

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 15 December 2008 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mr S.G. Bambridge (Ward Representative)	Mrs A.L. Steward (Planning and the Environment Portfolio Holder)
Mr W.H.C. Smith (Ward Representative)	

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Sheila Cresswell	- Member Services Officer
Phil Daines	- Development Services Manager
Michael Horn	- Head of Legal Services (for Schedule Item 3 only)
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)

213/08 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 24 November 2008 were confirmed as a correct record and signed by the Chairman.

214/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs M Chapman-Allen, Mr M Kiddle-Morris and Mr M Spencer.

215/08 DECLARATION OF INTEREST (AGENDA ITEM 3)

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

Mrs D Irving declared a personal and prejudicial interest in Schedule Item 4 (Carbrooke) as she knew the applicant.

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216/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

For the benefit of the public, the Chairman explained that if the Committee voted against a recommendation a new proposal, with reasons, would have to be made and voted on.

She then asked the Development Services Manager to send a card to Mr Kiddle-Morris with best wishes from the Committee.

217/08 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Development Services Manager gave a verbal update on behalf of the Environmental Planning Manager who was unable to attend the meeting.

The Core Strategy and all supporting evidence based studies would be published on 5th January 2009 for six weeks. Following consideration of any representations received, a recommendation would be made to Members and then the Strategy would be submitted to the Secretary of State.

In relation to the Site Specifics element, 150 new sites had been put forward during the consultation period and these would be the subject of further consultation in the New Year once the Core Strategy publication was completed. Approval to consult on the new sites would be sought from Panel 1 on 16th December and Cabinet on 13th January.

Following the issues and options consultation on the Thetford Area Action Plan, the Preferred Options would be the subject of consultation in the New Year (at the same time as the Site Specifics consultation). The Plan would go to Panel 1 on 16th December, Overview and Scrutiny Commission on 8th January and Cabinet on 13th January.

218/08 DEFERRED APPLICATION: DEREHAM: FORMER CMC WAREHOUSE, NORWICH ROAD: CONVERSION OF FORMER RETAIL WAREHOUSE TO 14 FLATS FOR MR S PARISH: 3PL/2008/1141/F (AGENDA ITEM 8A)

This application had been considered at the previous Committee and deferred to address concerns re overlooking.

Members were reminded of the proposal to convert an existing building to flats, removing the unsightly buildings to the rear to provide a parking area and landscaping the courtyard to the front of the building to provide an amenity area.

The two flanks of the building were in close proximity to existing residential properties and amendments had been received showing a considerable reduction in the amount of glazing on these elevations. Windows were generally high level only. Where full windows were proposed they contained obscure glazing to the lower sections. A drawing was shown to demonstrate that views from all windows would be limited and would prevent direct overlooking of adjacent properties.

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The revised plans also showed the retention of the sack hoist, as requested.

Mr Chambers, objector, said he was not opposed to the development of the building but was concerned that occupants would be able to see out of the windows. He was also sure that conditions to restrict window opening would not comply with health and safety regulations and would not be adhered to.

Mrs Lyons, objector, questioned the need to provide windows to openings that had previously been bricked up. She was also worried about the possibility of extractor fans causing smells. She wanted all windows to be obscure and fixed shut to protect her privacy.

Mr Seward, Agent, was in attendance to answer questions.

Members debated the effectiveness of high level and partially obscured windows. Generally it was agreed that the amendments had addressed the overlooking concerns whilst maintaining a degree of light and ventilation for future occupants.

RESOLVED to approve the application as recommended.

For clarification the Officer asked Members to confirm that conditions should be imposed requiring details of the obscure glazing and that such glazing should be fitted in perpetuity. He further asked if all windows on the flank sides should be fixed permanently shut. Members felt that windows to bathrooms and bedrooms should be openable.

The Committee agreed that officers should ensure that the windows were obscured densely enough, maintained in perpetuity and hung so that they avoided overlooking.

**219/08 BYLAUGH: BYLAUGH PARK, ELSING ROAD: PROPOSED
RESIDENTIAL DEVELOPMENT FOR MR S VINCE:
3PL/2008/1273/O (AGENDA ITEM 9)**

This outline application proposed residential development on a large piece of agricultural land within Bylaugh Park. A section of the boundary wall would be demolished and re-built to provide the access and visibility splays.

The indicative layout showed clusters of development around courtyard areas. All details were reserved for later consideration.

This application for residential development in the open countryside was against local and national policies. However English Heritage guidance on Enabling Development was relevant. This allowed development which would otherwise be unacceptable in planning terms, to enable public benefits sufficient to justify it being carried out. In this instance, the residential development would help to fund restoration works to Bylaugh Hall.

English Heritage guidance provided tests to apply to such proposals.

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These included establishing that there was a deficit between the cost of repairs and the value of the building (ie the value of the completed building was less than the cost of the outstanding works). Figures had been provided which had been sent to the District Valuer. It was pointed out that the works already completed had created a deficit which had been met by the applicant from his own funds. It was only the cost of completing the restoration that required enabling development.

The critical test was in deciding if the benefits of completing the works to the Hall outweighed the dis-benefits of this breach of policy.

The applicant had requested a deferral to allow consideration of alternative proposals. Details of these were not clear but suggested a reduced scale of development at the current site and additional development at the Hall; converting the existing conference and function facilities to residential accommodation and providing additional residential units on land previously used as a parking area for the commercial use.

If Members considered there might be benefit in allowing enabling development, deferral was an option. However, if Members did not consider enabling development was appropriate, there would be no point in deferring.

On balance Officers had concluded that the gains did not justify the development.

Mr Sunter, Agent, gave Members the history of the Hall since it was built in 1849. He said it had been advanced in design and the use of technology and was a rare survivor of a gentleman's country house.

The Hall had been requisitioned by the military during the war and later sold. It had been stripped and left to fall into disrepair. When the applicant had bought the Hall it had been a ruin and he had gradually restored much of it to a very high standard. The South East corner remained to be done and needed reroofing and flooring. The only way to complete this work would be through enabling development.

Mr Bambridge, Ward Representative, was concerned at the scale of the proposed development. He said the boundary wall was built of unique bricks and was of great interest. He thought that other parts of the estate might be more suitable for enabling development, but mentioned that the road network needed improvement as did the drainage system as there were long term problems with foul and surface water in Bylaugh Park.

Members discussed the scale of the proposal and its effect on the rural nature of Bylaugh. There was concern about the unsustainable location.

Two Members felt that the applicant should be supported to restore the Hall and that alternative enabling development proposals should be invited.

The Principal Planning Officer told Members that, having been in

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discussion with the applicant for more than five years, he wanted to make it clear that any proposal would involve significant development.

Finally a Member summed up by saying that the principle of enabling development was well established but that the quality of that development was crucial. In this case the development of 34 houses in the middle of the countryside was not in the public interest. Although the Hall was an important heritage asset for Breckland the damage to the environment must be proportionate.

RESOLVED to refuse the application as recommended.

220/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/1273/O: Bylaugh: Bylaugh Park: Mixed use residential and holiday/second home accommodation for Mr S Vince

Refused, see Minute No 219/08.

- (b) Item 2: 3PL/2008/1467/O: Rocklands: 68 The Street: Demolition of bungalow and erection of four dwellings for Mrs Firman (Plots 2, 3 & 4) and Mr and Mrs Firman (Plot 1)

This outline application was for one replacement dwelling and three additional dwellings in garden land to the rear of 68 The Street. Only the access was to be considered, however indicative layout and design drawings had been provided. A drainage scheme had also been provided. In the light of local concerns re drainage, this had been put to an independent consultant, who had advised that the scheme would not cause additional flooding.

Elements of roadside widening were also included in the scheme, together with the extension of a footpath across the site frontage.

The site was within Zone 1 of the Environment Agency matrix and therefore they had not been consulted. However, they had been contacted by an objector and had subsequently requested a deferral of the application and the submission of a Flood Risk Assessment.

Mrs Gibbon, representing the Parish Council, said that the village supported development, but not where it might increase drainage problems. She provided a photograph of recent flooding and said that as manholes had blown, raw sewage had entered properties and been pumped into the road by the Fire Brigade. The road was used by school children on a regular basis.

Mr McIlwham, objector, said the proposals were on an unprecedented scale and would change the character of the area and would be contrary to policy.

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Mr Best, Chairman of the School Governors, was concerned that a classroom located to the rear of 72 The Street, would be overlooked by the proposed dwellings. He was also concerned that the proposals for highway improvements would have an effect on the School Travel Plan and narrow the road even further.

Mr Took, Agent, said there were very few opportunities for new development in Rocklands. Local people needed houses and this site was within the Settlement Boundary. The scheme had been designed to be in keeping with the village and incorporated a Sustainable Urban Drainage Scheme designed for a 1/100 year storm event.

Mr Smith, Ward Representative, suggested that the application be deferred as requested by the Environment Agency. He said the village was in a valley and based on clay and needed a new drainage system. Extra development was needed, but not where it would exacerbate problems. He wanted the Committee to avoid a decision which would make things worse for the residents.

Members concluded that the best way forward was to consult the Environment Agency.

Deferred, to allow details of the proposed drainage system to be provided to the Environment Agency.

- (c) Item 3: 3PL/2008/1518/F: Saham Toney: Land at Ovington Road: Removal of condition 6 of 3PL/2000/1297/O relating to turning area for Mr and Mrs Poole

The Head of Legal Services was in attendance for this item only.

This application related to a planning condition, to provide a parking and turning area, imposed by a Planning Inspector when granting approval for this development on appeal.

The application drawings included provision for a turning area. However, due to a conveyancing error, not enough land was transferred to the ownership of the owners of the new dwellings to provide this.

An Enforcement Notice had been served in 2006 and upheld at appeal. This decision had subsequently been successfully challenged at the High Court.

The Highways Authority had originally required the condition in the interest of highway safety. Since the dwellings had been occupied for four years without problem, and following visits to site to view the parking and turning provisions that were available, the Highways Authority had not objected to this application to remove the condition. The Highways Authority had also indicated that since requiring the imposition of the

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original condition, the technical requirements relating to this type of development had changed.

The Head of Legal Services advised the Committee that if they were not minded to discharge this condition, the Council would have to consider whether or not to take Enforcement action. This would either involve seeking an injunction to end occupation of the dwellings, or the compulsory purchase of enough land to provide a turning circle. He said it was highly unlikely that either of these actions would ultimately be successful, as the dwellings had been occupied for four years without any reported traffic problems and the Highways Authority had now withdrawn their requirement for the condition.

Members were surprised at the Highways change of view, but noted that as the dwellings had been occupied for some time without problem, service vehicles appeared to be able to enter and leave the site safely.

Approved, as recommended and the Enforcement Notice be withdrawn.

- (d) Item 4: 3PL/2008/1530/D: Carbrooke: Neighbourhood Centre, Blenheim Grange (Former RAF Watton), Norwich Road: New build mixed use local centre consisting retail units with car parking and 4 No 3 bed townhouses with parking for Mr Harvey Lay

Mrs D Irving declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

This application to provide a neighbourhood centre at the entrance to the former RAF Watton Technical Site was a resubmission, following a previous refusal. Members had been concerned that the design of the building should be in scale with the recently approved nursing home on the site opposite and able to provide an attractive, landmark building in this prominent gateway site.

The layout was similar to the previous scheme and provided for a single storey building with a number of shop units. Four houses in two semi-detached pairs were located at the end of the site. The current proposal was more conventional in design than the previous and appeared two storey in scale, due to the roof design.

Mr Croft, for the applicant, said they were one of the Country's leading developers of neighbourhood centres. They were under considerable commercial pressure to commence development as soon as possible. They had taken the Committee's previous concerns into account and considered that this building made a strong statement and used materials sympathetic to its setting.

A Member noted that the volume of this building gave it more

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presence and provided a balance with the nursing home opposite.

Approved, as recommended.

- (e) Item 5: 3PL/2008/1548/F: Attleborough: 25 Queens Road: 38 sheltered apartments for the elderly plus communal facilities (Category II Type accommodation) for McCarthy & Stone (Dev) Ltd

This was an identical application to one previously approved by Committee on condition that the legal agreement was signed within a set time. This condition had not been met and the application had been refused.

Members were shown details of the proposal which involved the demolition of 25 Queens Road. The apartment block had been designed to reflect elements of the street scene.

Norfolk County Council had requested a contribution to library provision and a fire hydrant. As the applicant was providing a dry rising main within the development this would satisfy the requirement for the fire hydrant.

The contribution to affordable housing was being met by a £300,000 commuted sum. This figure had been agreed by the District Valuer and the Council's Housing Officer was content with this provision.

Mr Oliver, Managing Director of McCarty & Stone Eastern Region, regretted that time had run out on the previous application but said that discussions had continued in the meantime and agreement on the terms of the S106 had been reached.

He said that 20% of Breckland residents were older people and there were currently no sheltered housing schemes in Attleborough. This proposal would provide accommodation for about 50 people. If approved, it was expected that development would commence in 2009 and be completed in 2011.

Mrs Miller said that as Ward Representative she knew that this sort of accommodation was desperately needed in Attleborough.

Deferred and the officers be authorised to approve with conditions, subject to the signing of a legal agreement.

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

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(Agenda Item 9) Mr Sunter - Agent
2 Mr Smith – Ward Representative
Mrs Gibbon – Parish Council
Mr McIlwham – Objector
Mr Best – Objector
Mr Took - Agent
4 Mr Croft – for Applicant
5 Mr Oliver – for Applicant
Deferred Mr Chambers – Objector
(Agenda Item 8a) Mrs Lyons – Objector
Mr Seward - Agent

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/1141/F	4
3PL/2008/1273/O	2
3PL/2008/1467/O	34
3PL/2008/1518/F	1

221/08 DEVELOPMENT CONTROL COMMITTEE TRAINING (AGENDA ITEM 11)

The Development Services Manager told Members that this was an important issue and officers had been discussing how best to provide the training. He asked Members to e-mail him with any requests for training that they had.

It was agreed that the best time to do the training was immediately following Development Control Committee.

The first of these sessions would be on 26 January 2009, when S106 agreements would be discussed. An S106 newsletter would be circulated to Members soon.

222/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (AGENDA ITEM 12)

This item was noted.

223/08 APPEAL DECISIONS (AGENDA ITEM 13)

This item was noted.

The meeting closed at 1.05 pm

CHAIRMAN