

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

Held on Monday, 17 December 2007 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Councillor E. Gould (Chairman)	Mrs D.K.R. Irving
Mr W.P. Borrett	Mr R. Kemp
Councillor Claire Bowes	Mr J.P. Labouchere
Mrs M.P. Chapman-Allen	Mr T.J. Lamb
Mr P.J. Duigan	Mr B. Rose
Mr P.S. Francis	Mrs P.A. Spencer
Mr M. Fanthorpe	Mr N.C. Wilkin (Vice-Chairman)
Mrs S.R. Howard-Alpe	

Also Present

Mrs A. Carlisle	Mr P.J. Hewett
Mr S. Askew	Mr A.C. Stasiak
Mrs J. Ball	

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Tim Leader	- Deputy Chief Executive & Monitoring Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Kevin Rump	- ICT Project Manager
Aileen Carlisle	- Planning Consultant
Julie Britton	- Committee Services Officer

199/07 MINUTES (AGENDA ITEM 1)

The following corrections were made:

- Minute No. 185/07: Minutes – on page 1, paragraph 2, line 1: corrected to read”.....the absence of **Councillor Irving** from this meeting.....”
- Minute No. 192/07: Longham: Land at Bittering Quarry: Proposed continued extraction of minerals from land at Longham and extension of extraction area of Spreadoak: Reference 3CM/2007/0019/F – on page 7, paragraph 4, line 1: corrected to read”.....stated that **Beeston** with Bittering Parish Council had no objections.....”

The Minutes of the meeting held on 26 November 2007, as amended, were confirmed as a correct record and signed by the Chairman.

A Member had been very impressed with the way that the Minute had been written for the Swaffham application (Minute No. 194/07 refers).

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200/07 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Messrs A Byrne, M Kiddle-Morris, F Sharpe and M Spencer.

201/07 DECLARATION OF INTEREST (AGENDA ITEM 3)

Members and Officers were asked to declare any interest as appropriate at the time the applications were made.

Mr P Daines, the Development Services Manager, declared a prejudicial interest in Agenda item 10 (Shipdham) and left the room whilst this item was being discussed.

Mrs S Howard-Alpe declared a prejudicial interest in item 5 of the Schedule of Applications (Attleborough) and left the room whilst this item was being discussed.

202/07 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman advised the meeting of the procedures for public speaking.

The Development Services Manager informed the Committee that there would be a short ICT presentation at the end of the meeting concerning the proposed Document Management System. Councillor A Stasiak and Mr K Rump, the Council's ICT Project Manager, had asked for this item to be included on the Agenda as they had been keen to illustrate to Members how other Councils were dealing with electronic planning applications.

203/07 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The Development Services Manager announced that Agenda item 9 (Sporle/Swaffham) and item 4 of the Schedule of Applications (Yaxham) had been deferred and would come forward at the next available meeting.

204/07 LOCAL DEVELOPMENT FRAMEWORK (STANDARD ITEM) (AGENDA ITEM 7)

The Development Services Manager provided Members with an update on the Local Development Framework.

The Committee was reminded that the Policy Development and Review Panel 1 had been considering issues concerning the Core Strategy documents and the Development Control Policies. The report had been presented to the Cabinet meeting on 3rd December 2007 where the officer's recommendations as detailed in the Cabinet report were approved subject to the documents relating to "Sustainability" being cross-referenced within the Core Policies.

All Parish and Town Councils would be issued with a copy of the aforementioned document and the consultation process would continue from 28 January to 10 March 2008.

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The Committee was informed of a number of meetings that Ward Members might wish to attend:

- Two Parish Council briefings to be held in Dereham and Attleborough.
- A special event for Local Service Centres would be held in Dereham.
- A drop in session on the Growth Point in the Carnegie Rooms in Thetford.

All dates for the above events to be confirmed.

The Parish/Town meeting dates that had already been confirmed were as follows:

- Mundford Parish Council – 3 January 2008
- Old Buckenham Parish Council – 26 January 2008
- Watton Town Council – 28 January 2008

The Planning Policy Team would also be in attendance at the Town and Parish Forum on 31 January 2008.

205/07 DEFERRED APPLICATIONS (AGENDA ITEM 8)

Swaffham: Land to the rear of the Conservative Club, London Road: 22 dwellings for retirement occupancy for Equity Holdings and Investments (Agenda item 8a)

Permission had previously been refused for 24 retirement dwellings on this site in September 2006 on grounds of overdevelopment, poor access and loss of the bowling green. A subsequent appeal had been dismissed in March 2007 and the reasons for its dismissal had been on the loss of the bowling green and harm to the amenity of neighbouring properties. The Appeal Inspector had concluded that the access arrangements were satisfactory, taking into account previous uses, and that the proposal would not result in an overdevelopment of the site. In terms of amenity, the Inspector had focused on two neighbouring properties. The applicant had since redesigned the building, and although two storey, the windows at the first floor were now in the form of roof lights to prevent overlooking and the windows facing the property to the East would be of obscure glazing. The scale had been reduced and the building had been lowered therefore having a less imposing impact.

This new application, for 22 dwellings, had been deferred from the Development Control Committee meeting held on 15 October 2007 (Minute No. 167/06(i) refers). The reason for its deferral was to enable additional information to be sought to the precise nature of the development, the provision of affordable housing and access arrangements. This additional information had been submitted in support of the application.

In relation to the proposed use, the applicant had confirmed that the development would provide sheltered accommodation for the elderly,

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with an on-site warden and out of hours alarm call system and the development would be restricted to the over 60s.

The proposed development did not initially include affordable housing but instead the applicant had offered a financial contribution of £50,000 towards the provision of affordable housing elsewhere in the locality; however, since the production of the report, the applicant had offered a greater contribution of £60,000 or the provision of six shared equity units on the site. Members were advised that if the provision of six units was accepted the contribution of £60,000 would be withdrawn.

Access to the site as currently proposed was via the existing drive onto Beech Close. Consideration had been given to the possible use of an existing entrance onto London Street adjacent to the Conservative Club. However, this access was considered as unsuitable for increased use given its restricted width and limited visibility. No other alternative accesses to that shown in the application were currently available.

As far as the loss of recreational facilities was concerned, the applicant had also offered a sum of £40,000 towards a replacement facility elsewhere in the town.

Mr Wingate, the Applicant's Agent was in attendance and reminded Members that the Planning Inspector had been considering a scheme for 24 units on the site. He pointed out that the Housing Enabling Officer had been happy with the applicant's offer of six shared equity units and he hoped that Members found this new proposal acceptable.

A Member asked whether the six units would still be aimed at a particular age group as she had concerns with the width of the access for emergency vehicles. In response, the Principal Planning Officer (Major Projects) advised that the affordable units would be for sheltered housing use only.

The Solicitor reminded the Committee of the Planning Inspector's decision and advised that if Members were mindful to refuse the application, Members would have to come up with good reasons.

RESOLVED that the application be deferred; however, the Development Services Manager be authorised to grant permission subject to appropriate conditions and subject to the completion of a Section 106 Agreement to secure:

- 1) the contribution of £40,000 towards recreational facilities; and
- 2) the payment of the commuted sum of £60,000 towards the provision of affordable housing elsewhere in the locality or the provision of the six shared equity units on the site, the latter being preferred.

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**206/07 SWAFFHAM AND SPORLE: A WIND ENERGY DEVELOPMENT
COMPRISING OF SIX TURBINES AND ASSOCIATED WORKS ON
LAND OFF SPORLE ROAD: REFERENCE: 3PL/2007/0314/F**

This item had been deferred to enable further information to be received from Ecotricity and the assessment of MOD representations (see Minute No. 203/07 above).

**207/07 SHIPDHAM: TWO WIND TURBINES AT LAND NEAR WOOD
FARM: ECOTRICITY: APPLICATION NO. 3PL/2004/0313/F
(AGENDA ITEM 10)**

The Development Services Manager declared an interest in this item and left the room whilst this item was being discussed.

The Committee noted the chronology of events leading up to and since the Inquiries.

Following a great deal of technical legal argument, the application had now been referred to the same Inspector at a new Public Inquiry (for which no date had yet been fixed) to resolve the one issue only: the potential impact of and means of controlling noise.

The Committee was now being asked to agree to enter into a Section 106 Agreement which aimed to control noise problems.

Tim Leader, the Deputy Chief Executive advised that noise would be a material consideration at the Inquiry. Therefore it was important that the Council determined whether the draft standards set out in the Section 106 Agreement could actually be achieved at properties affected by noise from the turbines. This would require acoustic experts to be commissioned to gather the relevant facts and model their implications.

In the Deputy Chief Executive's opinion, a condition was much to be preferred because it would carry with it a more comprehensive, effective and more convenient enforcement framework.

Mr Hewett, the Ward Representative, thanked the Deputy Chief Executive for his views. He and many residents had been pushing for a condition rather than a S106. There had been public information provided by the residents own legal experts that a S106 could not be enforced. Mr Hewett suggested that the matter be deferred until the pending Inquiry had run its course.

The Deputy Chief Executive advised that there would be no need to sign a S106 at this stage, before the Inquiry.

A Member felt that the Ministry of Defence (MOD) had been raising many issues recently for every wind turbine application and asked whether the Council had to take every one into account. The Deputy Chief Executive explained that the Council was in an unfortunate position to refuse applications on third party representations. If the MOD put its objections directly to the Council, this Council could ask for an indemnity for its costs.

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Another Member stated that Breckland Council was still the Planning Authority and was obliged to take back the MODs concerns; he did not think that an indemnity would release the Council from the costs involved. The Member asked the Officers if the absolute minimum noise level would be an adequate protection for those properties affected.

In response, the Deputy Chief Executive felt that the Council had two separate regimes that should protect people residing near windmills. The first was the planning regime - Circular 11/95 set out what was deemed reasonable. The second was the statutory nuisance regime. Whether or not a planning condition was attached to the permission, if it was found that a statutory noise nuisance existed, the Council could then serve the applicant with an abatement notice.

A Member felt that reasonableness was the problem, a condition could only be as good as the policing thereof and the Council must be seen to be able to police the conditions properly.

In response to a concern, Members were advised that the Council could include the conditions at the Public Inquiry stage.

Concluding the debate, the Committee was asked to vote on whether the matter should be deferred, and it was

RESOLVED that the matter be deferred to enable the Council to gather further noise evidence, following which a report be brought to a meeting of the Development Control Committee for determination of whether or not a satisfactory noise environment could be achieved, and , if so, how noise should be controlled.

208/07 SNETTERTON: PROPOSED HOTEL/RESTAURANT, THE FLAME RESTAURANT, ADJACENT A11: REFERENCE: 3PL/2007/1568/F (AGENDA ITEM 11)

The Principal Planning Officer (Major Projects) presented the report which concerned a planning application for a hotel/restaurant development adjacent to the Snetterton Heath employment area. It had been recommended that the application be approved.

The application had been supported by a Design Statement, a Traffic report and a Needs Assessment.

The application site fell outside the Snetterton Heath Employment Area, as defined in the Local Plan. Saved Local Plan Policy TRA.5 was considered relevant to the application. Relevant national planning policy guidance included PPG 13 Transport, PPS 6 Planning for Town Centres and the Good Practice Guide on Planning for Tourism. There was no national planning policy guidance specifically on motorist service areas, although draft guidance had been recently issued for consultation by the Highways Agency.

The proposed development would be accommodated in a series of interconnected one and two storey blocks of contemporary design. Access to the development would be gained off an existing roundabout, linking directly to existing slip roads onto the A11.

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Parking for 94 cars would be provided on site, together with a space for coach parking.

The main issues that were focused on were design matters and the layout of the proposed development. These factors were considered to be particularly important as the site would form the gateway to the employment area. The Principal Planning Officer (Major Projects) felt that the materials used would also be an important factor and would have to be conditioned.

The Parish Council had raised concerns with regard to the existing high pressure gas main that ran through the site, and that insufficient information had been provided about traffic; however, the Traffic Assessment that had been submitted had been found to be satisfactory.

Mr Askew, the Ward Representative, was in attendance and he supported the application in principle but had concerns about the growth of employment alongside the A11. He felt that it was important that any growth should be carried out in a structural manner. Mr Askew also reiterated the Parish Council concerns about the existing gas main. In response to these concerns, the Principal Planning Officer (Major Projects) advised that the Council would be providing a new planning framework for the Snetterton area within the LDF. He further advised that this site could be considered in isolation as it sat on its own and there would not be any change to the general character of the use as the Flame Restaurant was already well established. The Chairman wished to point out that the site had been a former petrol station which she felt would have been slightly more hazardous than a hotel.

Planning permission had previously been granted in December 2006 (Minute No. 235/06(2) refers) for a 20-bedroom motel and restaurant. The applicant had since acquired further land to enable expansion.

A Member asked questions about the roof materials as, in his opinion, the roof looked terribly bland. In response, the Principal Planning Officer (Major Projects) advised that it would be a metal clad roof but the precise colour and materials were yet to be agreed. Pictures were shown of other buildings in the area which had similar features to the building proposed.

A Member felt that the design that had been submitted had not provided enough detail and he was concerned that the proposal looked like a functional set of boxes. The Chairman disagreed and felt that the building had a lot of detail and interesting features.

The Development Services Manager advised that there were a number of key issues that should be taken into consideration. Firstly, the site already had a history; there was a timing issue but it was felt that the Council should promote Snetterton and that a good quality well designed building should be approved. Finally, as long as the materials were right and, if Members were mindful to approve the application, then in his opinion, this would be the right thing to do at the right time.

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A Thetford Member mentioned sustainability and forward planning. He reminded Members that a previous application for another hotel in the area had not been sold. He also pointed out that a hotel not far from this proposal had been on the open market and had been unable to sell. The Member felt that Breckland ought to raise its standards on the design issues. The Solicitor advised Members that it would be difficult to contest the principle of development, as the principle for this type of use had already been established. Further to this, Members should think hard if they were of the mind to refuse the application on design grounds only.

RESOLVED that planning permission be granted subject to conditions relating to materials, landscaping, parking, drainage and contaminated land.

Note: Mr J Labouchere abstained from voting on this matter.

209/07 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 12)

- a) Item 1: 3PL/2007/0314/F: Swaffham and Sporle: Land off Sporle Road, Estate Office, Palgrave Farming Ltd: A wind energy development comprising of 6 wind turbines and associated works for Next Generation Ltd

This item was deferred (see Minute No. 203/07 above).

- b) Item 2: 3PL/2007/1420/F: Caston: Allcrest, The Street: New development of 4 dwellings with garages to replace existing dwelling for Mrs N Lond-Caulk

Approved, as recommended subject to a slab level condition being included.

Members were made aware that ten objection letters and four letters of support had been received. Mr Rogers, the Ward Representative had also submitted a letter in support of the application.

- c) Item 4: 3PL/2007/1493/F: Yaxham: Former Breckland Garden Centre: Development of a 'lodge park' within the site of the former garden centre and re-use of ex camping and caravan site for THPD Properties Ltd

This item was deferred at the request of the applicant (Minute No. 203/07 above).

- d) Item 5: 3PL/2007/1510/F: Attleborough: Swangey Farm, Swangey Lane: Retention of existing two-story garage building and use of first floor as one bedroom annexe accommodation for R J Holbrook

Note: Mrs S Howard-Alpe declared an interest in this item and left the room whilst this item was being discussed.

Refused, contrary to the recommendation and enforcement action be authorised to re-instate the building to the original

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plans; the time for compliance being six months. The reasons for refusal were on the grounds the design and bulk of the building was not acceptable, particularly in relation to the main house.

Planning permission had been sought for the retention of an existing garage building as built (given that it had been constructed larger than the previously approved scheme and with slightly different fenestration) and the use of the first floor area as annexe accommodation for the applicant's elderly parents, rather than a playroom area, as previously approved. On close examination it was concluded that the differences between the approved scheme and that proposed were significant.

The Chairman highlighted the differences between the original plan of the existing two-storey garage building and what had been built. She felt that this garage building could end up as another house in the countryside. It was pointed out that the applicant already had an existing barn not far from the farmhouse that was currently being used for residential use.

- e) Item 6: 3PL/2007/1527/F: Ashill: Site off Dunnetts Close: Low cost housing development scheme for 12 dwellings for Hastoe Housing Association

Following a proposal to approve the application, the vote was lost and the application was refused as recommended.

- f) Item 7: 3PL/2007/1568/F: Snetterton: Flame Restaurant, Newmarket Road (A11): Proposed demolition of existing building and redevelopment to provide restaurant, hotel, car parking and landscaping for Mr & Mrs D Leer

This item was considered in conjunction with Agenda item 11 (see Minute No. 209/07 above)

- g) Item 9: 3PL/2007/1718/F: Attleborough: Rear of 117 and 119 Hargham Road: Erection of bungalow and double garage for Mr P Gilchrist

Approved, contrary to the recommendation on the grounds that the proposal would not be out of keeping with the area and was considered to be an acceptable form of back land development.

The Committee was informed by Mr Clarke, the Applicant's Agent that the site was situated in an existing residential area and was very well screened and would not cause any overlooking or noise and disturbance to existing properties.

Mr Stasiak, the Ward Representative, was in attendance to support this application. He reminded Members of a very similar application in Attleborough that the Committee had previously approved.

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- h) Item 10: 3PL/2007/1770/F: Brettenham: Harling Wood Farm, Shadwell: Demolition of derelict storage barn and construction of staff hostel accommodation for Mr Phillip Hodson

Approved, as recommended. A previous permission had been subject to a S106 Agreement relating to the occupancy of the accommodation and to ensure that the stables were constructed before the accommodation. A Member asked the Officer to enquire whether the stables had been completed.

Notes to the Schedule

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

<u>Item No.</u>	<u>Speaker</u>
Agenda item 8a	Mr Wingate, Applicant's Agent
Agenda item 10	Mr Hewett, Ward Representative, against the application
Agenda item 11	Mr Askew, Ward Representative, in support of the application
2	Mrs Horner, Parish Council Mrs Perkins, Objector Mr Matthews, Applicant's Agent
3	Mr Spooner, Applicant, to answer questions
6	Mrs Ball, Ward Representative, in support Mr Wright, Parish Council Mr Parsons, Applicant's Agent
8	Mr Took, on behalf of the applicant
9	Mr Stasiak, Ward Representative, in support Mr Clark, Applicant's Agent

Written representations taken into account

<u>Reference No.</u>	<u>No. of Representations</u>
3PL/2007/1341/F	16
3PL/2007/1420/F	17

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3PL/2007/1590/O

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3PL/2007/1718/F

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210/07 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 13)

This item was noted.

211/07 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (FOR INFORMATION) (AGENDA ITEM 14)

This item was noted.

212/07 APPEALS DECISIONS (FOR INFORMATION) (AGENDA ITEM 15)

This item was noted.

213/07 ADDITIONAL ITEM - DOCUMENT MANAGEMENT SYSTEM

Members of the Development Control team had been invited to attend for this item.

Kevin Rump, the Council's ICT Project Manager and Aileen Carlisle, a Planning Consultant, provided Members with examples of Document Management Systems currently used by other authorities, one of which was Gateshead Council.

Through this Document Management System the public were able to view submitted application forms, drawings and attachments, view appeal details, comment on current applications, track the process of applications, view reports on decision notices and find property information via a map based search. Gateshead Council use the Comino System and was the first website out of all the sites visits that were carried out, that allowed the public to be able to view and take measurements of the plans on line.

Breckland Council's aim in producing such a system, although being of a similar view, would aim to reduce the amount of clicks to search for planning applications. All plans would be scanned and would include the measuring tool. There would be a folder available which would contain all of the Council's development plans. Scanning could be carried out either in-house, by employing temporary staff, or by outsourcing the work; however, with either option, the Council would have to look at the risks involved and therefore further investigations would be carried out.

Tandridge Council's website was also viewed. This website had a facility that enabled the public to find exactly what was available in the area; for example where all the recycling banks were.

Mr Rump felt that the system would be a major step forward for Breckland Council and he was keen to have the facility up and running by April 2008. He pointed out that Breckland, through expansion of the Comino system, would have the ability to be used as a Document Management System for other areas such as Finance.

A Member asked how much of the applicant's personal information would be available on-line as she was concerned with data protection.

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In response, the Committee was advised that the software that would be installed would sit with a Redaction software package that would automatically blank out personal information; this was in line with the Data Protection Act.

In response to a question concerning the current work flow system, Mr Rump advised that there would be a workflow package module as part of the purchased system but it would be sensible to come back to this after successfully implementing the system.

A Member asked the ICT Project Manager whether the development of virtual realities of cities and towns could be kept in mind.

The links and how to access the site were provided as follows:

http://planning.gateshead.gov.uk/publicaccess/tdc/tdc_home.aspx

- 1) Go to application search
- 2) Enter dc/07/00001 under the application reference field, click search
- 3) Press the "Click to view" button
- 4) Click on the tab "associated documents"
- 5) Click on the "View Associated Documents" button

This will take you into the Comino/Civica Document Management System where you can then view documents related to that Application.

<http://www.gateshead.gov.uk/>

<http://www.tandridge.gov.uk/localview.asp>

The Chairman thanked Kevin Rump and Aileen Carlisle for an informative presentation.

At the end of the meeting the Chairman and the Development Services Manager wished everyone a Merry Christmas and a happy and peaceful New Year.

The meeting closed at 2.35 pm

CHAIRMAN