village. The distance to the shops was a lot less than some new homes approved in towns. The development would make a positive contribution to the village. Rental properties were needed.

Councillor Claussen commented that the problem with electric cars was that pedestrians could not hear them coming.

Councillor Chapman-Allen said she lived in a village without footpaths but that did not make it unsustainable.

The recommendation of refusal was not supported.

Approved, on the grounds that the proposal was sustainable development and had the support of the Parish Council and residents.

- f) Item 6: WATTON: Development at the Old Carpenters Arms, Swaffham Road: Demolition of 21 Swaffham Road and associated outbuildings and erection of 23 dwellings and garages: Applicant: S & A Jones Developments Ltd: Reference: 3PL/2015/1322/F

This site was in the Settlement Boundary, allocated for housing in the Core Strategy and was well related to local facilities. The road network was sufficient for the traffic and junctions, laybys and parking provision were considered acceptable by NCC Highways.

Councillor Gilbert (Ward Representative) had concerns about the protection of Three Post Road which formed part of the Peddars Way walk and was also a bridleway. He thought this was the sort of sustainable development that Watton needed to grow slowly.

Mr Futter (Agent) said the Applicants were local developers with an excellent reputation for high quality houses. The proposal would provide nine units of affordable housing and contributions to local schools.

Decision that authority be delegated to the Executive Director Place in consultation with the Chairman to grant approval, subject to the conditions in the report, on prior completion of the section 106 agreement.

- g) Item 7: ATTLEBOROUGH: Pixie Paddock, Leys Lane: Proposed new single storey dwelling house: Applicant: Kate and Nigel Bunton: Reference: 3PL/2015/1351/F

This site was part of a paddock in front of an existing house in an area of sporadic development within walking/cycling distance to the town centre. The area was within the proposed urban extension to Attleborough.

There was one outstanding issue from the Internal Drainage Board (IDB) and if Members were minded to approve the application it would be subject to that issue being resolved.

Councillor Stasiak (Ward Representative) fully supported the Officer's recommendation. There had been no objections from the Town Council or neighbours. It was the third application in the area recently and would enhance a pleasant part of the town with its individual design.

Councillor Martin (Ward Representative) clarified that the road had very low use by traffic. He was glad a passing place would be provided.

Approved, as recommended, subject to the conditions in the report and to satisfactory resolution of the IDB objection.

- h) Item 8: HOLME HALE: Crossways Farm, Cook Road: Variation of condition 3 on 3PL/2015/0409/O in respect of single storey restriction: Applicant: Mr David Yaxley: Reference: 3PL/2015/1390/O

Officers considered that this application for the removal of a single-storey restriction on Plot 1, which was furthest from the neighbouring dwelling and low in height, did not cause amenity issues.

Mr Westgate (Objector) lived in the adjacent dwelling. The development would look directly into his son's bedroom and be an invasion of privacy and not in keeping with other properties which were all single storey. The variation was solely for economic gain. The new block plan showed the single storey dwelling at the same height as the other. He had concerns that there would be future development in the roofspace.

Mr Warnes (Agent) advised that two storey was needed for economic reasons. Both properties were to be used for rental. They appeared the same height because Plot 2 would be a chalet.

The Chairman confirmed that Plot 1 was restricted to single storey and any amendments would have to come to Committee.

Approved, as recommended.

**24/16 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE
(AGENDA ITEM 11)**

Noted.

25/16 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 12)

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act.

26/16 ENFORCEMENT UPDATE (AGENDA ITEM 13)

The Enforcement Manager gave Members a verbal update. He was pleased to announce that Ian Williamson had been appointed as a new Enforcement Officer and had started work.

The statistics for 2015 had been reviewed and compared to 2014. There had been 435 new cases in 2014 and 340 in 2015. That reduction was mainly down to the new electronic recording methods and robust screening. In 2014 there had been 436 cases closed and in 2015 346 cases had been closed.

In the last year 96% of cases had been resolved without formal action and in 100% of cases investigations had commenced within ten working days. Those figures were particularly good considering that the team had been low on staff and the Enforcement Manager himself had been off sick for some weeks with a broken ankle.

The team had the target of resolving 90% of cases within 12 months. Currently they were achieving 99% and of the 346 cases closed, 52 had resulted in retrospective planning applications bring in fees of over £16,000.

A complaint to the Ombudsman had been dismissed. Four formal cases were currently under appeal.

S106 Agreements were 100% up-to-date and all input to the new Ocella system. Reports could now be run for all applications with legal agreements and information on how much money had been collected and how much had been spent was available. Work was on-going to build in restrictive elements to legal agreements to enable reminder letters to be generated annually to remind people of those restrictions. All Unilateral Undertakings would also be added to the database.

Questions on individual cases would be discussed individually outside the meeting.

The Chairman thanked the Enforcement Manager for his update.

The meeting closed at 2.40 pm

CHAIRMAN