

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 12 July 2010 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mrs D.K.R. Irving
Councillor Claire Bowes	Mr J.P. Labouchere
Mrs M.P. Chapman-Allen	Mr F.J. Sharpe
Mr P.J. Duigan	Mrs P.A. Spencer
Mr P.S. Francis	Mr N.C. Wilkin (Vice-Chairman)
Mr M. Fanthorpe	

Also Present

Mr J.W. Nunn (Ward Representative)	Mr K. Martin (Ward Representative)
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In Attendance

Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Nick Moys	- Principal Planning Officer (Major Projects)
David Spencer	- Principal Planning Policy Officer (Capita Symonds for Breckland)
Diana Dring	- Committee Officer

110/10 MINUTES

The Minutes of the meeting held on 21 June 2010 were confirmed as a correct record and signed by the Chairman.

111/10 APOLOGIES & SUBSTITUTES

Apologies were received from Mr T Lamb and Mr S Rogers. Mr Duigan was present at the meeting as a substitute for Mr Rogers.

112/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

Members were asked to declare an interest at the time the applications were introduced.

Mr P Duigan declared a personal interest in Item No. 7 as a Member of Norfolk County Council.

113/10 CHAIRMAN'S ANNOUNCEMENTS

None.

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114/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA

Application Reference No. 3PL/2010/0458/F at Wretham by A F Machinery Ltd for a Potato Store Extension was deferred for consideration at a future meeting pending the receipt of additional information from consultants and advice from Natural England with regard to the Special Protection Area.

115/10 URGENT BUSINESS

None.

116/10 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

The Principal Planning Policy Officer informed Members that the public consultation process for the LDF was underway and that 224 comments had been received so far. Most of the comments made were on specific sites and not on settlement boundaries.

The Government Order to revoke the Regional Spatial Strategy was proceeding. The Communities and Local Government Department website had a useful Question and Answer section which stressed the importance of planning at local level and that the Local Development Framework would continue as a planning tool. There would be financial incentives for local communities for local housing.

117/10 DEFERRED APPLICATIONS

None.

118/10 SHIPDHAM: 36 LETTON RD: PROPOSED RESIDENTIAL DEVELOPMENT: MARLBOROUGH PROPERTIES: 3PL/2010/0293/O

The Principal Planning Officer (Major Projects) presented the report on the outline proposal for 12 new dwellings on part of a horticultural nursery site. The proposal met planning policy requirements in terms of development within the settlement boundary, character, density and layout of housing, parking, retention of trees and landscaping. A S106 agreement would ensure the requirement for provision of affordable housing and a suitable contribution towards improving local amenity.

The Highway Authority had objected to the application on the grounds that there is no footpath on Letton Road linking the site with the A1075 and requested that the applicant provided a footway of 270 metres. Such a requirement would involve the purchase of third party land and the cost involved would undermine the viability of the proposal. Officers considered that this request was unreasonable and recommended that the proposal was approved as it stood.

Mr Took, agent for the applicant, told the Committee that the owner needed to consider closing the nursery and had complied with planning requirements including the reduction in the number of dwellings on the site which had affected the viability of the development. The additional cost of constructing the footpath requested by the Highway Authority was estimated at £25,000 plus the cost of purchasing third party land to build it on. This would make the proposal not financially viable. A footpath would be provided on the site frontage but a further requirement was not

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considered reasonable. The proposal was a small scale development to be constructed by local builders and would meet the requirement for affordable housing.

In response to a Members query, it was clarified that a S106 agreement was still to be drafted but needed more time. The Solicitor verified that the S106 agreement could be agreed in principle and that the detailed mechanics would be worked out subsequently. Mr Took confirmed that the applicant was agreeable to all Breckland District Council conditions.

RESOLVED, that the application be deferred and the officers be authorised to grant approval as recommended, subject to conditions, on completion of a S.106 agreement to affordable housing and open space contributions.

It was noted by the Committee that this would take the process over the 13 week decision target period.

**119/10 ATTLEBOROUGH: THE OLD FARMHOUSE, STATION RD:
PROPOSED RESIDENTIAL DEVELOPMENT BY MILD PROFESSIONAL
HOMES LTD: REFERENCE: 3TL/2010/0018/TL**

The Principal Planning Officer (Major Projects) presented the report of the application to extend the time limit for the previously approved application for 24 flats in a 5 storey building. Members were advised of the need to consider the application in view of current planning policies, some of which had changed significantly since permission was granted in 2005 such as contributions towards local recreation and affordable housing.

However, the applicant was not agreeable to the planning requirements particularly to provide 40% affordable housing. A financial viability report had been recently received from the agent but there had not been enough time for this to be considered by the District Valuer. The report had concluded that the viability of the development was questionable with or without the affordable housing element due to the nature of the scheme and the high building costs involved.

Other issues were that the modern design of the proposal was not in keeping with the locality and that there was limited parking provision for the residents/visitors. Officers had not had a chance to discuss with the applicants other ways of developing the site. The proposal was contrary to planning policy and refusal was recommended.

Members raised concern about the parking provision particularly as the Parking Task and Finish Group had commissioned a survey which had shown that there was a critical parking problem in Attleborough. In addition it was felt that neither the design nor the high rise nature of the building was compatible with the local area.

Members expressed disquiet that the changes to planning policy in 5 years had such a significant effect on such applications and considered that the current economic climate made it more difficult for developers to comply with such policies and queried whether the 40% affordable housing requirement could be reduced. The Development Service Manager responded that developers would be aware of policy changes and would take these into account. Any change to planning policy would have to be justified by evidence and approved by the District Valuer.

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RESOLVED that planning permission be refused as recommended, due to failure to provide affordable housing, recreation and local library contributions and concerns about the inadequacy of the parking provision.

120/10 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the applications be determined as follows;

- (a) Item 1: Shipdham: 36 Letton Road: Proposed residential development for Marlborough Properties: Reference: 3PL/2010/0293/O

Approved, see Minute 118/10

- (b) Item 2: South Lopham: Four Acres, Redgrave Road: Construction of first floor balcony within existing roof, new and enlarged dormers to rear for Mr P Foster: Reference: 3PL:2010:0345/F

The Principal Planning Officer (Major Projects) gave a report of the proposal for alterations to the rear roof of the property. Obscure glass screening at either end of the balcony had been added to help protect the privacy of neighbouring properties.

Mr Webb, adjacent neighbour to the south of the site, objected to the proposal on the grounds that it would be intrusive and overlook his property causing loss of privacy. He circulated a photograph to Members of the roof view with the projected balcony and enlarged windows superimposed. He estimated the distance from the balcony to his boundary was 4 metres.

Mr Brand, agent for the applicant, said that the proposed alterations to the windows would provide more light to the bedrooms and that efforts had been made to avoid possible overlooking of the neighbouring properties helped by the provision of screening. He suggested that the balcony would only be used a few times a year.

Mr Nunn, Ward Representative, said that the main concern was the effect on the privacy of the neighbouring properties. The balcony was likely to be used in good weather at the same time as neighbours could be in their gardens and could be viewed from the balcony. There was the potential to remove the screening in the future and he considered development at the height and position was not appropriate.

Members received clarification that there was already access from the rear windows to the roof area; that the change in size of the windows was not excessive; and the screening would be 1.8 metres in height. It was suggested by one Member that the screening could be a solid barrier rather than obscure glass.

The Development Service Manager clarified that the officer recommendation included a condition relating to the level of obscurity of the glass, and that changes to the screen or any other part of the development should not be made without approval.

Approved, as recommended, subject to conditions.

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- (c) Item 3: Attleborough: Windmill Way, Foundry Corner: provide new driveway access from Buckenham Rd (B1077) together with new drive & turning space for Mrs N Kemp: Reference: 3PL/2010/0396/F

The Principal Planning Officer (Major Projects) presented the report on the proposal to provide new vehicle access at the front of the property on Buckenham Road. The current vehicle access at the rear was from Borough Lane which was of restricted width.

Concerns had been raised regarding highway safety and the possible danger of a new access on to the B1077 which was considered a busy road. The Highways Authority had not objected as long as normal requirements for parking/turning space were met and that the rear access was closed. A new footway was proposed by the County Council which would extend along the property frontage and would provide dropped kerbs as necessary.

Mrs Kemp, the applicant explained that she had become less mobile due to a health condition and that the front driveway would provide her with easier access to her property. She would like to retain the rear access to enable her to use the garage to park the car when needed.

Mr Martin, Ward Representative, expressed concerns relating to highway safety and pointed out that the properties had been built with vehicle access from the rear due to the nature of the B1077. He also considered the visibility splay of the proposed new access could be affected by a large tree in the adjacent garden.

Members discussed the road layout and the potential dangers of cars reversing from their drives onto a chicane and considered that there was good reason that vehicle access had been restricted to the rear of the properties. There was concern that approving this application could set a precedent for others to follow increasing the potential traffic hazard.

The Principal Planning Officer (Major Projects) commented that other properties opposite the site had access onto the B1077 and some neighbouring properties had opened up front access for vehicles without consent. He reminded Members that the Highway Authority had not raised any issue regarding the visibility splay of the proposed access and that there was a 40mph speed limit in place. He advised that the application should be considered on its own merit and safety aspect.

Members agreed to grant planning permission for the new front access and that the rear access should be retained.

Approved as recommended, subject to conditions.

- (d) Item 4: Snetterton: Unit 3 Snetterton Business Park, Chalk Lane: Industrial storage unit for Tilia Properties Ltd: Reference: 3PL/2010/0398/F

The Principal Planning Officer (Major Projects) presented the report of the proposal for a storage unit similar to existing buildings in the Business Park. Landscaping would be included to soften the visual

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impact. Although partly outside the General Employment Area the development could be included within the Snetterton Area Action Plan.

Mr Hovey, agent, responded to questions from Members and clarified details about the height and access to the unit.

Approved, as recommended.

- (e) Item 5: Great Ellingham: Stallards Farm, Deopham Road: 2 No. Replacement duck buildings including increase in size for Gressingham Foods: Reference: 3PL/2010/0400/F

The Principal Planning Officer (Major Projects) presented the report of the proposal for 2 replacement buildings for duck rearing which would increase the capacity by 6,500. The buildings would be at the rear of the site which was located in a rural location north of the village. Although the site was partly screened additional landscaping could be provided to reduce the visual impact of the larger building.

Objections had been made relating to the increased effect on local amenity e.g. smell, traffic and noise. The Environment Agency having regard to issues relating to noise and smell had raised no objections subject to a condition requiring a pest control scheme. The Highway Authority had raised no objections.

Mr Irwin, on behalf of the applicants, explained that the proposed new buildings would provide improved facilities and environment helping to make production at the site more efficient and hygienic. There should not be additional vehicle movements and landscaping would be undertaken with professional advice.

Members were satisfied with the information provided.

Approved, as recommended subject to conditions.

- (f) Item 6: Wretham: Field (Larkshall 2): Potato store extension for A F Machinery: Reference: 3PL/2010/0458/F

Deferred, see Minute 114/10.

- (g) Item 7: Watton: Wayland High School: Construction of a shared footway/cycleway facility for Norfolk County Council: Reference: 3PL/2010/0474/F

Mr P Duigan declared a personal interest as a Member of Norfolk County Council.

The Principal Planning Officer (Major Projects) gave a report on the proposed new cycleway/footway along the edge of a field from Thetford Road to the rear of Wayland School. The plan included fencing which prevented access from Churchill Road. A Toucan crossing would be included but information on this had not been provided as it would not need planning permission.

The proposal had raised a lot of interest in terms of the potential adverse affect on local amenity relating to additional noise,

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disturbance and possible anti-social behaviour. However, the use of the footway/cycleway would be limited to periods during the day and the hedging would provide some screening to neighbouring properties. The police had raised no objection on the grounds that it was a straight route with no hiding places.

Councillor Gilbert had sent a written comment that he was satisfied with the application since it had been agreed to install a fence along the side adjacent to Churchill Close.

Mr Philips, resident and objector, said there were over 70 letters of objection to the proposal. In 1994 a previous planning application for housing on the same land as the path had been refused on the grounds of being outside the development boundary and intrusive to neighbouring properties. He referred to an Environmental Health Officer report which had raised the possibility of anti-social behaviour occurring within the cycleway. He felt the cycleway was an uneconomical project with limited use and purpose. He criticised the County Council for producing inaccurate plans and providing unsatisfactory timescales.

Mr Rope, the agent, said that it was the intention of the school to encourage alternative means of transport to school and relieve the parking congestion around the school at peak times.

Members supported the principal of providing a safe and environmentally safe route for children to get to school. One Member expressed concern that the parking problems could be partly relieved at the school but could be displaced to other arrears along the cycle/footway causing congestion problems elsewhere. Members felt that the crossing should be provided at the same time as the construction of the footway/cycleway.

Approved, as recommended, subject to conditions and the officers be asked to request Norfolk County Council to build the crossing in conjunction with the footway/cycleway.

- (h) Item 8: Attleborough: The Old Farmhouse, Station Road: Extension of a time limit on pp 3PL/2005/0025/F – erection of 24 starter flats for Mr M Blyth: Reference: 3TL/2010/0018/TL

Refused, see Minute 119/10.

Notes to the Schedule

Item No	Speaker
1	Mr Took - Agent
2	Mr Nunn – Ward Representative Mr Webb – Objector Mr Brand – Agent Mr Foster – Applicant
3	Mr Martin – Ward Representative Mrs Kemp - Applicant
4	Mr Hovey - Agent
5	Mr Irwin – Applicants Representative

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7	Mr Philips – Objector Mr Rope - Agent
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Written Representations taken into account

Reference No.	No. of Representations
3TL/2010/0018/TL	2
3PL/2010/0396/F	2
3PL/2010/0474/F	79

121/10 APPLICATIONS DETERMINED BY THE CHIEF EXECUTIVE (FOR INFORMATION)

Noted.

122/10 ENFORCEMENT ITEMS (FOR INFORMATION)

Noted.

123/10 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)

Noted.

124/10 APPEAL DECISIONS (FOR INFORMATION)

Noted.

The meeting closed at 12.05 pm

CHAIRMAN