

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 13 August 2007 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 S.R. Howard-Alpe	Mr M. Spencer
Mrs D.K.R. Irving	Mr N.C. Wilkin (Vice-Chairman)
Mr R. Kemp	

Also Present

Lady Fisher Mrs A.L. Steward (Executive Member)

In Attendance

Greg Britton	- Principal Planning Officer
Julie Britton	- Committee Services Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Monitoring Officer
Phil Daines	- Development Services Manager
Andrew Gayton	- Historic Buildings Officer
Nick Moys	- Principal Planning Officer (Major Projects)
David Spencer	- Senior Planning Policy Officer

123/07 MINUTES (AGENDA ITEM 2)

Subject to Mr Kemp being added to the attendance list and Mrs K Millbank being added to the list of apologies, the Minutes of the meeting held on 23 July 2007 were confirmed as a correct record and signed by the Chairman.

124/07 APOLOGIES(AGENDA ITEM 3)

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

125/07 DECLARATION OF INTEREST (AGENDA ITEM 4)

Members and Officers were asked to declare any interests as appropriate at the time the applications were made.

Mrs C Bowes and Mr M Kiddle-Morris declared a personal interest in item 2 of the Schedule of Applications (Beeston) as they knew the applicant. Both Mrs Bowes and Mr M Kiddle-Morris left the room whilst this item was being discussed.

Mrs C Bowes declared a personal interest in item 10 of the

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Schedule of Applications (Thompson). No reason was given as to the nature of the interest.

126/07 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 5)

- The Chairman announced that Mr G Britton, the Council's long standing Principal Planning Officer, was retiring and that this would be his last Committee meeting. Members of the Committee thanked Mr Britton for his support and guidance over the years, which, they said, had always been of the highest professional standard.

On behalf of Officers, the Development Services Manager added his personal thanks to Mr Britton and wished him the very best for the future.

The Principal Planning Officer thanked everyone for their kind words.

- Items 6 and 8 of the Schedule of Applications (Attleborough) had been withdrawn.

**127/07 LOCAL DEVELOPMENT FRAMEWORK (STANDARD ITEM)
(AGENDA ITEM 8)**

The Principal Planning Policy Officer informed Members of the progress on the Breckland Local Development Framework (LDF). He explained that, although Breckland was in the third year of the new system, and it was appreciated that there was some anxiety over the time taken to produce the LDF, Breckland was making reasonable progress.

In Spring 2007 the LDF team had consulted on 'Development Choices' – around some critical issues for the LDF including housing numbers, job numbers and retail floorspace figures. This had generated 1400 comments all of which could be viewed on-line at www.breckland.gov.uk Broadly, the consultation had advised the Council that it was on the right lines but that it needed to develop further which villages became Local Service Centres, the balance of growth between towns and a strategy for thriving and sustainable rural communities.

The next LDF milestone was public consultation on the final draft of Strategy and Core Policies. Before this consultation could take place with the public there remained a number of areas of work which needed to be finalised over the next 2 months before the draft was able to go through the various Committee cycle. This included a Strategic Housing Land Availability Assessment – a thorough analysis of all sustainable housing options, a revised Strategic Flood Risk Assessment and a detailed Assessment of European Wildlife Sites (which was underway). Much of the work would be in the public domain once it entered the Committee process towards the middle/end of October with the public consultation to follow. Work on the LDF site specifics would need to start in the Autumn 2007 with dialogue between Officers, Town and Parish Councils and Ward Members to develop revised inset

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plans. An LDF newsletter on the timetable would be sent out to all Town & Parish Councils and stakeholders in September which would be available on-line.

Members were advised that on 30th September 2007 the Local Plan and Norfolk Structure Plan would expire; although there was a process for saving Local Plan policies beyond this date. Whilst there were over 150 policies in the Local Plan, the core 20 policies which were being used on a daily basis would be saved and would meet the Government's strict criteria for the saving of Local Plan policies.

A key task for the LDF was to define a number of villages as Local Service Centres. The emerging Regional Plan allowed for LDFs to allocate development to large villages with good level of services. The services were:

- Primary school in the village and access to a Secondary School nearby
- Health care facilities
- Retail and service provision to meet everyday needs
- Local employment opportunities
- Public transport provision

This was the first time in 15-20 years that plan-making had been able to consider the potential of larger villages for further development. Despite growth in the rural areas, the closure of village services and commuting had increased and identifying a number of Local Service Centres had the following benefits:

- Signalling to service providers (ie Police, PCT, Education) where to focus its resources to protect and enhance service provision in the rural areas
- Enabling further development to support service provision and meet local needs (eg affordable housing)
- Limited development could help deliver community aspirations (eg open space)

There were two potential categories of Local Service Centre Villages.

Category 1: Villages that would see some growth (up to 100 homes) over next 15 years (ie. 4 - 7 homes a year); and

Category 2: Villages that would see limited growth (infilling) but efforts to protect and enhance remaining services.

Defining the number and role of Local Service Centre Villages remained a key task for the LDF and the Council needed to be in a position to consult on a definitive list by the end of the year. To aid this process Overview and Scrutiny Panel 1, at its next meeting on 18th September, would focus on Local Service Centre villages.

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Members were advised to email any questions they might have to the Principal Planning Policy Officer.

128/07 PLANNING WHITE PAPER - PLANNING FOR A SUSTAINABLE FUTURE (AGENDA ITEM 9)

The Government had recently published the Planning White Paper – Planning a Sustainable Future which set out the Government's detailed proposals for reform of the planning system, building on Kate Barker's recommendations for improving the speed, responsiveness and efficiency in land use planning, and taking forward Kate Barker's and Rod Eddington's proposals for reform of major infrastructure planning. The White Paper was the subject of consultation until 17 August 2007 and the proposals contained within the White Paper were principally the Government's response to the two reports as outlined in the report. These proposals could be examined in more detail at Appendix 1 of the report.

The Development Services Manager explained that there were a number of "daughter" papers that had accompanied this report which would be presented to the Development Committee at a later date.

The key recommendations from Kate Barker's report and Rod Eddington's analysis of the delivery system for transport infrastructure were highlighted.

Members were informed that the planning policy guidance notes would now be named as planning policy statements. The Government was also looking to move away from the East of England Regional Assembly (EERA) and move towards the Governing body, the East of England Development Agency (EEDA). The Planning White Paper was also looking to remove the need for planning permissions for some commercial developments.

The key proposals had been split up in a number of ways as follows:

- 1) To provide a positive framework for delivering sustainable development, supports local government in this place shaping role and improving speed efficiency and customer focus within the planning system.
- 2) A positive framework for delivering sustainable development.
- 3) Strengthening the role of local authorities in place shaping.

In response to a question, Members were informed that the forthcoming White Paper would not slow down the progress of the Council's Local Development Framework (LDF).

Questions and concerns were raised as follows:

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“Site allocations may not always be needed and core strategies to include strategic sites (consultation in August).”

The Development Services Manager advised that the Officers had not been entirely convinced that this issue related to an area such as Breckland and therefore would not be supported.

Appendix B - page 14 - 2nd bullet point (i)

“A reduced need for planning applications for minor developments”.

A Member asked the Development Services Manager what this Order would mean for a local authority.

In response, it was explained that the detailed proposals had been based on:

- a) Developments with no or low impacts on neighbours or on the area outside the immediate site being permitted under the new Order; and
- b) Those developments considered to have more than a low impact on the wider neighbourhood and/or street scene requiring specific planning permission.

Appendix B - bullet point 2 (iii)

“An improvement to appeals process.”

A Member, in his opinion, felt that this could mean that the public would be allowed to appeal against permissions already granted. The Development Services Manager advised that there would not be any proposals for a third party right of appeal.

Appendix B – page 15

“Neighbourhood Agreements”

Officers had been asked for their views on the general principle of introducing a streamlined process for approval of minor development which did not have the benefit of permitted development rights and where the neighbours to the proposed development were in agreement. Members were made aware that the Officers had responded with the following concerns and requested that these comments be taken forward:

- *How to control visual impact on wider area*
- *Coercion*
- *Current regime considers impact on future occupants*
- *What effect would concerns from statutory consultees had – EHO's?*
- *Diminish role of Parish Councils.*

Appendix B - page 15 (ii)

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“Streamlining the application process – aim to minimise the burden places upon those seeking planning permission for development”.

Members agreed that point (b) *“to allow minor amendments to be made to planning permissions”* be removed.

Appendix B - page 16

Members were made aware that *“streamlining the information requirements for all applications”* had been put back until April 2008.

Appendix C - page 18

“To improve the appeal process in the planning system with the aim to speed up the appeals process with greater efficiency whilst achieving better value for money for the tax payer”

A Member felt that this was the Government’s way of trying to offload the responsibility of Appeals onto local councils.

Local Member Review Bodies (LMRB)

Members were informed that there was further work to be done on this matter.

Determining the Appeal Method

A review paper on the above matter would be brought forward to this Committee at a later date.

Appendix C – page 19 – 5th bullet point

“Detailed proposals for the Appeal process” - “The Secretary of State to have the power to refuse to consider any change to the scheme or evidence available to the Local Planning Authority at the time of determination”.

The Development Services Manager advised that this would mean that once the application had gone to Appeal the appellant might not be able to bring further information forward.

Appendix D - page 20

“The proposed changes to permitted development - the aim was to create a more permissive regime than currently exists, thereby reducing the number of applications”.

The proposed changes were to be based on an impact approach rather than square meterage. The first proposal needed further clarification. The fifth proposal which concerned compensation being payable for a period of 12 months from the introduction of

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the new system was going to be extremely difficult and the Development Services Manager was uncertain how that proposal was going to work.

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"Householder Permitted Development Rights"

Members were generally concerned about the relaxing of these rights. Members felt that overlooking had not been addressed and that there would be a greater risk of flooding in the area if the public were allowed to install more hard-standings without seeking the relevant drainage advice.

Page 22

"Roof Alterations – Aimed at control/promotion of solar panels"

A Member felt that the above should also include the promotion of garden turbines under permitted development.

Appendix E – page 23

"Planning Fees in England".

The options available were as follows:

- 1) No change to the current system
- 2) Increase fees by 40% excluding householder applications which will not go up by more than £10 (i.e £135 - £145)
- 3) To increase fees by 25% excluding householders applications as in 2) above.

The Committee was informed that the Government's preference was option 3.

Appendix 1 – answers to questions with regard to fees:

- Q1 – Members felt that an increase of 25% was reasonable.
Q2 – Members felt that a 40% increase was too much.
Q3 – It was felt that there would be no unintended consequences.
Q4 – noted.
Q5 – Current fee maximums were not serving any useful purpose.
Q6 – noted.
Q7 – It would be a dangerous route to take if a Local Planning Authority offered a premium service.
Q8 – There was some advantage in having planning fees set nationally.
Q9 – noted.

RESOLVED that the aforementioned views of the Development Control Committee be noted.

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129/07 DEREHAM: ALTERATIONS/CONVERSION OF THE GUILDHALL TO FORM FOUR DWELLINGS: APPLICANT MR P GREEN: REFERENCES: 3PL/2004/1316/F & 3PL/2004/1317/LB (AGENDA ITEM 10)

The Principal Planning Officer (Major Projects) presented the report which concerned proposals to convert the Guildhall in Dereham into four dwellings. It had been recommended that planning permission be refused and that enforcement action be authorised.

These applications had previously been considered by the Development Control Committee on 27 September 2004, where it had been resolved to grant permission subject to the receipt of a satisfactory schedule of works, providing full details and specifications of the proposed building works/alterations.

Members were informed that since the publication of the Agenda, the schedule of works had recently been submitted; however, it had been found to be unsatisfactory and was a good deal short of what was required. Further to this, the schedule of works had not dealt with the damage caused by the vandalism to the building.

Given the length of time that this application had continued, the Committee was asked to consider whether the application should be deferred before a final decision was made. This would allow a further period of time of 4 to 6 weeks for the applicant to provide a satisfactory schedule of works, or alternatively, to refuse it if the said schedule was not received during that time.

As far as the enforcement issue was concerned, significant alterations were being carried out which were unauthorised but were continuing. The applicant had been strongly advised to stop the work, but as yet had not done so. The works being carried out could cause irretrievable damage if allowed to continue. The Principal Planning Officer (Major Projects) felt that some form of injunction should be issued for the works to cease immediately, and/or prosecution should be sought for the illegal works being carried out to a Grade II Listed Building.

A Member felt that there should be no further delay and that the Officers should be given the authority to take any steps that were felt necessary.

A Ward Member for Dereham urged the Officers' to issue a stop notice and to secure the whole ground floor of the building.

The Historic Buildings Officer advised that the Council was keen to keep the building secure. In the last three years, the building had been allowed to fall into disrepair and had been a continual target for vandalism; however, following continual dialogue with the police and fire brigade, the Council had boarded the building up to prevent further damage and the risk of fire. He stressed that the nature of current works being carried out to the building had not been agreed.

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The Chairman also raised concern about the damage being done to the existing garden wall alongside St Withburga Lane. The damage had been caused by a dip in the road which constantly filled up with water when it rained and was being splashed up the wall by vehicles using St Withburga Lane. The Committee agreed that the Highway Authority should be asked to repair the road to stop further damage to the wall which had been listed in its own right.

RESOLVED that

- a) the 2004 planning and listed building applications be refused on the grounds that, in the absence of a satisfactory schedule of works, it had not been demonstrated that the proposed conversions would properly conserve the character and appearance of the listed building; and
- b) enforcement action be authorised to require all unauthorised works to cease and that the enforcement action could take the form of the service of enforcement and stop notices prosecution for breach of listed building control and/or an application for an injunction.

130/07 DELEGATIONS TO OFFICERS (AGENDA ITEM 11)

The Development Services Manager presented the report which concerned the Officers' Delegation Agreement that had previously been introduced for a 12 month period in September 2006. The report had considered the issues and recommended its retention.

The Development Services Manager felt that the current Delegation Agreement (Appendix 2) had worked much better than the previous Agreement as attached at Appendix 1 of the report.

The Committee was reminded that the recommendation was subject to the approval of Full Council at its meeting on 20th September 2007.

In considering the report, a Member felt that all applications previously refused by the Development Control Committee should automatically be brought back if a revised application on the same site was submitted. Members were advised that it would be very difficult to administer, particularly if the application had met all the necessary conditions. Members were reassured that they still had the right of call-in and through them, the Parish or Town Councils also had the opportunity to request applications to be called-in.

Referring to the Camp Farm application, the Solicitor suggested clarifying existing delegations by adding a specific delegated power for the Development Services Manager to make decisions as necessary for the processing of applications, including decisions under the Environmental Impact Assessment Regulations.

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In conclusion and for the reasons outlined in the report, the Committee

RECOMMEND TO COUNCIL that the current Officer Delegation Agreement from the Development Control Committee be approved, in accordance with option i) of the report, subject to the addition of a specific delegated power for the Development Services Manager to make decisions as necessary for the processing of applications, including any decisions required under the Environmental Impact Assessment Regulations.

131/07 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 12)

This item was noted.

132/07 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 13)

RESOLVED that the applications be determined in accordance with the recommendations contained in the schedule, subject to the following conditions and amendments:

- (a) Item 1: 3PL/2007/0773/F: Besthorpe: Unit 10: Rookery Business Park, Silver Street: Extension to existing warehouse type building & change of use to a gymnastics facility (D2 leisure use) for Sara Jane Inglis

Following the receipt of a satisfactory sequential test, the application was approved as recommended.

- b) Item 2: 3PL/2007/0882/F: Beeston: Norfolk Farm Produce Ltd, Herne Lane: Construction of single storey loading bay/pallet store extension to existing cold store for Mr C Griffin

Approved as recommended.

Note: Mrs C Bowes and Mr M Kiddle-Morris declared a personal and prejudicial interest in this item and both left the room whilst this item was being discussed (Minute No. 125/07 above refers).

- c) Items 3 and 4: 3PL/2007/0898/0899/F: Holme Hale: Plots 1 and 2, Church Farm: New house and Garage for Ideal Developments UK Ltd

Approved, as recommended, subject to the inclusion of an additional condition required that the precise details of surface water and foul water disposal to be agreed prior to commencement of any works on site.

- d) Item 5: 3PL/2007/0900/F: Holme Hale: Plot 3, Church Farm: New house and garage for Ideal Developments UK Ltd

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Refused, contrary to the recommendation, on the grounds that the proposal constituted overcrowding of the whole site.

- e) Item 6: 3PL/2007/0933/CU: Attleborough: 11/12 Maurice Gaymer Road: Change of use from B1 use to roller skating rink and soft play area – D2 for R & H Leisure (Norfolk) Ltd

This item was withdrawn at the request of the applicant.

- f) Item 7: 3PL/2007/0936/F: Hockham: Site to the North of Great Hockham Primary School, Watton Road: Re-location of children's centre with car parking facility for Great Hockham Children's Centre

Refused purely on design grounds. The Committee felt that the principle of the development might be acceptable with a suitable design.

- g) Item 8: 3PL/2007/0951/O: Attleborough: Woodys Haulage Ltd, Woodys Yard, West Carr Road: Construction of new office buildings, demolition of existing offices for Woodys Haulage Ltd

This item was withdrawn at the request of the applicant.

- h) Item 9: 3PL/2007/0992/F: Roudham/Larling: Unit Ten: Camp Farm: Small two storey office extension to existing unit ten to be occupied by Hemcore Ltd for Paul Rackham Ltd

Approved, as recommended, subject to the inclusion of an additional condition requiring that no works to commence pursuant to this development until the permission for the development of the premises as a hemp processing plant had been implemented.

- i) Items 10 and 11: 3PL/2007/0994/F/0995/LB: Thompson: Redbrick Farmhouse: Erection of dwelling to replace Redbrick Farmhouse (existing house to be demolished)

Refused as recommended.

Note: Mrs C Bowes declared a personal interest in this item (Minute No. 125/07 above refers)

Notes to the Schedule

The following persons were in attendance to speak on the following items:

<u>Schedule Item No.</u>	<u>Speaker</u>
1	Miss Inglis, Applicant
3, 4, and 5	Mr Newton, Objector Mr Ironman, Objector (for plot 3 only)
7	Mrs Waddington, Applicant

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	Mr Thomas, Parish Council
9	Lady Fisher, Ward Representative Mr Caley, Parish Council
10 and 11	Mr Povey, Applicant's Agent Mr Gayton, Breckland Council Mr Johnson, Supporter

Written Representations taken into account

<u>Reference No.</u>	<u>No. of Representations</u>
3PL/2004/1316/F	5
3PL/2004/1317/LB	5
3PL/2007/0898/F	5
3PL/2007/0899/F	5
3PL/2007/0900/F	6
3PL/2007/0992/F	1
3PL/2007/0994/F	2
3PL/2007/0995/LB	1

133/07 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (FOR INFORMATION) (AGENDA ITEM 14)

This item was noted.

134/07 APPEALS DECISIONS (FOR INFORMATION) (AGENDA ITEM 15)

This item was noted.

135/07 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION) (AGENDA ITEM 16)

This item was noted.

The meeting closed at 1.45 pm

CHAIRMAN