

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 3 August 2009 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr W.P. Borrett	Mr M.A. Kiddle-Morris
Councillor Claire Bowes	Mr J.P. Labouchere
Mr A.J. Byrne	Mr T.J. Lamb
Mr P.J. Duigan	Mr B. Rose
Mr P.S. Francis	Mr F.J. Sharpe
Mr M. Fanthorpe	Mrs P.A. Spencer
Mrs D.K.R. Irving	Mr N.C. Wilkin (Vice-Chair, in the Chair)

Also Present

Mrs A.L. Steward (Planning Portfolio Holder)	Mrs T. Hewett
Mr W.H.C. Smith (Ward Representative)	
Mr P.J. Hewett (Ward Representative)	

In Attendance

Sandra Bunning	- Usher
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Jayne Owen	- Senior Development Control Officer
Graham Worsfold	- NCC Highways Representative

119/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 13 July 2009 were confirmed as a correct record and signed by the Chairman.

120/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs M Chapman-Allen, Councillor E Gould, Mr R Kemp, Mr S Rogers and Mr M Spencer.

121/09 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

Mr Labouchere and Mr Daines declared a personal and prejudicial interest in Schedule Item 5 (Bradenham); Mr Labouchere because he was acquainted with one of the speakers and Mr Daines because he lived in the village.

122/09 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The Development Services Manager advised Members that both deferred items (Supplementary Agenda Items 8a (Swaffham) and 8b (Hockham)) had been deferred from consideration at the meeting and that Agenda Item 9 (Watton) had been withdrawn.

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123/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Development Services Manager told Members that the Examination in Public had been completed. It had gone well and he congratulated the Planning Policy Team for doing a good job. The Inspectors first report was expected on 30 September 2009.

Work was continuing on the Site Specifics and the second round of public consultation for the Thetford Area Action Plan had been completed and the responses would be considered at the meeting of the Moving Thetford Forward Board on 6 August 2009.

124/09 DEFERRED APPLICATIONS (AGENDA ITEM 8)

Agenda Items 8a (Swaffham) and 8b (Hockham) had been deferred. Minute No 122/09 refers.

125/09 WATTON: 119 NORWICH ROAD: PROPOSED RESIDENTIAL DEVELOPMENT FOR S & A JONES DEVELOPMENTS LTD: APPLICATION REFERENCE: 3PL/2009/0350/F (AGENDA ITEM 9)

This item had been withdrawn. Minute No 122/09 refers.

126/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2009/0341/F: Rocklands: Land to rear of Holly Cottage, Chapel Street: Erection of two dwellings and garages, conversion of existing office to residential, demolition of existing garage and erect new for Mr D Batch

This application for residential development involved the demolition of the garage to No 4 St Peter's Close to provide an access road for two new houses (one 3 bed and one 4 bed) and the conversion of an existing building with permission for office use, to residential.

Concerns raised included highway safety, overlooking, noise and disturbance and loss of privacy.

No objections had been received from the Highways Authority and the parking provision complied with the required standard of two spaces per dwelling.

Mr Smith, Vice-Chairman of the Parish Council, said that they had a policy to support suitable housing development in the village to help with the viability of the school, shop and pub. However, this application was considered to be backland development which was unsuitable and would not enhance the form and character of the village and would set an unwelcome precedent. It would have a detrimental effect on neighbouring amenity and due to inadequate parking provision would lead to the spread of parking on roadsides and verges.

Mr Smith, Ward Representative, agreed with the Vice-Chairman's comments. He said that when the St Peter's Close development

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had been approved they had been assured that it would not be allowed to expand. The road was only 14' wide and if the development was approved, it would have to serve twice the number of properties it was designed for. Headlights from the access road would shine straight into the windows of No 2 St Peter's Close.

A Member asked for clarification of the plot size for the conversion and it was noted that this was very tight. After discussion it was proposed and seconded that the application should be refused.

Refused, contrary to recommendation, on grounds of overdevelopment and being out of character with the area.

- (b) Item 2: 3PL/2009/0350/F: Watton: 119 Norwich Road: Demolition of existing bungalow and redevelopment of site with residential development and ancillary works for S & A Jones Developments Ltd

Withdrawn – Minute No 122/09 refers.

- (c) Item 3: 3PL/2009/0446/F: Swanton Morley: Park Farm: Temporary standing of caravan for Mr A McBride

This application for the permanent standing of a caravan and its occupation for eleven months of the year was considered under policy PPS7, which required evidence of need. No such evidence had been provided and therefore the application was recommended for refusal.

Mr Atterwill, Chairman of the Parish Council, fully supported the application. The applicant was a hardworking window cleaner and a refusal would impact on his business.

Mrs Griffith Thompson, supporter, said that one reason for refusal referred to isolated dwellings in the countryside, but in fact this site was closer to key services than some of the dwellings in the village. She said that the applicant (a former traveller) did not wish to live in a house. He had built up his window cleaning business and the site was central to that. He had lived there for nine years without complaint.

The Development Services Manager explained that they had been in discussions with the owner of the site for a number of years. The site had permission for holiday accommodation only and there had been a number of persons living on the site. Granting permission for a permanent residence on the site could lead to an application for a dwelling at a later stage.

A Member asked where the applicant would stay for the 12th month and was told that he would visit family in Yorkshire for that time and that the caravan would remain on site.

Members wanted to support this application and they discussed the possible options. The Development Services Manager suggested that they could approve it on a temporary basis and make it personal to the applicant. However, Members felt that a permanent personal permission was appropriate, for the reasons that this

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touring caravan was on an existing caravan site and that the applicant had settled there and built up his business in the area.

Approved, contrary to the recommendation, the permanent siting of the caravan for residential occupation for 11 months of the year. The permission to be personal to Mr McBride.

- (d) Item 4: Dereham: Land off South Green, Toftwood: Residential Development for Gladedale Homes Ltd

This reserved matters application for 16 dwellings was on a site just south of the A47 flyover. The existing dwelling on the site had been demolished.

The layout generally conformed with the outline proposal and comprised a two bed cottage and an apartment block of four units fronting the Shipdham Road, with a terrace and two separate units to the rear. Parking worked out at 1.6 spaces per unit. The design was a considerable improvement on previous submissions and the Tree and Countryside Officer had accepted the tree scheme.

A Member acknowledged that the buildings fronting the road had improved a great deal but he felt that those to the rear were unacceptable, as was the level of parking provision which he felt would lead to overflow parking on the site opposite.

Another Member suggested that the appearance of the terrace could be improved by the use of high quality materials and it was agreed that these could be conditioned.

Members then sought assurance that the trees to the rear of the site would be protected and managed.

Approved, as recommended, subject to additional conditions to specify materials.

- (f) Item 5: Bradenham: Land at Wood Farm, Church Lane: Installation of a 70m meteorological monitoring mast for a temporary period of two years for Next Generation Limited

Mr Labouchere declared a personal and prejudicial interest in this item and left the room whilst it was discussed. Mr Daines also declared an interest as a local resident and left the room.

Members were shown a plan of the proposed siting of the mast, with the site of the previous mast and the two wind turbines refused on appeal also marked.

Objections had been raised in connection with the detrimental effect on local residents and listed buildings; the effect on wildlife and because the application was a precursor to wind turbines.

Officers considered that the slender appearance of the mast would not compromise the visual quality of the location.

Mr Kidd, representing the Campaign Against Turbines in Shipdham and Scarning (CATSS) said that proposals for wind turbines on the

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site had been going on for over seven years and this was just a precursor to another application for turbines which was a waste of public time and money.

Mr Hoare, objector, wished to hand out a summary of his points but the Solicitor said it was too late to introduce new information. Mr Hoare said that he lived in one of the closest houses to the application site. He said that there were three reasons to refuse the application: 1) the introduction of industrial machinery contrary to Policies ENV3 and ENV22; 2) being out of character and scale; and 3) contrary to ENV6 for the protection of habitat.

Mr Hill, Chairman of Shipdham Parish Council, said that Ecotricity had been through a long process and had been turned down three times already for wind turbines. He could not understand why they should need more information when they had already had a mast in the vicinity for two years.

Mr Hewett, Ward Representative, said that the Policy Note on the Agenda said that the planning process was set up to protect the public from unacceptable development. He said there was no valid reason for the application. He also disagreed with facts concerning the size and position of the mast and on what wildlife was on site.

The Solicitor advised Members that despite the comments made about turbines they must look at this application alone and assess the effect of the mast on its surroundings. He then mentioned a letter received from a solicitor, sent on behalf of neighbours, which had been received late in the previous week. The letter raised various points including:

- *Was further wind speed data required?* Ecotricity said it was.
- *Does paragraph 32 of PPS 22 apply?* The Solicitor considered it did.
- *Is red line correct and does it extend to county road?* The red line was shown to Members, and did extend to the county road.
- *Is ownership of land known?* The Certificate of Ownership was correct as far as the Council was concerned.
- *Original advertisement incorrect.* Yes – originally the advertisement stated 50m mast but all interested parties were notified of change to 70m.
- *Grid reference for siting incorrect?* Exact siting shown on plan, shown to Members.
- *Within 20m of watercourse?* No effect on this application.
- *Application states no protected or priority species on site, but there are bats and migrating swans; also protection of birds not considered.* Agreed that the presence of bats was established at the Inquiry and there might be a need to consult Natural England and the RSPB. Previously RSPB were only concerned about possible bird strike and requested a condition for bird deflectors on the guy wires, this would be conditioned again.

The Agent was asked to clarify why the mast was needed and

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he explained that at the last inquiry a deficiency in the data was highlighted. This mast would give them the opportunity to address that.

Members then asked the following questions:

- *What was the nearest residential property?* The nearest property was approximately 700m from the mast.
- *How close is the nearest Listed Building?* Approximately 1.3kms away in the centre of Shipdham.
- *What is the width of the mast?* About 30cm across.
- *Are the buildings at Wood Farm in the control of the applicant?* No, owners live elsewhere.
- *How many anemometers on the mast and how far apart?* Three, at 20m, 50m and 70m.

Finally a Member suggested that the approval should be limited to one year only and this was agreed. On the casting vote of the Chairman the application was:

Approved for a temporary period of one year, subject to further consultation with the RSPB concerning birds and with Natural England concerning bats.

If these consultations raised any points of concern, the application would be brought back to the Committee.

(g) Item 6: Swanton Morley: Burgh Common, Worthing Road: Construction of angling platforms and connected recycled boardwalk and 3 stand alone platforms for Dr R Dryden

This application, on a site to the north of the village, proposed the siting of three 1.8m x 1.8m angling platforms and three 1.5m x 1.5m stand-alone platforms to provide safer access for fishermen.

The Highways Authority objected to the proposal because it did not provide facilities for pedestrians, cyclists and disabled persons; and did not include any on-site parking provision. Existing passing bays would be used by persons accessing the site causing potential highway safety issues.

Mr Atterwill, Chairman of Swanton Morley Parish Council, did not agree with the Highway comments. On-site parking would not be easy to provide because the ground sloped down to the river, and would be likely to encourage undesirables.

Mr Church, Chairman of the Wensum Fisheries Action Plan, said that they were working to improve the river. He said that the fishermen already used the site and the platforms would provide safer access. They would not cause an increase in the amount of fishermen using the site – that was determined by the number of fish in the river.

Mr Worsfold, NCC Highways representative, said that the most appropriate way to provide parking would be perpendicular to the highway, between the carriageway and the river. He agreed that the road was about 3m wide and that the passing bays were not

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adopted and had been created by vehicles over time.

One Member spoke in support of the need to keep the passing bays clear. He used the lane regularly and was concerned that highway safety would be affected if the application was approved.

Approved, contrary to recommendation, on the grounds that the proposal would not alter the amount of traffic and that no on-site parking was required.

Notes to the Schedule

Item No	Speaker
1	Mr Smith – Ward Representative Mr Smith – Parish Council
3	Mr Atterwill – Parish Council Ms Griffith Thompson – for Applicant
5	Mr Hewett – Ward Representative Mr Kidd – Objector Mr Hoare – Objector Mr Hill – Parish Council
6	Mr Atterwill – Parish Council Mr Church - Supporter

Written Representations taken into account

Reference No	No of Representations
3PL/2009/0341/F	9
3PL/2009/0456/D	1
3PL/2009/0459/F	9
3PL/2009/0602/F	2

127/09 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (AGENDA ITEM 11)

This item was noted.

128/09 ENFORCEMENT ITEMS (AGENDA ITEM 12)

This item was noted.

129/09 APPEAL DECISIONS (AGENDA ITEM 13)

This item was noted.

130/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 14)

This item was noted.

The meeting closed at 12.35 pm

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CHAIRMAN