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To The Chairman and Members of the
Planning Committee

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Date 17 September 2015

AGENDA SUPPLEMENT

Dear Sir/Madam

PLANNING COMMITTEE - MONDAY 21 SEPTEMBER 2015

I refer to the agenda for the above-mentioned meeting and enclose the following items:

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Yours faithfully

Helen McAleer

Senior Committee Officer

BRECKLAND COUNCIL

PLANNING COMMITTEE - 21 SEPTEMBER 2015

REPORT OF THE EXECUTIVE DIRECTOR PLACE

(Author: Gary Hancox, Principal Planner)

ATTLEBOROUGH: Land north of Norwich Road - Residential development of up to 350 dwellings, associated access, footpaths, cycle path, open space and landscaping

Applicant: Gladedale Estates

Reference: 3PL/2013/1161/O

URGENT BUSINESS

FURTHER REPORT TO MEMBERS FOLLOWING REFUSAL OF PERMISSION AND THE LODGING OF AN APPEAL

1. This application was refused by members at the Planning Committee of the 16th March 2015 following their resolution to overturn the recommendation of approval by officers. The reason for refusing the application was on the grounds that the drainage issues had not been adequately resolved and the proposal was not sustainable in its current form.
2. Consequently, the decision notice dated the 31st March 2015 contains the following sole reason for refusal:

The application site is located in an area of poor drainage, partly within Flood Zones 2 and 3, and close to several watercourses. The proposal has failed to adequately demonstrate that the proposed drainage system and realignment of the flood zones to accommodate the proposed development is achievable and would not result in flooding to people, property or places, both on and off site. The site is considered to be sensitive to additional flood risk given its close proximity to the main Attleborough watercourse, and no exceedance flood management information has been submitted. The Council can not be certain that the proposed development of the site would be appropriately flood resilient and resistant and that any residual risk could be safely managed. Accordingly it is not considered that the development is sustainable in its current form as required by the NPPF. The application is therefore contrary to Core Strategy Policy DC13 and paragraphs 7 and 103 of the NPPF.

3. In the absence of an objection to the planning application from the Environment Agency, the Council's decision to refuse the application gave significant weight to the concerns expressed by East Harling Internal Drainage Board (IDB). These concerns related to the lack of information in respect of the details of adoption and ownership of the surface water management scheme; levels of the surface water attenuation facilities with regards to local surface and groundwater levels, and; exceedance flood management (relating to the management of surface

water runoff associated with a storm event in excess of the maximum design storm).

4. Following this decision the applicant has engaged with the IDB to agree the extent of additional information required to address the reason for refusal. An additional package of information was submitted to the IDB, which included the following:
 - Confirmation that a private management company (funded by an annual fee from each dwelling) will secure the long term maintenance of the surface water management scheme;
 - Further information on the outline surface water management strategy including the locations of roadside swales, their points of entry to the attenuation facilities and typical cross sections, long sections through the attenuation and on-site watercourses to which they will discharge and overspill areas for the basins; and
 - MicroDrainage results showing that the system has sufficient freeboard to manage a 6 hour duration 1 in 200 annual probability storm plus 30 % climate change allowance.
5. On the 10th September the IDB confirmed in writing that, following the submission of the above information, it was satisfied that a surface water drainage scheme could be provided that would not increase flood risk for up to the 100 year + climate change, would restrict runoff to the one year Greenfield runoff rate, and would manage exceedance flows.
6. The IDB also notes that the drainage and other development infrastructure will be privately owned and maintained. Whilst the IDB would prefer the drainage system to be adopted by an appropriate statutory organisation, it is appreciated that at this time no organisation (Anglian Water or Norfolk County Council) is prepared to adopt the form of drainage proposed. As a result the drainage system will be owned by a private company of which the house owners will be shareholders, and the maintenance will be contracted to a recognised facilities management company.
7. Consequently, the IDB has removed their objection to the planning application.

THE APPEAL

8. On the 20th August 2015 the applicant lodged an appeal against the refusal of permission 3PL/2013/1161/O. The appeal is due to be heard at a hearing on 5th November 2015.
9. As part of the appeal process, the appellant has submitted a draft Statement of Common Ground (SoCG), the purpose of which is to set out matters of fact and matters which are not in dispute with the Council. The SoCG is attached as appendix 1. This SoSG includes the conclusions of the IDB in respect of drainage and confirmation of the removal of their objection. It is also noted that the Environment Agency raised no objection the application. Subject to conditions requiring the submission and approval of detailed drainage details, the proposal

now complies with the NPPF and Core Strategy Policy DC13. With the submission of additional information and the removal of the IDB objection, it is considered that the appellant has now satisfactorily addressed the reason for refusal and that there is no longer any technical basis on which to reject the proposal.

10. In these circumstances it is considered that continuing to pursue the current ground of refusal at appeal would place the Council at significant risk of an award of costs. The Government's Planning Practice Guidance states that local planning authorities will be at risk of costs awards where they seek to unreasonably defend an appeal. Examples given of unreasonable behaviour include failing to produce evidence to substantiate each reason for refusal on appeal and refusing permission on grounds that are capable of being overcome by planning conditions. Not agreeing to a statement of common ground in a timely manner can also rise to a costs award on procedural grounds.
11. It is recommended therefore that the Council formally withdraws its ground for refusal, subject to the imposition of conditions relating to drainage, as outlined above, and to a range of other conditions and a section 106 agreement as set out in the previous committee recommendation (see attached). All other matters included in the draft SoCG are considered to be acceptable.

RECOMMENDATION

12. That Members agree the content of the SoCG and formally withdraw the current ground of refusal.

PLANNING COMMITTEE – 21 September, 2015

SUPPLEMENTARY REPORT

REPORT AT SCHEDULE ITEM 1: Land at Carvers Lane, Attleborough: Erection of 91 dwellings, access roads alterations to Carvers Lane, open space, landscaping and associated works

Reference: 3PL/2014/1264/F

(See pages 19-33)

Page 23 (Housing Officer's comments) and Page 31 (12.3) - as explained in paragraph 3.1 of the report, the applicants have in fact submitted an independent Viability Assessment, which concludes that to make the scheme viable, the affordable housing provision should be reduced to 30%. This is accepted by the Housing Enabling Officer following the independent confirmation of the high level of abnormal costs involved on this site – which leads to the site becoming unviable at higher than 30% affordable.

Page 29 (6.4) - Officers have accepted that the upgrading of the building fabric to provide for an equivalent carbon saving, in lieu of the installation of renewable energy measures is acceptable. A suitably worded condition will be applied to any permission to ensure the delivery of this.

CONSULTATIONS

ATTLEBOROUGH TOWN COUNCIL

OBJECT – environmental issues; not in keeping with the street scene; drainage issues and possible water contamination; noted that 1 in 100 years is usual flood allowance and the proposed is greater; outside of the settlement boundary. All previous comments and residents objections are reiterated. All development needs to be managed and co-ordinated and Attleborough Town Council are working on a Neighbourhood Plan and query how Breckland is incorporating these proposals into this and would request a site visit by them to consider further.

REPRESENTATIONS

Two additional objections received from local residents raising the following issues:

- Foul water pumping station will contaminate the children' splay area
- Will risk the spread of diseases
- Overlooking
- Light pollution
- Estate roads are not suitable for HGV's
- Destruction of green space
- Oil deliveries will not be able to take place

REPORT AT SCHEDULE ITEM 2: MATTISHALL: Land off Cedar Rise: Residential development

Reference: 3PL/2015/0279/O

(See pages 34-48)

CONSULTATIONS

COMMENTS FROM CLLR CLAUSSEN (WARD REP)

I am writing with regard to the above application which is due to be heard before Committee on the 21st September as one of the Ward Representatives. Unfortunately I will not be present as I am away on holiday.

As a Parish, Mattishall is totally engaged with the development of their own Neighbourhood Plan. Indeed the second consultation has already received 975 replies and this is before they have engaged with the Youth (11 – 18 year olds) and the businesses, which I feel is an astounding success rate. Simply put, Mattishall feel that it would be a kick in the teeth if their emerging Local Plan was disregarded at this stage as they are completely committed to the number of new homes which is being suggested in Breckland's own Local Plan.

Mattishall are hopeful that full consideration will be given to the recent case in West Haddon (Daventry District Council) in which the emerging Neighbourhood Plan successfully overturned an appeal to the Inspectorate. This would allow Mattishall time to identify sites which the whole community would support.

Another significant issue which the Cedar Rise Matters Group want considered is the cumulative effect of the proposed developments in Dereham, Yaxham & Mattishall which would have a huge impact on traffic through Mattishall as most people are commuting to work. This is something which I have brought to Committee's attention before and am hopeful that the Transport Study would include these 3 villages plus Westfield. Specific to Cedar Rise the residents are fearful of the impact of the vehicular movement at the point at which the new development meets the proposed Cedar Rise development as this is a 90 degree bend which they feel is a safety hazard.

The other points which are continually raised with me (which are not necessarily planning issues but would have been considered under the old LDF process) are those of Mattishall Doctor's Surgery already being over subscribed, the School having no spaces and there are no local jobs available.

I hope you will give full consideration to the points made above when coming to your decision.

REPRESENTATIONS

Mattishall and Lenwade Surgeries have concerns over proposed development both within Mattishall and also the surrounding area, capacity to cope with increased population, patients being re-allocated from other surgeries and shortage of GPs.

ASSESSMENT NOTES

Other Issues

12.6 The Mattishall Neighbourhood Plan (MNP) is material to the consideration of the application. The Plan has a confirmed plan area but has not yet advanced beyond that stage. The MNP has not been subject to any formal consultation. Given this early stage of the plan process, very limited weight is afforded to the MNP and therefore the application is not deemed premature in this context.

APPEAL DECISIONS (FOR INFORMATION)

APP/F2605/W/15/3011876: BANHAM: Fen Farm, Fen Lane: Appeal by Mrs. J. Coverley against the refusal to grant approval under Class Q of the General Permitted Development Order 2015 for change of use of an agricultural building to two dwellinghouses.

Reference: 3PN/2014/0046/UC

Decision: Appeal dismissed

Summary: The Inspector concluded that, based on information supplied indicating that the existing steel framework would be retained but with new external brick walls set just behind it, this work amounted to a new structural element which went beyond what was reasonably necessary to convert the building. As such the proposal was not permitted development under Class Q.

APP/F2605/W/15/3005963: GRESSENHALL: 1 Rougholme Close: Appeal by Ms. James against refusal of outline planning permission for a new retirement/starter bungalow

Reference: 3PL/2014/1321/O

Decision: Appeal dismissed

Summary: The Inspector concluded that the proposal would be harmful to the character and appearance of the area and would provide inadequate amenity space.