

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 11 May 2009 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mr M.A. Kiddle-Morris
Mr W.P. Borrett	Mr J.P. Labouchere
Councillor Claire Bowes	Mr T.J. Lamb
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

Mrs A.L. Steward (Planning and the Environment Portfolio Holder) Lady Fisher (Ward Representative)

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Richard Fisher	- Assistant Tree & Countryside Officer
Helen McAleer	- Member Services Officer
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
David Spencer	- Principal Planning Policy Officer

70/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 20 April 2009 were agreed as a correct record and signed by the Chairman.

71/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr A Byrne, Mrs M Chapman-Allen, Mr R Kemp and Mr M Spencer.

72/09 DECLARATION OF INTEREST AND REPRESENTATIONS RECEIVED

The following declarations of interest and of representations received were made:

Agenda Item 10 (Dereham) – Mr P Duigan, Mr M Fanthorpe and Mrs D Irving declared a personal and prejudicial interest in this item by virtue of being members of the Town Council. Mr N Wilkin declared a personal interest as his son lived in the vicinity of the application site.

Agenda Item 12:

Schedule Item 4 (Dereham) – Mr Fanthorpe and Mr Labouchere had received representation by telephone.

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Schedule Item 7 (Elsing) – All Members had received representation by letter.

Schedule Item 8 (Weeting) - Councillor C Bowes declared a personal and prejudicial interest by virtue of being an associate of the applicant.

Schedule Item 9 (Roudham & Larling) – Members had received representation by letter.

**73/09 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA
(AGENDA ITEM 5)**

Schedule Item 6 (Lyng) had been deferred and would be presented to a future meeting.

74/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

With reference to the Examination in Public of the Core Strategy, details of the pre-hearing meeting to be held on 19 May 2009 had been advertised in the local press. An advertisement to formally notify the public of the commencement of the Examination in Public on 30 June 2009 would appear in the press soon.

The Officers were currently engaged in assessing the approximately 800 sites put forward under the Site Specifics consultation phase.

Members were informed that the public were still able to submit sites direct to the Inspector under an Omissions Site process. However, such sites would have to be accompanied by a full assessment on their suitability concerning highways, environment, etc.

A Member asked if an explanatory note could be sent out to the Town and Parish Councils about the Omissions process to clarify that any extra sites put forward had not come through the Council.

**75/09 USE OF SUBMISSION DEVELOPMENT CONTROL POLICIES
(AGENDA ITEM 8)**

The Principal Planning Policy Officer told Members that since the Development Control Policies attached to the Core Strategy had been submitted to the Secretary of State on 30 March 2009, considerable weight could be applied to those against which no representations had been received.

The report outlined the ten policies that fell into this category. Seven had received representations but those representations had not been in relation to the soundness of the policy and therefore limited weight could be applied to them. Three policies had received no representations at all and so considerable weight could be applied to those: they were DC 9 (Proposals for Town Centre Uses), DC 10 (Telecommunications) and DC 19 (Community Facilities, Recreation and Leisure).

These ten policies were still to be assessed during the Examination in Public process, but in the meantime, in line with Government guidance, they could be used as material considerations in the decision making process.

The report was noted.

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76/093PL/2008/1685/O: DEREHAM: LAND AT FLEECE MEADOW OFF NORWICH ROAD: ERECTION OF BLOCK OF RESIDENTIAL APARTMENTS INCLUDING MEANS OF ACCESS & PARKING AREA FOR DEREHAM TOWN COUNCIL (AGENDA ITEM 10)

Mr Duigan, Mr Fanthorpe and Mrs Irving declared a personal and prejudicial interest in this item and left the room whilst it was considered. Mr Wilkin declared a personal interest in this item.

This outline application by Dereham Town Council was for a block of 14 apartments on part of an informal open space. The application site was partially separated by hedging and fence posts from the remainder of the land which would be enhanced to encourage bio-diversity and retained as public open space. Officers considered that these enhancements were acceptable in place of the requirement for the provision of public open space elsewhere.

14 parking spaces would be provided to the front of the apartment block for occupiers and an additional 10 spaces would be allocated for users of the adjacent Memorial Hall. No vehicular access would be permitted past the parking area.

The footprint of the proposed building reflected the shape of the site. Details of amenity, scale and massing would be addressed at the Reserved Matters stage.

Mr Needham, Clerk to the Town Council, explained that Open Space was held in high regard by the Council and they were looking to increase its provision where possible. However, in this case, it was hoped that the sale of this piece of the land would provide funding to refurbish the Memorial Hall. The site had little amenity value and had only become public open space after being acquired by the Town Council about 20 years ago. On balance they felt that improvements to the Memorial Hall outweighed the loss of this space.

A Member was concerned that the application did not include an affordable housing element. He felt this was a missed opportunity by the Town Council.

Another Member wanted clarification that the public accesses to the remaining area of open space would be well defined and this was confirmed.

Further discussion followed on the possibility of building forward on the site to improve the street scene (this had been considered but had led to access concerns) and on the loss of open space.

RESOLVED to approve the application subject to conditions.

77/093PL/2009/0118/D: CARBROOKE & GRISTON: NORWICH ROAD: RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, CAR PARKING & OPEN SPACE FORTAYLOR WIMPEY (AGENDA ITEM 11)

This Reserved Matters application was for 68 dwellings split between three sites on the former RAF Watton site. The Master Plan for the development identified different character areas and Members were shown a coloured site layout plan showing three types of development: (1) Green Spine areas

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of fairly regular but informal layout which fronted open space or footways and cycleways, (2) Mews areas of smaller more intimate scale and (3) South East Edge with larger, less regular plots to reflect countryside areas beyond. All areas would be served by parking courts and garages and all areas would use a mix of materials.

Carbrooke Parish Council had raised objection because they wanted the financial contributions and the new roundabout required by the legal agreements to be provided in advance of any further development. (One of the original developers had gone into liquidation causing financial problems). They also raised concerns about the loss of a protected tree.

Mrs Wheeler, objector, was concerned about proposed plots 19-21 which would be built close to her property. She asked for them to be moved back and for more landscaping to be provided. She was also concerned about the lack of facilities in Watton which was struggling to cope with the increase in demand.

Mr Chapman, for applicants, explained that the land had been earmarked for housing for some time. The design had been negotiated with officers from the Council and the Highways Authority. He believed the S106 contributions were available.

Members then discussed the loss of the protected tree. The Assistant Tree and Countryside Officer was asked to clarify the situation and he explained that the tree to be removed was a hybrid poplar which would be replaced by a native oak tree of sufficient size to provide immediate aesthetic impact. The roots of the poplar had been damaged when the adjacent service road was constructed and this had limited its life. The tree was not protected individually, only as part of the group of trees in that area.

Members were sympathetic to the objector's concerns and requested that officers negotiate changes to the proposed plots 19-21 if possible to mitigate their impact on the dwellings opposite.

RESOLVED to approve the application as recommended.

78/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 12)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/1685/O: Dereham: Land at Fleece Meadow off Norwich Road: Erection of block of residential apartments including means of access and parking area for Dereham Town Council

Approved. See Minute No 76/09 above.

- (b) Item 2: 3PL/2009/0067/F: Thetford: Garage Court at the end of Ash Close: Demolition of existing garages for erection of 3 houses, with 6 replacement garages and access to parking space for Flagship Housing Group

This application proposed the demolition of 28 garages (in two blocks of 14) on a site adjacent the Burrell Way Industrial Estate. The garage blocks, which were a feature of the area, were mainly unused and subject to vandalism. A terrace of three dwellings was proposed, set at a 90 degree angle to the nearest housing to avoid

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overlooking. Parking would be provided to the front of the houses and a block of five garages to the rear (reduced from the six originally proposed). These would be accessed from Almond Grove. A footpath link would be maintained and no trees would be lost.

Mr Robertson, objector, said that more garages would have been used had they been well maintained. He was concerned that there was not enough parking available and that it was planned to remove more garage blocks in the area which would make things worse.

Ms Handford, for the Applicant, said this development was part of a larger plan for improvements to the Barnham Cross Estate. It would provide three family houses built to Code Level 3. They would work with residents to ensure that the build impact was minimised.

Members asked about the boundary treatment to existing gardens when the garage block was demolished. Negotiations would take place with residents and a condition would require details to be approved.

Concerns were voiced about the lack of lighting for the footpath link and also the potential for amenity problems with houses so close to the Industrial Estate.

Members had sympathy with the objector's issues in relation to parking and the poor upkeep of the garage blocks, but it was pointed out that there was an existing parking problem in the area, that was not caused by the proposed development.

The Council's Principal Housing Officer (Strategy and Enabling) explained that this proposal was a small part of a wider regeneration proposal. A parking strategy had been published. This had been prepared in consultation with all residents and the aim was to improve parking on the whole estate and to try to raise the standard to two spaces per house. This application was for 100% affordable housing, but others would be for open market housing to provide funds to invest in the estate.

It was suggested that Members should be informed about the overall scheme for the estate and the Chairman asked that the Council's Principal Housing Officer (Strategy and Enabling) be invited to address a future Committee meeting.

Approved, as recommended, subject to an additional condition for lighting.

- (c) Item 3: 3PL/2009/0118/D: Carbrooke & Griston: Norwich Road: Residential development with associated access, car parking and open space for Taylor Wimpey

Approved. See Minute No 77/09 above.

**Phil
Daines**

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- (d) Item 4: 3PL/2009/0139/F: Dereham: 2 London Road: Change of use from showroom to an Indian restaurant and takeaway for Mr Mohammed Ali

This application for the change of use of a previous glass sales premises to a restaurant and take-away, was located just outside the town centre. The only external change would be the addition of a flue to the south gable.

The layout plan included two dining areas on the ground floor and residential accommodation on the first floor.

The applicant had been unable to find any alternative, available properties within the town centre. Officers considered that the change of use was sustainable, having good access via cycle, foot and public transport.

Mrs Woodward, objector, occupied the cottage immediately adjacent the premises. She was concerned re smell – which would restrict window opening; waste and litter – which could lead to vermin; noise: gravel, vocal and kitchen; and highway safety due to the inadequate parking on site. She felt that planning permission would be detrimental to amenity.

The Chairman was concerned that smells from the flue would affect the balconies of the three storey flats opposite.

Members were concerned that this was not a suitable use in a residential area and felt that other properties were available within the town centre.

Refused, contrary to recommendation, as this was an inappropriate site outside the town centre.

- (e) Item 5: 3PL/2009/0160/CU: Ickburgh: Manor Farm, Swaffham Road: Change of use to include Use Class B8 warehousing and storage for Paul Rackham Ltd

This change of use would not result in any external changes to the building. The existing duck processing elements and internal partitions would be removed. There was no information about what sort of items would be stored.

Approved, as recommended.

- (f) Item 6: 3PL/2009/0209/F: Lyng: Swan Pens, Elsing Road: Erection of single storey dwelling and cartshed for Mr B Titchiner

Deferred. See Minute No 73/09 above.

- (g) Item 7: 3PL/2009/0213/F: Elsing: Elesa, Heath Road: Construction of dwelling for Mr S Cushion-Swales

This application proposed the demolition of an existing two-storey outbuilding and the construction of a contemporary, split level building. The slope of the site had been taken into account and the design had a two-storey element to the rear and single storey to the

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front. It would be a U shaped building with an inward facing courtyard, with green credentials; having grey-water recycling, a heat pump and photo-voltaic solar tubes.

The site fell outside the Settlement Boundary and was considered to be backland development, out of character with the area.

The Ward Representative had written in support of the application which she considered 'disappeared into its environment and made no statement at all'. She also commended its green credentials.

Officers did not consider the design to be 'truly outstanding' or 'ground-breaking' and therefore felt it did not fulfil policy requirements of special justification.

Mrs Swales, applicant, said that the site had previously been within the Settlement Boundary and this had been changed without consultation. She said that the policies were intended to protect the countryside from intrusion or encroachment and this development would do neither. The dwelling would be close to carbon neutral.

The Development Services Manager explained that the site's inclusion within the Settlement Boundary was a matter to be considered through the Local Development Framework (LDF) process. He said that the design had been looked at in detail and did not meet the policy requirements to be outstanding or exceptional.

Refused, as recommended.

- (h) Item 8: 3PL/2009/0225/F: Weeting: Land at Lodge Farm: Erection of meteorological mast to measure, record and log wind speed and direction for Enertrag UK Ltd

Councillor C Bowes declared a Personal and Prejudicial interest in this item and left the room while it was discussed.

This application was for temporary permission (amended to two years) for a mast to assess wind speeds and direction. It was sited a good distance from the village and surrounded by woodland.

The site fell within the area of special control for Stone Curlews and this had been considered. Natural England and the RSPB had no objection to the proposal although the latter had suggested a condition to restrict the erection and dismantling of the mast to outside the breeding season.

Mrs Hewett, for applicant, said the site was away from the area where Stone Curlews had been seen. She did not feel there was a need to avoid the breeding season as the mast could be erected and dismantled in less than a day and would cause no more disturbance than agricultural activity. The mast would sit on a small steel plate. It would hold approximately 4 – 6 instruments (anemometers and wind vanes) spaced evenly down the mast.

Approved, as recommended.

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- (i) Item 9: 3PL/2009/0258/F: Roudham/Larling: Chattel House, Roudham Road, Harling Road: Establish permanent dwelling on site including retention of existing timber clad temporary structure with new two storey structure for Mr J Chapman

This application proposed the retention and extension of a temporary dwelling located adjacent the employment area at Roudham Park. The dwelling was set back from the highway and well screened by trees.

Temporary permission had been granted for the dwelling in 2003 to provide security for the tree surgery and forestry business run from the site. Security was still an issue with machinery and timber on site having increased in value.

However, it was considered that insufficient justification had been given for a permanent dwelling of this scale and design, outside the Settlement Boundary.

Mr Chapman, applicant, said he had started the business in 1996 and it now supported four full time and two part time people. There was a lack of affordable/available housing in the area and he needed to live on site for security. He wanted a permanent home and the two storey extension was proposed to minimise the footprint. There were nearby dwellings of the same size and scale.

Lady Fisher, Ward Representative, supported the application. Planning Policy encouraged diversity and this site had previously been a pig rearing unit. It now supported five people and brought vitality and viability to the area. The site did not affect the landscape.

Members felt that the original temporary permission had been granted to give the applicant the opportunity to prove the business. He had done this and generally they supported his application.

Deferred, contrary to recommendation, and the officers be authorised to approve, on grounds that the business case was proven, security was required on site and the development would not detract from the environment, on completion of a S106 agreement to tie the property to the business.

- (j) Item 10: 3PL/2009/0278/F: Dereham: 40 Swanton Drive: Extension and alterations to existing bungalow for Mr B Meen.

This was a minor application for a rear extension to a bungalow. It fell to be determined by the Committee as the applicant was a member of staff.

The relationship of the bungalow with the adjacent property was described to Members and they were advised that two windows (to a bathroom and study) would have obscure glazing to overcome concerns raised by a neighbour. A velux roof light had been added to provide additional light to the study.

Approved, as recommended.

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Notes to the Schedule

<u>Item No</u>	<u>Speaker</u>
1 (Agenda Item 10)	Mr Needham – Town Council
2	Mr Robertson – Objector Mr Thompson – For Applicant Ms Handford – For Applicant
3 (Agenda Item 11)	Mrs Wheeler – Objector Mr Chapman – For Applicant
4	Mr & Mrs Woodward - Objectors
7	Mrs Swales – Applicant
8	Mrs Hewett – For Applicant
9	Lady Fisher – Ward Representative Mr Chapman - Applicant

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/1685/O	1
3PL/2009/0067/F	1
3PL/2009/0118/D	1
3PL/2009/0139/F	8
3PL/2009/0213/F	3
3PL/2009/0209/F	3
3PL/2009/0225/F	1
3PL/2009/0278/F	1

79/09 REPRESENTATIVES ON OUTSIDE BODIES (AGENDA ITEM 13)

RESOLVED:

- (a) that representatives to Outside Bodies be re-appointed en-bloc for the ensuing year; and
- (b) that following the election on 4 June 2009, the newly elected Member be invited to fill the vacancy on the Old Buckenham Airfield Consultative Committee.

80/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (AGENDA ITEM 14)

This item was noted.

81/09 ENFORCEMENT ITEMS (AGENDA ITEM 15)

A Member asked if there was any way to speed up Enforcement Action with reference to Item 16 (Colkirk). He explained that this individual had recently been moved from a neighbouring area after lengthy enforcement action by that authority.

The Solicitor agreed to look into the matter.

This item was noted.

82/09 APPEAL DECISIONS (AGENDA ITEM 16)

This item was noted.

**83/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 17)**

This item was noted.

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The meeting closed at 1.20 pm

CHAIRMAN