

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 22 November 2010 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mr J.P. Labouchere
Councillor Claire Bowes	Mr T.J. Lamb
Mr P.J. Duigan	Mr S. J. F. Rogers
Mr P.S. Francis	Mr F.J. Sharpe
Mr M. Fanthorpe	Mrs P.A. Spencer
Mrs D.K.R. Irving	

Also Present

Mr C Jordan - Ward Representative

In Attendance

John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Keith Eccles	- Building Control Manager (Capita Symonds for Breckland Council)
Helen McAleer	- Senior Committee Officer
Kathryn Matthews	- Planning Technician
Mike Brennan	- Principal Planning Officer (Capita Symonds for Breckland Council)
Jane Osborne	- Committee Officer

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208/10 MINUTES

Minute 195/10 - Clarification was given that Mr Eccles had been Breckland's Building Control Manager, so the word Breckland's would be added in paragraph 4 of this item.

With this amendment noted, the Minutes of the meeting held on 1 November 2010 were confirmed as a correct record and signed by the Chairman.

209/10 APOLOGIES & SUBSTITUTES

Apologies for absence were received from Mr N Wilkin and Mrs M P Chapman-Allen. Mr P Duigan was in attendance as substitute for Mr N Wilkin.

210/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

There were none.

211/10 CHAIRMAN'S ANNOUNCEMENTS

The Chairman made her usual announcements regarding the fire exits, mobile phones etc. The second part of the CABA Training on Built Environment would take place on 30th November. Members were advised that if they had not been to the first part, it was still worthwhile to attend.

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212/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA

None.

213/10 URGENT BUSINESS

None.

214/10 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)

The first Open Day with regards to the Attleborough and Snetterton Heath Action Plan had taken place on Saturday 20 November and had gone very well. The next Open Morning would take place at the Attleborough Town Hall on Saturday 27 November, where it was anticipated that more people would attend.

215/10 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that the applications be determined as follows :

- a) Item 1 : Swaffham : 48 Station Street : Conversion of public house to dwelling & construction of additional dwelling on existing car park for Mrs J F Green. Reference : 3PL/2010/0806/0

The Principal Planning Officer advised that this was an Outline proposal with access and layout to be determined.

Two letters of objection had been received with regard to the loss of light to occupants of the adjacent building, the need to maintain access to their properties, and the careful treatment of boundaries would need to be considered. He advised that Policy DC18 (Community) Facilities was also relevant. The Public House was not a listed building, and already looked like a residential property.

With regard to amenity, the turning head bisected the rear garden, but given the town centre location, the small garden was felt to be appropriate, and whilst there could potentially be an impact on some of the neighbouring property, this matter could be addressed at Reserved Matters stage.

Mr Green, husband of Applicant gave various numerical statistics and advised that in June 2008 the population was 7304, with 1704 being over 70 years of age. There were 6 public houses, 3 hotels, 5 restaurants and at least 5 clubs currently all licensed for drinking; 3 supermarkets, 3 shops and 2 garages all of which were off licenses; and the facility for TENS licences were factors that affected the pub's income. The property was not in the town centre.

Concern was raised that once "proper drinking" places disappeared, they would be gone for ever, and for that reason, one Member could not support the application, although another Member was aware of the problems public houses in Swaffham had and therefore supported the application.

A Member asked for clarification over the fact that sometimes public houses were not allowed to be granted planning permission for conversion, and at what point would the Committee be concerned

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that “enough was enough”.

The Development Services Manager stated that the question was probably the first one the Officers asked themselves when the application was received. He explained that in villages it was different as community facilities were trying to be protected. In towns it depended on the size of the community. In this case, because of the location and the number of alternatives, the loss although regrettable, was something that could be supported.

A Member asked if there were planning grounds to refuse applications for licenses for alcohol being sold, but the Solicitor and Standards Consultant stated that was a licensing issue and not a planning one. It was clarified that any objections were always heard.

Approved, as recommended.

- b) Roudham/Larling : Roudham Ind Estate : Construction of 4 new business units with associated hard standing for Connolly Refrigeration Ltd. Reference : 3PL/2010/0913/F

The Principal Planning Officer advised that the original application was for 5 units, but took the premises to within 3 metres of the boundary of Marston Villas which was unacceptable, the application had therefore been reduced and the number of units were now 4 instead of 5. The applicants had also agreed to use units 2, 3 and 4 for B1 use, and the larger unit for B1 & B8. There were satisfactory parking arrangements at the front.

The building would be clad in kingspan longspan and the stripes would be of contrasting colour, with glazing on the first floor to the West of the building. With regard to the far east end of the building, the actual distance of the cottages/villas was 11.8m. It was proposed that the eastern end would be landscaped.

The Parish Council had objected to the original scheme but no comments had been received on the revised one. No objections from consultees. Four letters of objection had been received from representations but it was not entirely clear if these were against the original scheme. The site had history of B1 and B8 uses, and the revisions made had overcome original concerns. Subject to conditions, the Environmental Officer supported the scheme.

It was an attractive building and an improvement on the Nissan huts, and helped to contrast to the very large Foulgers building at the rear. The scheme would give scope for landscaping to break up the views, and therefore subject to conditions, it was recommended for approval.

Mr Lucas, Agent clarified that they were aware of the objections and had worked with Planning Officers regarding those and hopefully the four units were now acceptable to the neighbours. He was asked to confirm that the neighbours were now happy with the scheme, but Mr Lucas could not clarify that. The Development Services Manager confirmed that re-consultations had taken place and that there were no further objections.

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A question was asked as to what the 20 metres exclusion zone around the residences meant. It was explained by the Development Services Manager that this was with regard to Foulgers and not relevant to the site.

The Applicant was asked to explain about refrigeration equipment and whether it was in any way part of a refrigerated building, and why the main entrance was not to be used. Mr Connolly, the Applicant stated there would be no actual refrigeration machinery or lorries based on site. With regard to access, there would be an In/Out entrance, the estate access was surrounded by properties on all the other sides. The Applicant was asked if it was a relocation from Thetford to Roudham, the Applicant explained he was relocating all of his 3 businesses to the area.

Approved, as recommended.

- c) Garvestone : Thorncroft Clematis Nursery, The Lings, Reymerston : Proposed temporary mobile home as staff accommodation for existing nursery business for Mr J Gooch & Mrs R P Gooch. Reference : 3PL/2010/1045/F

This application was for a one bedroomed mobile home unit to be occupied by Mr. Roberts who currently resided in a caravan on the site. It would be for a 3 year temporary permission during which time Mr Roberts would help at the nursery and establish himself with a view to becoming a partner in future. After three years, he would look for alternative accommodation.

The Applicants' son who helped run the business, lived about one mile away, but the applicants themselves spend a lot of time looking after elderly relatives, and due to the applicants approaching retirement they required additional help to maintain the business, and Mr Roberts would take on some of the responsibility from them.

The Principal Planning Officer advised that there had been no objections or representations. He advised that PP7 raised strong constraints in the countryside. Mobile homes had to be considered as a dwelling albeit temporary, and that there had to be a strong functional case made, but no case had been made in this instance. It was felt that if there was an incident at night, the applicants themselves could deal with it as they lived on site, and therefore there was no justification to have someone else on site. Refusal of planning permission was recommended.

Mr Jordan, Ward Representative was present in support of the application. He had been asked by the Parish Council to advise that Thorncroft Clematis Nursery was seen as a great credit to the area, that there was no housing in the area, the staff member required affordable accommodation, and the application was to improve his standard of living. The Parish Council wished to make it clear that the application was about a small business being able to function in the countryside and required the support for temporary permission to allow the student accommodation until he could afford his own.

Mr Cutting, Agent stated that the caravan Mr Roberts currently lived in was not ideal for winter use. He reinforced that the applicant was

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not looking for permanent accommodation and that the permission could be made in Mr Robert's name if need be for 3 years to enable him to become financially secure. There was insufficient room to live with the applicants. The application was no different than that for an application for temporary workers.

It was felt this was a reasonable case to support industry in the area and due to the lack of affordable accommodation.

Temporary permission approved for three years personal to Mr Roberts. The mobile home to be removed at the end of the permission.

- d) Hoe : Gorgate Farm, Gorgate Drive : Demolition of existing tin bungalow to be replaced with new two storey, three bedroom house for Mr & Mrs Stephen Cross. Reference : 3PL/2010/1060/F

The Principal Planning Officer stated that the application had caused some difficulty which he explained as he proceeded through the presentation. The bungalow had not been occupied for a number of years, but it was not considered to have been abandoned. The proposal was for a new modern contemporary designed house, set at almost 90° to the existing siting. The paddock was currently used for the parking of vehicles for the bungalow. In part, the application was to consider the change of use of land from agricultural to residential garden.

The building was contemporary with regard to its design and shape of roof with some shaped windows. An aerial view and artist impression was shown along with other photographs and plans by the Principal Planning Officer.

There was a discussion on footprint and permitted development, as the application could take the footprint up to 312 sq m.

The Parish Council had not commented and no objections or representations from local residents had been received.

Ultimately the principle issue that had arisen was that of going from single storey to 2 storey and the 3.85m currently to 7.1m, and that before the Policy had come into place, recommendation for approval would have been granted. A Member asked when the relevant Building Regulations changed. The Building Control Manager stated the current Part 'L' came into effect 1 October 2010, and if the build was in energy efficiency terms now, it would meet Code 3. The Development Services Manager stated that in relation to change in planning policy, it would have been December 2009. He added that by and large it was felt the scheme was very good however, the view was that it compromised the policy. The policy was brought in to overcome more blatant changes. In principle, the policy was right, but the first application did sit on the border of acceptability in strict policy terms. He advised Members that they would need to make it clear, should the application be approved, that it was due to the very particular circumstances of the application, to avoid problems in the future.

The Development Services Manager read out an email received

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from Kate Millbank, Ward Member who supported the application as it was only slightly larger than the existing bungalow. The current bungalow was an eyesore, was not eco friendly whereas the proposed one was eco friendly, and she hoped that the Committee would grant permission for the unique and much wanted home.

The Architect said that it was only considered to be contrary to two areas of the Policy criteria and that in all other respects the design was considered acceptable. The proposed house was 35% smaller than what could be permitted currently. He felt that the full perspective was not shown, due to the absence of photographs showing the agricultural complex and Gorgate Hall. He said it would be built to Code 3 and would use a wide range of very green techniques and materials and be very sustainable.

The Applicant stated that the area of curtilage was a bit less than ¼ acre, and no garage had been put in as he would use one of the farm buildings (which he also owned).

The Architect advised that the aluminium roof would be dull grey with a coating similar to raw aluminium, the cedar would go naturally grey over time, and the render would be natural lime.

It was felt by a Member that it should be built to Code 4 and not Code 3. The Architect said Code 4 would be possible but the issue was how Code 4 would be measured.

The Members felt that in the particular circumstances of this application, the proposed dwelling would not be out of proportion with the existing dwelling and would not have any adverse effects on the amenities of neighbouring properties of the area.

Approved, contrary to recommendation, subject to conditions including achieving Code Level 4 and permitted development rights to be restricted.

216/10 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION)

Attleborough : Replace windows, int doors, kitchen, staircase, bathroom, floorboards, install c/heating & repaint (retrospective), Unit 2, 1 High Street : Mr R Mowser : Reference 3PL/2010/0964/LB

The Development Services Manager would be speaking to Mr Francis further with regard to this.

217/10 ENFORCEMENT ITEMS (FOR INFORMATION)

This item was noted.

218/10 APPEAL DECISIONS (FOR INFORMATION)

This item was noted.

The meeting closed at 11.07 am