

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 16 February 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 N.C. Wilkin (Vice-Chairman)
Mr R. Kemp	

Also Present

Mrs J. Ball (Ward Representative)	Mr J.P. Cowen (Ward Representative)
Mr S.G. Bambridge (Ward Representative)	Mr A.P. Joel (Ward Representative)

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Andrea Long	- Environmental Planning Manager
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

NOTE: Councillor E Gould left the meeting at 13.30pm and Mr N Wilkin assumed the Chair for Schedule Items 4 and 5 (Weeting) and 6 (Sparham) and Agenda Items 11, 12, 13 and 14.

20/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 26 January 2009 were agreed as a correct record and signed by the Chairman.

21/09 APOLOGIES (AGENDA ITEM 2)

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

22/09 DECLARATION OF INTEREST

Members and Officers were asked to declare any interest at the time the applications were discussed.

Councillor Bowes declared a personal interest in Agenda Item 8b (Brettenham) by virtue of her family having business connections with the tenant farmer of the site and in Schedule Items 4 and 5 (Weeting) as she served on two fundraising committees with the applicant.

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23/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman told Members that this was Andrea Long's last Development Control Committee before she left to join another Authority.

There were still places available for the Overview and Scrutiny training taking place on Monday 23 February 2009 at Thetford.

24/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

Consultation on the Core Strategy would end at 5pm. Representations would be assessed and those containing comment or content would be passed to the Inspector. The public examination would commence the first week of July 2009.

Consultation on the additional sites put forward under the Site Specifics element commenced today and would run until 31 March 2009. Only the additional sites were being looked at and not all parishes had an additional site.

Consultation on the Thetford Area Action Plan Preferred Options would commence on 23 February 2009.

25/09 THETFORD: FORMER SULTANS SITE, LONDON ROAD: ERECTION OF NON-FOOD RETAIL WAREHOUSE (A1) & EXTERNAL GARDEN CENTRE, ASSOCIATED ACCESS, SERVICING, CAR PARK, LANDSCAPING FOR LOCATION 3 PROPERTIES LTD AND SULTANS: REFERENCE: 3PL/2008/1497/F (AGENDA ITEM 8A)

This item had been on the agenda for the 5 January 2009 meeting but had been deferred before consideration to allow for negotiation on tree matters.

The application was for a retail unit for Wicks DIY. The site, which had been vacant for a number of years, was in a predominantly commercial area and had previously been occupied by a factory which had burnt down.

A new access was to be created in a gap in the trees along the site frontage. The position of this access had been amended to overcome objections, from the Council's Tree and Countryside Officer, to the removal of some of the contorted Scots Pine trees. These trees had since been covered by a TPO to safeguard their future. The amended position of the access meant that none of those trees would be lost and the Officer had withdrawn his objection.

The Highways Authority had agreed to this new access.

The building was of modern design incorporating a variety of materials including metal cladding and buff brickwork with full height glazing to the lobby entrance. It related well to the form and scale of other buildings in the area.

The proposal performed well against PPS6 tests for out of town proposals. These included:

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Need: Evidence was provided by the applicant and the Council's own Retail Study which had identified a shortfall of 5,900 square metres of retail floorspace. This proposal would provide less than half of that.

Sequential Test: There were no other sites available in the Town Centre. There was room on the Forest Retail Site (which was further out of town but already in existence) but this had a covenant to prevent further DIY stores.

Impact on Town Centre: As Wicks concentrated on building materials for which there was little provision already, there would be no negative impact.

In summary the proposal met all tests; retained important trees; would provide improvements to the pedestrian crossing point; would provide 10% on-site renewable energy and/or energy saving measures; would create up to 40 jobs; and the legal agreement would include financial contributions to bus stops and the travel plan. It was recommended for approval.

Mr Rainbird (Agent) and Mr Gibbons (Applicant) were present to answer questions.

A Member asked if the spaces allocated for cars with trailers could be moved for ease of access and this was agreed. It was also confirmed that there was provision for outside storage.

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

26/09 BRETtenham: HOME FARM, SHADWELL: CHANGE OF USE FROM AGRICULTURE FIELDS TO EQUINE USE INCORPORATING AN ALL WEATHER GALLOP AND TWO STABLES CONSISTING OF SIX BOXES EACH FOR MR PHILIP HODSON: REFERENCE: 3PL/2008/1419/F (AGENDA ITEM 8B)

Councillor Bowes declared a personal interest in this item.

This application had been deferred from the previous meeting to seek clarification of the use of the land within the gallops.

Members were shown a map and photographs of the site which was outside the proposed buffer zone for Stone Curlews and adjacent to a County Wildlife Site.

The application for two, all-weather gallops which could be linked to make one extended track for equine endurance training included two blocks of stables to be sited close to existing buildings to minimise their impact on the countryside. The stables and grazing would be used for isolation purposes.

The inner edge of the gallops would be fenced with post and rails and the outer edge with post and wire, leaving a wildlife habitat zone beyond.

It was confirmed that the area within the gallops would be used for grazing by the horses when they were on-site and by sheep when the horses were away.

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Two main issues to be considered were the impact on birds and the impact on the character of the countryside.

No objection had been received from the RSPB or Natural England and Officers considered that there would be a negligible effect on the character of the area. The application was recommended for approval.

Mr Poulter, representing Brettenham and Kilverstone Parish Council, said the application was contrary to Policy; would result in the loss of high grade agricultural land; and was not in the best interests of the local community.

Mr Wright, objector, had been the tenant farmer since 1970. He objected to the loss of agricultural land and the effect on bio-diversity. It was not necessary for such a large piece of land to be lost and most could still be used for agriculture. There were already isolation boxes on the farm and no more were needed and the proposal did nothing for local employment.

Mr Warth, Agent, mentioned that compensation would be payable to the tenant. He reiterated that the change of use would have no impact on Stone Curlews and would significantly increase employment and provide many benefits.

The views of the Ward Representative, Lady Fisher, were read out as she was unable to be in attendance. She objected to the minimisation and fragmentation of habitats and was concerned about the effect on employment. The proposal would compromise local food production; lead to building in the countryside; and be detrimental in terms of travel impact.

A local Member was concerned that no attempt had been made to mitigate the effects on the farmer. He also questioned the isolation blocks which were too close to existing buildings to fulfil that criteria. He said there were other available places more suitable for the purpose.

The Principal Planning Officer clarified that the Council's records showed the land as grade 3 and 4. Normally only grades 1 and 2 would be considered for protection.

On a vote, the recommendation of approval was not agreed, and Members discussed reasons to refuse the application. They were advised that it would be difficult to support a refusal on the grounds of the loss of agricultural land.

After general discussion of the issues it was **RESOLVED** by 8 votes to 5, to refuse the application on the following grounds:

- (1) the loss of agricultural land;
- (2) the effect of the stables on the landscape;
- (3) the general impact of the development on the countryside; and
- (4) the detrimental effect on local employment for a large part of the year.

Mr Duigan, Mr Kiddle-Morris, Mrs Spencer and Mr Wilkin asked to have their votes against the proposal recorded.

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27/09ASHILL: GOOSE GREEN: SEVEN RESIDENTIAL UNITS IN 3 BLOCKS WITH ASSOCIATED ACCESS AND CAR PARKING FOR PEDDARS WAY HOUSING ASSOCIATION: REFERENCE: 3PL/2008/1690/F (AGENDA ITEM 9)

This was the re-submission of an application previously refused by Committee in October 2008, because of the proposed removal of a protected tree. Since that time the Preservation Order had been revoked and the tree removed.

The application was unchanged and proposed seven affordable houses on a site within the Settlement Boundary, in a courtyard style development. The site was to the rear of, and accessed between, existing dwellings. Only bathroom windows would overlook and these would have obscure glazing. A condition would restrict any additional windows.

A legal agreement would secure two affordable units in perpetuity. Six parking spaces would also be provided off-site, on the edge of the Green, to regularise illegal parking which currently took place.

Mr Mace, objector, lived at No 5, adjacent the access. He was concerned that this was too narrow and would be difficult for emergency vehicles to use. He was worried about danger to children from the additional traffic created; the lack of pavements; insufficient parking provision; and the fact that arsenic had been found on the site.

The Principal Planning Officer clarified that there would be 17 parking spaces provided within the site and six on the Green, which was ample provision. The Contaminated Land Officer had no objection to the proposal, but a full site study would be conditioned.

Miss Handford, applicant, said that a funding allocation was available and they were ready to issue tender documents to five local contractors. Any contract would require consideration for existing residents. As well as providing parking spaces on the Green wooden bollards would be positioned to stop illegal parking.

Mr Wells, Agent, said that engineers had carried out site surveys and confirmed that on-site drainage could be accommodated. Foul water drainage would go to Anglian Water.

Mrs Ball, Ward Representative, did not think that the parking spaces on the Green were shown as agreed. She also said there was an awful problem with foul water in Ashill. She asked if it could be specified in the legal agreement that the properties would be for people with connections to Ashill.

The Development Services Manager said that the parking on the Green was an offer by the applicants to resolve a parking problem. He suggested that the application be determined as presented and that any disagreement about the parking arrangements could be resolved separately.

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

28/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 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

The site of this application for the demolition of a clay-lump barn and the erection of a terrace of four cottages fell outside the Conservation Area and within the Settlement Boundary.

The existing barn was in fairly good condition. English Heritage had looked at it twice, but decided it was not of listable quality. As the barn was not listed and was not in the Conservation Area, it could be demolished without permission.

The proposal included provision of a bat loft in one of the garages; a new footpath along the site frontage to link with existing; and a grey-water system with storage tanks. The design of the cottages was nicely detailed and consistent with the character of the area.

Mr Thomas, Parish Council, said the barn was over 200 years old and of great local interest. It was a shuttered earth construction, not clay lump, and as such was extremely rare. There were colonies of bats in the barn and barn owls used it. He asked that an owl loft be provided on the new development. He was also concerned about road safety, due to the narrow width of the road, insufficient parking provision and the speed of passing traffic.

Mr Neal, objector, confirmed that the barn was not clay lump and stressed the difference, saying that shuttered earth construction was of special interest and more time was needed to investigate this unique building. He was also concerned about road safety, due to the number of HGVs using the road and speed.

Mr Salisbury, representing the CPRE and the Breckland Society also wanted to retain the barn and said it could be converted to a dwelling. Its loss was against the wishes of local residents and the Parish Council.

The Council's Historic Buildings Officer objected to the proposal and was pressing English Heritage for a response, but did not think the barn was of listable quality.

Mr Scarlett (Agent) said the terrace of four, three bedroom properties was aimed at young families and designed to look like a row of agricultural workers' dwellings. The barn was only of modest quality and there were several others like it in the village. The footpath would be a major contribution to safety.

Mr Cowen, Ward Representative, said the Council had a duty of care to the environment and he did not want to see the barn lost forever. It was of significant age and retained its integrity. The sharing of the access by five properties would cause problems in an area used by large farm vehicles. Bats and owls should be

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encouraged and he urged the Committee to think carefully as custodians of the environment.

Members were concerned about the contradictory information on the age and construction of the barn and felt more clarity was needed.

Deferred, contrary to the recommendation, for more information on the construction of the barn and protected species using the barn.

- (b) Item 2: 3PL/2008/1427/F: Old Buckenham: Land adjacent St Andrews Close: Erection of 3 No single storey and 11 No two storey dwellings for Cotman Housing Association

This was an application for 14 affordable houses on an exception site, immediately adjacent, but outside the Settlement Boundary. It would form phase two of an existing development of two storey and single storey dwellings. The proposed turning head gave provision for access to a potential future phase three.

The proposal was supported by the Council's Housing Enabling Officer who had confirmed a significant need for affordable housing in the village. It would be built to Code Level 3 and incorporated visitor parking and footway links.

Mr Tatlow, applicant, had worked closely with the Parish Council, Ward Representative and Officers to develop the scheme. There were 244 people on the housing register expressing an interest in living in the village. Phase one had been built 16 years ago and had many long-term residents.

Mr Joel, Ward Representative, supported the application and said it fitted the Council's policy to provide social housing in villages. The scheme would enable families to stay in the village and provide accommodation for both young and old.

Some Members were disappointed with the design of the properties and the lack of detailing, but supported the provision of affordable housing.

Deferred and the officers authorised to grant approval, subject to conditions including the removal of PD rights on certain elevations, on completion of the section 106 agreement.

- (c) Item 3: 3PL/2008/1471/F: Carbrooke: Mill Lane / Muriel Lane: Proposed development of two affordable dwellings for Flagship Housing Group Ltd

This application was for two affordable houses on an exception site immediately adjacent the Settlement Boundary which was currently accessed off Mill Lane. A new access off Muriel Way was proposed.

There was an identified need for affordable housing in the village and the two units would be subject to a legal agreement retaining

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them as such in perpetuity.

Mr Muller, objector, lived in a nearby property. A dozen other houses had already been built near his home and he had problems with flooding following heavy rain. He was concerned about the intention to fill in a ditch and remove trees which would add to this problem. He also said that the houses would straddle an existing sewer.

Miss Handford, Applicant, was aware of existing services on the site which would be maintained and diverted. The build would be to Code Level 3 and permeable paving would be used to minimise surface water run-off. The homes would be restricted to local people and funding and resources were available to deliver at the current time.

In response to a question the Council's Housing Enabling Officer confirmed that there was still a need for affordable housing, especially for local people.

Some discussion followed concerning the on-site sewer and it was acknowledged that this could not be built over and would be diverted.

Deferred and the officers authorised to grant approval, subject to conditions including a requirement to use clay pantiles, on completion of the section 106 agreement.

- (d) Item 4: 3PL/2008/1591/F: Weeting: Lynn Lodge, Lynn Road: Demolition of bathroom and garage, alterations, new two storey extension to dwelling and new garage/stable block for Mr R Childerhouse

Councillor Bowes declared a personal interest in this item.

Items 4 and 5 were discussed at the same time. They appeared on the agenda without recommendation, but following receipt of further information, they were recommended for approval.

These were the re-submission of previously approved applications which had expired in December 2008. Since the previous permissions had been granted the buffer zone for the Stone Curlew had been identified and the application site fell within this area. This was the only change - the application was otherwise the same.

Any development within the zone could have an effect on Stone Curlews and the policies and regulations were explained to Members.

An Appropriate Assessment had been undertaken and Natural England had been consulted. There was a significant road adjacent the site and also screening to the edge of the site, therefore development was unlikely to have a detrimental impact on the Stone Curlews. Mitigating conditions restricting external lighting and the felling of trees were also proposed. The applications were therefore recommended for approval.

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Members discussed the size of the stable block and the materials to be used for the extension, which provided a clear differential between the old and new. There was concern that the actual construction phase could affect Stone Curlews and this was acknowledged.

Approved, as recommended, with an additional condition that no construction work take place during the Stone Curlew nesting season.

- (e) Item 5: 3PL/2008/1592/LB: Weeting: Lynn Lodge, Lynn Road: Demolition of bathroom and garage, alterations, new two storey extension to dwelling and new garage/stable block for Mr R Childerhouse

Councillor Bowes declared a personal interest in this item.

Approved as recommended. See (d) above.

- (f) Item 6: 3PL/2008/1673/F: Sparham: Manor Farm: Erection of general purpose building for Mr Richard Proctor Smith

This major application was for a grain store with a small plant room to provide the energy for drying. The existing grain store on site was no longer fit for purpose. The building would be clad in green sheeting and sited close to existing agricultural buildings and as such would have little impact on the surrounding countryside. A noise limitation condition would be included.

Approved, as recommended.

- (g) Item 7: 3PL/2008/1690/F: Ashill: The Green: 7 residential units in 3 blocks with associated access and car parking for Mrs Laura Handford

Approved, as recommended. See Minute No 27/09.

- (h) Item 8: 3PL/2008/1693/F: Watton and Carbrooke: Highfield House, Watton Green: Erection of detached house following demolition of HGV shed for Mrs Liz Glenn

This application, for a dwelling to replace an existing HGV shed, was on a well-screened site outside the Settlement Boundary. The existing access would be shared by the new dwelling and an existing dwelling on the site, currently occupied by the applicant.

The site had an operator's licence for three HGVs and the applicant felt that the change would provide a planning gain in terms of highway safety and visually, by removing an unattractive building.

A previous application for two dwellings on the site had been refused and recently dismissed on appeal. The Inspector had said that a dwelling would have more visual impact than the shed and would have an urbanising effect on the rural character of the area. He had no concerns about continued HGV use on highway safety.

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The Ward Representative had written in support of the application and considered that the removal of the shed would be a planning gain by removing an 'eye-sore' and avoiding potential highway danger by changing the use of the site.

Mrs Glenn, applicant, explained that since her husband's death she had not been able to carry on the business and wanted to make a new start. She had had problems with vandalism on the site since the business use ceased.

A Member felt that if the business had still been in operation the proposal would have been considered a planning gain. Other Members were also minded to support the application: the proposal was an acceptable use of this brownfield site and the removal of the possible commercial use would be beneficial.

Deferred, contrary to recommendation, and the officers authorised to grant approval, subject to conditions, on completion of a legal agreement ensuring the cessation of the commercial use of the site.

- (i) Item 9: 3PL/2008/1704/F: Bylaugh: The Office, Little Lodges Lane: Managers accommodation plus office/reception/internet room for Mr Kevin Peters

This application was for a manager's dwelling to allow on-site management, security and maintenance of three holiday units and to provide an office/internet room.

Previously the manager had occupied Swanton Lodge, which had been sold. Currently the manager was occupying one of the holiday lets, contrary to a condition of the permission.

Permission existed for four holiday units. Only three had been built. In the meantime permission had been granted for a single garage, on part of the site of the approved fourth holiday let.

The proposed manager's accommodation would be sited partially on the plot of the fourth holiday let and extend beyond, requiring the removal of a tree, to which the Tree and Countryside Officer objected.

There was a policy objection on grounds of the un-sustainable location and insufficient need for an on-site dwelling to support the business. A permanent residential dwelling on the site was likely to lead to pressure to remove more trees therefore refusal was recommended and authority for enforcement action requested.

Mrs Peters, applicant, said the dwelling was essential to ensure the future viability of the business and the internet room would be used to encourage electronic bookings. She had the support of local businesses and neighbours and the Tourism Best Practice Guide said that Planning Authorities should adopt a positive approach towards essential need occupation to support tourism.

Mr Bambridge, Ward Representative, said that as the site already

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had permission for four holiday units this proposal did not represent any additional building. The business did generate enough income to support a manager and the applicant would accept a legal agreement to limit occupation. A tree survey had been done and re-planting would take place.

Refused, as recommended, and enforcement action authorised.

Notes to the Schedule

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

<u>Item No</u>	<u>Speaker</u>
1	Mr Cowen – Ward Representative Mr Thomas – Parish Council Mr Salisbury – (CPRE) Objector Mr Neal – Objector Mr Scarlett - Agent
2	Mr Joel – Ward Representative Mr W Tatlow - Applicant
3	Mr Muller – Objector Ms L Handford - Applicant
7 Agenda Item 9	Mrs Ball – Ward Representative Mr Mace – Objector Mr P Wells – Agent Ms L Handford - Applicant
8	Mrs Glenn – Applicant
9	Mr Bambridge – Ward Representative Mrs Peters - Applicant
Agenda Item 8a	Mr T Rainbird – Agent Mr A Gibbons - Applicant
Agenda Item 8b	Mr Wright – (Tenant Farmer) Objector Mr Warth – Agent Mr Poulter – Parish Council

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/0526/F	10
3PL/2008/1497/F	1
3PL/2008/1690/F	1
3PL/2008/1704/F	3

**29/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 11)**

This item was noted.

30/09 ENFORCEMENT ITEMS (AGENDA ITEM 12)

This item was noted.

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**31/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 13)**

This item was noted.

32/09 APPEAL DECISIONS (AGENDA ITEM 14)

This item was noted.

The meeting closed at 2.17 pm

CHAIRMAN