

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 20 April 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
Mrs M.P. Chapman-Allen	Mr B. Rose
Mr P.J. Duigan	Mr F.J. Sharpe
Mr P.S. Francis	Mrs P.A. Spencer
Mr M. Fanthorpe	Mr M. Spencer
Mrs D.K.R. Irving	

Also Present

Mr W.H.C. Smith (Ward Representative)	Mrs A.L. Steward – Planning and the
Mr A.C. Stasiak (Ward Representative)	Environment Portfolio Holder

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Andrew Gayton	- Historic Buildings Officer
Sam Hubbard	- Planning Policy Officer
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
David Spencer	- Principal Planning Policy Officer

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57/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 30 March 2009 were agreed as a correct record and signed by the Chairman.

58/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr A Byrne, Mr R Kemp and Mr N Wilkin.

59/09 DECLARATION OF INTEREST

Mrs D Irving declared a personal interest in Agenda Item 9 (Schedule Items 3 and 4 Attleborough) through her husband's employment.

Mr P Francis and Mr A Stasiak declared a personal interest in Agenda Item 9 (Schedule Items 3 and 4 Attleborough) by virtue of owning commercial property in the area.

60/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

As there were a large number of people waiting to speak it was agreed that the LDF update and the report on the Use of Submission Development Control Policies would be heard at the end of the meeting.

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**61/09 ROCKLANDS: 68 THE STREET: DEMOLITION OF BUNGALOW AND
ERECTION OF FOUR DWELLINGS FOR MRS FIRMAN (PLOTS 2, 3 &
4) AND MR AND MRS FIRMAN (PLOT 1): 3PL/2008/1467/O (AGENDA
ITEM 8A)**

This item had been deferred at the 15 December 2008 Committee meeting.

Members were reminded of the proposal, which was in outline form and involved the demolition of an existing bungalow and its replacement with four dwellings. The site was within the Settlement Boundary and Members were shown a map showing other similar 'backland' development in the vicinity.

The new dwelling fronting The Street would have its own access, the three behind would be accessed jointly from an existing access to the adjacent property. This access would be improved and a footpath would be provided across the site frontage.

An indicative layout plan and elevations were shown.

Further information had been provided to the Environment Agency and they had raised no objection to the proposal. Anglian Water had confirmed that there was sufficient capacity to deal with foul water from the development. All details had been passed to the Council's independent drainage consultant who had confirmed that the scheme would not exacerbate flooding in the street.

There had been a great deal of local objection and concerns included drainage, highway safety, density and impact on the area.

It was noted that the Chairman and other Members of the Committee had received representation direct from Mr Witt concerning flooding.

Mr Witt, representing the Parish Council, said he had 40 years experience as a drainage consultant and he did not agree with the figures provided by the applicant. There had been three major storms in the past five years leading to health and safety problems, with sewage in houses and gardens. He believed the new development would make the problems more critical.

Mr Jones, objector, said that flooding was a huge issue in the village with ten dwellings threatened. As a governor of the school he was concerned that one new dwelling was too close to a classroom with possible noise, disturbance and screening problems. He thought that water from the development would flow into the playground and school buildings.

Mr Riley, a consultant with 30 years experience of solving drainage problems, said the drainage scheme had been designed to provide three times the required capacity. They were aware of problems in the village and the new development would improve the situation.

Mr Took, Agent, appreciated the concerns of local people but said that all the experts had accepted the scheme.

Mr Smith, Ward Representative, said there were long-term drainage problems in the village. He thought the scheme would be detrimental in terms of drainage and appearance. Until the drainage problems in the village were overcome he urged the Committee not to cause the residents

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further distress and damage.

Members debated the drainage issue at length. They felt they had received conflicting information and that the expert's opinions conflicted with the evidence of local people.

The Solicitor advised them that they were required to assess the evidence provided and that failure to do so could result in costs at appeal.

RESOLVED to refuse the application on grounds of overdevelopment and the effect on the area.

Councillor Bowes abstained from voting as she had arrived late, during the presentation of the item.

62/09 ATTLEBOROUGH: SAINSBURY'S SUPERMARKET: EXTENSION TO EXISTING SUPERMARKET, RECONFIGURATION OF CAR PARK/ACCESS/EGRESS & DEMOLITION OF EXISTING PETROL STATION FOR SAINSBURY'S SUPERMARKET LTD: 3PL/2009/0089/F & 3PL/2009/0090/CA (AGENDA ITEM 9)

Mrs D Irving, Mr P Francis and Mr A Stasiak declared a personal interest in this item.

This full application for an extension to Sainsbury's store was accompanied by a Conservation Area consent application for the demolition of the petrol filling station on site, which fell partly within the Conservation Area. The two applications were considered together.

The extension would allow for the rearrangement of the internal sales area and provide a two storey back-up area including a mezzanine floor for staff facilities and an unloading bay for deliveries.

The current two-point access and egress arrangements would be changed to provide a single point of access to the east of the site. Five additional parking spaces would be provided.

No details of the landscaping proposals for the site frontage had been provided but an indicative plan showed a wall, ironwork and planting which would give a soft edge to the site.

The Highways Authority had no objections subject to conditions and a S106 agreement for the provision of a transport plan and its future monitoring.

The Town Council objected strongly on several grounds, particularly highway safety. They were concerned that the new single access point was located at a narrow part of the road where no right turn feeder lane could be accommodated and also close to an existing Pelican crossing which could cause tail-backs and conflict between users and vehicles. The existing pedestrian refuge in the access road had been omitted and there was no pedestrian crossing facility shown there.

They were also concerned about the effect on the street scene of the loss of the petrol filling station and asked for a site visit by the Committee.

Officers had considered the issues and felt that the extension was in line with Government guidance. There would be minimal overlooking or impact on neighbouring properties. Their main concern was the treatment of the

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street frontage. Soft landscaping was not considered appropriate as the sense of enclosure, created by the petrol filling station's canopy, would be lost.

Members were asked to defer the application if they were minded to approve it to enable further negotiation, or otherwise indicate their views.

The Development Services Manager clarified that Members had various alternatives available. They could refuse the application; they could agree the principle of the development and allow officers to negotiate changes under delegated authority; or they could defer it and require it to be brought back.

He mentioned that Mr Higgins was in attendance from the Highways Authority to answer any questions.

Mr McGrath, the Agent, had thought that the application was going to be recommended for refusal and was in attendance to ask for it to be deferred for negotiations on the frontage treatment. He said the principle accorded with policy and that Sainsbury's were looking at alternative provision for a filling station within the town.

Mr Stasiak, Ward Representative, agreed that deferral was a sensible way forward. He asked how big the extension was in percentage terms and the agent advised that it would increase the store size by about one third.

Mr Stasiak felt that the additional parking provision was inadequate for such a large extension. He was also concerned that existing traffic problems would be exacerbated by the changes. He reminded Members that there had been a major debate at the time of the original application for the store because it meant the removal of the old Council offices. Finally he hoped Members would attend for a Site Visit and see that the proposed bus stop siting was in an unsuitable location.

A Member wondered why the store was at the back of the site. He felt it would have been better positioned to the front and was concerned that the extension to the rear would have an adverse impact on neighbouring properties with a nine metre wall right on their garden boundaries.

Another Member felt there were several major issues.

- The former Council offices that had been knocked down to accommodate the store had been a major feature and there had been a great deal of discussion at the time about how to replace it. This was the reason there was a slate roof to the petrol station canopy to create a feature to maintain the frontage which would now be lost.
- Access problems; no filter lane for traffic meant it would be impossible to turn right.
- Pedestrian crossing provision at the access point.
- Overdevelopment of the site.

The Chairman asked Mr Higgins to explain why there was no filter lane for traffic turning right into the store. He agreed that there was currently a partial right hand turn facility but said it did not work well. The new access would not have a filter, but this was an acceptable form of junction in a town centre.

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Members were concerned that the new access arrangements would cause danger to road users and pedestrians alike.

The Chairman asked the agent for his comments and Mr McGrath said that Sainsbury's would not have a car park that did not work as it would affect their profitability. He said the extension would not necessarily lead to more people using the store. The aim was to get current users to spend more by making the experience more pleasurable. He added that they wanted to invest in the Town at a difficult time.

RESOLVED to refuse planning permission and conservation area consent on grounds of:

- (1) Effect on neighbours;
- (2) Failure to enhance the Conservation Area by loss of frontage building; and
- (3) Unacceptable changes to the access arrangements from the highway.

63/09THETFORD: ABBEY BARN, MONKSGATE: DEMOLITION OF BUILDINGS ON SITE AND ERECTION OF 15 UNITS, CONVERSION OF BARN TO 6 UNITS AND CONVERSION OF LISTED BUILDING TO 5 UNITS FOR H G DEVELOPMENTS: 3PL/2008/1339/LB & 3PL/2008/1340/F (AGENDA ITEM 10)

It was noted that these two applications for planning permission and listed building consent would be considered together and voted on separately at the conclusion of the discussion.

The proposal was to create 26 dwellings by the conversion of existing buildings to 11 units and the demolition of other buildings and their replacement with 15 new-build dwellings. It was an almost identical scheme to one previously approved by Committee, currently the subject of a legal challenge.

Members were shown a coloured map clearly identifying those buildings to be converted (in yellow) and those to be demolished (in orange). The buildings to be demolished were more modern cart sheds. The new build elements would maintain the courtyard feel and be in a barnyard style to maintain the character of the site, whilst being smaller in scale than the original buildings to make clear that they were new additions.

There would be minimal alterations to the fabric of the listed buildings and their existing appearance would be maintained.

No affordable housing element or financial contributions would be required as the scheme was marginal in terms of viability, particularly in relation to the conversion of the Grade I listed buildings and having to gain Scheduled Monument Consent. This had been confirmed by the District Valuer.

The principle issues to be considered were:

- Heritage impact
- Alternative uses
- Impact on the locality
- Policy

Each of these matters was explained in detail and important parts of the

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written report were emphasised. Particular reference was made to an alternative proposal made by the Thetford Society. Members had received e-mail representation from this Society and paper copies of their proposal had been tabled at the start of the meeting.

In conclusion the officer advised that the application scheme was a good one; it had been designed to minimise the impact of potential overlooking of adjacent properties; it performed well in both national and local policy terms; the conversion scheme was the result of long negotiations and respected the historic nature of the buildings; and considerable regard had been given to alternative uses, but it was not felt that there was another proposal at a stage to be seriously considered. The application was therefore recommended for approval subject to conditions and referral to the Secretary of State.

Mr Chambers, Town Clerk, added to the comments already sent from the Town Council. He said that they supported the proposals put forward by the Thetford Society and hoped that the Committee would at least defer the application to give time for the Society to meet with English Heritage. He acknowledged that time was needed to raise the money but thought that if the Council acquired the site under Compulsory Purchase powers, money might be available in the future for charitable or community ownership. He said that the protection of historic buildings was a key issue in the Thetford Area Action Plan and he was concerned that no repair notice had been issued.

Mr Wilson, objector, felt that the plans ignored the importance of the setting and group value of the buildings. The Thetford Society wanted to see them re-united with the Priory which would boost tourism. He noted that many of the Listed Building Societies were against the residential development. If the Council purchased the site funds could be sought from the Societies, the Town Council and other sources. He concluded by saying these were the only surviving inner-precinct monastic barns in the country and asked the Committee to reject the residential scheme and support the alternative proposal.

The Council's Historic Buildings Officer clarified the age of the buildings and said that dendrochronology testing had revised the probable age of parts of the buildings to 15th, 16th and 17th century, not the 13th and 14th century as previously reported. He pointed out that they had undergone significant changes during their lifetime. Important elements, such as their timber framing, were now encased in masonry and could not be uncovered. All the remaining interest was above wallplate level, which made display difficult and access problematic. He considered that the proposed conversions would be completely reversible without detriment to the fabric of the buildings. He had worked with English Heritage to carry out a feasibility study for the re-use of the buildings some years previously and this had not proved viable, he considered that nothing had changed in the meantime.

A local Member questioned the need for economic viability. He said this should not be the most important factor in considering future uses for the buildings. Officers had written asking for alternative schemes and the Thetford Society had provided a detailed alternative which had been dismissed. He argued that the residential development proposal was not viable either as they could not afford to pay the usual financial contributions or provide affordable housing.

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The Solicitor confirmed that the alternative proposal was a material planning consideration and said it was up to the Committee to decide how much weight to attach to it, depending upon how deliverable they considered it to be.

The Historic Buildings Officer said the scheme was designed not to impact on the special interest of the buildings so that if funding became available in the future the conversion could be undone. In the meantime the buildings would be preserved.

The Principal Planning Officer wished to clarify that the officers were not against the Thetford Society proposal. The uses would not be unacceptable in planning terms. However, there was no application for that proposal. There was however an application for residential conversion which had to be decided.

Another Member felt that deliverability was the key issue. He was surprised that there had not been one application since 1992 by any of the interested parties.

Other Members discussed the possibility of permission being granted but no work being carried out because the scheme was not viable. They were concerned that the buildings might still fall into disrepair and asked what powers the Council had.

The Development Services Manager assured them that conditions were proposed to phase the development and to ensure that works to the listed buildings were carried out. He said there was nothing to stop the Thetford Society from making an application in the meantime. Due to the current financial climate works might not commence at once, which would give time for negotiations. In the meantime the buildings would be monitored.

The Solicitor confirmed that there were powers available to the Council under the Listed Buildings Act which included provisions for action if the buildings should deteriorate.

The Council's Historic Buildings Champion said this was a difficult decision. It might not be what he would want for the site 'in an ideal world' but in that world development would not have been allowed all around the Priory. As it was, he felt this was the best scheme for now although there might be an opportunity for change in the future. He was keen that something should be done to protect the historic buildings and urged the Committee to approve the application.

Another Member agreed, he said he had sympathy with the Thetford Society and their supporters, but their proposal was not an application.

The Chairman said that if the application was approved it would just be another step in the evolution of the buildings and would not stop future applications being submitted.

RESOLVED

- (1) to approve the planning application, as recommended; and
- (2) to grant Listed Building consent, as recommended, subject to referral to the Secretary of State.

64/09 SCHEDULE OF PLANNING APPLICATIONS

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RESOLVED that the applications be determined as follows:

- (a) Item 1: Thetford: Abbey Barns, Monksgate: Demolition of buildings on site and erection of 15 units, conversion of barns to 6 units and conversion of listed buildings to 5 units for H G Developments: 3PL/2008/1339/LB

Approved, subject to referral to SOS. See Minute No 63/09.

- (b) Item 2: Thetford: Abbey Barns, Monksgate: Demolition of buildings on site and erection of 15 units, conversion of barns to 6 units and conversion of listed buildings to 5 units for H G Developments: 3PL/2008/1340/F

Approved, as recommended. See Minute No 63/09.

- (c) Item 3: Attleborough: Sainsbury's Supermarket: Extension to existing supermarket, reconfigurations of car park / access / egress and demolition of existing Petrol Station for Sainsbury's Supermarket Ltd: 3PL/2009/0089/F

Refused. See Minute No 62/09.

- (d) Item 4: Attleborough: Sainsbury's Supermarket, High Street: Demolition of petrol filling station to allow alterations to site access / egress and changes to parking layout for Sainsbury's Supermarket Ltd: 3PL/2009/0090/CA

Refused. See Minute No 62/09.

- (e) Item 5: Thetford: 51 Brunel Way: Proposed B1 unit, with associated parking for Mr Brian Keane: 3PL/2009/0113/F

This application was on the agenda because it had originally been a Major application. It now fell below that threshold.

Members were shown elevations of the proposed factory unit on a site within the industrial estate. 15 parking spaces and a servicing area were included in the scheme which accorded with PPG 4.

Approved, as recommended.

- (f) Item 6: Harling: 19 Jubilee Avenue: Demolition of existing houses Nos 19 and 20, create access and construction of 12 new 2 storey houses in four blocks for Peddars Way Housing Association: 3PL/2009/0204/F

This application for 12 houses followed an application for 14 houses on the same site recently refused because of the impact on adjacent listed buildings. Two previous applications had been withdrawn.

In this latest application, the two houses closest to the listed buildings in The Crescent, had been omitted and an area of open space provided separation between the listed Skipper houses and the new development.

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The layout on Jubilee Avenue had been maintained and the scheme was considered acceptable in terms of density and would provide 100% affordable housing, secured by S106 agreement in perpetuity, and built to Code Level 3.

The scheme was well designed and laid out to avoid direct overlooking. Additional traffic was a concern and the turning head at the top of Jubilee Avenue would be reduced in size to improve the access arrangements. Improvements would also be made to the junction of Jubilee Avenue with Kenninghall Road.

The comments of the Ward Representative (Lady Fisher) were read out. She was concerned about the loss of garden space; the adverse effect on the character of the village; and that the style was not in keeping. She felt that affordable housing could be secured through sites coming forward in the LDF and hoped the Committee would refuse the application.

Ms Tarft, objector, spoke for local residents who believed the development would have a detrimental effect on The Crescent and on Jubilee Avenue. Increased traffic would lead to danger for children. She was also unhappy with the proposal to close the existing footpath and divert it through the development.

Mr Malins, for applicant, said that the previous refusal had been on impact grounds and the reduction to 12 houses had addressed this issue. All 12 houses would be affordable (although only five were required to be) and would provide a variety of house types to meet the needs of people on the waiting list.

Mr Wells, agent, said that the scheme successfully dealt with previous concerns. There would be lots of benefits to the community, including the junction improvements; the provision of open space; and the provision of affordable housing.

A Member was concerned at the potential loss of the footpath and access arrangements were clarified. Another Member wanted confirmation that the Council's Historic Buildings Officer was happy with the proposal and this was given.

Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

Notes to the Schedule

<u>Item No</u>	<u>Speaker</u>
Agenda Item 8a Deferred Item	Mr Smith – Ward Representative Mr Witt – Parish Council Mr Jones – Objector Mr Took – Agent Mr Riley – for Agent
Agenda Item 9	Mr Stasiak – Ward Representative Mr Higgins – NCC Highways Mr McGrath - Agent
Agenda Item 10	Mr Chambers – Town Council Mr Wilson - Objector
Schedule	Ms Tarft – Objector

Item 6	Mr Malins – for Applicant Mr Wells - Agent
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Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/1339/LB	136
3PL/2008/1340/F	132
3PL/2008/1467/O	36
3PL/2009/0089/F	8
3PL/2009/0090/CA	2
3PL/2009/0204/F	4

**65/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 12)**

This item was noted.

66/09 APPEAL DECISIONS (AGENDA ITEM 13)

This item was noted.

**67/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 14)**

This item was noted.

68/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The consultation on the Thetford Area Action Plan had closed. About 170 responses had been received from individuals and 735 questionnaires from school pupils.

The pre-hearing for the Core Strategy document would take place on 19 May 2009, commencing at 10.00am. The Inspector would outline how the examination in public would run. It would be a public meeting, but no representations could be made at that time. The Inspector had already indicated that the public examination would commence on 30 June and last for two weeks.

**69/09 USE OF SUBMISSION DEVELOPMENT CONTROL POLICIES
(AGENDA ITEM 7A)**

Due to the length of the meeting and the fact that several Members had already departed, it was agreed that this item would be deferred to the next meeting and would be heard before any applications were determined.

The meeting closed at 2.40 pm

CHAIRMAN