



AGENDA

NOTE: In the case of non-members, this agenda is for information only

- Committee** - **DEVELOPMENT CONTROL COMMITTEE**
- Date & Time** - MONDAY, 13TH JULY, 2009 AT 9.30 am
- Venue** - ANGLIA ROOM, THE CONFERENCE SUITE, ELIZABETH HOUSE, DEREHAM

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

NOTE

Ward Representatives wishing to speak on a particular application are asked to inform the Usher, Mrs H. Burlingham, well in advance and arrive at the meeting by **9.30am** as the items on which the public wish to speak will be taken first in order of the agenda.

IN THE EVENT OF DEFERRED ITEMS APPEARING ON THE AGENDA, WARD REPRESENTATIVES WILL BE NOTIFIED ACCORDINGLY IN ADVANCE.

THE ORDER OF THE MEETING WILL VARY TO ALLOW FOR PUBLIC SPEAKING AND WILL NOT FOLLOW THAT OF THIS AGENDA

PERSONS ATTENDING THE MEETING ARE REQUESTED TO TURN OFF MOBILE PHONES

VOTING:

If the first vote is lost in considering an application, a new proposal will be requested (eg a vote for approval, if lost, does not automatically mean "refused"). On a tied vote, the Chairman has a casting vote, if he/she wishes to use it. It is necessary for summary reasons for approvals or refusals to be identified in each case.

Member Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: Thursday, 2 July 2009

PLANNING POLICY NOTE

THE STRENGTH OF PLANNING POLICY IN DETERMINING PLANNING APPLICATIONS

The Planning process is set up, IN THE PUBLIC INTEREST, to protect the public from the unacceptable planning activities of private individuals and development companies. Planning is primarily concerned to deal with issues of land use and the way they affect the environment.

The Council has a DUTY, through the Town & Planning Acts, to prepare a Local Development Framework (LDF) to provide a statutory framework for planning decisions, some LDF policies now carry significant weight.

Breckland's Plan contains the Council's planning policies, which must be consistent with Government guidance, particularly with the Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs).

The full public scrutiny of the Council's proposals will give the Plan an exceptional weight when dealing with planning applications.

This shift towards a "Plan-led" planning system is a major feature of recent planning legislation. The Town & Country Planning Act 1990, states that ***planning applications should be determined in accordance with the policies of the Plan, unless material considerations which are relevant to planning indicate otherwise.***

PPG1 summarises the objectives of the "plan-led" system as:-

- achieving greater certainty;
- ensuring rational & consistent decisions;
- securing public involvement in shaping local planning policies;
- facilitating quicker planning decision; and
- reducing the number of misconceived planning applications and appeals.

Unless there are special reasons to do otherwise, planning permissions "run with the land", and are NOT personal licences.

The factors to be used in determining applications will relate to the effect on the "public at large" and will NOT be those that refer to private interests.

Personal circumstances of applicants "will rarely" be an influencing factor, **and then, only** when the planning issues are "finely balanced".

THEREFORE we will:

- **acknowledge the strength of our policies,**
- **be consistent in the application of our policy, and**
- **if we need to adapt our policy, we should do it through the Local Plan process.**

Decisions which are finely balanced, and which contradict policy will be recorded in detail, to explain and justify the decision, and the strength of the material planning reasons for doing so.

LOCAL COUNCILS

OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?

We ask local parish and town councils to recognise that all comments received are taken into account. Where we disagree with those comments it will be because:

- Districts look to "wider" policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.

PART A
ITEMS OPEN TO THE PUBLIC

	<u>Page(s)</u> <u>herewith</u>
1. <u>MINUTES</u> To confirm the minutes of the meeting held on 22 June 2009.	1 - 9
2. <u>APOLOGIES</u> To receive apologies for absence.	
3. <u>DECLARATION OF INTEREST</u> Members are asked at this stage to declare any interests they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is personal or prejudicial.	
4. <u>CHAIRMAN'S ANNOUNCEMENTS (IF ANY)</u>	
5. <u>REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA</u> To consider any requests from Ward Members, officers or applicants to defer an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.	
6. <u>URGENT BUSINESS</u> To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act 1972.	
7. <u>LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)</u> To receive an update.	
8. <u>DEFERRED APPLICATIONS</u> To consider applications deferred at previous meetings including some, but not all, of those shown on the attached Schedule of Deferred Applications.	10
9. <u>DEREHAM: PROPOSED RESIDENTIAL DEVELOPMENT, FORMER CRANE FRUEHAUF SITE, SOUTH GREEN: APPLICANT: CITY & WEST END PROPERTY INVESTMENTS LTD: APPLICATION REFERENCE: 3PL/2009/0385/O</u> Report of the Deputy Chief Executive.	11 - 13
10. <u>SWAFFHAM: PROPOSED RETIREMENT VILLAGE, HIGHFEILD HOUSE, LYNN ROAD: APPLICANT: MR J BALL: REFERENCE: 3PL/2009/0331/F</u> Report of the Deputy Chief Executive.	14 - 17

11. SCHEDULE OF PLANNING APPLICATIONS

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To consider the Schedule of Planning Applications:

<u>Item No</u>	<u>Applicant</u>	<u>Parish</u>	<u>Page No</u>
1	Mr J Ball	Swaffham	19
2	Lynford Hall Hotel	Lynford	20-23
3	Norfolk Farm Produce Ltd	Beeston	24-27
4	Gorgate Ltd	Gressenhall	28-30
5	City & West End Property Investments Ltd	Dereham	31
6	Roger Warnes Transport Ltd	Great Dunham	32-34
7	Mr A Worby	Garvestone	35-37
8	Rowling Building Services Ltd	Stow Bedon/ Breckles	38-40
9	Mr D Taylor	Harling	41-43

12. EAST HARLING: LAND AT KEMPS MEADOW: RELEASE FROM S.106 AGREEMENT

44 - 47

Report of the Deputy Chief Executive.

13. APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER AND THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION)

48 - 53

14. APPEAL DECISIONS (FOR INFORMATION)

APP/F2605/A/09/2098918: Griston: South View, Thompson Road: Appeal against the refusal to grant outline planning permission for demolition of existing bungalow and erection of four dwellings comprising a pair of cottages and two bungalows, all with detached garages by Mrs D Pile: Application Reference 3PL/2008/1149/O.

Decision: Appeal Dismissed.

APP/F2605/A/09/2100030: Watton: 2 St Marys Close: Appeal against the refusal to grant planning permission for erection of two-storey dwelling and detached garage by Mr and Mrs P Watts: Application Reference: 3PL/2009/0006/F.

Decision: Appeal Dismissed.

APP/F2605/A/09/2101553: Watton: 5 North Road: Appeal against the refusal to grant planning permission for the change of use of land to garden area and erection of one metre high fence by Mrs Sheila Nicholls: Application Reference: 3PL/2008/1557/CU.

Decision: Appeal Allowed.

APP/F2605/A/09/2099677: Bylaugh: The Office, Little Lodge Lane: Appeal against the refusal to grant planning permission for manager's accommodation plus office/reception/internet room by Mr Kevin Peters: Application Reference: 3PL/2008/1704/F.

Decision: Appeal Dismissed.

	<u>Page(s)</u> <u>herewith</u>
<p>15. <u>APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)</u></p> <p>3CM/2009/0014/F: Sporle: Sporle CE VC Primary School, The Street: Application for replacement windows by Children’s Services. Decision: Conditional Approval.</p>	
<p>16. <u>EXCLUSION OF PRESS AND PUBLIC</u></p> <p>To consider passing the following resolution:</p> <p>“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 involves the disclosure of exempt information as defined in paragraphs 5 and 6 of Schedule 12A to the Act”.</p>	
<p>17. <u>ENFORCEMENT ACTION: CHURCH HOUSE, CHURCH STREET, BRISLEY</u></p> <p>Report of the Deputy Chief Executive.</p>	54 - 55

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 22 June 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 M. Spencer
Mr R. Kemp	Mr N.C. Wilkin (Vice-Chairman)

Also Present

Mr S. J. P. Rogers

In Attendance

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)
Mike Brennan	- Principal Development Control Officer
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

94/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 1 June 2009 were agreed as a correct record and signed by the Chairman.

95/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs M Chapman-Allen.

**96/09 DECLARATION OF INTEREST AND REPRESENTATIONS RECEIVED
(AGENDA ITEM 3)**

The following declarations of interest were received.

Mr M Kiddle-Morris, Mr B Borrett and Mr J Labouchere declared a personal interest in Schedule Item 6 (Scarning) by virtue of knowing the applicant.

Mr N Wilkin declared a personal interest in Schedule Item 8 (Necton) by virtue of owning two properties in the vicinity of the site and having called the application in as Ward Member.

Action By

97/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

1. Jon Durbin, Operations Manager from Capita Symonds, was introduced to the Committee. Mr Durbin told Members that he would be overseeing the maintenance of the high standard of service. He said that he aimed to be accessible if they had any issues they wished to raise with him.
2. The Principal Planning Officer (major projects) told Members that the planning and listed building applications for the Abbey Barns development had been called in by the Secretary of State. (This decision had come as a surprise as twelve months previously similar proposals had not been called in.)

This meant that the Council could no longer make the decision and the next steps would be similar to the appeal process. A Public Inquiry would be arranged, probably in September or October, but no date had yet been set.

A Member asked if there was any indication why the applications had been called in and was told that the letter said that the decisions might conflict with national policies on important matters.

98/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Development Services Manager told Members that the Examination in Public would commence the following week. The Inspector was only able to sit for two days that week (on the Tuesday and Wednesday) and therefore the programme had been extended slightly and should now conclude on 17 July.

99/09 ATTLEBOROUGH: PROPOSED ANAEROBIC DIGESTION UNIT ON LAND AT ATTLEBOROUGH POULTRY FARMS, OFF B1077: REFERENCE: 3PL/2009/0247/F: APPLICANT: S S AGRISERVICES (AGENDA ITEM 9)

The Principal Planning Officer (major projects) advised Members that there had been a number of outstanding issues relating to odour control, impact on local residents and traffic.

Comments from the Environment Agency had been received late on Friday 19 June, objecting to the odour management proposals. The applicants had been informed that officers would be recommending refusal in the light of those comments and the application had been withdrawn.

100/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/1627/F: Brettenham: Shadwell Breck Cottage, Snarehill: New cottage and garage: Mr Phillip Hodson

This item had been deferred for further investigation following the late withdrawal of objections by the RSPB.

Action By

- (b) Item 2: 3PL/2009/0242/F: Swanton Morley: Adjacent Swanton Morley Doctors' Surgery & Lincoln House Care Home: 30 bed care unit: Dr Sanjay Kaushal

Outline approval had previously been granted for a two storey care home on this site. This new application proposed a single storey care home to fit in with the development of single storey, assisted care bungalows currently being constructed on part of the site. The simple design followed the form of the bungalows.

Members had concerns particularly with regard to the size of the roof and detailing.

Deferred, to allow negotiations on design.

- (c) Item 3: 3PL/2009/0247/F: Attleborough: Crows Hall Farm, Land west of Stony Lane & South of B1077: On-farm anaerobic digestion unit, construction of silage clamp store, one lagoon and a balancing pond: SS Agriservices

This item had been withdrawn. See Minute No 102/09 above.

- (d) Item 4: 3PL/2009/0263/CU: Kilverstone: Kilverstone Park: Change of use of land to use for football pitches and training: Thetford Independent Football FC

This application proposed the creation of four football pitches and car parking areas and the change of use of a former café to changing, toilet and refreshment facilities.

The site fell within the Stone Curlew buffer zone and this issue had been addressed.

No objections had been received and the proposal was supported by Sport England. A short-fall in pitches in Thetford had been identified following the Open Space Assessment and this proposal would provide facilities for junior players.

Approved, as recommended.

- (e) Item 5: 3PL/2009/0274/D: Carbrooke & Grison: Former RAF Watton Technical Site, Norwich Road: Development of 100 affordable dwellings: Broadland Housing Association

This application formed part of the redevelopment of the RAF Watton Technical Site. Members were shown a plan of the whole site and the different phases of development were pointed out.

The scheme under consideration was a reserved matters application for affordable housing on three separate parcels of land, referred to as Sites A, B and C.

Sites A and B provided blocks and small terraces of housing, situated between the road and the green spine area. Site C was different, providing three blocks of apartments. All areas maintained key views through the development.

Action By

A number of existing trees would be retained and additional tree planting was proposed.

No full set of elevational drawings was available as a number of amendments to the layout and design had been required. Members were shown the original drawings and then sketches of the agreed changes which included additional brick detailing, chimneys and improvements to the appearance of corner properties.

The apartments had butterfly style mono-pitched roofs and incorporated brick, timber boarding and render. They provided an interesting contrast to the rest of the development.

Mr Mumford-Smith, representing Broadland Housing Association, said they were keen to raise the standards and build to Code Level 4 including solar and photo-voltaic panels and rainwater collection. The development would help to meet a district-wide need for affordable housing. They had been successful in getting funding and were in a position to deliver the first houses by next Easter.

A Member was unhappy with the provision of parking courts as they were not user friendly. However, he applauded the team on having negotiated amendments which he felt upgraded the level of design.

The following points were clarified:

- the parking provision requirements had been set by the Appeal Inspector at 150% and could not be increased;
- the 100 affordable houses represented 30% of the houses in this phase of development;
- some of the houses would be rented, some shared ownership and others rented with a right to buy.

A Member asked if some of the new trees to be planted could be fruit trees and if allotments could be provided. Although it might be possible for fruit trees to be included, as the level of open space had been approved at the outline stage, allotments could not be provided.

Approved, as recommended, subject to receipt of a full set of amended drawings

- (f) Item 6: 3PL/2009/0310/F: Scarning: Riverside Garden Centre, Swaffham Road: Provision of 399m² retail/commercial space with 14 flats above (over two floors) and 16 parking spaces to rear: Mr S Cross

Mr Borrett, Mr Kiddle-Morris and Mr Labouchere all declared a personal interest in this item.

This application was a revision to a previously approved scheme. It proposed the reduction of the ground floor retail area from 615m² to 399m² and a change to the design of the building incorporating a new gable above each shop unit and Juliet balconies. The massing was also significantly reduced.

All the issues raised had been discussed previously.

Action By

Members considered that this was a much better scheme but further consideration should be given to the inclusion of window arches.

Approved, as recommended.

- (g) Item 7: 3PL/2009/0366/F: Land at Rose Farm, Dereham Road:
Erection of two holiday cottages: Mr G Loxton

Members were shown a plan of the Rose Farm complex which included a farmhouse and a number of outbuildings which had already been converted to residential use. There was also an existing holiday cottage and one agricultural building.

Under the terms of a proposed S106 agreement, this agricultural building (to the front of the application site) would be removed and a previous permission for that building and a workshop (not yet constructed) would be revoked.

The proposed holiday cottages would provide two-bedroom accommodation, with parking and bin storage provision.

Mr Loxton, applicant, explained that the site was not a busy working farm and although there had been problems with the industrial use of adjacent agricultural buildings previously, these had been resolved and there were no noise problems now. He said that holiday homes were more in keeping with the area and would benefit the neighbours as they would create less traffic movements and noise than the existing building to be removed and the proposed workshop which could still be built.

Members discussed the proximity of the proposed holiday cottages to the agricultural buildings on the adjacent site. They asked for clarification of the low-key industrial use and it was explained that previous inappropriate and unauthorised use had led to enforcement action. The activities had reduced. An Enforcement Notice remained in force.

Other concerns raised were in relation to the busy road and the unattractive design of the holiday cottages. It was pointed out that the holiday accommodation would reduce the number of traffic movements and that the cottages had been designed to appear as agricultural outbuildings to fit in with existing.

Finally a Member requested additional screening once the agricultural building was removed.

Deferred and the Development Services Manager be authorised to grant approval, as recommended, with a condition requiring additional landscaping, on completion of the section 106 agreement described.

Mr Kiddle-Morris abstained from voting as he had arrived during the discussions and had not heard all the arguments.

Mr Labouchere also abstained from voting.

Action By

(h) Item 8: 3PL/2009/0368/F: Necton: Garden Plot adjacent 21 Tuns Road: Proposed dwelling and garage: Mr C & Mrs W England

Mr Wilkin declared a personal interest and did not take part in the discussions or vote on this item.

This application was for a bungalow and garage in the rear garden of the applicant's dwelling. A similar proposal had previously been refused on grounds of overdevelopment.

The current proposal had been reduced in size by the removal of the conservatory; the garage had been detached and also reduced in size; and the overall width of the dwelling had been reduced. Rear facing windows had been removed to avoid undue impact on amenity and avoid overlooking. These changes had improved the relationship with the existing and neighbouring properties.

Mr Wagstaff, objector, said that the development did not enhance the village. It would be intrusive and visually dominating. The new dwelling would only be 18" lower than a two storey house and two windows would overlook six neighbouring properties. He was also concerned about highway safety due to the number of traffic movements at the adjacent Inglenook House.

Mr Moulton, Agent, said that although the previous application had been unsuccessful, the site could accommodate a dwelling and garage as the original house occupied a double plot. The dwelling would integrate well with existing. The reduction in the size of the footprint would provide better parking and turning facilities.

A Member queried the description of the dwelling as a bungalow when it was clearly two storeys. He felt the site was suitable for a bungalow but not a house.

Another Member was concerned that the reduction in size was mainly due to the omission of a conservatory, but noted that there was no proposed condition to restrict permitted development rights. It was confirmed that this would be added if the application was approved.

In response to being asked why the application was recommended for approval when it was clearly 'backland' development, the Development Services Manager explained that this did not make it automatically unacceptable. There was already development in depth in the vicinity and officers had to consider its impact on the character and appearance of the area.

Refused, contrary to recommendation, on grounds of over-development of the site and failure to enhance.

Notes to the Schedule

<u>Item No</u>	<u>Speaker</u>
5	Mr Mumford-Smith – for Applicant
7	Mr Loxton - Applicant
8	Mr Wagstaff – Objector Mr Moulton - Agent

Action By

Written Representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2009/0310/F	2
3PL/2009/0366/F	2
3PL/2009/0368/F	2

**101/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 11)**

This item was noted.

102/09 ENFORCEMENT ITEMS (AGENDA ITEM 12)

This item was noted.

103/09 APPEAL DECISIONS (AGENDA ITEM 13)

This item was noted.

104/09 THETFORD REGENERATION (AGENDA ITEM 14)

At a previous meeting of the Committee Members had requested further information on the plans for regeneration of the Barnham Cross Estate.

The Council's Principal Housing Officer (Strategy and Enabling) introduced Liz Robinson from Oxburys (Project Managers), Laura Handford from Flagship Housing, and Nicole LeRonde and David Thompson from Ingleton Wood (Architects). They gave an informal presentation.

David explained that the original brief had been to assess the Estate which comprised about 800 dwellings, some small shops, a community centre and two schools. Regeneration proposals included the improvement of parking and open space facilities and the replacement of out-dated buildings.

There were long-term goals, but quick wins were needed to build the confidence of residents in the ability of the project to succeed. Crime reduction was also key.

A number of partners were involved including an active group of residents known as the Barnham Action Group and the Norfolk Constabulary.

One main issue identified was that the estate had not been designed to cope with the present day level of car ownership. Some garage courts were not used, leading to vandalism and security problems. Residents wanted to park close to their homes and this led to damage to green areas.

An Open meeting was held to which everyone was invited. A Steering Group was formed and a Masterplan developed.

The estate was divided into zones and each area was surveyed and a record made of the current state. Strategies were created.

- Where possible, green spaces and trees would be protected and preserved, but where this was not possible they would be removed and replaced with formal parking areas.

Action By

- 44 poor grade houses would be re-developed providing 80-100 new dwellings built to Code Level 4.
- The old shops (all vacant) and community centre would be replaced with new to provide a focal point for the estate.

Nicole told Members that lessons had been learned during this process. The most valuable being the need to keep people involved at all stages by partnership working and inclusive consultation.

Flexibility and funding were also key issues. It would be necessary to identify development partners and to source funding. It was hoped that Moving Thetford Forward would contribute to funding for the Beech Close parking improvements. The HCA (Home and Communities Agency) was another potential funding source.

Laura said that the residents were starting to believe that positive results could be achieved. It was a very big job and help would be needed to co-ordinate all the landowners involved. The fact that so many different landowners were involved would complicate the process.

This was not just a one-off scheme and would be rolled out to the Abbey and Redcastle estates which had different designs and would require different solutions.

The following questions were asked during the presentation:

- Q.** How can whole areas be re-developed when some houses are in private ownership?
- R.** 95% of owner/occupiers were in favour of what was proposed. Owners would be worked with on an individual basis to reach agreement. Some dwellings would be bought, other owners might be offered new homes if required. Compulsory Purchase would only be considered as a last resort.
- Q.** Has consideration been given to providing young people with a place to go – they need a building of their own? If they have nowhere to go problems with anti-social behaviour are likely to recur.
- R.** This project did not include a youth facility as there were no resources to run one. However, this aspect was being looked at by the Moving Thetford Forward Board and had not been forgotten.
- Q.** It was no good building new shops if they would remain empty. What was being done to encourage the right sort of businesses to the estate – such as a Post Office and a grocers shop?
- R.** The Economic Development Team was involved in this work.

Finally it was noted that Swain Close was being planned as a single development with work phased over a number of years. The planning application for this would come to the Committee at the end of the year.

Action By

A Member noted that the cost would be immense and asked if some of the houses would be sold on the open market. Laura advised that they were working out the costs and details were not known at the moment.

The Chairman thanked them for a very useful and enlightening presentation.

The meeting closed at 1.03 pm

CHAIRMAN

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 13 JULY 2009

SCHEDULE OF DEFERRED APPLICATIONS

REFERENCE AND DETAILS OF APPLICATIONS	MEETING FIRST REPORTED TO	DEVELOPMENT SERVICES MANAGER'S RECOMMENDATION	REASON FOR DEFERMENT
3PL/2008/0874/F: Thetford: Brunel Way: Construction of industrial units	11/08/2008	Approval	For resolution of various outstanding matters
3PL/2008/0206/F: Kenninghall: Memorial Hall, School Close: Erection of 12 dwellings and garages for Kenninghall Parish Council	01/09/2008	Approval	For negotiation of S106
3PL/2008/0526/F: Hockham: Land adjacent North Farm, Shropham Road: Demolition of barn/shed and erection of 4 no. dwellings and garages for Mr Trappes-Lomax	16/02/2009	Approval	For more information on the construction of the barn and protected species
3PL/2008/1690/F: Ashill: Goose Green: Seven residential units in 3 blocks with associated access and car parking for Peddars Way Housing Association	16/02/2009	Approval	For signing of S106
3PL/2009/0204/F: 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	20/04/2009	Approval	For signing of S106
3PL/2009/0258/F: Roudham/Larling: Chattel House, Roudham Road: Establish permanent dwelling on site including retention of existing timber clad temporary structure with new two storey structure for Mr J Chapman	11/05/2009	Refusal	For signing of S106
3PL/2008/1627/F: Brettenham: Shadwell Breck Cottage, Snarehill: New cottage and garage for Mr Phillip Hodson	22/06/2009	Deferred	For further investigation
3PL/2009/0366/F: Ovington: Land at Rose Farm, Dereham Road: Erection of two holiday cottages for Mr G Loxton	22/06/2009	Approval	For signing of S106

Agenda Item 8

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 13TH JUNE 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE

(Author: Nick Moys, Principal Planning Officer (Major Projects))

**DEREHAM: PROPOSED RESIDENTIAL DEVELOPMENT, FORMER CRANE
FRUEHAUF SITE, SOUTH GREEN**

Applicant: City & West End Property Investments Ltd

Reference: 3PL/2009/0385/O

Summary – This report concerns proposals to develop land in Dereham for housing. It is recommended that outline permission is granted subject to conditions and legal agreement.

1. INTRODUCTION

This report concerns an application for outline planning permission for residential development on land at South Green in Dereham. Based on indicative details submitted with the application it is anticipated the site would accommodate around 40 dwellings. An area of public open space is proposed as part of the development, and a new access would be created onto South Green.

The application is supported by a number of technical reports, including a Design & Access Statement, Tree Survey/Arboricultural Assessment and a Ground Investigation Report. A draft section 106 legal agreement has been prepared which includes obligations relating to affordable housing, public open space and financial contributions towards recreation, transport and library facilities.

The application site is located about 700 metres to the south of Dereham town centre. The site extends to 0.9 hectares and was until recently used for commercial purposes. The site includes a series of large industrial buildings, together with extensive concrete hardstandings. The site is adjoined by residential development and a retail warehouse park.

2. KEY DECISION

This is not a key decision.

3. COUNCIL PRIORITIES

The following Council priorities are relevant to this report:

- A safe and healthy environment
- A well planned place to live and work

4. CONSULTATIONS

Dereham Town Council has raised objection to the application on the grounds that it wishes to see the site remain in commercial use. If housing development were to be permitted, the Town Council would wish to see a low density scheme with more open space.

The Highway Authority has raised no objection to the proposed development subject to conditions and the payment of contributions towards public transport improvements (£3,500) and walking/cycling initiatives (£156/dwelling).

Norfolk County Council has raised no objection subject to the payment of contributions towards education (£3,491/dwelling) and library services (£60/dwelling).

The Environment Agency has raised no objection to the application subject to the imposition of conditions relating to ground contamination and surface water drainage.

Norfolk Police have raised concerns in relation to the proposed open space and footpath link.

The Council's Tree & Countryside Officer has raised no objection subject to measures to protect a preserved oak tree and landscaping details.

The Council's Senior Planning Policy Officer has raised no objection subject to the provision of affordable housing and open space.

The Council's Environmental Health Officer has raised no objection subject to the provision of adequate noise mitigation measures and surface water drainage details.

The Council's Contaminated Land Officer has raised no objection in principle, but has asked for further information to be provided.

Objections have been raised by a local resident concerning the impact of additional traffic on local roads.

5. POLICY

Relevant national planning policy can be found in PPS 1 'Delivering Sustainable Development' and PPS 3 Housing'. At a local level, Policies DC 11 Open Space, DC12 Trees and DC15 Renewable Energy of the Core Strategy and Development Control Proposed Submission Document are also relevant. Local Plan Policy HOU.2 permits housing in the District's market towns subject to criteria relating to local character, amenity and traffic.

6. ASSESSMENT

The principal issues raised by the application concern: i) planning policy matters, ii) recreation provision, and iii) the effect of the development on local character and amenities.

Planning policy

It is considered that the redevelopment of the site for housing would accord in general terms with national and local planning policy, as set out in PPS 3 and saved Local Plan Policy HOU.2. The proposal would be compatible with the established character of the area, and would provide for the re-use of previously developed land located within the existing built up area of the town. The density of development proposed (approx.43 DPH) would fall within national guidelines. Given the location of the site close to the town centre and local facilities, it is not considered that a lower density would be appropriate here. Affordable housing would be provided as part of the development (35%) in line with current planning policy. The development would be constructed to Code for Sustainable Homes Level 3.

It is not considered that a rejection of the proposal could reasonably be sustained on grounds of loss of employment land. Although the site has historically been used for commercial purposes, its potential for new business development is limited by the nature of the road access and the predominantly residential character of the surrounding area. The site has not been identified as a general employment area in the emerging LDF. Policy CP3 of the submitted Core Strategy proposes the

allocation of 5-10 hectares of employment land to accommodate future employment growth in the town.

Recreation provision

Saved Local Plan Policy REC.2 requires housing developments of 25 dwellings and above to include public open space to meet the recreational needs of future residents in accordance with the NPFA '6 acre standard'. Core Strategy Policy DC11 includes the same requirements. The proposed on site open space would meet the children's play space element of the 6 acre standard. It is proposed to address the requirement for outdoor sports provision by way of financial contribution towards improvement of off-site facilities. Given that there are significant areas of open space nearby, including the Dereham Recreation Ground, and taking into account the physical constraints of the site, it is considered that this approach is reasonable and would adequately address the recreational needs of the development.

Local character/amenity

The indicative development layout submitted is considered to be generally well-conceived. The development would be laid out and designed to reflect the character of the existing street scene and minimise the impact on the amenities of neighbouring properties. The proposed layout would also provide for the retention of important trees. Revisions have been made to the position of the proposed site access to protect an adjacent oak tree. A landscaped buffer would be provided to screen adjacent commercial development. This buffer, together with proposed open space and garden areas, would help to mitigate the potential impact of noise on proposed dwellings.

Other matters

Some concerns have been raised locally about the impact of traffic generated by the development on local roads. The Highway Authority has raised no objection to the application on these grounds. Given the previous commercial use of the site, it is not considered that the traffic likely to be generated by the proposed housing development would adversely affect the surrounding road network.

In relation to security matters, it is accepted, as suggested by Norfolk Police, that the proposed open space should be well overlooked and should be designed/equipped to minimise disturbance to neighbours. The submitted indicative site layout and Design & Access Statement make appropriate provisions in this respect. Whilst the Police's concerns relating to the proposed new footpath link are acknowledged, it is considered that the benefits of improved accessibility and permeability outweigh these concerns in this instance.

7. RECOMMENDATION

It is recommended that planning permission be granted subject to conditions relating to submission of reserved matters, layout/design details, tree protection, landscaping, access, drainage, contamination, noise mitigation, construction methods, fire hydrants and renewable energy, and a section 106 agreement relating to affordable housing, open space and contributions to recreation, education, libraries and transport facilities.

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 13TH JULY 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE

(Author: Nick Moys, Principal Planning Officer (Major Projects))

SWAFFHAM: PROPOSED RETIREMENT VILLAGE, HIGHFEILD HOUSE, LYNN ROAD

APPLICANT: Mr J Ball

REFERENCE: 3PL/2009/0331/F

<p>SUMMARY – This report concerns a proposal for a ‘retirement village’ on land at Lynn Road, Swaffham. It is recommended that planning permission is granted subject to conditions and a legal agreement.</p>
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1. INTRODUCTION

This report concerns a planning application for a ‘retirement village’ on the edge of Swaffham. The proposed development would comprise a 45 bedroom residential care/nursing home and 13 assisted living units, set in landscaped grounds. The care home would be accommodated in a series of interconnected 2-storey blocks. The assisted living units would be provided in two separate blocks with nine 1½ storey cottages and four single storey units. A new access would be created on Lynn Road, and an existing footway on Lynn Road would be extended up to the site.

The application is supported by a Design & Access Statement, an Arboricultural Assessment Report and a Contamination Desk Study. A section 106 agreement which would limit the occupation of the assisted living units is under preparation.

The site is located on the western edge of Swaffham and is currently occupied by a large detached house set in grounds. This house would be demolished to make way for the proposed development. The site extends to 0.97 hectares in total. The site is adjoined by residential development and a touring caravan site.

2. KEY DECISION

This is not a key decision.

3. COUNCIL PRIORITIES

The following Council priorities are relevant to this report:

- A safe and healthy environment
- A well planned place to live and work

4. POLICY

National planning policy set out in PPS 1, PPS 7 and PPG 13 is relevant to the application. The application site lies just outside the Settlement Boundary for Swaffham, as defined in the Local Plan.

5. PLANNING HISTORY

Planning permission was granted for the erection of a dwelling in 1991.

6. CONSULTATIONS

Swaffham Town Council has raised no objection to the application.

The Highway Authority has raised no objection to the application subject to conditions relating to access construction, parking and off-site footway improvements.

The Environment Agency has raised no objection subject to conditions relating to ground contamination and surface water drainage.

NHS Norfolk has raised concerns about the lack of consultation with local GPs in relation to the level of medical support available to the development.

Norfolk County Council Adult Social Services have indicated that the Swaffham area is generally well provided with residential and nursing care places, though there is a shortage of housing with care. Whilst no objection is raised to the application, a preference is expressed for a scheme with a higher proportion of assisted living units.

Norfolk Police have commented on the importance of natural surveillance and lighting.

The Council's Planning Policy Officer has indicated that the proposed care home would not conflict with existing policies. The proposed retirement dwellings would, however, conflict with Local Plan Policy HOU.6 unless their occupancy was restricted.

The Council's Tree & Countryside Officer has raised no objection to the proposals subject to conditions relating to tree protection and landscaping.

Letters of objection have been received from 3 GP practices in Swaffham. The objections raised concern the effects of increased workload resulting from the development on existing medical practices and services. Concerns have also been raised by the owner of the adjacent caravan site relating to potential noise and disturbance and loss of tree screening.

7. ASSESSMENT

The principal planning issues raised by the proposed development relate to: i) the planning policy matters, particularly in relation to development outside settlement boundaries, ii) the impact of the development on its surroundings, and iii) the effects on local medical services.

Policy

There are no planning policies at a local or national level which relate specifically to residential care homes. It is necessary therefore to consider this element of the proposal in the context of general policies relating to development in rural areas. National planning policy, as set out in PPS 1 and PPS 7, indicates that planning decisions should be underpinned by the principles of sustainable development. To this end, development in rural areas should be focused in or near to local service centres where employment, housing and other facilities can be provided close together. Priority should be given to the re-use of brownfield sites and to locations with access to range of transport options, including walking and cycling.

When assessed against these policy criteria, the proposal scores well. Despite its location just outside the settlement boundary the site is close to Swaffham town centre, local services/facilities and established residential areas, and, subject to

proposed footway improvements, would be readily accessible. The scheme would provide for the development of a brownfield site, and would also provide benefits to the local economy through employment creation. Whilst the evidence of need currently available does not establish a clear case for the development, given the sustainable location of the development, it is not considered that this matter is conclusive. It is considered therefore the proposed care home would be acceptable in policy terms.

Turning to the proposed retirement dwellings, it should be noted that, in line with national policies, saved Local Plan Policy HOU.6 seeks generally to prevent new residential development on land outside settlement boundaries. As the application site lies outside the defined settlement boundary for Swaffham, the proposed retirement bungalows would conflict with this policy. There are, however, a number of factors which may justify an exception being made to policy in this situation. The bungalows are intended to provide a specialist form of assisted living accommodation for which there is an established need. The location of the bungalows adjacent to the proposed nursing home would enable residents to take advantage of a range of services/facilities, including nursing care, treatment rooms and meal services, whilst living independently. In addition, the current shortage of housing land supply across the District requires the Council to give favourable consideration to development outside settlement boundaries provided that certain criteria. Taking these factors into consideration, and subject to the completion of a legal agreement restricting the use of the retirement bungalows, it is considered that an exception to policy is justified.

Impact on surroundings

Planning policies seek to limit development outside settlements not only to promote sustainable development, but also to protect the character of the countryside for its intrinsic character. It is necessary therefore for careful consideration to be given to visual impact on surrounding rural landscape.

Due to its scale, the proposed development would inevitably have an impact on the character of the surrounding area, giving the site itself a much more built up appearance. However, this impact would be localised. The site has established tree screening to its boundaries which would be retained and supplemented as part of the proposals. The Arboricultural Assessment submitted in support of the application contains detailed proposals for the retention of existing trees and their protection during construction. It must also be acknowledged that the site currently has a rather domestic character, with mown lawns and well tended landscaping, which would mitigate to a degree the impact of the scheme on the rural character of the area. The design of the proposed building would also help to reduce the visual impact of the development, with its linked block form, broken roofline and variations in external materials, helping to reduce its apparent scale.

The design and layout of the proposed development would also help to limit its impact on neighbours. The scale of the building reduces to single storey to the rear to take account of existing bungalows to the north-east. Good separation distances and screening would also be maintained here. To the west, existing landscaping would be retained to mitigate the impact on the existing touring caravan site. Ample separation would be provided between the proposed retirement bungalows and the western boundary. Noise from construction work could have an adverse (if temporary) impact on the adjacent caravan site, and so it is recommended that a condition be attached any permission granted to limit construction working hours.

Effect on local services

Objections to the proposal have been raised by existing medical practices in the town. Concerns are expressed by local GPs about the increasing number of residential and nursing care beds in the area and the impact of this on local health services. It is suggested that further increases in new high-dependency patients will place an intolerable strain on local medical practices and put at risk the provision of services to other patients.

Whilst the concerns raised by local GPs warrant careful consideration, and can readily be understood, the issues are not straightforward from a planning point of view. Existing and emerging local policies seek generally to direct new development to market towns, like Swaffham, where local services/facilities can most readily be accessed. Against this background a rejection of the development on lack of community infrastructure grounds would be difficult to sustain. One option to address pressures created by new development would be to seek developer contributions to fund necessary improvements to local facilities. However, this can only be achieved where evidence-based adopted policy, including mechanisms for calculating contributions, are in place. Policy CP4 of the submitted Core Strategy deals in general terms with the provision and improvement of infrastructure, local services and community facilities. However, at this stage little weight can be given to this policy in advance of the EIP and subsequent Inspector's Report. It is anticipated that further policy and guidance, including in relation to developer contributions, will be developed in the future in consultation with the PCT.

8. RECOMMENDATION

Subject to the completion of the legal agreement restricting the occupation of the proposed retirement dwellings, it is recommended that planning permission be granted subject to conditions. Conditions to include external materials, levels, landscaping, tree protection, ground investigation, drainage, access/parking provision, off-site highway improvements, 10% renewable energy, lighting.

Should the legal agreement not be completed within the 13 week statutory determination period, it is recommended that permission should be refused on the grounds that the development would conflict with Local Plan Policy HOU.6.

Agenda Item 11

Item No.	Applicant	Parish	Reference No.
1	Mr J Ball	SWAFFHAM	3PL/2009/0331/F
2	Lynford Hall Hotel	LYNFORD	3PL/2009/0355/F
3	Norfolk Farm Produce Ltd	BEESTON	3PL/2009/0371/F
4	Gorgate Ltd	GRESSENHALL	3PL/2009/0384/O
5	City & West End Property Inves	DEREHAM	3PL/2009/0385/O
6	Roger Warnes Transport Ltd	GREAT DUNHAM	3PL/2009/0418/F
7	Mr A Worby	GARVESTONE	3PL/2009/0443/F
8	Rowling Building Services Ltd	STOW BEDON/BRECKLES	3PL/2009/0445/F
9	Mr D Taylor	HARLING	3PL/2009/0499/F

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3PL/2009/0331/F	
LOCATION:	SWAFFHAM Stanfield House Lynn Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr J Ball c/o agent	
AGENT:	Pelorus Planning & Property Lt 1 Collins Way Rash's Green	
PROPOSAL:	Retirement village comprising care home, cottages, access & parking	

CONSULTATIONS

SWAFFHAM TOWN COUNCIL

No objection

RECOMMENDATION

Planning Permission

CONDITIONS

3920 SEE REPORT ITEM

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

ITEM	2	RECOMMENDATION : APPROVAL
REF NO:	3PL/2009/0355/F	
LOCATION:	LYNFORD Lynford Hall Mobile Home Park Lynford Hall	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: Within Curtilage G2
APPLICANT:	Lynford Hall Hotel Lynford Mundford	
AGENT:	Regus Consulting Ltd Amp House Prayors Farm	
PROPOSAL:	Continued use of site for 46 park homes	

KEY ISSUES

Justification for further renewal of temporary permission

DESCRIPTION OF DEVELOPMENT

The application seeks temporary planning permission for the continued use of the site for 46 park homes

SITE AND LOCATION

Lynford Hall is outside the Settlement Boundary of Lynford and approximately one mile from the village of Mundford. Lynford Hall is a Grade II Listed building and its grounds have been designated as historic parkland. The hall is currently run as a hotel and conference centre.

RELEVANT SITE HISTORY

3PL/2006/1593/F - Renewal for 2 years of planning permission 3PL/2004/2057/F for 46 park homes - Temporary to 30/4/09
3PL/2004/0633/F - Renewal of existing planning permission for further 10 years for occupied units - Temporary to 20/2/05
3PL/2004/1676/LB - Residential development of 46 apartments - Not yet determined
3PL/2004/1675/O - Residential development of 46 apartments - Not yet determined
3PL/2004/1674/CU - Use of land for stationing mobile homes (25) - Not yet determined
3PL/2004/1673/F - Permanent use of land for the stationing of 46 park homes - Not yet determined
3PL/2003/1958/F - Renewal of permission for 46 no park homes - Temporary to 20/02/05
99/0853 - Move 10 mobile homes to new area - Rec for approval - subject to S106 which was never signed. No decision issued
3/93/1177 - Renewal of permission for 46 no park homes for ten years - Temporary to 31/1/04
3/89/0161 - Extension to residential caravan park for six caravans - Refused - allowed on appeal - Temporary to 31/12/93
3/88/1794 - Extension to residential caravan park for six caravans - Refused
3/84/0153 - Retention of existing park - Temporary to 31/12/93
3/83/1499 - Retention of existing mobile home park - Temporary to 31/12/88 (plan shows 40 vans) renewal of S.3579, 74/1838 and 75/1523

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS1: Sustainable development

PPS3: Housing

PPG13: Transport

HOU.6: Development outside Settlement Boundaries

TRA.5: Highway safety

CONSULTATIONS

LYNFORD P C

NO REPLY AS AT 26TH JUNE, 2009

HIGHWAYS AUTHORITY - Objection on the grounds that the proposal would conflict with the aims of sustainable development, the need to minimise travel and the ability to reduce the reliance on the car. Recommend reduction in number of homes to just those currently occupied (15) with a condition requiring further phased removal.

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - reiterated comments made in 2005 and

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

considers that a management plan with full ecological, arboricultural and landscape considerations be brought forward at the earliest opportunity.
In relation to impact on special interest of SPA concludes the proposal would not increase any existing adverse effects on the special features of the SPA.

COUNCIL'S HISTORIC BUILDINGS OFFICER - No comment

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No objections

GARDEN HISTORY SOCIETY - To be reported verbally at meeting

NATURAL ENGLAND - No comments

NORFOLK WILDLIFE TRUST - To be reported verbally at meeting

REPRESENTATIONS

None

ASSESSMENT NOTES

- * The proposal is referred to Development Control Committee as it is a major application.
- * Temporary planning permission was first granted for the use of the land adjacent to Lynford Hall in 1961 and the use has continued since then on the basis of a series of further temporary permissions.
- * On 24th April 2007 permission for 46 park homes was renewed until 30th April 2009.
- * Although in the past up to 46 mobile homes have been stationed on the site, their number has been reduced in recent years.
- * At the time of the last temporary permission, the justification for the application was to enable the then owner to retain the income from the facility over the short term to allow the longer term plans in respect of the hotel as a whole to be progressed
- * Whilst limited information has been submitted with the application, it is understood that a further change of ownership has occurred and similar reasons exist for pursuing a further temporary permission
- * A letter from the applicant's agent states that it is anticipated that an alternative application for the park home site and other areas of the adjacent Lynford Hall site would be submitted in June 2009 for a leisure orientated development. No proposals have been received to date
- * Notwithstanding this, given the history of the site, it is considered that it would not be unreasonable to grant a further two years to allow the applicant time to clarify future intentions for the site.

RECOMMENDATION

Planning Permission

CONDITIONS

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

- 3032** Temporary use - 2 year
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

ITEM	3	RECOMMENDATION : APPROVAL
REF NO:	3PL/2009/0371/F	
LOCATION:	BEESTON Norfolk Farm Produce Ltd Herne Lane	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Norfolk Farm Produce Ltd Herne Lane Beeston	
AGENT:	LPB Design 32 Blackthorn Road Attleborough	
PROPOSAL:	Construction of new agricultural storage building & associated external hardstanding	

KEY ISSUES

1. Principle
2. Visual impact
3. Amenity
4. Highway safety

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission to construct a new agricultural storage building for the ambient and cold storage of farm produce on a parcel of arable land to the east of Herne Lane. The building would comprise of a steel frame with metal cladding and measure approximately 110 metres by 49 metres with a height to the ridgeline of 13 metres.

SITE AND LOCATION

The application site forms part of the Norfolk Farm Produce site operated to the east and the west of Herne Lane. An existing access off Herne Lane would be utilised to serve the proposal.

RELEVANT SITE HISTORY

The site has been subject to a number of planning permissions. However, the most relevant of these permissions relating to the eastern side of the site include permission for a recently constructed storage and grading building (Ref: 3PL/2005/0976/F and 3PL/2007/0108/F).

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS7: Sustainable Development in Rural Areas

ECO5: Development of Employment Uses outside Settlement Boundaries

TRA5: Traffic Generation

CONSULTATIONS

BEESTON P C

At the recent Parish Council meeting the members raised NO OBJECTION to the above application.

However several comments need to be raised regarding the application. Firstly the Parish Council is concerned at the arrangements for surface water as a large part of agricultural land is being claimed for this building so that there is less ground for the water to percolate through and the current drainage system can hardly cope with the surface water at present. It is requested that this be considered very carefully prior to permission being granted.

The Parish Council requests that the following conditions be placed on any permission being given and to be implemented in full prior to the development being brought into use:

1. An agreement to achieve improvements in the load-bearing capacity and surface water drainage on the road into Beeston from the A47.
2. The Highways department to obtain a contribution from the developer to design and implement a scheme of traffic management to achieve one-way working westbound for lorries on Herne Lane and eastbound on Dairy Drift.
3. The proposed landscape proposals to be more significant and for the existing gap in the hedge on dairy drift to be closed by a hedge to the rear of the existing.
4. Hours of operation to be reduced specifically to prevent overnight working and daytime working over the weekend and on bank holidays.

COUNCIL'S PLANNING POLICY OFFICER - No objection subject to imposition of condition limiting the use of the building for agricultural storage in connection with the existing holding.

HIGHWAYS AUTHORITY - Request for additional information in relation to vehicular movements and HGV routes.

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - No objection subject to landscaping conditions.

COUNCIL'S CONTAMINATED LAND OFFICER - No objection subject to precautionary condition.

HEALTH AND SAFETY EXECUTIVE - No objection.

ENVIRONMENT AGENCY - No objection subject to condition relating to surface water drainage.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No objection.

REPRESENTATIONS

None received.

ASSESSMENT NOTES

- * This application is referred to Development Control Committee as it is a major application.
- * The principle of a new agricultural building for the storage of farm produce in this location is considered acceptable. Whilst the site lies outside the Settlement Boundary, it is considered that there is sufficient justification for the siting as required by Policy ECO.5, given that it would be close to both the existing enterprise and the land from which the produce is farmed. Furthermore, PPS7 encourages Local Planning Authorities to support farming enterprises to expand.
- * Given that the building would be situated some distance from the road, close to buildings of similar proportions, scale and design, and partly screened by existing planting, it is not considered that the building would have a harmful impact on the surrounding landscape. The Council's Tree and Countryside Officer also supports the proposal subject to requesting additional landscaping details.
- * The building would be sited more than 200 metres from any residential dwellings and, as such, it is not considered that the amenities of existing dwellings would be adversely affected. No objection has been raised by the Council's Environmental Health Officer and no hours of operation restrictions requested.
- * With regards to highway safety, whilst the supporting statement indicates that there will only be a seasonal increase in vehicular movements resulting from the scheme, this conflicts with the number of additional staff to be employed. Furthermore, insufficient information has been provided in respect of the HGV movements to and from the site. Therefore, the Highway Authority has requested further clarification in respect of these matters. As such, Members will be updated verbally at the meeting on receipt of this information.
- * Therefore, subject to no highway objection being raised, the application is recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3860** Drainage condition
- 3104** External materials to be approved
- 3547** Lighting Pollution
- 3580** Agricultural condition
- 3946** Contaminated Land - Unexpected Contamination
- 3450** Landscaping condition
- 3740** Any highway conditions
- 3960** NOTE: E.A notes attached
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

ITEM	4	RECOMMENDATION : REFUSAL
REF NO:	3PL/2009/0384/O	
LOCATION:	GRESSENHALL Land adjacent to Hall Farm Cottages Church Lane	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Gorgate Ltd 6a Market Place Dereham	
AGENT:	Paul Took Planning 60 Neatherd Road Dereham	
PROPOSAL:	Single detached dwelling for farm managers	

KEY ISSUES

1. Justification for agricultural workers dwelling.
2. Visual impact.
3. Highway safety.

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission to construct an agricultural workers dwelling on land adjacent to 1 Hall Farm Cottages, Church Lane, Gressenhall. Whilst an indicative plan has been submitted showing proposed siting and access, all matters have been reserved for future consideration.

SITE AND LOCATION

The site lies outside the designated Settlement Boundary for Gressenhall. The plot currently comprises of overgrown garden land and is situated within a small cluster of dwellings on the north side of Church Lane.

RELEVANT SITE HISTORY

Planning permission was refused for a new dwelling, with an agricultural restriction, to be built on the site, on 30th December 2008 (Ref: 3PL/2008/1532/O).

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS7: Sustainable Development in Rural Areas

HOU.6: Residential development outside Settlement Boundaries

TRA.5: Highway safety

CONSULTATIONS

GRESSENHALL P C

NO REPLY AS AT 23RD JUNE 2009.

HIGHWAYS AUTHORITY - Minded to supported subject to conditions

COUNCIL'S CONTAMINATED LAND OFFICER - No objection subject to imposition of contaminated land condition.

COUNCIL'S PLANNING POLICY OFFICER - To be reported verbally at meeting

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - To be reported verbally at meeting

REPRESENTATIONS

None received to date.

ASSESSMENT NOTES

- * The application is referred to Development Control Committee at the request of the Ward Representative.
- * This outline application seeks to establish the principle of constructing a farm manager's dwelling on garden land of a property within the applicant's ownership.
- * Outline planning permission was recently refused for an agricultural dwelling to be built on the same site on the grounds of a lack of functional need in accordance with the requirements of PPS7 (Ref: 3PL/2008/1532/O).
- * The current scheme differs in that the need for the dwelling is being justified not only on the basis of requiring an on-site presence to manage the blackcurrant crop, but also to manage the 700 acre holding as a whole.
- * Notwithstanding the additional information submitted, it is considered that the scheme still does not meet the requirements of Annex A of PPS7 given that the farm is mixed arable as opposed to livestock and therefore, it is difficult to argue that it is essential that a manager be present on-site on a 24 hour basis for the majority of the year.
- * Furthermore, as with the previous scheme, concern also relates to whether the option of finding other available accommodation in nearby settlements such as Gressenhall has been fully explored. In addition, two cottages adjacent to the plot are within the same ownership as the proposed plot and close to the holding. Whilst these are occupied by a farm worker and a life tenant, and are considered by the applicant to be unsuitable to house a farm manager, they could be made available to meet the need if this was essential for the management of the holding.
- * Further comments from a number of consultees are still awaited. Members will be updated verbally at the meeting.
- * The scheme is, therefore, recommended for refusal.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

- 9070** Financial & functional test
- 9063** Policy not met outside settlement
- 9064** Insufficient agricultural need
- 9066** No evidence that cannot be met in settlement

ITEM	5	RECOMMENDATION : APPROVAL
REF NO:	3PL/2009/0385/O	
LOCATION:	DEREHAM Crane Fruehauf Site South Green	APPN TYPE: Outline POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	City & West End Property Inves c/o agent	
AGENT:	Building Plans Ltd 10 Beech Avenue Taverham	
PROPOSAL:	Demolition of existing factory buildings, residential redevelopment with access roads & landscaping	

CONSULTATIONS

DEREHAM T C

Objection: Councillors would like this site to remain industrial or commercial. If the development were to go ahead then the Town Council would prefer lowest density possible and more open spaces, to blend in with the low density housing on the south side. All trees on the site must be retained. As the open spaces will eventually be handed over to the Town Council then they should be included in any S106 negotiations

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3920 SEE REPORT ITEM

ITEM	6	RECOMMENDATION : APPROVAL
REF NO:	3PL/2009/0418/F	
LOCATION:	GREAT DUNHAM Great Dunham Hall	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: Adjacent Grade 2
APPLICANT:	Roger Warnes Transport Ltd Great Dunham Hall Great Dunham	
AGENT:	JWM Design 23 Litcham Road Mileham	
PROPOSAL:	Proposed grain storage building	

KEY ISSUES

1. Scale, design and appearance of development
2. Highway safety

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission to construct a new grain storage building on land adjacent to existing storage buildings. The building would comprise 11 bays creating an internal floor space of 1630 square metres. The proposed building is proposed to have an eaves height of 7.5 m and a ridge height of 9 m above floor level.

SITE AND LOCATION

The site is located outside the Settlement Boundary of the village of Great Dunham. The site is located to the north and west of existing storage buildings and is currently part of an adjacent field owned and farmed by the applicant.

RELEVANT SITE HISTORY

3PL/1998/0603/F - Proposed grain store - Approved
3PL/1996/1296/F - 20 m pole mast and equipment cabin for telecommunication use - Approved
3PL/1995/0196/F - Proposed machinery store - Approved
3PL/1992/1289/LB - Conversion of redundant granary to offices - Approved
3PL/1992/1288/F - Conversion of redundant granary to offices - Approved
3PL/1986/1992/F - Farm building - grain store - Refused
3PL/1985/0028/F - Farm building - grain store - Refused

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS1: Sustainable Development
PPG13: Transport
PPS7: Sustainable development in rural areas
TRA5: Highway safety

CONSULTATIONS

GREAT DUNHAM P C

No objection

HIGHWAY AUTHORITY - No objections subject to conditions

COUNCIL'S HISTORIC BUILDINGS OFFICER - No objection

NORFOLK LANDSCAPE ARCHAEOLOGY - No comment

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No comments

REPRESENTATIONS

None

ASSESSMENT NOTES

- * The proposal is referred to Development Control Committee as it is a major application.
- * The site is outside the Settlement Boundary of the village of Great Dunham.
- * The proposal is to construct a grain storage building to service the applicant's transport business.
- * The proposed building would be located adjacent to two existing storage buildings.
- * The building would be constructed using dark brown powder coated profiled steel cladding with concrete grain walling painted dark brown with powder coated profiled steel sheeting for the roof.
- * The main issues which require consideration are whether there is justification for the new development, whether the design and layout is acceptable and highway safety issues
- * The design and appearance of the building is similar to the existing buildings on the site. However, the applicant states that the existing buildings on site have limited capabilities for tipping and therefore the proposed building would have increased height.
- * The floor level of the proposed building would be set lower than the floor levels of adjacent buildings with the pitch of the roof also being lower than the adjacent buildings in order to minimise this height difference. Access to the proposed building would be via a pair of sliding doors in the north gable where a concrete access and turning apron is proposed.
- * The applicant states that traffic will not increase to the site since the building will make better use of existing traffic movements whereby vehicles currently returning and leaving the site empty will now travel with full loads when required.
- * National and Local Plan policies are supportive of development needed in association with existing economic development in rural areas.
- * In relation to visual impact, the building would be sited adjacent to existing buildings and would be seen against a backdrop of similar buildings. There is established planting to the south of where the proposed building would be sited.
- * The Highway Authority has raised no objection in relation to issues of highway safety however, it is recommended that the proposed grain store is restricted to activities ancillary to the existing haulage/agricultural activities.
- * It is considered that the application is acceptable in planning policy terms.
- * Approval is recommended, subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3920** Ancillary to existing haulage/agricultural activities
- 3920** External facing materials to match
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

ITEM	7	RECOMMENDATION : REFUSAL
REF NO:	3PL/2009/0443/F	
LOCATION:	GARVESTONE The Round House Hingham Road Reymerston	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr A Worby The Round House Hingham Road	
AGENT:	Sketcher Partnership Ltd First House Quebec Street	
PROPOSAL:	Proposed new bungalow	

KEY ISSUES

1. Principle of dwelling outside Settlement Boundary
2. Design
3. Highway safety

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission to construct a detached bungalow on land at The Round House, Hingham Road, Garvestone. The bungalow comprises three bedrooms and associated living accommodation and would be served off the existing access.

SITE AND LOCATION

The site lies outside the Settlement Boundary for Garvestone, in an area identified as countryside. The site currently comprises of the applicant's existing dwelling, known as The Round House, and Roundacres Cattery.

RELEVANT SITE HISTORY

Planning permission was refused for a new bungalow on the site on 7th January 2009 (Ref: 3PL/2009/1600/F).

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

HOU6: New Dwellings in the Countryside

TRA5: Highway safety

CONSULTATIONS

GARVESTONE P C

No objection to this application with the following strict conditions:

Section 106 agreement be attached to the site, ensuring that, if sold, the house and the cattery be sold as one lot.

Bearing in mind the poor visibility coming out of North Green onto the Hingham Road, especially from the left, it is suggested that a small piece of land be given to Norfolk County Council to improve visibility on that corner.

HIGHWAY AUTHORITY - No objection subject to the imposition of conditions relating to access, visibility and onsite parking and turning arrangements.

COUNCIL'S PLANNING POLICY OFFICER - Objection on the grounds of being contrary to Policies PPS3, PPS7 and HOU6.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No objection.

REPRESENTATIONS

Letters of support have been received highlighting that the proposed dwelling would allow the cattery to remain trading; a business which is well run and well established.

ASSESSMENT NOTES

- * The application is referred to Development Control Committee at the request of the Ward Representative.
- * The application seeks full planning permission to construct a bungalow on land at Roundacres Cattery. The applicant currently lives in The Round House to the south of the cattery buildings, but due to mobility problems can no longer access the first floor accommodation.
- * Whilst a medical letter outlining the applicant's health issues has been submitted in support of the application, it is not considered that the personal circumstances of the applicant should outweigh the strong policy objection in respect of creating a new dwelling in the countryside.
- * The Council's Planning Policy Officer has stated that the scheme conflicts with both Local and National Planning policy on the grounds of a lack of essential functional need for a new dwelling on the site in this case.
- * Furthermore, the supporting statement highlights the availability of land at the site and therefore, it is considered that a more acceptable solution could be achieved through the re-organisation, and possible extension of, the existing dwelling to meet the needs of the applicant.
- * The application is, therefore, recommended for refusal on the grounds of Policies HOU6, PPS3 and PPS7.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9900** Justification
- 9042** Adopted D.W.L.P.(September 1999) HOU.6 - Outside villages
- 9900** Development outside Settlement Boundary
- 9900** Insufficient evidence of need

ITEM	8	RECOMMENDATION : REFUSAL
REF NO:	3PL/2009/0445/F	
LOCATION:	STOW BEDON/BRECKLES The Laurels Mere Road	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Rowling Building Services Ltd The Laurels Mere Road	
AGENT:	Adrian Morley Architectural De Kingsfold Watton Road	
PROPOSAL:	Erection of detached 1 1/2 storey dwelling & detached garage together with detached garage for existing dwelling	

KEY ISSUES

1. Form and character
2. Size of dwelling

DESCRIPTION OF DEVELOPMENT

The proposal seeks full planning permission for the erection of a 1 1/2 storey dwelling & detached garage within the curtilage of an existing dwelling and the erection of a new detached garage for the existing dwelling. The proposal involves the demolition of an existing garage which currently abuts the gable of the existing dwelling.

Both proposed garages are sited forward of the dwellings within the front garden.

SITE AND LOCATION

The site is located within the Settlement Boundary of Stow Bedon to the south of Mere Road. The site forms part of the curtilage of a large red brick, 70's style, property located between two traditional properties.

RELEVANT SITE HISTORY

Outline planning permission for the erection of a dwelling and detached garage was granted in March 2007. Only means of access formed part of the permission.

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS1: Sustainable development

PPS3: Housing

HOU4: Housing in villages

Core Strategy DC1: Amenity

CONSULTATIONS

STOW BEDON & BRECKLES P C

No objection.

Comments - The Parish Council regard this infill as a very large house for the plot being considered. This is not in keeping with the character and scale of the village as most buildings in Stow Bedon are on a large plot and a reasonable distance between neighbours.

HIGHWAY AUTHORITY - No objection

REPRESENTATIONS

Letters of objection have been received raising concerns regarding the size of the dwelling in relation to the plot size, drainage, close proximity to neighbours, overlooking and loss of privacy.

ASSESSMENT NOTES

- * The application is referred to the Development Control Committee at the request of the Ward Representative.
- * The principle of a dwelling on the site has been established by the grant of outline permission, however, only the means of access formed part of the permission. The layout of the site and the indicative plans submitted with the application did not form part of the application and were reserved matters.
- * The size of the building plot is the same as the outline permission.
- * The overall external appearance and character of the proposed dwelling has been designed to reflect the traditional properties in the village. The main issue in this instance is the positioning of the garages and the overall size of the proposed dwelling in relation to the size of the plot.
- * The pattern of development along Mere Road is characterised by generous spacing between dwellings with garages to the side or the rear of properties.
- * The placing of the garages forward of the dwelling is characteristic of tighter urban style layout. It is not characteristic of this rural setting and results in a rather cramped appearance and awkward relationship with the dwellings to the rear which would be out of keeping with the open spacious pattern of development.
- * It is considered that the overall size of the property is too large for the size of the plot, given the context of the area, and should be reduced in width to provide a spacious gap between the dwellings and allow the garage for the proposed dwelling to be positioned in the rear garden.
- * Policy HOU4 requires development to enhance the form and character of the village. National policy set out in PPS 3 seeks good design for new dwellings which integrate well with and complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Design which is inappropriate in its context should not be accepted.
- * The proposal, as submitted, is contrary to Policy HOU4 and PPS3.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9012** Adopted D.W.L.P. - (September 1999) Policy HOU.4
- 9014** Failure to enhance form, character and setting
- 9900** Detrimental to the rural spacious setting

ITEM	9	RECOMMENDATION : APPROVAL
REF NO:	3PL/2009/0499/F	
LOCATION:	HARLING Site at Lopham Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr D Taylor Prince of Wales Lodge Stow Bedon	
AGENT:	Scott Brown Partnership The Old Smithy Stow Bedon	
PROPOSAL:	Variation of condition 21 on PI.Per 3PL/2008/0579/F to specify code level 3 instead of 4 (Sustainable Homes)	

KEY ISSUES

Sustainable construction

DESCRIPTION OF DEVELOPMENT

This application seeks to vary a planning condition to require a housing development to be constructed to meet Code for Sustainable Homes Level 3 rather than Level 4.

SITE AND LOCATION

The application site is located on the south-eastern fringe of the village of Harling. The site was formerly used for commercial purposes and includes 2 vacant buildings. The land is irregular in shape and extends to 0.55 hectare. The site is adjoined on one side by residential development and on the other by a small industrial estate. The site is located outside the Settlement Boundary for Harling as defined in the Local Plan.

RELEVANT SITE HISTORY

Planning permission for a development of 10 dwellings was granted in January 2009.

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

POLICY CONSIDERATIONS

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan and/or Core Strategy and Development Control Policies Proposed Submission Document have been taken into consideration in the determination of this application:

PPS1: Delivering Sustainable Development
PPS3: Housing

East of England Plan Policy ENG.1: Renewable Energy

CONSULTATIONS

HARLING P C

NO REPLY AS AT 26TH JUNE, 2009

REPRESENTATIONS

None

ASSESSMENT NOTES

* Planning permission was granted in January 2009 for a development of 10 dwellings on land at Lopham Road, Harling. It was originally proposed to construct the dwellings to meet Code for Sustainable Homes Level 3. The applicant subsequently agreed to build the development to Code Level 4 following a request to do so made by Development Control Committee.

* Following further detailed consideration of the design implications of building to Code Level 4, the applicant has requested that the requirement of the planning permission revert back to Code Level 3. In support of the application it is suggested that it would not be possible to 'bolt on' features to the existing building designs in order to achieve the higher Code Level rating. Instead, a complete re-design of the development would be needed to achieve the higher energy performance and CO2 reductions required to achieve Code Level 4. This would be likely to involve changes to building footprints, internal layouts and external materials.

* Current planning policies require developments of this sort to provide for 10% of their energy requirements to be met from on-site renewable or low carbon sources. In terms of energy use, Code Level 3 represents a 25% energy efficient improvement compared to current Building Regulations. In addition, Code Level 3 requires reduction in water use and the inclusion of other sustainable construction measures. Accordingly, building to Code Level 3 exceeds current planning policy requirements. On this basis, it is recommended that the condition be varied as requested.

RECOMMENDATION

Planning Permission

CONDITIONS

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 13-07-2009

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3920** Code for Sustainable Homes - at least Level 3
- 3994** NOTE: Variation Planning Condition 21 only 3PL/2008/0579/F
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

Report of the Deputy Chief Executive
Development Control Committee – 13 July 2009

EAST HARLING: LAND AT KEMPS MEADOW: RELEASE FROM s.106 AGREEMENT

Purpose of Report

To seek the Committee's views on a request to release two small pieces of remaining land from a S.106 Agreement.

Recommendation

It is recommended that the Council/Committee grant the request.

1. Planning permission was granted in April 1994 under reference 3/91/0795 for the erection of ten dwellings at Kemps Meadow, Garboldisham Road, East Harling, subject to a S.106 Agreement. The Agreement, dated 21 April 1994, required the ten dwellings to be owned by a Housing Association and restricted to ten houses which would be for rent or shared ownership for qualifying persons. The site affected is shown edged black on Plan A.
2. Most of the site has now been developed for the ten dwellings by Broadland Housing Association, in accordance with the S.106.
3. There are two small pieces of land which were covered by the S.106 but which are not part of the Broadland Housing Association development – these are shown approximately hatched and cross-hatched black on Plan B. A request has been received on behalf of the owner of these pieces of land and the surrounding land to the south and west (a Breckland Councillor) for the hatched and cross-hatched areas to be released from the S.106 restrictions. The dimensions of the hatched land are around 32m by 16m plus the spur to the north, and of the cross-hatched land, around 4m by 23m.
4. Whether or not any new application is subsequently made (e.g. for residential permission) for the hatched and other land, the officers feel that the objective of the S.106 has been met and that the hatched and cross-hatched areas could therefore reasonably be released from the 1994 S.106. If any application is made including this land, it would be dealt with on its merits, with or without a new S.106 according to the circumstances and planning considerations.
5. The restrictions involved here were imposed under section 106 of the 1990 Act as a planning obligation. Breckland has no connection with the site as landowner, and cannot therefore demand any consideration for the release. Here, the local planning authority has to decide whether the obligation no longer serves a useful planning purpose, and there is a right of appeal to the Secretary of State against refusal.
6. It is therefore recommended that authority be given for release of the hatched and cross-hatched areas from the restrictions of the S.106 Agreement dated 21 April 1994.
7. **Risk and Financial Implications**
- 7.1 **Risk : No significant risk**

7.2 Financial : None

8. Legal Implications: Contained in Report.

9. Other Implications

a) Equalities: None

b) Section 17, Crime & Disorder Act 1998: None

c) Section 40, Natural Environment & Rural Communities Act 2006: None

d) Human Resources: None

e) Human Rights: None

f) Other: [e.g. Children's Act 2004] None

10. Ward/Community Affected

East Harling

Background Papers: None

Lead Contact Officer:

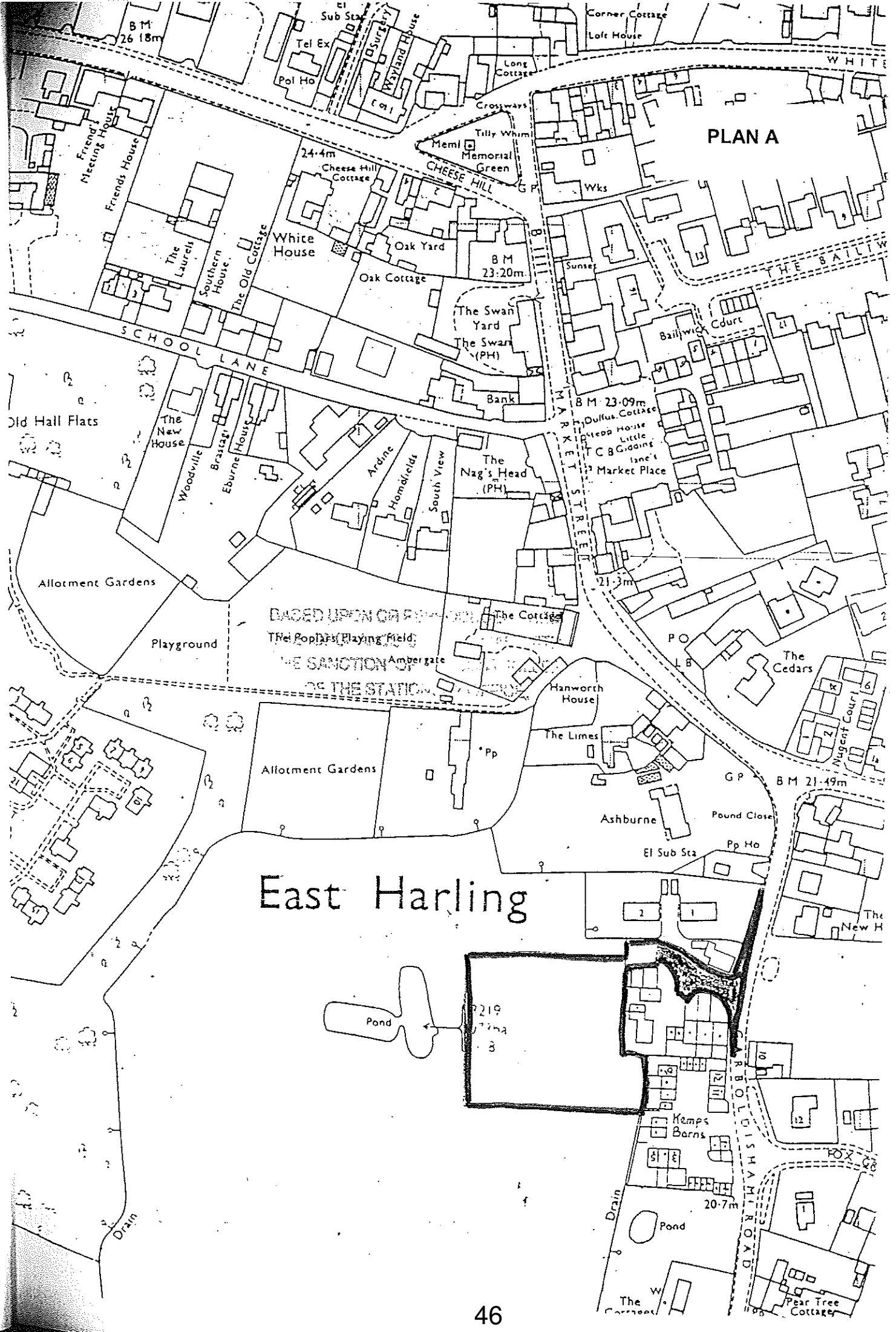
Name/Post: John Chinnery

Telephone: 01362 656222

Email: john.chinnery@breckland.gov.uk

Key Decision Status (Executive Decisions only): Non key decision and not on Forward Plan

Appendices attached to this report: Plans A & B



PLAN A

East Harling

Agenda Item 13
BRECKLAND COUNCIL
DEVELOPMENT CONTROL COMMITTEE

List of decisions made by the Development Services Manager under the agreed terms of delegation.

Permission

3PL/2008/1705/F	Mr Richard Holton	KENNINGHALL Juggs Cottage 1 The Beck	Rear conservatory extension
3PL/2009/0222/F	Miss Christine Kemp	BEETLEY Buff Cottage 1 Hall Cottages	Garden studio/workshop. Timber building with open lean-to at rear
3PL/2009/0266/F	Mr & Mrs C Harper	BANHAM Gaynes Cottage Mill Road	Two storey side extension & single storey rear extension
3PL/2009/0311/F	Mr & Mrs R Girling	OVINGTON Barton House Dereham Road	Conversion of agricultural buildings to four holiday units
3PL/2009/0285/F	Mr S Kite & Mrs B Steward	SHIPDHAM Rectory Cottage Church Lane	Extension of existing porch
3PL/2009/0279/F	Mr A Frosdick	NORTH TUDDENHAM 2 Main Road	Extension to rear, double garage
3PL/2009/0335/D	Oakwood Property Services	SWAFFHAM 45 Watton Road	Demolish bungalow & erect 5 no. single storey dwellings & garages
3PL/2009/0352/F	MJT Construction Limited	BAWDESWELL Bawdeswell Store The Street	Proposed subdivision of 4 bed. dwellinghouse to 1 3-bed dwelling and 1 2-bed dwelling.

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE

List of decisions made by the Development Services Manager under the agreed terms of delegation.

Permission

3PL/2009/0354/F	Mr & Mrs Hayden	SCARNING 43 Allwood Avenue	First floor extension over garage
3PL/2009/0393/F	Mr & Mrs Cogan	THETFORD 15 Canons Close	One and two storey side extensions to dwelling
3PL/2009/0391/F	Mr C Carey	DEREHAM Rookery Cottage Elsing Lane	Proposed two storey extension to cottage
3PL/2009/0389/F	Mr E Clark	ATTLEBOROUGH 51 Besthorpe Road	Single storey addition to front elevation
3PL/2009/0386/F	Mr & Mrs Garner	MATTISHALL 67 Dereham Road	Demolition of existing conservatory and erection of single storey rear extension.
3PL/2009/0373/F	Mr M Gore	DEREHAM Sheldrick Place	Proposed 5 no. new dwellings
3PL/2009/0369/D	Mr S Clarke	EAST TUDDENHAM Common Farm Common Road	Replacement dwelling
3PL/2009/0364/F	Mrs L Eley	CARBROOKE The Old Dairy Caudle Springs	Construction of sun room attached to Old Dairy & detached timber framed 'cartshed' car cover

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE

List of decisions made by the Development Services Manager under the agreed terms of delegation.

Permission

3PL/2009/0359/O	Mr C Hancy	ATTLEBOROUGH Adjacent to 11 Warrens Lane	New detached house
3PL/2009/0358/D	Mr J Engledow	SAHAM TONEY Hunts Farm Hills Road	Construction of two storey dwelling
3PL/2009/0423/LB	Earl & Countess Cathcart	GATELEY Gateley Hall	Demolition of existing building, reconstruction & extension of livestock buildings
3PL/2009/0343/CU	Mr Sally Ann Leeder	ROCKLANDS Bowling Green rear of The White Hart	Change of use for 5 touring caravan pitches
3PL/2009/0333/LB	Mrs L Eley	CARBROOKE The Old Dairy (White Hall) Caudle Springs	Construction of sun room attached to Old Dairy & erection of detached timber framed 'cart shed' car cover
3PL/2009/0312/LB	Mr & Mrs R Girling	OVINGTON Barton House Dereham Road	Conversion of agricultural buildings to four holiday units
3PL/2009/0282/LB	Mr Chris Walker	MATTISHALL Ivy House Farm Welgate	Remove render & re-render at rear, repair windows to side and rear elevations
3PL/2009/0422/F	Earl & Countess Cathcart	GATELEY Gateley Hall	Demolition of existing building, reconstruction & extension of livestock buildings

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE

List of decisions made by the Development Services Manager under the agreed terms of delegation.

Permission

3PL/2009/0417/F	Mr N Sutton	DEREHAM 24 Middlemarch Road	Two storey & conservatory extensions to existing house
3PL/2009/0414/F	Ms J Macarthur	WATTON 262 Lovell Gardens	En-suite extension to first floor bedroom
3PL/2009/0413/F	Mr & Mrs C Myhill	SCARNING 9 Wright Drive	Single storey rear extension
3PL/2009/0411/F	Mr Ashton Austin	LITTLE CRESSINGHAM Church Farm Thrextton	Extension of existing general purpose agricultural building with lean-to
3PL/2009/0406/F	Ms Alison Leather	BESTHORPE Southview Norwich Road	Ground floor & first floor extensions
3PL/2009/0405/F	Mr Philip Hodson	BRETtenham Nunnery Stud Euston	Cycle storage shed for occupants of the residential accommodation at Nunnery Stud
3PL/2009/0402/F	Mr T Matthews	BANHAM Cherry Tree Farm Cherry Tree Road	Proposed agricultural steel framed building for storage of hay and straw
3PL/2009/0401/F	Mr & Mrs R Fallon	SHIPDHAM 7 Cushing Close	First floor extension to house

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE

List of decisions made by the Development Services Manager under the agreed terms of delegation.

Permission

3PL/2009/0400/F	Mr & Mrs J Ripley	STOW BEDON/BRECKLES Mere Farm Spring Lane	Conversion of existing barns to single residence inc. part demolition & extension to west access via extg driveway
3PL/2009/0396/F	Mrs C Woolerton	BANHAM Little Moor Farm The Moor	Alterations to pl. perm 3PL/2008/0357 - roof overhang (retrospective) and doors to wood shed
3PL/2009/0353/F	Mr T Morter	GREAT ELLINGHAM Ellister Swamp Lane	Replace existing mobile home with permanent dwelling and detached garage
3PL/2009/0337/F	Messrs Ulph & Bailey	WHISSONSETT The Old Bell High Street	Form a conservatory link between the extg dwelling & outbuildings & change extg cartshed to studio/playroom

Refusal

3PL/2008/1615/F	Mr Sturman & Mr Webster	BEETLEY Redroofs Fakenham Road	Demolition of existing house & redevelopment of 3 no. 5 bed houses (3 storey), car parking garages, new access
3PL/2009/0233/F	Mr David Wall	SWAFFHAM 61 Coronation Grove	Redevelop garden area for erection of 2 bungalows with separate garages and new driveway
3PL/2009/0234/O	Mr Martin Leibrick	HARLING Disused Pit adj. 26 West Harling Road	Infill of disused pit subdivision into 5 residential building plots (one for social housing)
3PL/2009/0321/F	Mr Barry Fryer	DEREHAM 42 Theatre Street	New house

BRECKLAND COUNCIL
DEVELOPMENT CONTROL COMMITTEE

List of decisions made by the Development Services Manager under the agreed terms of delegation.

Refusal

3PL/2009/0345/F	Dr Ian Jennings	WHISSONSETT Highfields Dereham Road	Demolition of outbuilding & erection of 2 storey extension to existing property
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Temporary Permission

3PL/2009/0367/O	Mr J Lambert	ROUDHAM/LARLING Plot 2010 Forestry Commission Land	Continued use of forestry commission land for paintball games & standing of a temp. steel unit for catering
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