

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 19 April 2010 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mr J.D. Rogers

In Attendance

Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Diana Dring	- Committee Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Ian Vargeson	- Principal Member Services Officer

63/09 MINUTES (AGENDA ITEM 1)

Subject to an amendment of Minute No. 53/10 (Declarations) with reference to the Declaration of Interest made by Mr Francis, that the interest he declared was personal, rather than prejudicial, the Minutes of the meeting held on 29 March were confirmed as a correct record and signed by the Chairman.

64/09 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mr F Sharpe.

65/09 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Members and Officers were asked to declare an interest at the time the applications were introduced.

- Cllr Bowes declared a personal and prejudicial interest in Agenda Item 10(1) due to involvement with a company associated with the proposed application.

66/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Development Services Manager reported that the Core Strategy was currently being produced and would be available shortly. The Site Specific details would be presented to the Cabinet on 26 April and, if accepted, a consultation period of 6 weeks would follow.

Action By

Action By

67/09 DEFERRED APPLICATIONS (AGENDA ITEM 8)

67 .1 Attleborough: Land at Docking Wood, Leys Lane: Change of Use to include Standing Caravans for Mr A Gaskin: Reference: 3PL/2009/0604/F

The Principal Planning Officer (Major Projects) (PPO MP) presented the report and explained the policies relating to sites for travellers. The proposal was compliant with the policy and was ideal in terms of its position and urban fringe location. However, there was an issue relating to the adequacy of the access road along Leys Lane which was mainly single track although there were gateways providing an opportunity for vehicles to pass each other.

The application had been deferred to allow negotiations to take place with the Highway Authority regarding highway improvements /passing bays.

Since then a transport consultant had been commissioned by the applicant and the report indicated that the increase in traffic as a result of the proposal would be modest and that road improvements were not considered necessary. However, the applicant was prepared to fund the resurfacing of one or more of the informal passing places or provide a new passing place.

Norfolk County Council, as Highway Authority disagreed that the road network was adequate and considered there would be a noticeable increase in traffic as a result of the proposal.

The applicant had recently put in an appeal against non-determination of the application within the statutory period. This meant that the decision would be made by the Planning Inspectorate. However, Members were asked to give an indication of what their decision would have been, to assist the appeal process. Officers considered that there was a finely balanced view of the traffic implications and that it was difficult to predict traffic levels with the extended family groups that might live on the site.

Mrs Gaskin, speaking on behalf of the applicant supported the traffic consultants report and the provision of passing places. She assured the Committee that the groundworks would be to a very high standard without causing disruption. In reply to a Member's question, Mrs Gaskin said that there was no restriction on who could use the site and they would certainly consider whether to make the site available to the wider gypsy community.

A local Member had discussed the proposal with the Ward Representative: they were in agreement that there was a substantial amount of work required on the road improvements and agreed with the Highways Authority that the road was not suitable for the potential additional traffic.

Several other Members expressed support for the use of the site for caravans but were also concerned that the access route was adequate. One Member wondered how this application differed from a recent application where traffic generated along a narrow

Action By

country lane had been no impediment to approval.

At the request of the Chairman Members were provided with an extract from the traffic survey, of peak flow movements along the access road.

Members concluded that, subject to the provision of additional properly constructed passing bay(s) on the lane, they would have been minded to approve the application.

68/09 ATTLEBOROUGH: SLOUGH LANE: PROPOSED RESIDENTIAL DEVELOPMENT FOR BENNETT PLC: REFERENCE: 3PL/2010/0033/F (AGENDA ITEM 9)

Members were informed that the officer recommendation had changed to approval since the applicants had made further revision to the plans in relation to the positioning of the pumping station, which addressed the concerns about tree damage.

The issues concerning the proposal were outlined. Although outside the Settlement Boundary for Attleborough the site met the criteria for housing proposals under the 5 year land supply consideration (PPS 3). The site was a semi-derelict brown field site. The proposal included a mix of units which met local need, with six of the dwellings to be built as affordable housing, two of which would have wheelchair access. In terms of sustainable construction the properties would be fitted with air source heat pumps exceeding the requirement of Policy DC15 on Energy Efficiency.

A small open space was provided under the plan, which would meet, in part, the policy requirement but a further contribution for open space (DC 11) would be required by the developer under a section 106 agreement. Although density levels fell below the recommended limit of PPS 3, this was considered acceptable as the proposal would improve the appearance of the local area. The visual impact to the neighbouring properties would be reduced by the positioning of single storey properties in critical locations.

Extensive discussions had taken place regarding the trees surrounding the site, eight of which were the subject of Tree Preservation Orders. Although it was not intended to remove these trees, the proximity of the proposed development and underground infrastructure would put pressure on the trees and consideration needed to be given to overshadowing. Since the plans had been revised to reduce any impact on the trees, the Tree & Countryside Officer had withdrawn his concerns.

Objections had been raised concerning the impact of the additional traffic generated by the development. The Highway Authority had raised no objections. The proposal included a scheme for highway improvements to be funded by the developer: a new footway, realignment of the junction, installation of a speed reduction sign and extension of the speed limit.

In response to a Member's query it was confirmed that an agreement for a financial contribution towards transport had been agreed which

Action By

would be used to improve the local bus stop.

The level of contributions made by developers to Highway improvements was discussed by Members and the Development Services Manager (Capita) informed Members that officers were working on this for future developments.

RESOLVED that the application be deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

69/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: Saham Toney: Land South of Ovington Road: 22 holiday lodges and associated landscaping for Richmond Park Golf Club: Reference 3PL/2009/1172/F

Having declared a personal and prejudicial interest, Cllr Bowes left the meeting for the duration of the discussion and voting on the item.

The Principal Planning Officer (Major Projects) explained that Policy DC8 allowed for tourist development where various considerations were met. A letter from a holiday company had shown increasing demand for tourist accommodation in the area. The site was well positioned between existing settlements and facilities which would be accessible by foot. Sustainability was at a reasonable level and met building regulation requirements. The surrounding landscape was open but due to land fall the views from adjacent public areas were limited so that the visual impact was not deemed harmful.

An objection from the Environment Agency in relation to flood risk had been resolved by raising the chalets above the flood risk level. The developer would be reminded of the need to promote wildlife and a condition relating to this would need to be added.

An issue of highway safety had been raised by the Highway Authority in relation to the increase in traffic resulting from this development and the inadequacy of the substandard road junctions to the east and west of the site. The visibility at both junctions was not good; with the Saham Road/A1075 junction being the more restrictive of the two. Photographs of the junctions were shown

On balance Officers considered that the proposal met local policy on tourism and that the benefits of the development were sufficient to outweigh the highway issues, particularly as the development would not generate a great deal more traffic than at present.

Mr Bryan, speaking on behalf of the applicant, informed

Action By

Members that the lodges were high quality buildings and would provide suitable family accommodation which would complement the golf club facilities. The majority of the chalets were well positioned around the lake. Public consultation meetings regarding the proposal had been extremely positive.

In response to a Member's query, Mr Hall, agent for the applicant, described the proposed system for dealing with outfall water from the chalets through a large reed bed system.

A Member supported the proposal for its design and position and the value that it would bring to the local community in terms of additional income and employment opportunities. It was suggested that the Highway Authority should address the issue of the junction with the A1075 by extending the speed limit to cover the junction and to improve the visibility by improving the hedgerow.

Approved as recommended. Also Highway Authority be requested to consider improvements to the junctions as suggested.

- (b) Item 2: Attleborough: Slough Lane: Erection of 22 dwellings for Bennett Plc: 3PL/2010/0033F

Approved, see Minute 67/10

- (c) Item 3 Necton: Nutts Barn site off Ivy Todd Road: Erection of steel framed general purpose building for Necton Farms Ltd: Reference: 3PL/2010/0075/F

This was a major application for a storage barn. The position, design and appearance of the building would ensure it fitted in with the existing agricultural buildings and did not have an adverse visual impact on the countryside. No objections had been made by the Highway Authority.

Approved, as recommended

- (d) Item 4: Hardingham: White Barn: Grain storage building for Mr H Edwards, Hardingham Hall Farms: Reference: 3PL/2010/0104/F

This was a major application for a grain storage building. The site was a well screened area adjacent to existing agricultural buildings and a wooded area.

Members raised concern about the open space between the proposed building and the road and felt they needed more information about what was planned for this area.

Deferred pending receipt of further information relating to the area around the proposed building and specified screening.

Action By

- (e) Item 5: Caston: Red Lion PH: Attleborough Road: Alterations to public house and car park, conversion of store and erection of new dwelling for Chapel Partners: Reference: 3PL/2010/0108/F2

Planning Permission for Change of Use of the public house to residential had previously been refused on the grounds of loss of a community facility to the village. The new proposal responded to the previous issue of loss of the public house but with the addition of conversion of the disused outbuilding and a new dwelling to make the venture viable.

There were concerns about the reopening of the pub as well as support for it, particularly regarding potential parking overspill onto the village green and local noise disturbance. These issues had been discussed with Environmental Health and it was felt that management through licensing should help the public house co-exist with the neighbouring residents. Parking spaces in the car park had not been reduced.

Mr Chapman spoke on behalf of Caston Parish Council and voiced their unanimous support of the proposed development as the best compromise achievable to refurbish and upgrade the public house. He encouraged the Committee to seize the opportunity that had been made available. He said that Mr Metcalfe, the applicant, had agreed to keep the public house as licensed premises for the next 10 years.

In response to a question from the Chairman, Mr Chapman said that he was also in agreement with the Listed Building consent as he felt there would be very little visual effect from the proposed development.

The Solicitor advised that it would not be possible to make a legal requirement to keep the public house open for 10 years. He offered to discuss with Mr Metcalfe if he wished to make a commitment not to apply for change of use.

Mr Ash, a local resident and supporter of the application, said that the proposal was now acceptable to local residents and would create a much needed social, meeting and dining venue for the village.

Mr Penfold, a local resident and objector to the application, expressed concern regarding the speed of traffic and the increased traffic flow that would result from the development and the potential noise nuisance from the public house music events.

Mr Metcalfe, the applicant, gave reassurance that high levels of noise would not be appropriate and that with good management this should not be a problem. He had carried out extensive consultations with the villagers and met with overwhelming support for the development. Although the commercial viability of the Public House was questionable Mr Metcalf was providing a sustainable local facility that he

Action By

intended to make available to the locality for at least the next 10 years.

Mr Rogers, the Ward Representative, spoke in support of the proposed planning application and listed building consent. He felt the Public House would help knit the village together and he appreciated that the additional development was needed to finance the refurbishment of the public house.

A Member queried the storage facilities, access to the Public House for delivery lorries, sufficiency of lorry turning space and the accessibility for the new residential properties which would be using the same access. Reassurance was given that there was adequate storage, access and turning space. Discussion followed about the management, reopening of the public house and its possible future change of use.

Deferred and the officers negotiate a Section 106 agreement if possible, and be authorised to grant approval, subject to conditions.

- (f) Item 6: Red Lion PH, Attleborough Road: Alterations to Public House, including creation of flat, erection of 3 bedroom house, conversion of store to dwelling, alterations to car park etc for Chapel Partners: Reference: 3PL/2010/0109/LB

Approved as recommended, (see above).

- (g) Item 7: Shipham: Windlegate, High Street: Single storey extension to rear for Mr. and Mrs. Bebbington: Reference: 3PL/2010/0156/F

Approved as recommended.

Notes to the Schedule

Item No.	Speaker
1	Mr Bryan – For applicant Mr Hall – Agent Mr Jessup - Applicant
5 & 6	Mr Rogers – Ward Rep Mr Chapman – Parish Council Mr Ash – Supporter Mr Penfold – Objector Mr Metcalfe - Applicant
Agenda Item 8a	Mrs Gaskin - Applicant

Written Representations taken into account

Reference No.	No. of Representations
3PL/2009/1172/F	2
3PL/2010/0108/F	27
3PL/2010/0109/LB	15
3PL/2009/0604/F	6

Action By

70/09 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION) (AGENDA ITEM 11)

A member informed the officers that he had been told there may be bats in one of the properties on page 31 of the list of decisions. As bats are a protected species they would have legal protection. The Council was not the enforcing authority and the information would be referred on.

Decisions noted.

71/09 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 12)

- **Roudham: Camp Farm (2006/0115): Item 1**

The Solicitor and Standards Consultant announced that the High Court hearing was due in October 2010.

- **Bylaugh: Bylaugh Hall (2006/0306): Item 2**

A member expressed the hope that the compliance with the Breach of Condition Notice would be pursued at once, expiry date of 12th May.

- **Attleborough: Swangey Farm, Swangey Lane (2008/0011): Item 4**

In reply to a query from a Member, the officers agreed to check whether the application submitted in December was out of time or had been refused.

- **Colkirk: North Pole Farm (2009/0072/CAS): Item 7**

The Solicitor and Standards Consultant informed members that the appeal was due to be heard on 2nd June. In noting that the enforcement notice sent through the post had been returned, a Member asked whether delivery by hand could be tried, in order to ensure valid service

The report was noted.

The meeting closed at 12.24pm

CHAIRMAN