

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 9 January 2017 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr N.C. Wilkin (Chairman)	Mr P.D. Claussen
Mr F.J. Sharpe (Vice-Chairman)	Mr P.J. Duigan
Councillor C. Bowes	Mr A.P. Joel
Mr R. F. W. Brame	Mr K. Martin
Councillor M. Chapman-Allen	Mr J. Newton
Mr H. E. J. Clarke	Mr P. S. Wilkinson

Also Present

Mrs J. Hollis (Substitute Member)	Mr S.G. Bambridge
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In Attendance

Steven Bell	Legal Advisor (Solicitor)
Mike Brennan	Head of Development Management
Chris Hobson	Principal Planning Officer*
Cathy Rix	Technical Assistant*
Simon Wood	Interim Business Manager*
Julie Britton	Democratic Services Officer

* Capita for Breckland Council

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1/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 12 December 2016 were confirmed as a correct record and signed by the Chairman.

2/17 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

None.

3/17 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Agenda item 9 – Schedule of Applications

Schedule Item 2 (Saham Toney) - Councillor Bowes declared that she would not be taking part in the discussion and would abstain from voting on this application as she had an interest in the locality itself.

Schedule item 4 (Sporle) - Councillor Wilkinson asked to speak on this application as the Ward Representative and not as a Planning Committee Member following which he took no further part in the discussion and left the room and therefore did not vote on the matter.

4/17 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

There was a need for a further site visit in Billingford. The suggested dates were either Wednesday, 1 February or Thursday, 2 February 2017. Members were encouraged to attend and to contact Mike Brennan with their preferred date.

It was noted that Members would have to make their own travel arrangements.

On another matter, Chris Curtis, the Enforcement Officer would be providing the Committee with an update at the next Planning meeting on 6 February 2017. Members were asked to make contact with the said Officer prior to the meeting if they had any enforcement issues within their Ward.

5/17 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

None.

6/17 URGENT BUSINESS (AGENDA ITEM 6)

None.

7/17 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

There was nothing to report this time; however, if Members had any questions the Chairman suggested that they contact the Planning Policy Team direct. He further suggested that this item be removed from the agenda and reported on a bi-monthly basis.

Councillor Claussen mentioned the email that all Planning Committee Members had received from Chris Parsons of Parsons and Whittley challenging the Council's five year housing land supply and felt that further advice was needed on this matter. He also mentioned the Dereham Transport Study that he felt should be changed as a matter of urgency to incorporate those settlements that would be affected by the increase in development. The Chairman assured Members that if they preferred to have a Local Plan update at every Planning Committee this could be accommodated.

Councillor Claussen felt that it deserved to be minuted that the Council did have a robust 5 year housing land supply and that this important information and the implications of it be circulated to a wider audience. It was suggested and agreed that the response that was sent to Parsons be emailed to Members for information.

The Interim Business Manager pointed out that now the Council had this five year housing land supply it would, no doubt, be challenged and agreed with the suggestion that this information needed to be disseminated. Councillor Clarke echoed the comments made as the five year housing land supply did change the landscape going forward and he welcomed what had been said.

Councillor Bambridge, the Executive Member for Growth mentioned that a Local Plan Working Group meeting had recently been arranged to be held on Friday, 3 February 2017 at 10.00am in the Anglia Room and all Members were invited to attend.

8/17 DEFERRED APPLICATIONS (AGENDA ITEM 8)

Councillor Duigan asked for an update on the three deferred applications for Dereham as according to the schedule all had been expected to return in the autumn of 2016 and all could have a significant effect on the Local Plan and the housing quota to date.

The Operations & Contract Manager would inform Members accordingly.

9/17 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

- a. Item 1 – Dereham: Rear of Greenfields Road: Residential development of 48 dwellings: Applicant: Mr Robin Green: Reference: 3PL/2016/0952/O

Simon Wood, the Interim Business Manager presented the outline application. Whilst permission was being sought for access only with all other matters reserved, indicative drawings had been submitted showing the 48 dwellings together with roads and public space. If Members were mindful to approve the application, the noise condition would be amended to take on board the bund and other appropriate measures would be put in place. He reassured the Committee that noise issues would be treated seriously.

Additional correspondence had since been received since the publication of the agenda including one letter from a resident who lived close to the proposal.

The recommendation was one of approval.

Mr Robin Green the applicant was in attendance and stated that the number of dwellings as first proposed had been much higher but following discussions with Nick Moys, a former Principal Planning Officer (Capita), the numbers had been reduced to 48.

The Chairman read aloud extracts from a letter received from Councillor Webb, a Ward Member for Dereham who was dismayed to see yet another application being put forward for a substantial number of houses in Dereham without appropriate infrastructure in place and was; therefore, asking for it to be refused.

The Interim Business Manager advised that infrastructure were issues that the Council had difficulty with and could therefore be approached by way of a Grampian condition to prevent the start of development until the appropriate infrastructure was in place.

Councillor Clarke, also a Ward Member for Dereham, asked if a response from NHS England was required; the access to the site also needed to be confirmed.

Members were informed that the access would be off Greenfields Road by way of Norwich Road. As far as the former question was concerned, it was noted that it was at the choice of NHS England as to whether they responded or not and as the threshold for a response was 50 units this proposal was for less. Councillor Clarke did not discount anything that Councillor Webb had said but Dereham Town Council had met with Anglian Water to which their response was that it was a growth strategy situation which was on-going. Councillor Duigan asked the applicant if he had made any contact with Anglian Water. Mr Green said that he had contacted Anglian Water a number of years ago and had been told that a total of 900 dwellings on the Greenfields Estate would be diverted to the Mattishall Treatment Plant but had as yet done nothing.

It was agreed that the Grampian condition should be included in the decision notice.

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Councillor Claussen pointed out that the latest District Valuer's methodology did not provide him with much confidence. The Interim Business Manager explained that this was a service that the Council paid for but the wording could be slightly better. This was a greenfield site and he had no issue with the District Valuer's assessment except for the wording.

Councillor Claussen felt that planning was failing and not working and Mr George Freeman MP should be contacted as local authorities were being shackled by empty promises by these infrastructure bodies.

Councillor Wilkinson mentioned broadband and felt that there should be a note on future planning applications to insist on fibre broadband being installed on all new developments.

Approved, as recommended, subject to a Grampian condition being included.

- b. Item 2: Saham Toney: Site adjacent Parkers Primary School: Proposed residential development: Applicant: Mr E Buscall: Reference: 3PL/2016/1017/O

Councillor Bowes abstained from taking part in the discussion as she had an interest in the locality itself.

Members' attention was drawn to the amended reasons for refusal on page 85 of the supplementary agenda.

Chris Hobson, the Principal Planning Officer (Capita), presented the application for a proposed residential development on greenfield land outside of the Settlement Boundary. Members were informed that a report had been received from the applicant's agent in terms of the Council's five year housing land supply, which the Council robustly defended, and had also submitted a report on the benefits of the scheme. The application if approved would provide 40% affordable housing and the provision of open space both of which would be secured by a S106 Agreement.

The application had been recommended for refusal due to the site being outside the Settlement Boundary and the risk of harm to the character and appearance of the landscape.

Mr Chris Parsons, the applicant's agent, pointed out that the application had originally been supported and should have been determined in November 2016 but was pulled in December due to the five year housing land supply. He mentioned Saham Toney's Local Service Centre (LSC) status and also mentioned the relationship to the adjacent school and that it would not appear as isolated development in the open countryside. The most important benefit he felt was the provision of affordable housing - there was a real need in the village and irrespective of the five year housing land supply this application would protect the Council from further shortfall.

Councillor Sharpe pointed out that Saham Toney's LSC status had since been removed and therefore the level of development should automatically be restricted. He felt that the development was too far out

and therefore not sustainable and would be of a detriment to the character and appearance of the area.

Councillor Claussen reminded the Committee that if the LSC status had been revoked this proposal would then be limited to 10 units and the whole emphasis would completely shift. The five year housing land supply had changed everything and therefore he would be supporting the Officer's recommendation.

Refused, as recommended.

Councillor Bowes abstained from voting on this matter.

- c. Item 3: Oxborough: Oxborough Lakes House, Oxborough Lakes, Oxborough Road: Conversion and enlargement of the existing barn to a form a new residential dwelling to replace that approved under 3PN/2014/0024/CU: Applicant: Mr Alan Boswell: Reference: 3PL/2016/1129/F

The Principal Planning Officer (Capita) presented the application and pointed out that paragraph 3.5 referred to the incorrect area as the dwelling was located in the Swaffham Heath area. He also pointed out the additional condition highlighted on page 86 of the supplementary agenda.

The proposed scheme also included a package of ecological enhancement measures including the provision of a publicly accessible bird hide.

The proposal did conflict with policies CP14 and DC20; however, the conversion and enlargement of the existing barn would not give rise to any significant additional harm over and above that would occur by way of the extant permission.

The recommendation was one of approval subject to conditions and subject to a legal agreement.

Councillor Claussen asked what the 'white blob' represented on the photographs that were shown. Mr Burgess who was in attendance to answer questions on the design explained that this was the existing industrial building that was covered in highly polished cladding. Councillor Claussen was of the view that this type of cladding would not attract the birds.

The Chairman asked if the supports holding the first floor would be drilled down into the ground. Members were informed that deep screw piling was being considered.

It was noted that the word 'no' had been omitted from paragraph 6.6 – the Environment Agency had raised 'no' objections to the proposed development.

Councillor Marion Chapman-Allen asked why the white building was being retained. Mr Burgess stated that this building would be used by students and his client did not want to lose the buildings historical features.

Councillor Joel could not see the point in paragraph 10.2. Members were

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informed that this was standard and it gave Members the option to bring it back to Committee and refuse.

Approved, as recommended subject to conditions and a legal agreement.

The Chairman asked Mr Burgess that on completion an invite be sent to the Planning Committee to visit the site.

- d. Sporle: Thatched Cottage Too 29, The Street: Approval of Reserved Matters 'appearance, landscaping, layout & scale' for the proposed single storey: Applicant: Mr & Mrs D Russell: Reference: 3PL/2016/1167/D

Councillor Wilkinson asked to speak on this matter as the Ward Representative and not as a Planning Committee Member. Following a point of order in relation to predetermination, it was agreed that he would speak first then leave the room and therefore would not be voting on this application.

The Interim Business Manager presented the Reserved Matters application. The site history was highlighted as it was considered relevant in terms of the levels of the proposed property. Plans were shown displaying the floor levels, the proposed elevations and the floor plan itself which was felt to be unobtrusive. Further landscaping had to be agreed and would be brought forward in a future application. It was noted that the principle of the development and the access had already been approved.

The Ward Member provided photographs which highlighted the many vehicles parked near the proposed access. He felt that there was no room for any screening whatsoever and the privacy that the occupants of number 31 had in their garden would be lost and therefore contravened Policy DC.01. He reminded the Committee of a similar development on this site that had been refused and had been quashed by Appeal.

Members were reminded that the principle of development and the access had already been agreed.

Councillor Wilkinson, the Ward Member left the room.

Chris Parsons, the applicant's agent, also reminded the Committee that this application was to approve the Reserved Matters and it had been at the Members request that this application be brought back to Committee at this stage. He advised that the current design maintained the levels as approved and his client would be perfectly happy to plant additional screening. This dwelling would be of a high quality design in a rural area and would be delivered to Passivhaus standards.

Marguerite Sturdivant, an objector to the application and the owner of Chapel View also provided photographs of the site and the letter from the Planning Inspectorate in relation to the quashed Appeal. This application had not changed and she highlighted the various paragraphs within the letter as to why this development should not take place. If this development was approved it would block out the sunlight as the proposal was much higher than her garden and she urged the Committee to refuse the application in line with Policy DC.01. It was noted that Shadow Studies had been submitted by the applicant.

Councillor Claussen found these comments to be very interesting but too late as the principle of development had already been approved and he was content with the design and felt that the concerns had been addressed.

Approved, as recommended.

- e. Bawdeswell: The Shetlands, Reepham Road: Standing of 3 units of accommodation: Applicant: Mr F Massingham: Reference: 3PL/2016/1196/F

The Principal Planning Officer (Capita) presented the application and highlighted the history of the site showing the previous permissions that had been granted. It was noted that the description of the development was incorrect as the accommodation related to one portacabin, a mobile home and one touring caravan not two mobile homes and one touring caravan. It was further noted that the recent Planning Policy for Traveller Sites (PPTS) introduced an amendment to the definition of Gypsy and Traveller for planning purposes and had therefore changed the scope of the application and therefore should be given weight.

The application was for one of approval subject to conditions.

Mr Bill Cuncliffe, the Chairman of Bawdeswell Parish Council was in attendance and spoke on behalf of the Parish Council and all parishioners and urged the Committee to refuse the application. He agreed with the Highways Authority's comments in relation to visibility limits and that the applicant had done nothing to improve the situation and was now in fact displaying items for sale at the entrance of the site which in turn reduced the visibility. He drew attention to another application that had been refused near to this particular site and felt that if Members were mindful to approve the application it would set a precedent.

Councillor Bambridge, a Ward Member agreed with the Parish Council's comments and felt that the Policy needed to be reviewed since the legalisation had changed. This, in his opinion, was a very fast stretch of straight road and anything that was built on this remote site would be seen. The Highways Authority had objected and he had been approached by a number of residents in the village also objecting to the application. Councillor Bambridge pointed out that he had no problem with the applicant himself but if approved, it would definitely set a precedent.

The Operations & Contract Manager reminded the Committee that the Highways Authority had not objected to the application.

The Chairman also reminded the Committee that any replacements to the site would require a further application; Members were only being asked to approve what was already on the site.

Councillor Chapman-Allen highlighted paragraph 2.2 of the report and with this in mind she felt it would be very difficult to refuse this application.

In response to a question in relation to one of the conditions listed in the report as to whether this permission, if approved, could be inherited by dependents, the Operations & Contracts Manager explained that Officers

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were recommending permission to the applicant/spouse and any occupants on the site at the time. Steven Bell, the Legal Advisor agreed with this response.

Councillor Claussen asked if Breckland Council had run out of temporary permissions. The Operations & Contracts Manager stated that Councils were discouraged issuing temporary permissions and given the circumstances around this application a permanent permission would be warranted. All applications such as these would have to be determined on their own merits; this one was different as the applicant no longer conformed to the definition of a gypsy. Councillor Claussen said that he would be more comfortable granting a temporary permission again until all this new legislation had been considered.

The Chairman advised that Members had three options, approval, refusal or temporary permission.

Approved, subject to conditions and subject to the amended condition no. 2 highlighted on page 85 of the Supplementary Agenda.

- f. Gressenhall: Land opposite 22 Chequers Lane: Residential development comprising two detached houses and garages: Applicant: David Marshall: Reference: 3PL/2016/1226/F

The Interim Business Manager presented the application which was outside the Settlement Boundary. The site history was highlighted which included the outline planning permission and Reserved Matters application already granted. This application sought approval for two, two storey detached dwellings with detached garages on an increased site area which now included the land shown in blue on the location plan. It was noted that due to the proposed footprints of the current application the previous approval could not be implemented concurrently with this proposal; however, this recommendation was one of approval.

In response to a concern in relation to the access on the neighbouring land, Members were informed that Officers were not entirely sure of the detail but this did not form part of this application as this matter would be between the developer and the private individual. It was noted that the Highways Authority did not object to the application.

Approved, as recommended.

**10/17 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE
(AGENDA ITEM 10)**

Noted.

The meeting closed at 12.15 pm

CHAIRMAN