

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Thursday, 3 July 2008 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 M.A. Kiddle-Morris
Councillor Claire Bowes	Mr J.P. Labouchere
Mr A.J. Byrne	Mr B. Rose
Mr P.J. Duigan	Mr F.J. Sharpe
Mr P.S. Francis	Mrs P.A. Spencer
Mrs S.R. Howard-Alpe	Mr N.C. Wilkin (Vice-Chairman)

Also Present

Mr S. Askew (Ward Representative)	Mr C.R. Jordan (Ward Representative)
Mr S.G. Bambridge (Ward Representative)	Mrs A. Steward (Executive Member for Planning and the Environment)

In Attendance

John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Katie-Louise Long	- Planning Technician
Kathryn Matthews	- Planning Technician
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Jayne Owen	- Senior Development Control Officer
David Spencer	- Principal Planning Policy Officer
Lee Webster	- Housing Enabling and Projects Officer

99/08 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 9 June 2008 were confirmed as a correct record and signed by the Chairman.

100/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs M Chapman-Allen, Mr R Kemp, Mr T Lamb and Mr M Spencer.

101/08 DECLARATION OF INTEREST (AGENDA ITEM 3)

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

Cllr C Bowes declared a personal and prejudicial interest in Agenda Item 9 / Schedule Item 2 (Watton) by virtue of the applicant being her family's business.

Mrs A Steward declared a personal interest in Agenda Item 9 / Schedule Item 2 (Watton) by virtue of being a family friend of the applicant.

Action By

Action By

Mrs D Irving declared a personal and prejudicial interest in Agenda Item 9 / Schedule Item 2 (Watton) by virtue of being a close friend of a member of the applicant's family.

102/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman introduced Jayne Owen, Senior Development Control Officer to Members, she would be presenting to Committee today.

The Principal Planning Officer (Major Projects) was asked to update Members on the McCarthy & Stone application at Attleborough, which had been considered by Development Control Committee on 9 June 2008 (See Minute No 93/08 (e)). He told Members that the application had been approved subject to the Section 106 Agreement being signed within the 13 weeks. Unfortunately the draft had been received too late to facilitate this and the application had therefore been refused. Further discussions with the applicant were on-going and it was hoped that they would resubmit the application.

103/08 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

There were none.

104/08 URGENT BUSINESS (AGENDA ITEM 6)

No urgent business.

105/08 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Principal Planning Policy Officer told Members that the documents had been sent out to all Councillors, Town and Parish Councillors and Statutory Stakeholders for the Site Specific consultation. Details were also on the Breckland Council website and representations could be made on-line there. 16 comments had already been posted.

The documents covered two aspects, consultation on Settlement Boundaries and consultation on the 650 sites submitted. There was also an opportunity for other sites to be submitted and Members would be advised of these.

The extensive round of Town and Parish Meetings was continuing with another 16 planned over the next two weeks.

The next meeting of the Policy Development and Review Panel 1 on 15 July 2008 would focus on changes to National and Regional Policy.

106/08 NECTON: SITE ADJACENT 18 MILL STREET: SITE FOR RESIDENTIAL DEVELOPMENT FOR MR T WICKS: APPLICATION REFERENCE 3PL/2008/0114/O (AGENDA ITEM 8A)

The Senior Development Control Officer told Members that this application had been approved at Development Control Committee on 19 May 2008, subject to a S106 Agreement to secure a long term

Action By

drainage maintenance agreement.

The applicant had requested that this requirement be covered by a condition, rather than a legal agreement. Officers considered that a carefully worded condition would suffice and Members were asked to approve this change.

The Solicitor and Standards Consultant had no objection to this change but considered that the wording should specify '*Prior to the commencement of development*'.

A Member asked what the difference was between a condition and a legal agreement in terms of enforcement in perpetuity.

The Solicitor advised that a condition could be subject to immediate appeal by the applicant, whereas a legal agreement was contractually binding for five years. He explained that S106's were useful where there were a lot of details to be negotiated, but that in this case a condition should suffice.

Another Member asked the reason why the applicant was requesting the change and was told that it was a matter of speed and works could commence much sooner without a legal agreement.

Another Member was concerned that agreeing the change might lead to problems of enforcement in the future, however, the Development Services Manager pointed out that a previous application on this site was the subject of an appeal to be heard by informal inquiry on 31 July 2008 and matters could be taken out of the Council's hands if this appeal was upheld.

RESOLVED to approve the use of a condition in substitution for the S106 Agreement as recommended, subject to the wording of the condition being changed to *Prior to the commencement of the construction of any of the dwellings hereby approved.. etc.*

107/08 WATTON: LAND OFF BRANDON ROAD: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF HOUSING, CREATION OF NEW ACCESS ROAD FOR BOWES OF NORFOLK LTD: APPLICATION REFERENCE: 3PL/2008/0547/O (AGENDA ITEM 9)

Cllr C Bowes and Mrs D Irving declared a personal and prejudicial interest in this item and left the room whilst it was discussed. Mrs A Steward declared a personal interest. Mr W Borrett left the meeting before this item.

The Principal Planning Officer (Major Projects) introduced this outline application for approximately 130 dwellings on part of the Bowes of Norfolk site. Currently much of this site was hardstanding, used for parking and storage. A new area for employee parking would be provided within the Bowes site opposite.

A site location plan was shown and the nearby site of an application previously refused at Committee on 19 May 2008 due to noise concerns, was pointed out to Members.

Action By

Photographs were also shown to give context to the site and show its relationship to existing buildings and the open countryside beyond.

A further Noise Assessment had been submitted. This had recommended various measures to mitigate potential noise problems from the road and from the Bowes' site including enhanced glazing to the dwellings at the front of the site and measures to tackle noise from the plant at its source. As both sites were in the applicants' ownership it was possible to condition these measures.

With regard to the recreation provision it was proposed that only 25% would be met on site – with the provision of the children's play area. The other 75% of sports and playing field provision would be met off-site and the current proposal was for an area of approximately three acres at Saham Road to be transferred to Breckland Council and then on to Watton Town Council. This land would fit well with Town Council plans to create a new park.

The District Valuer had been requested to confirm that this offer of land would sufficiently equate to the requirement.

Negotiations about when the land would be transferred had also taken place. Normally the transfer would be triggered by the commencement of development. However in this case the Town Council had asked for an earlier transfer and the applicants had agreed to this in principle.

In conclusion it was considered that this was a suitable site for housing and subject to conditions and a S106 legal agreement, the recommendation was for approval. As the applicants were willing to transfer the land early they were requesting amendments to the other trigger points within the legal agreement. The Principal Planning Officer (Major Projects) suggested that the recreation provision should be the first requirement, followed by the affordable housing element, then education contributions and finally highway contributions. He asked Members to confirm their agreement to this prioritisation of the requirements.

Mr Wells, on behalf of the applicants, was present to answer questions and added that the possibility of an extension to the term of the permission had also been discussed.

Mr Horn and Mr Adcock, representing the Town Council, were excited about the chance of land in relation to the 'Project Rainbow' proposals for a new park. Members were shown a plan of an indoor recreational facility that it was hoped would be built on the land, to provide the young people of Watton with somewhere to go and something to do. The early availability of the land would enable a funding application to be submitted.

A Member said it was a shame that the application site was not to be kept as industrial. He considered it a great loss to the town. However, the Principal Planning Officer (Major Projects) explained that there was a significant shortage of housing land in Watton, whereas there were still vacant areas of industrial land and the remaining Bowes site had room for expansion.

Action By

Another Member felt that this was an ideal site for housing development. He said it had always been under-used, was within the Settlement Boundary and complied with Policy requirements. He thought it was exactly what Watton needed.

Approved, as recommended.

Members confirmed that they agreed with the priorities for the legal agreement outlined above.

108/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

- (a) Item 1: Bylaugh: The Old Orchard, Bylaugh Hall: Change of use of existing residence to health and fitness centre with proposed extensions for Mrs M Vince: Application Reference: 3PL/2008/0502/F

The Senior Development Control Officer introduced this application for development adjacent to a Grade II listed building and partly within an historic walled garden. The change of use of the dwelling, originally the gardener's accommodation, to a single storey health and fitness centre included extensions one of which would house a swimming pool. This extension was designed to emulate the original glasshouses which had occupied the site.

Concerns had been raised about the drainage system and the applicant had agreed to carry out a full CCTV survey of the drainage system. If approval was granted, this would be conditioned to be done prior to the commencement of the use.

Mr Mallen, representing the Parish Council, said that their primary objection was on drainage grounds. There had been problems with sewage flowing into Bylaugh Woods, causing public nuisance and danger to health and this had been going on for years. He asked that a proper survey of the system be carried out.

He also pointed out that a previous application for development on the site had been refused because of its effect on the historic walled garden and asked what had changed?

Finally he was concerned that the extension for the swimming pool and plant room was immediately adjacent to the garden of the neighbouring property and would cause noise and disturbance.

Mr Bambridge (Ward Representative) explained that he had been asked to speak for and against the application. As Mr Mallen had dealt with the objections, he would deal with the applicant's case.

He said that the development would provide a facility unique in Europe. The intention was to provide people with a Retreat

Action By

Centre where they could recharge their batteries in a quiet Country House setting.

He acknowledged the drainage concerns but pointed out that the applicant had agreed to a full photo survey of the system and did not consider that the addition of the swimming pool and Jacuzzi would cause undue problems.

A Member asked if the use of the health and fitness centre could be restricted to residents of the Hall as if it was open to guests this could lead to noise and disturbance, however the Solicitor advised that although it was possible to exclude members of the public it was not a planning matter to try to control the management of residents and their guests.

Another Member asked if the historic wall was to be removed and it was confirmed that it would remain.

A Member commented on the awful smell caused by the drainage problems and said these really need to be thoroughly investigated. The Development Services Manager reminded Members that although drainage was a significant issue in this case, the application could not resolve past problems. However, as a strict CCTV condition and the requirement for remedial works could be imposed there was the potential to resolve this problem.

Members then turned to discussing the design of the building and were shown plans of the elevations. Due to problems with the technology the screens were not as clear as they should be therefore extra time was devoted to ensure that Members fully understood the proposals.

A Member was unhappy with the quality of the design considering the setting of the building within an historic walled garden.

Another Member asked if noise from the plant room would disturb the neighbour and was told that the building would be well insulated to prevent this.

Approved, subject to additional conditions requiring a CCTV survey of the drainage system and remedial works if necessary, prior to the commencement of the use.

- (b) Item 2: Watton: Land off Brandon Road: Demolition of existing buildings and erection of housing, creation of new access roads for Bowes of Norfolk Ltd: Application Reference: 3PL/2008/0547/O

Approved see Minute No 107/08.

- (c) Item 3: Snetterton and Quidenham: Harling Road: Process and storage building for Richard Johnston Ltd: Application Reference: 3PL/2008/0575/F

Action By

This full application was for a large industrial unit adjacent the QD warehouse and included the storage of chemicals which had caused concerns locally.

The Health and Safety Executive had initially raised no objection and had been re-consulted to ensure they were aware of the chemicals to be stored. They had responded by letter confirming that they had no objection.

Plans and elevations of the building were shown. The site was within an area designated for employment use and any approval would include a landscaping condition to minimise any potential impact on the surrounding countryside.

Mrs Lentin, representing the Parish Council, wanted assurances that the chemicals to be stored were not combustible. She was concerned that they were very dangerous and included compounds known to affect DNA. She said that the application had not been well advertised, that they needed to know what was going on and that the planning department did not seem concerned with safety.

Ms Lentin, an objector, referred to another permission for the same company in Riddlesworth and said she had been unable to find any information about this on the website. She wanted to know how the products would be transported to the site. She was also concerned with the lack of local publicity of the application and commented that works had already commenced.

The Development Services Manager pointed out that both Snetterton and Quidenham Parish Councils had been consulted. A site notice had been posted and the application had been advertised in the press and details published on the website. It was not usual practice to write to individuals in this kind of situation as they were too widespread.

The Solicitor explained that safety is a material consideration but that there must be positive evidence of serious risk of harm to warrant refusal on safety grounds.

Mr Johnston, representing the Applicant, confirmed that they were doing everything required by the law to conform to safety requirements. They had to get planning permission first before they could apply to the Health and Safety Executive for a license to operate.

With reference to the other permission in Riddlesworth, he explained that it had proved to be too small a site for the operation and therefore they had been approached as they had a large site. The operators would be tenants.

Finally he said that Mr Lentin, who is a chemical engineer, had e-mailed him requesting more details. He had responded to that e-mail but due to a confidentiality agreement with his client, had been unable to provide all the details of the

Action By

commercial processes involved.

Mr Askew (Ward Representative) felt that there was no issue with the building itself as the site was recognised as an industrial area. Extra information had been requested from the Health and Safety Executive and they had confirmed they had no objection. The company would operate under a licence and this would not be granted if they did not comply with requirements. He therefore felt that as long as the residents were reassured, he could support the application.

A Member questioned if enough water was available to support a sprinkler system within the building and also asked if there would be a noise problem.

Mr Johnston confirmed that a water pipe crossed the site and that, as for other large buildings already present, water would be tanked. He also said that any machinery would be inside the insulated building and therefore there would be very little noise.

The Development Services Manager added that the Fire Officer had been consulted and had raised no objection.

Approved, as recommended.

- (d) Item 4: Old Buckenham: Moy Park Poultry Unit, Doe Lane: Demolition of redundant pig buildings and erection of 2 broiler houses for Poplar Pigs (Buckenham) Ltd: Application Reference: 3PL/2008/0601/F

This was a full application for the demolition of four pig buildings and the erection of two broiler houses. Other broiler houses were already in operation on the site which lies within the curtilage of an existing farmyard.

Members were shown plans and photographs of the site and told that one letter of objection had been received raising concerns re increased smell and traffic movements.

Mr Joel (Ward Representative) was unable to attend the meeting but supported this application to extend an existing business.

Mr Baines, representing the applicants, told Members that due to food costs and changes in regulations it was necessary to consolidate operations. The site operates in compliance with the requirements of a permit from the Environment Agency which keeps close control on pollution.

There are five broiler units currently in operation on site and with the additional two a slight increase in vehicle movements, from 11 to 15 per month, would be expected.

Currently the site employs one full time and one part time person and this was expected to rise to two full time

Action By

employees if this application was approved.

Approved, as recommended.

- (e) Item 5: Yaxham: Lord Nelson PH, Norwich Road: Single storey rear extension to create restaurant and internal alterations for Mr B Aslett: Application Reference: 3PL/2008/0709/F

This full application for a single storey, flat roofed extension to the Lord Nelson PH would create a restaurant, entrance lobby, cold store and additional toilets.

Members were shown plans, elevations and photographs of the site.

There had been no objections received from third parties and the Parish Council supported the application as the lack of a restaurant could lead to the loss of the establishment.

Norfolk County Council Highways were recommending refusal due to the restricted visibility at the site entrance which fell well short of their requirements.

Mr Myhill, representing the Parish Council, explained that the pub was a village landmark having been in existence since 1845. He said it was part of the Upper Yare Heritage Trail. The village had recently lost its Post Office and did not want to lose this facility. He told Members that as there was no street lighting in the vicinity, head lights were clearly visible and there had never been a road accident at the site.

Mr Norfolk, the Agent, explained that following a previous refusal they had worked with Highways to try to overcome their objection without success. However, Highways' own monitoring records showed that there had not been an accident at the site in over 50 years. There was a 30 mph speed limit at the entrance and he considered it was safe.

Mr Jordan (Ward Representative) said he had not been aware of the previous application until it had been refused, when his phone had not stopped ringing with residents phoning to complain. He asked Members to look at the photograph of the entrance to the site and note that the road had extra width at that point, giving plenty of room for vehicles to take evasive action, if necessary.

A Member pointed out that there had been previous applications to improve facilities at the pub, which had been approved and he could not see the problem this time.

Another Member remarked on the difficulties public houses were having following the introduction of the smoking ban. He did not expect the extension to increase the numbers visiting the pub, only to improve the facilities for those that did.

Two questions were raised about the extension. One Member

Action By

asked why it was a flat roof and it was explained that the first floor of the pub was used for accommodation and a pitched roof would obstruct the light and view. Another Member asked if the flat roof would support an extension and was told that it would not.

The recommendation for refusal was not supported.

Approved, as Members considered that the access was not dangerous as shown by the lack of any recorded accidents in the area and the site was within the 30mph limit.

- (f) Item 6: Thetford: 3 Norwich Road: Erection of new dwelling with associated access for Abel Homes Ltd: Application Reference: 3PL/2008/0756/F

This full application was for a new, detached, two storey dwelling and access within the Thetford Conservation Area, adjacent to Grade II listed cottages and Almshouses and on a site containing a protected Horse Chestnut tree.

Although the site was slightly elevated from the highway the height of the proposed dwelling was lower than the adjacent listed cottages.

The existing access to the site was to be realigned to conform with Norfolk County Council Highways requirements. The footpath through the site would be maintained.

The proposed layout maintained the open nature of the site. The Horse Chestnut tree would remain and would be protected by internal fencing. Subject to conditions it was considered that this application would enhance the setting of the Conservation Area.

Mr Bird, representing the applicant, said that much thought and consideration had gone into the proposal. The site was currently unsightly and used by local teenagers and subject to vandalism. The position of the new dwelling would obscure the view of the patchwork repairs to the end gable of the adjacent listed cottage and approval would ensure that the site would be looked after.

Abel's were commended on the high quality of the detailing by a Member.

A local Member was also pleased with the proposal and considered it was the best use of a 'disgusting' site. She asked if the materials would blend in.

Mr Bird said it was the intention to use high quality bricks and to utilise clay tiles, but that the applicant would be happy to have materials conditioned.

Approved, as recommended.

Action By

- (g) Item 7: Kilverstone: Opposite Farm Gate Cottages, Adjacent (West) of Kilverstone Hall Farm Gate: Erection of large estate agents advertisement board to let commercial buildings for The Kilverstone 1989 Settlement: Application Reference: 3PL/2008/0818/A

This application for advertisement consent requested temporary (three year) approval for an estate agent's board, advertising commercial properties to let and the only issues to be considered were the interests of amenity and public safety.

Members were shown photographs of the site and a plan showing the 1.2m high x 2.4m wide aluminium panel sign to be mounted on aluminium posts.

A previous application for a five year consent had been withdrawn.

A Member asked for confirmation of the overall height of the sign as the officer's report said it was approximately 4m high, but the plan shown had stated 5m. It was suggested that the difference might be because 1m would be in the ground, giving a standing height of 4m, but the Development Services Manager said this detail would be checked.

Approved, as recommended.

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 Bambridge – Ward Representative Mr Mallen – Parish Council
2	Mr Wells – for Applicant Mr Horn – Project Rainbow Mr Adcock – Project Rainbow
3	Mr Askew – Ward Representative Mrs Lentin – Parish Council Ms Lentin – Objector Mr Galy-Jammou – for Applicant Mr Johnston - Applicant
4	Mr Baines – for Applicant
5	Mr Jordan – Ward Representative Mr Myhill – Parish Council Mr Norfolk - Agent
6	Mr Bird – for Applicant

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/0114/O	7
3PL/2008/0502/F	2
3PL/2008/0547/O	1

**Sue
Bloomfield,
Phil Daines**

Action By

3PL/2008/0575/F	4
3PL/2008/0601/F	1
3PL/2008/0756/F	3

A Member congratulated the Senior Development Control Officer on her first Committee and then asked why the application for Thetford had been on the agenda. The Development Services Manager explained that the previously withdrawn application had been considered controversial and therefore this scheme had been brought to Committee for determination.

Another Member asked how the figures were arrived at in S106 legal agreements and the Chairman suggested that training should be arranged for the Development Control Committee Members on this matter.

109/08 APPEALS DECISIONS (AGENDA ITEM 11)

This item was noted.

110/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (AGENDA ITEM 12)

This item was noted.

111/08 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 13)

This item was noted.

The meeting closed at 12.23 pm

CHAIRMAN