

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 1 September 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 M.A. Kiddle-Morris
Councillor Claire Bowes	Mr J.P. Labouchere
Mr A.J. Byrne	Mr T.J. Lamb
Mrs M.P. Chapman-Allen	Mr B. Rose
Mr P.J. Duigan	Mrs P.A. Spencer
Mr M. Fanthorpe	Mr M. Spencer
Mrs S.R. Howard-Alpe	Mr N.C. Wilkin (Vice-Chairman)
Mrs D.K.R. Irving	

**Also Present**

Lady Fisher (Ward Representative)	Mrs A.L. Steward (Executive Member for Planning and the Environment)
Mr J.W. Nunn (Ward Representative)	

**In Attendance**

Helen McAleer	- Member Services Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Mike Brennan	- Principal Development Control Officer
Andrea Long	- Environmental Planning Manager
Nick Moys	- Principal Planning Officer (Major Projects)
Jayne Owen	- Senior Development Control Officer
Lee Webster	- Housing Enabling and Projects Officer

**139/08 MINUTES (AGENDA ITEM 1)**

The minutes of the meeting held on 11 August 2008 were confirmed as a correct record and signed by the Chairman.

**140/08 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr P Francis and Mr F Sharpe.

**141/08 DECLARATION OF INTEREST (AGENDA ITEM 3)**

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

Mr R Kemp declared a personal and prejudicial interest in Agenda Item 10 (Harling) by virtue of having an interest in land in East Harling.

**142/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

Visitors from North Norfolk District Council would be attending part of the meeting and would join Members for lunch.

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Members were advised of two future training dates:

29 September	10am to 4pm	Appeals Training
13 October	2pm	Drainage Training

**143/08 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)**

The application at Schedule Item 10 (Kilverstone) had been withdrawn.

Members were asked to note that the recommendation for Agenda Item 10 (Harling) had been changed from refusal to approval.

**144/08 URGENT BUSINESS (AGENDA ITEM 6)**

There was none.

**145/08 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)**

The Council was moving towards the submission stage of the Core Strategy. The next Panel 1 meeting on 23 September was scheduled to last all day and Core Strategy and Development Control policies would be discussed. Reports would go on to Overview and Scrutiny Commission on 2 October; Cabinet on 14 October and Full Council on 6 November. Following that there would be a six week public consultation before the Strategy was submitted to the Secretary of State.

The public consultation on Site Specifics would close on 26 September. Final meetings with Brettenham, Kilverstone, Swanton Morley, Swaffham and Attleborough would conclude this month. 100 new sites had been put forward and the way that these would be advertised and consulted on needed to be decided.

The Thetford Area Action Plan consultation had closed. 950 questionnaires had been returned and there had been 1,000 responses in all. This information was being analysed and the results would be published next week.

**146/08 DEFERRED APPLICATIONS (AGENDA ITEM 8)**

A Member asked for progress on the deferred Snetterton Application (3PL/2008/0600/O) and was told that it was expected to come back to the next Committee.

**147/08 KENNINGHALL: MEMORIAL HALL, SCHOOL CLOSE: ERECTION OF 12 DWELLINGS AND GARAGES FOR KENNINGHALL PARISH COUNCIL: REFERENCE: 3PL/2008/0206/F (AGENDA ITEM 9)**

This application proposed the demolition of the existing village hall and the re-development of the site with ten houses and two bungalows. Permission for a replacement village hall, on adjacent land, had been granted in 2004.

The application was in accordance with policy except for a request by the Parish Council to waive the requirement for 35% affordable housing.

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Instead a financial contribution was proposed towards the new village hall.

The District Valuer had set a value of £36,000 on this contribution.

Members were requested to make an exception and approve the application without the requirement for social housing, subject to a legal agreement to ensure that the financial contribution was used for the new village hall and possibly including a claw-back clause if the hall was not delivered. It was pointed out that the legal agreement would take the application outside the 13 week timescale for determination.

Mr Kay said the Village Hall Committee had a duty to further the aims of the Memorial Hall Charity. The new hall would improve sporting and recreational facilities, the need for which was confirmed by the village appraisal.

Mr Nunn, Ward Representative, fully supported the application. Efforts had been made to obtain Match Funding, without success. The village had increased in size and better facilities were needed.

A Member recalled visiting the site at the time of the new village hall application. He had understood that funding was in place at that time and asked what had happened.

Mr Kay explained that at that time they had been pursuing Lottery funding, but had failed in that bid. Currently there was about £100,000 funding available; the new hall would cost about £750,000. He said that their financial advisor suggested that the social housing figure should be a lot higher than £36,000.

The Chairman suggested that the Committee needed to know the financial details of this application and it was therefore

**RESOLVED** That under Section 100 (A)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act”.

Members were then given details of the different values placed on the land by the District Valuer and the applicant’s financial advisor.

The press and public rejoined the meeting.

A Member pointed out that housing was not the only priority of the Council. It also had a duty to provide young people with facilities.

**RESOLVED** to approve the application subject to the negotiation of a legal agreement ensuring a financial contribution towards village hall funding in place of the requirement for affordable housing. However, if negotiations were unsuccessful, the application would be referred back to the Committee.

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**148/08 HARLING: PROPOSED RESIDENTIAL DEVELOPMENT, LOPHAM ROAD FOR MR A TAYLOR/MR D TAYLOR: REFERENCE: 3PL/2008/0579/F (AGENDA ITEM 10)**

Mr Kemp declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

This was a finely balanced case and following the receipt of further information the recommendation had been changed to approval. The report on the agenda referred to 11 new dwellings. This was a mistake and should read 10.

Because of the Council's shortfall in housing land supply, they were required to consider schemes favourably that complied with policy PPS3. This application was outside, but adjacent to, the Settlement Boundary; it was a brownfield site; it provided a high quality design and a good mix of house types and therefore met the relevant policy criteria.

Outstanding points to consider were: was the scheme deliverable and would it meet sustainability requirements? Further information had been received and the applicants had confirmed there were no constraints to delay the build. A local builder was available and they had had discussions with a Registered Social Landlord who was keen to take on the affordable housing. The build would be to Code Level 3, except for the largest house which would be built to Code Level 4.

Other issues were the loss of the TPO Corsican Pine, which was regrettable; the effect of the adjacent industrial units on residential amenity and potential overlooking of neighbouring properties.

The scheme included landscaping and the provision of other trees within the development. The uses on the industrial site were limited to B1 and B8 which should not be too noisy and the relocation of a window and the existing screening along the boundary helped to overcome overlooking concerns.

The application was recommended for approval subject to conditions and a legal agreement concerning the affordable housing and a highway contribution. A shorter timescale for the permission of 12/18 months was suggested to ensure the early development of the site and the application should also be formally advertised as a departure to allow local people the opportunity to comment on the changed recommendation.

Mr Burton, an objector, was concerned about highway safety and the danger to children with lorries accessing the industrial unit, turning and reversing. He had a Right of Way through the site to his property and it was used by trucks, vans and lorries. He was also concerned about overlooking of his property.

Mr Taylor, one of the applicants, said they had taken careful account of objections and tried to overcome them. The architect had been briefed to design a beautiful development to enhance the village. They had amended the scheme to enhance amenity; it was deliverable; on the edge of a service centre village and met all the policy requirements. He had 100 letters of support from local people and had families waiting for

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the new homes.

Lady Fisher, Ward Representative, said it was a good design but considered that approval would set a precedent and that it was premature to consider it in advance of the Local Development Framework (LDF).

Some Members agreed and were concerned about approving this site, which formed part of a larger area presently being considered within the LDF process.

A Member asked if a condition could be applied ensuring that the houses were built within a short time. The applicant was not able to enter into a legal agreement to that effect. He did confirm that they had the money to make a start but could not promise that they would complete within 12 months.

Another Member was concerned that officers would be recommending all such applications for approval. He was assured that the vast majority of applications for development outside the Settlement Boundary would still be recommended for refusal. In this instance the scheme performed well against PPS3 requirements and it would be difficult to justify a refusal.

The Chairman said that as the recommendation had been changed the parish council and residents should have the opportunity to comment.

**RESOLVED** to defer the application to allow the parish council and residents to be re-consulted and to allow the application to be advertised as a departure from policy.

**149/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 11)**

- (a) Item 1: 3PL/2008/0206/F: Kenninghall: Memorial Hall, School Close: Erection of 12 houses and garages for Kenninghall Parish Council

**Approved subject to negotiation of legal agreement – See Min No 147/08.**

- (b) Item 2: 3PL/2008/0579/F: Harling: Land East of Lopham Road: Demolition of redundant industrial buildings and erection of 10 No houses for Mr A Taylor and Mr D Taylor

**Deferred to re-consult parish council and residents – See Min No 148/08.**

- (c) Item 3: 3PL/2008/0662/F: Thetford: Ashley House, 1<sup>st</sup> Floor, Stephenson Way: Change of use from old canteen (factory) to a restaurant and dancing (retrospective)

Mr Lawson, representing local businesses objecting to the application, said that they were all extremely concerned. The industrial estate should be protected for employment uses and this proposal should be located in the town centre. He said the application fundamentally conflicted with policies.

**Action By**

**Refused, as recommended and enforcement action authorised as appropriate.**

- (d) Item 4: Watton: Old Carpenters Arms, 21 Swaffham Road: To demolish existing building and erect 8 No dwellings for Estate of Mr G Fickling

Members were concerned at the loss of a character property and considered that the site could be developed without the need to demolish the house.

Officers explained that the property was not listed or in a Conservation Area and therefore controls were limited. They had tried to negotiate to retain the house but the applicants were adamant that it was not economically viable to do so.

A proposal was made and seconded that the application should be refused; however, the Chairman then proposed an amendment to approve the application subject to conditions and this was agreed.

**Approved, subject to Applicant providing a revised Design and Access Statement which included a replacement for the Carpenters Arms which mirrors the existing building; in the event that the revised Statement is not provided, the officers be authorised to refuse the application on the grounds that it was detrimental to the form and character of the area and would lead to the loss of an important part of the streetscape.**

- (e) Item 5: 3PL/2008/0896/F: Dereham: Land at rear of Tesco, Dereham Business Park, Hurn Road: Erection of seven office units and associated wind turbine for Lyndon (UK) Plc

A Member was concerned that the right of way through the site should be maintained as it was used by residents of Norwich Road as a link to Tesco.

Officers confirmed that the applicants had agreed to maintain this right of way.

**Approved, as recommended.**

- (f) Item 6: 3PL/2008/0968/F: Roudham/Larling: The Furniture Station, Watton Road, Larling: Erection of 1 No office and the erection of 1 No storage unit for Mrs Rachael Waring

Mr Day, Architect and Agent, explained that Warings was a successful local company. The current facilities were full and they needed room to expand. They had prestigious clients including Marks & Spencer and British Homestores and wanted to create a modern image.

**Approved, as recommended.**

**Action By**

- (g) Item 7: 3PL/2008/0991/D: Carbrooke & Watton: Site adjacent RAF Watton Base: Proposed 64 bed care home for Zest Partnership & Henry David

A Member asked if the application was for a residential care home or a nursing home.

It was confirmed that the application was for a Nursing Home, but it was pointed out that both types of home fell within the same Use Class category. It was not known if residents would include the Elderly, Mentally Infirm.

One Member expressed concern that the number of windows in the rear elevation would have quite an impact on neighbours. Others were not happy with the design and one asked if a grander entrance could be provided to improve the appearance.

**Approved, subject to an amendment to the design of the entrance.**

- (h) Item 8: 3PL/2008/1032/F: Watton: 5 North Road: Change of use of land to garden land with fence around for Mrs S Nicholls

A Member expressed concern that if permission was granted it would create enough space for a house. Another Member commented that this was part of the original design of the estate and was used by mothers and children.

Members voted against approval.

**Refused, contrary to recommendation, on grounds of erosion of the street scene and loss of amenity.**

- (i) Item 9: 3PL/2008/1034/F: Dereham: Elizabeth House, Walpole Loke: Single storey extension to form new entrance for Breckland District Council

**Approved, as recommended.**

- (j) Item 10: 3PL/2008/1134/A: Kilverstone: Corner of Brettenham Road and Norwich Road: Large estate agents board for The Blakeney Park Settlement

**Application Withdrawn.**

**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 Nunn – Ward Representative Mr Kay – Village Hall Committee
2	Lady Fisher – Ward Representative Mr Burton – Objector Mr Taylor - Applicant

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3 Mr Lawson - Objector  
6 Mr Day - Agent

**Written Representations taken into account**

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/0579/F	8
3PL/2008/0662/F	16
3PL/2008/0876/O	7
3PL/2008/0991/D	1
3PL/2008/1032/F	3

**150/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES  
MANAGER (AGENDA ITEM 12)**

This item was noted.

**151/08 ENFORCEMENT ITEMS (AGENDA ITEM 13)**

This item was noted.

**152/08 APPEALS DECISIONS (AGENDA ITEM 14)**

This item was noted.

**153/08 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL  
(AGENDA ITEM 15)**

This item was noted.

The meeting closed at 1.20 pm

CHAIRMAN