

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 22 September 2008 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mr S. Askew (Ward Representative)	Mrs A.L. Steward (Planning and the Environment Portfolio Holder)
-----------------------------------	--

In Attendance

Gilbert Addison	- Tree & Countryside Officer
Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Richard Fisher	- Assistant Tree & Countryside Officer
Andrew Grimley	- Principal Environmental Health Officer
Michael Horn	- Head of Legal Services
Andrea Long	- Environmental Planning Manager
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
Mark Stanton	- Head of Economic Development

Action By

154/08 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 1 September 2008 were confirmed as a correct record and signed by the Chairman.

155/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs M Chapman-Allen, Mr M Fanthorpe, Mrs S Howard-Alpe and Mr M Spencer.

156/08 DECLARATION OF INTEREST (AGENDA ITEM 3)

Members and officers were asked to declare any interest at the time the applications were made.

Mrs C Bowes declared a personal interest in Agenda Item 10 (Schedule Items 3 and 4 – Watton) as she knew the applicant and

Action By

used the garage currently on the site.

Mr M Kiddle-Morris declared a personal interest in Schedule Item 8 (Horningtoft) as he knew the applicant and had served as a Governor of Brisley School with him.

157/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman reminded Members of future training dates: Appeals on Monday 29 September and Drainage on Monday 13 October.

158/08 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Two items had been deferred:

Agenda Item 8/Schedule Item 5 (Attleborough) – to await comments from the District Valuer; and
Agenda Item 11a (Harling) – to await comments from the Parish Council.

159/08 URGENT BUSINESS (AGENDA ITEM 6)

There was none.

160/08 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Environmental Planning Manager gave a brief update.

Significant progress was being made on the Core Strategy and there would be an all day meeting of Panel 1 on 23 September 2008 with comments going forward to Overview and Scrutiny Commission on 2 October, Cabinet on 14 October and Council on 6 November. The Core Strategy would then be published for a minimum of 6 weeks public consultation before submission to the Secretary of State.

The Site Specifics consultation period would end on 26 September. Approximately 150 new sites had been put forward during the consultation period and there would be an opportunity for consultation and scrutiny of those sites later in the year.

161/08 ATTLEBOROUGH: LAND OFF BRYONY WAY/CARVERS LANE: RESIDENTIAL DEVELOPMENT FOR NORFOLK HOMES LTD. - REFERENCE 3PL/2008/1083/F (AGENDA ITEM 8)

This item was deferred, see Minute No 158/08.

162/08 CARBROOKE: FORMER RAF WATTON TECHNICAL SITE: PROPOSED NEIGHBOURHOOD CENTRE/ERECTION OF FOUR DWELLINGS FOR HDD RAF WATTON LTD. - REFERENCE 3PL/2008/1171/D (AGENDA ITEM 9)

The Principal Planning Officer (Major Projects) introduced this amended scheme. The previous approval had been for a three storey building with retail units at ground floor and two storeys of flats above. The current application was for a single storey row of retail units,

Action By

omitting the flats and including two pairs of semi-detached houses on the land originally set aside for parking for flat residents.

A Member asked why there had been such a drastic change in design and was told that due to changing market conditions it was no longer viable to build the approved scheme.

Some Members were unhappy with the design of the new proposal and one remarked that permission had been granted for the three storey Nursing Home opposite as it reflected the scale of the original proposal. If this new single storey proposal was approved the whole scale of the entrance to this part of the site would be lost.

Members voted unanimously against the recommendation for approval.

RESOLVED to refuse the application on design grounds as the scale was not suitable and a landmark building was required on this site.

163/08 WATTON: LAND OFF NORWICH ROAD: PROPOSED RESIDENTIAL DEVELOPMENT/NEW CRECHE FOR ABEL HOMES LTD. - REFERENCE 3PL2008/1042/F & 3PL/2008/1019/F (AGENDA ITEM 10)

Councillor Bowes declared a personal interest in this item.

The Principal Planning Officer (Major Projects) corrected a mistake in the report which should refer to 67 dwellings and not 131 as printed; he then updated Members as follows:

- The Environment Agency had withdrawn their objection following receipt of further information.
- Norfolk County Council had significantly reduced their requirement for an Education contribution to £93,000.
- A commuted sum of £300,000 was offered in lieu of provision of on-site affordable housing.

A large part of the site was outside the Settlement Boundary, but the proposal could not be rejected for that reason alone because of the shortage in the Council's five year housing supply, previously explained to Members. This site performed well against PPS3 criteria; it was within the town; had good links to local services; provided a good mix of housing and much of the site was brownfield – of the 67 houses, 52 would be on previously developed land.

In response to concerns raised by local residents regarding flooding the applicant had provided additional information which showed that the surface water discharge from the site would remain the same. This would be achieved by attenuation measures. Surface water would be directed to a pond on-site and discharge from there to local ditches would be restricted. Responsibility for ditch maintenance was currently being investigated.

Mr Newell, an objector, said there had been a lot of confusion surrounding the proposal and about ditch ownership. He showed photographs of flooding in the vicinity and said that the constriction of

Action By

the road and the complexity of the drainage system were responsible for the flooding.

Mr Bird, the applicant, said the homes were in a sustainable location and that the financial contributions would provide facilities. Drainage problems were probably caused by riparian owners not maintaining the ditches. The proposed attenuation of surface water flows had been agreed by the Environment Agency and he also offered to attenuate flows from other sources to improve drainage in the area.

A Member was concerned that the crèche was located to the rear of the site and that safety and amenity would be affected by traffic accessing it. He suggested placing the crèche at the front of the site.

The Principal Planning Officer (Major Projects) explained that the access had been carefully designed to provide a formal, symmetrical entrance which would not work if the crèche was moved.

The matter of affordable housing was addressed. There was already a considerable amount in the vicinity and The Council's Principal Housing Officer (Strategy and Enabling) told Members that it was important to achieve a balance in the provision of affordable housing across the whole town.

Members discussed drainage concerns, layout and the use of land outside the Settlement Boundary.

RESOLVED to approve the application as recommended, subject to conditions to include slab height specification and a Section 106 agreement.

164/08 DEFERRED APPLICATIONS (AGENDA ITEM 11)

- (a) **Harling: Proposed residential development, Lopham Road: Applicant Mr A Taylor/Mr D Taylor: Reference: 3PL/2008/0579/E**

This application was deferred, see Minute No 158/08.

- (b) **Snetterton: Proposed business park and alterations to racing circuit: Harling Road for Motorsport Vision Limited: Reference 3PL/2008/0600/O**

The Principal Planning Officer (Major Projects) reminded Members that this application had been deferred on 21 July 2008 for further discussions re noise control and retail uses.

A large number of letters of objection had been received since then, most concerned with noise issues.

Progress had been made and a revised Noise Management Plan had been submitted. This was a very useful document but it would be unreasonable to expect it to resolve all the noise issues. Members needed to consider if the proposals in the plan would deal with increased noise from the planning application.

Action By

Some of the proposals in the Noise Management Plan were:

- No increase in the current maximum number of vehicles allowed to use the track at any one time.
- Limit of four Class 3 events per year
- One x 12hour and one x 24 hour Class 1 and 2 events per year
- Hours restrictions
- Noise limits and changes to noise testing
- Track day and testing restrictions
- Communications to local residents re forthcoming events.

In respect of retail uses a number of conditions had been agreed, limiting the sale of goods and restricting the size of the units.

The Council's Head of Economic Development said this potential investment was crucial to growth plans for the A11.

Mr Moses, an objector, explained that he had no objection to the development of the hotel and shops. His main concern was noise. He had been complaining since 2005 and despite the Noise Abatement Notice served in January 2007, there had been no reduction whatsoever. He was concerned that work on the bund had stopped and wanted assurance that it would be completed before the new track developments.

Mr Palmer, Chief Executive of Motorsport Vision, explained his history with the circuit since 1975. He became owner in 2004 and transformed it into a smart circuit. He was excited at the prospect of enhancing the circuit and recognised the importance of working with local people and the Council.

Mr Houghton, Agent, said that the proposal would be a high quality development on a designated employment site. The Noise Management Plan had evolved through consultation and struck a balance between business needs and the residents' concerns.

Mr Askew, Ward Representative, had seen the Noise Management Plan and had concerns about the noise monitoring arrangements. He was not convinced this was the best solution for residents as track monitoring would not commence until March 2010. He felt all measures needed to be in place and drive-by monitoring needed exploring. He welcomed the economic benefits but was concerned about the physical control of noise and monitoring.

The Council's Solicitor reminded Members that they were not looking at the noise problems of the whole site; they were looking at the planning application and any additional noise it may cause.

Action By

Members discussed the concerns. The difference between silenced and un-silenced racing and the proposed noise monitoring methods was explained. It was clarified that currently there were no planning controls on noise at the site and that the Noise Management Plan was a document that could be reviewed to respond to changes.

The Chairman asked why the bund had not been completed and it was confirmed that it would be finished by January/February 2009.

RESOLVED to approve the application subject to an additional condition that the bund should be completed before the alterations to the circuit were used.

165/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 12)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/0969/F: Carbrooke: Site adjacent Fen Farm, Willow Corner: Proposed residential development (3 dwellings) for Dawe Estates Ltd

This full application followed two previous refusals, one upheld on appeal. The comments made by the Appeal Inspector (that the site had appeared cramped and out of keeping and the development too close to the existing cottage) had been taken into account by the applicant.

Mr Morphew, an objector, felt the new application was not very different to the previous plans. He was concerned re overshadowing, loss of light and potential danger to users of the access track.

Mr Parsons, Agent, said that the proposal had been reduced from four to three dwellings and the built form had been considerably reduced. He considered the proposal enhanced the character and setting and reflected the vernacular context of the site.

Approved, as recommended.

- (b) Item 2: 3PL/2008/0988/F: Dereham: Lyndon, Mary Unwin Road: Erection of 8 apartments following demolition of existing for Peartree Property Co

This application proposed the replacement of the existing bungalow with flats in three linked blocks comprising a three storey block with access through at ground floor to parking at the rear, then a second three storey block with a mono-pitch roof and finally a third, two storey block.

Mrs Powell, an objector speaking for residents in the area, was dismayed at this proposal. She said it was an inadequate space and would lead to overlooking of adjacent properties. She was also concerned about highway safety as there were

Action By

three schools in the vicinity and cars were often parked on the road.

Mr Pettifer, Agent, confirmed that the separation distances complied with requirements as did the parking provision.

Some Members expressed concern about only five parking spaces and felt the design was unsuitable for the location.

Refused, contrary to recommendation, on the grounds of overdevelopment, poor design, lack of parking and being out of keeping with the street scene.

- (c) Item 3: 3PL/2008/1019/F: Watton: The Stables, Norwich Road: New Creche/Nursery facility and ancillary works for Abel Homes Ltd

Approved, see Minute No 163/08.

- (d) Item 4: 3PL/2008/1042/F: Watton: The Stables, Norwich Road: Demolition of existing premises and erection of residential development together with ancillary works for Abel Homes Ltd

Approved, see Minute No 163/08.

- (e) Item 5: 3PL/2008/1083/F: Attleborough: Land at Bryony Way/Carvers Lane: Residential development comprising 38 dwellings and associated roads, infrastructure and open space for Norfolk Homes Ltd

Deferred, see Minute No 158/08.

- (f) Item 6: 3PL/2008/1086/F: Saham Toney: Site adjacent Parkers VC Primary School, Pound Hill: Construction of 10 No dwellings for Hastoe Housing Association

This application was for the development of 10 affordable houses on a site outside the Settlement Boundary for Saham Toney. It was recommended for approval as an exception site, as it was well located to local services, closely related to the Settlement Boundary and there was an identified need for affordable housing in the village.

The Development Services Manager clarified the policy. This was different to those sites being considered outside the Settlement Boundary because of the Council's 5 year housing land shortage. Hastoe Housing Association was a Registered Social Landlord and there had been provision in the Local Plan (now covered by PPS 3) to allow exception sites for such development.

Mrs Sayer, Mr Bowes and Mr Hinkins, all objectors, accepted the need for affordable housing in the village but said this was not the right place. They stressed the unspoilt, ancient nature of this 'heart' of the village and raised concerns with regard to wildlife and highway safety

Action By

Ms Stefan, Development Officer for Local Needs Housing Project, said that nine sites had been considered and the sequential test applied. This site had proved the best. The development would have high eco-credentials and would provide local people with good quality homes.

Mrs Hewett, Ward Representative, said that residents did not dispute the need for affordable housing but wanted a better site. She said there were land owners willing to provide land at a reasonable price. This site was on a corner, on a hill, adjacent the school and opposite the church and was not the right location for the development.

Members discussed the possibility of a more suitable site being available.

Deferred, to allow evidence of landowners having other land to put forward for affordable housing to be gathered.

The Development Services Manager requested that formal proposals for alternative sites be available in time to bring this application back to the next meeting of the Development Control Committee.

- (g) Item 7: 3PL/2008/1132/O: Shropham: 14 Watton Road: One, two storey detached house with garage and new access for Mrs Diana Wyatt

This proposal was in outline form with only access to be considered. A previous application had been refused because it was unduly cramped and failed to enhance. The plot size had been increased and indicative drawings demonstrated it was capable of taking a dwelling.

Mr Napier, speaking for the Parish Council, said they were unanimously against this proposal. The site was too small; it would not enhance the area and there were highway safety issues. He also raised concern about potential overlooking of the back garden to No 15 Watton Road.

Refused, against recommendation, on grounds of overdevelopment of the site and loss of character of the area.

- (h) Item 8: 3PL/2008/1152/F: Horningtoft: Grange Farm: Conversion of barns to residential for J Drew & Son

Mr Kiddle-Morris declared a personal interest in this item.

This was the resubmission of an application previously refused. The reasons for refusal had been addressed and it was recommended for approval subject to conditions ensuring that the remaining farm buildings were not used for livestock and the permanent closure of the front opening in the closest building.

Action By

Approved, as recommended.

- (i) Item 9: 3PL/2008/1171/D: Carbrooke: Neighbourhood Centre, Blenheim Grange (Former RAF Watton) Norwich Road for HDD RAF Watton Ltd

Refused, see Minute No 162/08.

- (j) Item 10: 3PL/2008/1191/F: Dereham: 24 Charles Wood Road, Rash's Green Industrial Estate: Erection of workshop extension including offices and amenities for Heitz Engineering Ltd

This application sought permission for a workshop and office extension which would require the removal of a protected oak tree. The site was immediately adjacent the railway line and had a gas main running along its boundary with a six metre easement restricting development.

The Council's Head of Economic Development had visited site. This company had received a grant from the REV Project. He encouraged Members to support this application to ensure that the business continued to flourish.

Mr Gates, Agent, explained that he had been briefed to design a building to expand the business without causing disruption to the work. He had investigated different layouts to try to accommodate the tree, but due to the gas main easement there was not sufficient room on site to provide a large enough extension. Because of the nature of the machinery used, a two storey building was not feasible.

Mr Thomas, Director of Heitz Engineering, said that they had increased turnover year on year and had re-invested £400,000. They already leased the adjacent building but had reached capacity. They currently employed two full-time and one part-time member of staff. There was enormous potential for growth. He offered to donate money to provide supplementary planting elsewhere.

Discussion followed on the potential to move the business elsewhere and on the comparative merits of the tree against retaining a skilled workforce in Dereham. The offer to donate money to provide planting elsewhere and how this could be achieved was also debated.

Deferred, for negotiations on the sum of money to be paid and to identify potential sites for supplementary planting.

- (k) Item 11: 3PL/2008/1208/D: Carbrooke and Griston: Part of Former Technical Site, RAF Watton: Erection of 113 No dwellings, garages, access road and assoc highway works (amended scheme to 3PL/2008/0162/D) for David Wilson Homes Ltd

Action By

This was a revision to incorporate minor changes to an already approved reserved matters application. Changes to the layout of the development were required due to a drainage easement. Slightly smaller houses were proposed on some corner plots, to increase garden sizes and it was proposed to move a garage block in one of the parking courts.

The Police had raised concerns about the restricted views into the parking court caused by the re-siting of the garage block.

Approved, subject to officers' negotiating a better position for the garages.

The Chairman confirmed that this item would return to the Committee if negotiations were unsuccessful.

Notes to the Schedule

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

<u>Item No</u>	<u>Speaker</u>
1	Mr Morphew – Objector Mr Parsons - Agent
2	Mrs Powell – Objector Mr Rollings – Objector Mr Payne – Objector Mr Boulter - Objector Mr Pettifer - Agent
3 & 4 (Agenda Item 10)	Mr Newell – Objector Mr Bird - Applicant
6	Mrs Sayer – Objector Mr Bowes – Objector Mr Hinkins – Objector Mr Parsons – Agent Ms Stefan - Applicant
7	Mr Napier – Parish Council
8	Mr Drew - Applicant
10	Mr Stanton – Breckland Mr Thomas – Applicant Mr Gates – Agent Mr Addison – Breckland Mr Fisher - Breckland
11b	Mr Askew – Ward Representative Mr Moses – Objector Mr Stanton – Breckland Mr Houghton – Agent Mr Palmer – Applicant Mr Grimley - Breckland

Written Representations taken into account

<u>Reference No</u>	No of Representations
3PL/2008/0600/O	36
3PL/2008/0969/F	8

3PL/2008/0988/F	8
3PL/2008/1042/F	10
3PL/2008/1086/F	98
3PL/2008/1132/O	1
3PL/2008/1152/F	1

Action By

166/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (AGENDA ITEM 13)

This item was noted.

167/08 APPEAL DECISIONS (AGENDA ITEM 14)

The Head of Legal Services referred to two recent appeal decisions which had resulted in costs being awarded against the Council.

He told Members that these decisions were very rare and generally arose when Members went against technical advice. In the most recent case, Members had been advised by a drainage expert that there was no flood problem, but had considered that photographs showing flooding, displayed by an objector, outweighed this advice.

The Head of Legal Services explained that they could ask Officers to seek another opinion in cases where there was doubt. However, when they were advised by Officers that there were no grounds to refuse an application, they should think very carefully before doing so.

This item was noted.

168/08 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 15)

This item was noted.

The meeting closed at 3.12 pm

CHAIRMAN