

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 5 January 2009 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Lady Fisher (Ward Representative)

In Attendance

Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Andrea Long	- Environmental Planning Manager
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Chris Raine	- Senior Development Control Officer

1/09 MINUTES (AGENDA ITEM 1)

A Member was concerned that his comments with regard to Agenda Item 9: Bylaugh Park (Minute No 219/08) had not been fully reported and did not reflect his concern that if permission had been granted the restored Hall would have 30 houses in the grounds which would not be normal for a country house.

It was noted that the names of public speakers on Schedule Item 2: Rocklands (Minute No 220/08(b)) had been transposed. Mr McIlwham was Chairman of the School Governors and Mr Best was an objector.

Subject to these amendments the minutes of the meeting held on 15 December 2008 were confirmed as a correct record and signed by the Chairman.

2/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr Kiddle-Morris, Mr Lamb and Mrs Miller.

3/09 DECLARATION OF INTEREST (AGENDA ITEM 3)

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

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Mr P Francis declared a personal interest in Schedule Item 2: Mundford by virtue of knowing the applicant.

4/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman reminded Members of the training on S106 agreements which would follow the Development Control Committee meeting on 26 January 2009.

She passed on Mr Kiddle-Morris's thanks for the card sent by the Committee and she congratulated Mr Borrett on his engagement.

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

The Development Services Manager informed the Committee that, with the Chairman's agreement, Schedule Item 4: Thetford, had been deferred from the agenda and was expected to be presented to Committee on 26 January 2009.

6/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Environmental Planning Manager told Members that the Core Strategy document had been published today for six week's consultation. Town and Parish Councils had been sent a copy, together with all supporting information. Objectors and statutory consultees had been notified about the publication and the document was available on the Council's website.

Panel 1 had agreed to further consultation on the additional sites submitted under the Site Specifics element and this would commence after the Core Strategy consultation concluded on 16 February 2009. Information on these additional sites would be sent to the relevant Town and Parish Councils before the start of that consultation.

The draft Preferred Options for the Thetford Area Action Plan were going through the Committee process. Consultation on these would commence in mid February 2009. Meetings would be held with Parish Councils and other groups in the area and the draft would be advertised in local magazines.

A Member was concerned about the proposed 40% level for affordable housing and thought that this was too high and would deter developers.

The 40% figure had been agreed as the document progressed through the committee cycle and as a result of several rounds of consultation over a long period of time. It reflected the level of need in the District. A great deal of work had gone into ensuring that policies would allow viability. It was pointed out that the Regional Plan required a minimum of 35% in any event.

Another Member asked if the proposed changes to planning law, as outlined in a recent newspaper article, had been taken into account. It was confirmed that the Core Strategy was consistent with current national and regional planning policy.

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7/09 3PL/2008/1184/F: COLKIRK: H BANHAM LIMITED, LAND AT CHURCH ROAD: INSTALLATION OF RADIO BASE STATION CONSISTING OF 30 METRE TOWER, 6 NO ANTENNAE, 6 NO DISHES & ANCILLARY DEVELOPMENT FOR TELEFONICA O2 UK LTD (AGENDA ITEM 8A)

This application to move a telecommunications mast had been deferred by the Committee on 3 November 2008 to allow alternative sites to be investigated.

Members were shown a plan and photographs of the existing and proposed siting for the mast. Currently it was well screened from view by trees. The proposed new siting would make it more prominent in the landscape.

Two alternative sites had been put forward. One, on an existing police tower, had been discounted as it did not provide the necessary coverage. The other site, on adjacent land belonging to the Diocese appeared to be acceptable, but the applicant did not consider there was sufficient time for a new application to be submitted and approved before they were required to move the existing mast, as they had been served with a Notice to Quit. They had therefore requested that the application be determined as originally submitted.

Mr Barron, representing the Parish Council, accepted that the police tower was unacceptable. He said that the Diocese had confirmed their willingness to lease land to O2; and O2 saw no technical reason why that land would be unsuitable. He was also aware that O2 had been granted an extension to the lease on their current site and therefore saw no reason to proceed with the existing application.

Mr Hopkinson, representing all the objectors to the proposal, said that the proposed siting would bring the mast into the view of all the residents in Gormans Lane. He had worked hard contacting the Diocese and the land owner. He confirmed that the Diocese were willing to lease the land and that Banhams (the landowners) had agreed to extend the lease on the existing site. He could see no reason why the mast should not be re-sited.

Mr Hopkins, Agent for O2, had not been notified of the extension to the lease. Although there was no technical reason not to use the Diocese land, in his experience re-siting could take up to 18 months and he still felt that there was insufficient time to make a new application.

The Chairman asked to see the letter sent from Banhams (the landowners of the current mast site) and the Solicitor confirmed that it was a letter to the Clerk of Colkirk Parish Council confirming the extension to the lease.

Mr Labouchere, Ward Representative for Colkirk, said that developments since the report was written made it redundant. He therefore proposed that the application should be refused.

The recommendation for approval was unanimously voted down and it was therefore **RESOLVED** to refuse the application on landscaping grounds and because of the apparent availability of an alternative site.

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8/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/1302/F: Dereham: Land to the North and South of A47 Trunk Road: Erection of petrol filling stations, restaurant and motel with associated parking and access for Mr V Somers

This application was for the development of identical facilities on either side of the A47 trunk road (with layouts handed).

The sites had been the subject of various approvals over the last 15 years and the most recent permission had expired on 18 December 2008 despite efforts to make a start.

Concerns raised by the Policy Section had been overcome by the provision of a Statement of Need for the facilities; a reduction in parking provision; and an increase in the amount of landscaping to be provided.

The Agent apologised that the Committee had to consider this application again as there had been a delay in receiving the Section 278 Notice from the Highways Authority. Amendments had been made to the ingress and access points and the Section 278 Notice was expected soon and it was hoped that work could commence immediately as end users were ready and willing to occupy the site.

A Member asked if the north site would be accessed from the old A47 and it was confirmed that although there was a link there was no intention to utilise this for commercial use. It was also confirmed that there would be no overnight HGV parking on site.

Approved, as recommended.

- (b) Item 2: 3PL/2008/1305/F: Scarning and Dereham: Riverside Garden Centre, Old Swaffham Road: Provision of 615 sqm retail/commercial space with 14 flats above (over 2 floors) and 14 car parking spaces to rear for Gorgate Ltd

This application sought permission to demolish an existing building and erect a block containing four retail units at ground floor level and 14 flats in two storeys above. The convenience store on site would remain.

Objections had been received from local residents concerning various issues including an access dispute. More details had been sought concerning this dispute but it was not considered to be a significant planning issue.

The design and position of the building was considered acceptable and would not significantly compromise the amenity of neighbouring properties. Following concerns raised, the bin store had been re-sited.

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The Council would control the opening hours of the retail units to ensure minimum disturbance and the 10% on-site renewable energy requirement would be conditioned.

Mr Moran, objector, was taking legal advice with regard to the access dispute. He said the road was not suitable for heavy vehicles and insufficient parking spaces could lead to obstruction of the access road. He was also concerned about potential problems with waste from the residential and retail units; overlooking of bedrooms and gardens in the adjacent residential development because of the height of the proposal; and the disproportionate scale and inappropriate siting.

Mr Cross, applicant, was sure he could prove his access rights to the site. Sufficient parking had been provided and he thought the tidying up of the site would be a benefit to the area.

The Chairman, speaking as Ward Representative, said that she had been contacted by several residents who were concerned about potential parking problems if the development was permitted. She thought that the design would suit the town centre rather than this edge of settlement position where it would appear imposing.

Clarification of the access concerns was sought and the Solicitor advised Members that a condition could be attached restricting occupation of the flats until access rights had been confirmed.

Approved, as recommended.

- (c) Item 3: 3PL/2008/1438/F: Harling: 19 Jubilee Avenue: Demolish existing houses (19 and 20) to create access and construction of 13 new two storey houses in 5 blocks for Peddars Way Housing Association

This application for development of a parcel of former garden / vacant land and the demolition of two empty dwellings to provide access from Jubilee Avenue would provide 100% affordable housing to meet an identified local need in Harling.

Members were shown plans, photographs and a video of the site and surrounding area.

Two of the new houses had been designed to reflect the style of those to be demolished. The others were of traditional style and materials with a contemporary twist.

The setting of the adjacent listed buildings in The Crescent was an important factor and had led to objections from the Council's Historic Buildings Officer and Tree and Countryside Officer. This was a sensitive issue and needed careful consideration.

Changes had been made to address concerns, including the

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introduction of a green area to provide a buffer between The Crescent and the new development.

Some overlooking of adjacent properties would occur but they were already overlooked by a footpath which ran along the edge of the site. This footpath was owned by Breckland Council and a suggestion had been made to divert it, through the new development, to improve security.

Local concerns had been raised regarding traffic issues. Amendments had been submitted which overcame the Highway Authority's objections and these had been withdrawn.

On balance the proposal was considered acceptable by the officers.

Mr Burton, objector, said that Jubilee Avenue was family orientated and children currently had a safe area to play, but this would be lost. The entrance to the Avenue was opposite the primary school and the development would put children's safety at risk. The proposed development was not in keeping with the area and a more suitable site was available.

Miss Handford, representing the Housing Association, said that the proposal was in line with Policy. Only three of the houses were required to be affordable but because of the high local need all would be delivered as social housing. Funding was available to progress the development and this might be lost if permission was refused.

Mr Wells, the Agent, said they had worked hard to improve the safety of the access for both new and existing residents. The scheme would improve the provision of open space and would not adversely impact on The Crescent.

Lady Fisher, Ward Representative, acknowledged the local need for social housing and referred to 10 dwellings recently granted permission. She felt the site provided a pleasant backdrop to the existing dwellings and provided an area for wildlife. The development would not preserve or enhance the Conservation Area.

Mr Kemp, Ward Representative, explained that The Crescent was the last development of clay lump buildings in the country. It was very peaceful and quiet, as was Jubilee Avenue. The development would upset the ambience of the area. The traffic situation was alarming and noise levels would increase.

The Development Services Manager pointed out that the site did not fall within a Conservation Area.

Members discussed the close proximity of two of the proposed units to The Crescent and the loss of the spacious appearance of the area.

Refused, contrary to recommendation, because of the impact on the Listed Buildings, failure to enhance, poor

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layout and density not in keeping with the area.

- (d) Item 4: 3PL/2008/1497/F: Thetford: Former Sultans Site, London Road/Burrell Way: Erection of non-food retail warehouse (A1) and external garden centre, associated access, servicing, car park and landscaping for Location 3 Properties Ltd and Sultans

This application had been deferred, see Minute No 5/09.

- (e) Item 5: 3PL/2008/1557/CU: Watton: 5 North Road: Change of use of land to garden area and erection of one metre high fence for Mrs S Nicholls

This application proposed the incorporation of a strip of grassed land into the garden and its enclosure with a one metre high fence. A previous application had been refused because of the loss of a prominent open space. The applicant had provided photographic evidence of other properties in the area where land had been incorporated.

Objectors to the proposal had also provided photographic evidence of other properties where open space had been maintained.

Mrs Nicholls, applicant, explained that she wanted to enclose the land to make a safe area for her children to play. The garden was opposite a large green area which people used and would not therefore cause a loss of amenity.

A Member supported the Town Council's objection and said this had been a well designed estate with plenty of open space and it should be retained as such.

Refused, contrary to recommendation, on the same grounds as the previous application – detriment to the area and loss of amenity.

- (f) Item 6: 3PL/2008/1576/F: Mattishall: The Barn, Walnut Tree Farm, Mill Road: Proposed conversion of barn to dwelling for Mr T Eames

Members were shown photographs of the buildings to be converted. Officers had no objection to the conversion of the main, two storey barn which was in relatively good condition. However, the rest of the proposal involved new build and was therefore not considered conversion under policy PPS 7.

Mr Eames, applicant, gave a brief history of the farm which had been in his family's ownership since the 1960s. Following the death of their father the farm had been inherited by the three children, then aged 18, 19 and 20. They had sold the original farmhouse for financial reasons.

Mr Eames now had the funds to convert the barn and wanted to bring it up to a standard to balance the new farmhouse that had been erected. During the time that the buildings had been

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advertised for commercial re-use, the roof of one had collapsed.

Mr Rose, Ward Representative, said it was a shame there weren't more photographs to show the state of the site. It had been an eyesore for some time and the whole community were in favour of it being cleaned up. He felt the single storey rebuild would compliment the new property which had replaced the old farmhouse, and be a planning gain.

Another Member felt it would be a dreadful shame if this traditional Norfolk building could not be converted.

Approved, contrary to recommendation, as the proposal enhanced the form and character of the area and maintained an attractive group of farm buildings.

- (g) Item 7: 3PL/2008/1581/O: Mundford: 24 Fir Close: Construction of one bungalow and detached garage for Mr B G Walker

Mr Francis declared a personal interest in this item.

This outline application followed a previous refusal which was the subject of an appeal. All matters were reserved, however an indicative plan had been provided showing the dwelling and garage in part of the rear garden and accessed from the existing drive to Nazer Close.

Officers did not consider that sufficient amenity space had been provided for either the existing or the proposed dwelling and it was also considered an unacceptable cramped, backland development. It was therefore recommended for refusal.

Mr Walker, applicant, had asked the Parish Council what they considered acceptable before submitting his application. He had used the footprint of an existing approval to provide the indicative plan and said that this was identical to other developments already approved.

Members acknowledged that there was already backland development in the area, but considered that this would be over-development.

Refused, 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	Mr Middleton – Agent Mr Holliwel - Agent
2	Mr Moran – Objector Mr Cross - Applicant

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3	Lady Fisher – Ward Representative Mr Kemp – Ward Representative Mr Burton – Objector Mrs Tarft – Objector Mr Wells – Agent Ms Handford – Housing Association
5	Mrs Nicholls - Applicant
6	Mr Eames – Applicant Mr Moulton - Agent
7	Mr Walker - Applicant
Agenda Item 8a	Mr Barron – Parish Council Mr Hopkinson – Objector Mr Hopkins – Agent

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/1184/F	11
3PL/2008/1305/F	5
3PL/2008/1438/F	4
3PL/2008/1557/CU	3

**9/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 10)**

This item was noted.

10/09 ENFORCEMENT ITEMS (AGENDA ITEM 11)

This item was noted.

**11/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 12)**

This item was noted.

The meeting closed at 12.25 pm

CHAIRMAN