

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 9 June 2008 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mrs S.R. Howard-Alpe
Mr W.P. Borrett	Mrs D.K.R. Irving
Councillor Claire Bowes	Mr R. Kemp
Mr A.J. Byrne	Mr M.A. Kiddle-Morris
Mrs M.P. Chapman-Allen	Mr J.P. Labouchere
Mr P.J. Duigan	Mr B. Rose
Mr P.S. Francis	Mr F.J. Sharpe
Mr M. Fanthorpe	Mrs P.A. Spencer

Also Present

Mr J.W. Nunn (Ward Representative)	Mrs A.L. Steward – Executive Member
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In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
David Spencer	- Principal Planning Policy Officer
Lee Webster	- Housing Enabling and Projects Officer

84/08MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 19 May 2008 were confirmed as a correct record and signed by the Chairman.

85/08APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr T Lamb and Mr M Spencer.

86/08DECLARATION OF INTEREST (AGENDA ITEM 3)

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

Mr A Byrne declared a personal and prejudicial interest in Schedule Item 2 (Snetterton) by virtue of owning adjacent property.

87/08CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

- (a) The Chairman drew Member's attention to the fact that the next meeting of the Development Control Committee on 3rd July 2008 would be on a Thursday.

Action By

Action By

- (b) Members were updated on the Gladedale Homes application at Swaffham (Reference No 3PL/2007/1436/H). A request for amendments to the terms of the S106 agreement had been discussed at the last Development Control Committee meeting and been deferred for further negotiations.

The Principal Planning Officer (Major Projects) confirmed that the developers had agreed to build the whole scheme to Code 3 as required. Other minor amendments previously described to Members had been sent to the Town Council for consultation.

Completion of the legal agreement was being pursued.

88/08 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The Development Services Manager told Members that the application at Schedule Item 7 (Carbrooke) had been withdrawn and would not therefore come forward to Committee.

Schedule Items 4 (Bylaugh) and 8 (Snetterton) had been deferred.

89/08 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Principal Planning Policy Officer told Members that at the Policy Development & Review Panel 1 meeting on 3 June 2008, Members considered the first draft of the Site Specifics document and following debate changes were suggested. These would be presented to Cabinet on 10 June 2008. The document would go out for 12 weeks public consultation at the end of June.

The current programme of meetings was:

Dereham	10 June
Saham Toney / Yaxham	12 June
Garboldisham	16 June
Litcham / Beeston / Kempstone / Lexham Rougham and Gt and Lt Dunham	18 June

Copies of maps would go out to the Town and Parish Councils later this week.

Following the recent adoption of the Regional Spatial Strategy (RSS) and the issue of a revised version of Planning Policy Statement 12 by the Government, their effect on the regulations for the production of the LDF would be explained to Members of Development Control Committee and Panel 1 in due course.

At the next Panel 1 meeting on 15 July details of strategy and policy would be discussed.

Action By

**90/08 REGIONAL SPATIAL STRATEGY - EAST OF ENGLAND PLAN
(AGENDA ITEM 8)**

This 130 page document was available on the Government Office website. No paper copy had yet been received by the Council.

The Principal Planning Policy Officer told Members that it had taken five years to develop and now that it had been adopted by the Secretary of State had direct influence on the planning process.

Two policies were particularly noted. H2 – Affordable Housing; which set a new minimum requirement level of 35% for permissions sought from now onwards and ENG1 – Carbon Dioxide Emissions and Energy Performance, which requires new developments of 10 houses or more, or commercial developments over 1000 square metres, to secure at least 10% of their energy from decentralised and renewable or low carbon sources.

Also within the RSS, Thetford is identified as a Key centre for Development and Change.

The Principal Planning Policy Officer was pleased to tell Members that the emerging work within the LDF was in accordance with the RSS as required.

A Member asked how 35% affordable housing could be achieved in small developments of only a couple of houses and it was explained that the threshold was not set within the RSS and would be a key area for debate. Currently the requirement was triggered by five plus dwellings in villages and 15 plus in towns.

**91/08 LAND NORTH OF SOUTH GREEN, DEREHAM AND LAND OFF
HONEYSUCKLE DRIVE, DEREHAM (AGENDA ITEM 9)**

The Principal Planning Officer (Major Projects) showed Members maps and photographs of six areas of open space within two housing developments. He explained that this item was a tidying up exercise to ensure the long-term maintenance of these areas of land.

The two developments had received permission on appeal and had therefore not been the subject of legal agreements which would normally have provided for the adoption or management of the public open spaces.

Negotiations were on-going with the Town Council who had expressed an interest in some of the open spaces being transferred to them.

RESOLVED that the areas of public open space referred to should be adopted and maintained publicly in order to ensure their future retention and maintenance.

92/08 DEFERRED APPLICATIONS (AGENDA ITEM 10)

Action By

Harling: Retrospective application for new siting of dwelling (New dwelling approved Ref No 3PL/2005/1914/F): Reference 3PL/2007/0672/F: Applicant: Dr R Kobylecki

The Principal Planning Officer presented this deferred item which had previously been the subject of a Committee Site Visit. Following discussion it had been deferred to allow officers to negotiate on the design of the dormer windows.

The applicant had had a meeting with his agent and architect and reached the conclusion that any changes to the dormers would be expensive and ineffective. He provided a photograph of a similar dwelling in the area which had received approval. He apologised for the inconvenience he had caused but said he was not in a position to make any changes.

A landscaping scheme had also been submitted. This was not considered to reflect the parkland setting of the dwelling and was the subject of on-going negotiations.

The recommendation was for approval, subject to a satisfactory landscaping scheme being agreed.

Mr Horn, speaking as an objector, agreed with the officers. He said that he did not think that changing the windows would affect the scale and setting of what he described as a very large cottage. However, he felt that more effort needed to be put into the landscaping scheme to mitigate the effect of the house on its surroundings.

Mr Took, the agent, accepted that Members found dealing with retrospective applications very frustrating, but pointed out that the decision should be made on planning merits. They needed to decide if they would have refused the design if the original application had shown the house as built. He asked them to decide if it caused demonstrable harm, and also said that once the porch was added it would improve the appearance of the house.

A Member said he was really disappointed that the applicant was saying that because any changes would cost money he was not prepared to make them. He felt that the Committee should not accept this.

The Council's Solicitor told Members that although they felt strongly about this and frowned upon unauthorised work they were not looking at this matter on principle but at the intrinsic planning merits.

The Development Services Manager noted that the submitted amended drawing showed the windows in the dormers to be of four panes of glass, yet as built they had eight panes. He suggested that if the Committee requested the windows to be changed to match the amended plan the appearance would be improved. However, he reiterated that the addition of the porch and the introduction of some significant trees to the front of the property would make a great difference.

Another Member said he was not surprised at the applicant's attitude.

Action By

He had said he would work with the Committee and yet he had failed to do so. He proposed that the application should be refused on design grounds.

Members voted on the proposal 7 for and 8 against.

Members then voted on the officer's recommendation of approval with the same result, 7 for and 8 against.

The Chairman then suggested a new proposal.

RESOLVED that the application be approved, subject to conditions requiring the dormer windows being changed to match the submitted amended drawing and a condition requiring the receipt of an acceptable landscaping scheme which had to be implemented in the next planting season (October 2008).

93/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 11)

RESOLVED that the applications be determined as followed:

- (a) Item 1: 3PL/2008/0384/F: North Lopham: Meadow Farm House, The Street: Proposed Replacement Dwelling for Mr Mark Porter

This item was considered in conjunction with Schedule Item 3 for the conversion and extension of an ancillary building.

An existing barn on the site already had planning permission for conversion to a dwelling and work was underway. There was also permission for two new dwellings on adjacent plots one of which was under construction.

This resubmission showed a simpler design and the Historic Buildings Officer had withdrawn his previous design objection but still objected on the grounds of failure to enhance due to scale and massing.

Members were shown a video of the site showing the existing buildings under construction and the relationship of the buildings on site to each other and to the access. The existing farmhouse and the ancillary building proposed for conversion were in very close proximity to each other. The proposed replacement farmhouse would be a little further away, but a much bigger building.

Both applications were recommended for refusal.

Mr Frith representing the Parish Council endorsed the recommendations. He was concerned at the lack of garaging for both properties and considered that the conversion would be inappropriate and out of place, as it would be surrounded by much larger dwellings. The conversion would destroy the community feel of the development, whereas the retention of the outbuilding with the farmhouse would preserve this.

Mr Plummer, the Agent, explained that the replacement farmhouse had been designed on a grander scale to dominate

Action By

the site. The conversion would provide a much-needed, low-cost, environmentally friendly dwelling. Drainage problems would be addressed by the use of a new treatment plant. Trees would be retained and new hedgerow planted. The design was felt to be well suited to represent the historical context of the site.

Mr Nunn (Ward Representative) told Members that this was a controversial site. He was not against re-development and did not have a problem with the farmhouse being re-built, but was concerned about the conversion. He was not against its use as an annexe but felt that as a separate unit it would be out of context surrounded by larger dwellings. He acknowledged that it was a difficult decision to be made.

The Chairman told Members that she did not have a problem with the replacement farmhouse, however, with a 5/6 bedroom house with no garage or outbuildings she wondered where things like bikes and lawn mowers would be kept. She concluded that if the ancillary building was kept with the farmhouse she would not have a problem with the development.

Other Members were not concerned with the lack of garaging.

Members voted unanimously against the recommendation to refuse the replacement farmhouse.

Item 1 was: **Approved, contrary to recommendation as the proposal fitted the scale of the new development in the vicinity.**

Item 3 was: **Refused, as recommended.**

(b) Item 2: 3PL/2008/0419/F: Snetterton: Chalk Lane: Erection of light industrial/commercial units for Richard Johnston Ltd

Mr A Byrne declared a personal and prejudicial interest in this item and left the room while it was being discussed.

The Principal Planning Officer (Major Projects) showed Members a map of the two areas of land for the proposed development. These areas of vacant land had been created by the new road layout at the junction with Chalk Lane and the A11.

The defined employment area of Snetterton was all to the south of the A11. These two sites were to the north, but related well to existing employment areas immediately adjacent and therefore fitted in with the overall policy for the area.

The buildings were well designed and of a reasonably high standard. Mature trees on the sites would be kept and the parking and access had been designed to avoid disturbance to tree roots.

Action By

A Member asked what sort of business would use the units, but this was not known as they were likely to be let by the applicant.

Approved, as recommended.

- (c) Item 3: 3PL/2008/0481/F: North Lopham: Meadow Farm Barn, Tanns Lane, The Street: Renovation and extension of ancillary building to become two bedroom dwelling, involving change of use for Dam Green Services Ltd

Refused, as recommended (See (a) above).

- (d) Item 4: 3PL/2008/0502/F: Bylaugh: The Old Orchard, Bylaugh Hall: Change of use of existing residence to health and fitness centre with proposed extensions for Mrs M Vince

Deferred see Minute No 88/08.

- (e) Item 5: 3PL/2008/0506/F: Attleborough: 25 Queens Road: 38 sheltered apartments for elderly plus communal facilities – category II type accommodation for McCarthy & Stone (Devs)

This full application to provide 38 sheltered units for the over 55s was situated in a mixed use area close to the town centre.

The site level was approximately one metre above street level and the buildings would be set into the ground to reduce the effect of their scale and bulk. The design was considered to make a positive contribution to the street scene.

The proposal was for two and a half storey development to the road frontage, rising to three storeys adjacent to the Lidl store and two storeys to the rear of the site.

13 car park spaces were provided together with 'buggy' and bin storage areas.

The Town Council had no objection but raised concern about the number of parking spaces to be provided and had asked for contributions to town facilities. Norfolk County Council were also seeking financial contributions to library, bus stop and bus services.

An affordable housing contribution was required and it had been agreed to provide this by way of discounting some units. The Housing Enabling and Projects Officer was in attendance to answer any questions.

Members were recommended to approve the application subject to a legal agreement, but to authorise refusal if this was not signed by 24 June 2008.

Mr Raferty (Agent) told Members that the Heads of Terms for the legal agreement had been broadly agreed but that more information was awaited from Norfolk County Council concerning their requirements.

Action By

He explained that the units were not aimed at the able bodied and therefore experience showed that the parking provision was adequate.

The scheme had been designed to screen the Lidl store and to pick up on adjacent properties. It was an exciting scheme in partnership with a Registered Social Landlord.

Members asked about the financial contributions and wanted to know if they would definitely be spent in Attleborough. The Development Services Manager confirmed that the Council was normally notified of where the money was spent.

A Member asked how many affordable units would be provided. The Housing Enabling and Projects Officer said that 30% was sought. This would be dependant on eligibility criteria. The scheme would be run by Breckland Housing Association.

In lieu of a commuted sum (£450,000) the Council would be able to discount the cost of the units to those eligible for assistance.

The legal agreement would remain in perpetuity, unless lifted and therefore its terms would apply to future occupants of the units.

A Member commented that she would hate to see this development held up because of problems with the legal agreement as she was keen for it to go ahead.

Approved as recommended but if the S106 is not signed by 24 June, the officers be authorised to refuse the application as not being in compliance with the policy requirements to be dealt with through the S106.

- (f) Item 6: 3PL/2008/0509/CU: Harling: 1 Cloverfield Industrial Estate, Lopham Road: Change of use of first floor only from B1 business to A1 shop (Retrospective) for Mr Christopher Bottrell

This was fundamentally the same as an application previously refused by Committee. The Parish Council and neighbours were still objecting to the proposal.

The applicant was offering to accept conditions on hours of opening, making the permission personal to himself and only allowing temporary permission, giving the Committee the opportunity to monitor the effect of the use.

Officers considered that the issues were finely balanced. As the applicant only expected about six visitors a day, it was not felt that the scale and nature of the use would impact upon the village.

Mr Taylor, an objector speaking on behalf of himself and Mrs Burton, reminded Members that they had agreed with concerns raised when refusing the previous application and

Action By

suggested that the applicant look elsewhere. However, he had been trading in the meantime. Members were shown a photograph of a sign outside the shop and also a newspaper advertisement for the shop. The police had been called to the property the previous week.

Mr Taylor also told Members that an application for a Certificate of Lawfulness by the applicant had been withdrawn when supporting evidence had been found to be fraudulent. He urged Members to turn down the application.

Refused, contrary to recommendation, on the grounds of unsustainable location, inadequate parking and setting a precedent.

- (g) Item 7: 3PL/2008/0546/F: Carbrooke and Griston: Former RAF Watton Technical Site, Norwich Road: Variation of condition 17 (regarding roundabout access) on planning permission 3PL/2005/0476/F for Cofton Ltd

Withdrawn - see Minute No 88/08.

- (h) Item 8: 3PL/2008/0575/F: Snetterton and Quidenham: Harling Road: Process and storage building for Richard Johnston Ltd

Deferred - see Minute No 88/08.

- (i) Item 9: 3PL/2008/0702/F: Ashill: Watton Road: Erection of gospel hall and associated parking and landscaping for Swaffham Gospel Hall Trust

This was a resubmitted application following a previous refusal by Committee on 7 April 2008. Members had accepted the proposal in principle but requested an amended design.

The external appearance of the building had been improved by the addition of doors, windows and roof lights.

Mr McWilliams and Mr Wood were in attendance for the applicants and were pleased to submit this amended application which they felt fully addressed Members' previous concerns and allowed natural light and ventilation as well as providing an additional fire escape to the rear of the building.

A Member asked about the communal fishing lake on the property and was assured that it would remain open to the public at all times.

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 & 3	Mr Nunn – Ward Representative Mr Frith – Parish Council Mr Plummer - Agent
5	Mr Rafferty - Agent
6	Mr Taylor - Objector Mrs Burton - Objector
9	Mr McWilliams – for Applicant Mr Wood – for Applicant
Deferred Item (Harling)	Mr Horn - Objector Mr Took - Agent

Action By

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/0384/F	4
3PL/2008/0481/F	2
3PL/2008/0509/CU	8
3PL/2008/0702/F	1

94/08 REPRESENTATIVES ON OUTSIDE BODIES (AGENDA ITEM 12)

The Chairman told Members that she had spoken to the current representatives and they were all willing to stand again.

RESOLVED to re-elect current representatives en-bloc for the ensuing year.

95/08 ENFORCEMENT ITEMS (AGENDA ITEM 13)

The Chairman advised Members to contact the Enforcement Officer direct if they required more information on any item.

This item was noted.

96/08 APPEAL DECISIONS (AGENDA ITEM 14)

This item was noted.

**97/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 15)**

This item was noted.

**98/08 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 16)**

This item was noted.

The meeting closed at 12.25 pm

CHAIRMAN