

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 2 September 2013 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S.G. Bambridge
Councillor C Bowes
Mr T R Carter
Mr P.D. Claussen
Mr T.J. Lamb
Mrs J A North

Mr W. R. J. Richmond
Mr M. S. Robinson (Vice-Chairman)
Mr F.J. Sharpe
Mrs P.A. Spencer
Mr N.C. Wilkin (Chairman)

Also Present

Councillor M. Chapman-Allen
Mr P.J. Duigan
Mrs S.M. Matthews

Mr T F C Monument
Mr W.H.C. Smith

In Attendance

Mike Brennan
Heather Burlingham
John Chinnery
Chris Curtis
Paul Jackson
Helen McAleer
Martin Pendlebury
Chris Raine

Principal Planning Officer*
Assistant Development Control Officer*
Solicitor & Standards Consultant
Team Leader Planning Enforcement*
Planning Manager
Senior Committee Officer
Director of Planning & Business Manager *
Senior Planner*

* Capita Symonds for Breckland Council

81/13 MINUTES (AGENDA ITEM 1)

It was noted that Councillor Mark Robinson was Vice-Chairman, not Councillor Jenny North. Subject to that amendment the Minutes of the meeting held on 29 July 2013 were confirmed as a correct record and signed by the Chairman.

82/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillor S Armes.

**83/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

All Members had received direct representation on Schedule Items (3) Lexham and (4) Dereham.

Action By

84/13 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)(AGENDA ITEM 7)

The Director of Planning & Business Manager gave Members a brief update on the work being undertaken by the Planning Policy Team.

- Preliminary work on the Issues and Options document for the emerging Local Plan had commenced.
- The Draft Charging Schedule for CIL was being prepared. Public consultation had identified the need for further viability work which was currently in progress. It was anticipated that further consultation on the Draft Charging Schedule would commence at the end of 2013.
- Consultation responses from statutory bodies and key stakeholders on the Sustainability Appraisal Scoping Report had resulted in modifications to the document.
- The level of housing need and employment growth required in the district was being investigated to support the emerging Local Plan. Work was ongoing on a Housing Numbers Assessment and an Employment Growth Study had been commissioned. The Council had completed the Five Year Housing Land paper and was close to completion on the Local Annual Monitoring report.
- The first application for the designation of a Neighbourhood Plan had been received from Attleborough Town Council working in partnership with Besthorpe and Old Buckenham Parish Councils. The application was out for consultation until 27 September 2013.

Councillor North clarified that Besthorpe formed part of the Attleborough Wards and that only the Bunn's Bank Industrial Area of Old Buckenham was being included to form a cohesive Neighbourhood Plan.

85/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: ROCKLANDS: Mill Farm, Scoulton Road: Erection of free range chicken shed to replace existing damaged by fire: Applicant: Mr H Irwin: Reference: 3PL/2013/0562/F

This application proposed the replacement of a building damaged by fire. The new building would be subject to conditions regarding pest control and noise which would be an improvement for neighbour amenity.

Mr Davidson (for Applicant) queried the renewable energy condition. He noted that the new building would have minimal energy usage and improved heating providing a massive saving on the previous old building. The condition would be an additional capital cost.

Action By

Councillor Smith (Ward Representative) was representing the neighbour who was not objecting to the proposal but was suggesting that the new building could be sited across the road or further away from his house. He also requested stringent pest control.

Councillor North was concerned that if the building was moved across the road there was no screening and it would stand out in the landscape.

It was confirmed that the new building was the same size as the previous and that additional land had been planted with trees for use by the free range chickens. It was also clarified that stringent pest control standards were maintained using a reputable company.

Councillor Claussen thought that the delegations policy needed revisiting as the application should not have had to come to Committee.

Approved, as recommended.

- (b) Item 2: YAXHAM: Lord Nelson Public House, Norwich Road: Change of use from public house (A4) to wholly residential (C3) including change of use of car park to domestic garden: Applicant: Mr & Mrs Bryan Aslett: Reference: 3PL/2013/0592/F

This application for change of use would make very little change to the external appearance of the property. The pub had been losing money for three years prior to closing. Members were advised that there were other pub/restaurant facilities close by in Yaxham and Mattishall.

Ms Smith (Agent) said the property had been purchased and money invested to enhance the restaurant facilities to try to develop the business. Since its closure other community uses had been sought but not supported. It had been marketed for 20 months and the price had been reduced twice but no purchasers had been found. It was not commercially viable or economically sustainable.

Councillor Lamb was concerned about the loss of public houses and asked about the Community Right to Bid scheme. The Solicitor explained that it was up to community groups to apply to the Local Authority and no application had been received in this case so far as he was aware.

Councillor Sharpe asked questions about the purchase, licensing and sale of the property. It was clarified that the premises were still licensed and that investment, marketing

Action By

and attempts to find alternative use had been unsuccessful.

The applicant advised that he wanted to stay in residence. With regard to people using the driveway to wait for the local bus service he explained that there had never been a formal bus stop there. He now worked nights and had been disturbed by buses outside his bedroom window. Buses could be hailed from any location and would stop to pick up passengers.

Approved, as recommended.

- (c) Item 3: LEXHAM: The Manor House: Amendment to 3PL/2011/0790/F to include changing tents to bothys, increasing size of one treehouse and bund – part retrospective. Applicant: Mr Edmund Colville: Reference: 3PL/2013/0611/F

All Members had received direct representation.

The application proposed changes to an earlier permission. The permission had included accommodation in a previous piggery building which had since burnt down. The materials from that building had been used to construct the bund which had been built to protect neighbours from noise. The bund, an outdoor kitchen and part of an outdoor bathroom were retrospective.

Members were shown pictures of the existing bothys and tree houses which sat well in the site and reflected the woodland setting. A boundary fence had been erected to prevent views into the adjacent dwelling and garden. The applicant was prepared to erect a second structure 8-10 metres from the boundary to provide a buffer zone and to mitigate concerns of visual intrusion.

Mr Richardson (Supporter) declared an interest as an employee of the business. He spoke on behalf of the 11 people employed. It was an attractive place to work and provided long-term employment. The fire had caused the site to close for nine months and the employees were lucky to have kept their jobs. They had all worked hard to raise the standards for visitors. It was good to have such a facility on a previously unused site.

Mr Colville (Applicant) acknowledged the objections to the proposals and apologised for the retrospective nature of some parts. The fire had caused problems. There had been insufficient insurance but a DEFRA grant had been obtained and had included suggestions for improvements to the facilities. For financial reasons they had had to be ready to open for the summer. He asked Members to visit the site if

Action By

they were unsure. The bothys had been designed with soundproof back walls to mitigate against noise. The rooms in the piggery were not being replaced and so there was actually a reduction in accommodation. He hoped to employ more local people in future.

Councillor Kiddle-Morris (Ward Representative) congratulated the Applicant on the success of the venture which had originally received permission as a residential education centre. There had since been permission for further accommodation and the site had diverged from education to tourism. If the current application was approved there was concern that neighbour amenity could be affected by more and more camping on site.

Councillor Bambridge agreed that there was a need to guard against visual intrusion. He asked if it was the intention to enlarge the site and Mr Colville explained that the original intention had been to convert a large barn on site for education use. The campsite was a way of raising the capital for that. The campsite was for holidaymakers and was critical to the overall business but there was no intention to increase the numbers above about 60. Rural tranquillity was the selling point.

The Chairman had visited the site and had found it pleasant and not particularly noisy. He thought the structures blended in well.

Councillor North supported the idea of the buffer zone. Mr Colville suggested that planting would be more natural but as it was likely to be slow growing some natural fencing could be incorporated as well.

Councillor Spencer asked about the education facilities and was advised that visiting tutors were sometimes accommodated on site, but many were local people that just visited for the day.

Approved, as recommended, subject to an extra condition to provide additional screening.

- (d) Item 4: DEREHAM: 18 School Lane, Toftwood: Conversion and extension of existing bungalow to form day nursery: Applicant: Little Owls Day Nursery: Reference: 3PL/2013/0634/F

All Members had received direct representation.

This application proposed the conversion and extension of a bungalow to form a larger nursery.

Action By

There had been significant objections to the proposals on grounds including parking and traffic concerns. George Freeman MP had written concerning the objections to stress the importance of localism. Councillor Goreham (Ward Representative) had commented that the site was at capacity.

The area closest to the neighbouring property would be kept free from play equipment to protect amenity.

Ms Packard Iveson (Objector) said that incorrect evidence had been provided, there was no Travel Plan or proper transport assessment and the nursery had received many verbal complaints from residents about parking. There were numerous objections; most of the support came from parents of children at the nursery. The proposal was not supported by local people.

Mr Watts (Applicant) had managed the nursery with his wife for ten years. It was full to capacity with a long waiting list. They wanted to expand to provide a dedicated baby unit. There was huge demand for under two years old places. The baby nursery would provide six new employment positions and allow prospective parents to return to work earlier. The nursery offered breakfast and after-school clubs which extended the drop-off periods and nursery sessions were staggered to avoid school times.

Councillor T Monument (Ward Representative) had been contacted by local objectors about the lack of adherence to the conditions of previous approvals and asked that the Council ensured that conditions were properly enforced this time. The on-road parking problems had only occurred since the nursery opened. He asked that delivery hours be restricted with a vehicle movement ban before 6.30am. The general feeling was that the nursery had outgrown its position and should move to a more suitable location.

Councillor Robinson was concerned about parking spaces being used by staff. Mr Watts advised that no spaces were dedicated for staff. Agreement was being sought from two local businesses to provide staff parking. The nursery was happy to support no parking on Boyd Avenue.

Members' views were split with some feeling that the nursery had outgrown its position and was causing parking problems and affecting amenity, whilst others felt that it was in a good location close to nearby schools and that parking issues could be address through other means such as yellow lines.

After discussion the vote was five in support of the recommendation and five against. The Chairman's casting vote was in favour of the recommendation as he did not feel

Action By

that the parking problems outweighed the need for the nursery.

Approved, as recommended.

- (e) Item 5: SWAFFHAM: 38 Mill Farm Nurseries: erection of detached dwelling and garage: Applicant: Mr & Mrs D Maclean: Reference: 3PL/2013/0684/F

This proposal was very similar to a previous application refused on grounds of the design and scale of the building being out of keeping with the area.

Mr Birtles (Objector) spoke on behalf of four near neighbours to the site. He noted that the Town Council and Ward Representative had also raised strong objections. The proposal was virtually identical to the previous plan and was still too large for the site. It appeared two-storey on an estate of 63 bungalows and the roof lights facing the street stuck out like a sore thumb.

Mr Blackmur (for applicant) noted that the immediate neighbours had no objection. The building was in keeping and appropriate and the velux windows were similar to others nearby.

Councillor Matthews (Ward Representative) reinforced her previous objection saying there had been extremely minimal changes and the garage still did not have a flat roof like all the others. Southlands estate was adjacent to Mill Farm and so there were 200 bungalows altogether. Only one had a roof light looking on to the road.

Councillor Bowes was disappointed that the application was back with such a small change, as she had expected a much bigger reduction.

Councillor North agreed and although she thought it was a nice design it was in the wrong place.

The recommendation was not supported.

Refused, on grounds of size and scale.

Notes to the Schedule

Item No	Speaker
1	Cllr Smith – Ward Representative Mr Davidson – for Applicant
3	Cllr Kiddle-Morris – Ward Representative Mr Richardson – Supporter Mr Colville - Applicant
4	Cllr Monument – Ward Representative

Action By

	Ms Packard Iveson – Objector Mr Grimble – Objector Mr Watts – Applicant Mr Burton - Agent
5	Cllr Matthews – Ward Representative Mr Birtles – Objector Mr Blackmur – for Applicant

Written Representations Taken into Account

Reference No	No of Representations
3PL/2013/0684/F	5
3PL/2013/0634/F	76
3PL/2013/0562/F	1
3PL/2013/0611/F	11
3PL/2013/0592/F	4

86/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

87/13 APPEAL DECISIONS (FOR INFORMATION)(AGENDA ITEM 11)

Noted.

88/13 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (FOR INFORMATION)(AGENDA ITEM 12)

Noted.

89/13 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 13)

RESOLVED that under Section 100(A) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraph 1 & 2 of Schedule 12A to the Act.

90/13 ENFORCEMENT UPDATE (AGENDA ITEM 14)

Chris Curtis, Enforcement Team Leader, advised Members that the Team had not changed in numbers. He had replaced the S106 Monitoring Officer as well as taking on the Team of Debbie Wragg and Sue Arnold. He was trying to make the team both more effective and more efficient and was currently reviewing how matters were dealt with.

Enforcement information would no longer appear on the public agenda as the work was carried out under various pieces of legislation and cases could end up in court. Publicising the details could compromise investigations. The team would be happy to answer Members' questions and if they wished those questions to be

Action By

answered at Committee he asked for advance notice to prepare the response.

The review process would lead to changes in the way the team operated aimed at an improved service and Members would be informed if formal enforcement action was to be taken.

Members discussed the possibility of being informed of matters within their Wards at an earlier stage. They were advised that due to the workload of over 150 cases per officer and the fact that a large proportion of complaints received required no action it would be impossible to update each Member individually.

The Principal Planning Officer advised that a new computer system was proposed which would provide Members with a lot more information automatically when it was in place.

Councillor Spencer asked for full contact details of the Enforcement Team to be circulated to Members.

The Enforcement Team Leader advised that regular updates were provided in the monthly newsletter produced by the team. He asked Members to contact him if they were not receiving it. He said that he could provide a list of all the information that the team were dealing with but his aim was for them to be out on site rather than in the office doing administration work.

Councillor Claussen reminded Members that the Capita contract was monitored by the Contract Monitoring Board. It was up to the Board to scrutinise the level of information that was being provided and if Members wanted a change they should contact the Board.

The Planning Manager was surprised that Members were asking for more information. They had never been provided with a list of every case as it would bombard them with trivia. Updates would continue to be provided on contentious cases.

The meeting closed at 12.35 pm

CHAIRMAN