

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Dereham Town Council	DEREHAM	3PL/2008/1685/O
2	Flagship Housing Group	THETFORD	3PL/2009/0067/F
3	Taylor Wimpey	CARBROOKE	3PL/2009/0118/D
4	Mr Mohammed Ali	DEREHAM	3PL/2009/0139/F
5	Paul Rackham Ltd	ICKBURGH	3PL/2009/0160/CU
6	Mr B Titchiner	LYNG	3PL/2009/0209/F
7	Mr S Cushion-Swales	ELSING	3PL/2009/0213/F
8	Enertrag UK Ltd	WEETING	3PL/2009/0225/F
9	Mr J Chapman	ROUDHAM/LARLING	3PL/2009/0258/F
10	Mr B Meen	DEREHAM	3PL/2009/0278/F

**BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>1</b>	<b>REPORT TO COMMITTEE</b>
<b>REF NO:</b>	3PL/2008/1685/O	
<b>LOCATION:</b>	DEREHAM Land at Fleece Meadow off Norwich Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> Y <b>TPO:</b> Y <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Dereham Town Council c/o agent	
<b>AGENT:</b>	Pelorus Planning & Property Lt 1 Collins Way Rash's Green	
<b>PROPOSAL:</b>	Erection of block of residential apartments inc. means of access & parking area	

**CONSULTATIONS**

**RECOMMENDATION** No recommendation made

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2009/0067/F	
<b>LOCATION:</b>	THETFORD Garage Court at the end of Ash Close	<b>APPN TYPE:</b> Full <b>POLICY:</b> In Settlement Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> Y <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Flagship Housing Group 1st floor, The Chapel Keswick Hall	
<b>AGENT:</b>	Ingleton Wood LLP 43 All Saints Green Norwich	
<b>PROPOSAL:</b>	Demolition of existing garages for erection of 3 houses, with 6 replacement garages & access to parking space	

### **KEY ISSUES**

1. Provision of affordable housing
2. Residential amenity
3. Design
4. Tree Preservation Orders (TPO's)
5. Noise from adjacent industrial buildings
6. Parking / highway safety

### **DESCRIPTION OF DEVELOPMENT**

The proposal seeks full planning permission for the erection of 3 affordable dwellings, following the demolition of existing garages. The proposal also includes associated parking for the proposed dwellings and parking to replace some of the garages that will be lost.

### **SITE AND LOCATION**

28 garages currently exist on the site but only 4 are rented out. The site lies in an area characterised by rows of terraced residential housing and is located within the Settlement Boundary of Thetford. Immediately to the north of the site is an existing industrial estate. There are numerous TPO's on the site.

### **RELEVANT SITE HISTORY**

3PL/2008/1196 - Demolish garages & erect 3 houses, 6 replacement garages & access to parking space in curtilage for 44 Ash Close - Withdrawn

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable development

PPS3: Housing

PPG16: Archaeology

PPG24: Noise

HOU.2: Development within the Settlement Boundaries of the five towns.

TRA.5: Highway safety

### **CONSULTATIONS**

THETFORD T C

Whilst having no objection in principle to the alternative use to be made of this site, the Committee was disappointed by the bland, featureless design of the proposed dwellings. Yes, these were 'in keeping' with existing, adjacent buildings, but should new developments of this type not be exercises in raising standards rather than resorts to dull conformity? 19/02/2009

Thank you for the amended drawing, received today. It will not have any material effect on the views sent through to you yesterday, so please do not expect any further comment. 20/02/2009

At its meeting on 18th March 2009, our Planning Committee noted the minor amendments sent to us under your covering letter of 18th February 2009. As intimated to you informally a while ago as likely to happen, our view on the original application was not modified.

What is clear, though, is that at least one resident of Ash Close is by no means satisfied with the thoroughness (or, in his view, lack of) of the consultation process. He is taking advice regarding how best to have his view put forward at your Development Control Committee in due course.

23/03/2009

COUNCIL'S TREE AND COUNTRYSIDE OFFICER: No objection subject to conditions

HIGHWAY AUTHORITY: No objection subject to conditions

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER: No objection subject to conditions

HEALTH AND SAFETY EXECUTIVE: Objection based on incorrect findings of the asbestos report

COUNCIL'S CONTAMINATED LAND OFFICER: No objection subject to conditions

NORFOLK LANDSCAPE ARCHAEOLOGY: No objection subject to condition

COUNCIL'S ENVIRONMENTAL PLANNING OFFICER: No objection. Comments relating to layout and design issues

**REPRESENTATIONS**

Objections have been received from residents, including a petition, regarding the following issues:-

- there has been a lack of consultation
- overlooking of property / loss of privacy
- loss of sunlight
- cutting down and damage to trees which have a preservation order on them
- loss of front view
- disposal of hazardous waste (roof of garages etc)
- noise pollution on top of what is received from factories
- traffic / parking issues
- lack of pressure for water - could affect emergency services
- misuse of public funds
- chaos caused by the whole project

**ASSESSMENT NOTES**

- \* The proposal is referred to Development Control Committee because it is locally sensitive.
- \* The proposal, which is for the erection of 3 affordable houses and associated parking, following the demolition of existing garages, has been amended to address the concerns of the Council's Tree and Countryside Officer and Norfolk County Council's Highways Officer.
- \* The area is characterised by rows of two-storey, gable-ended, terraced housing. A mixture of building materials are evident in the surrounding area, including buff brick and red brick. The proposed dwellings, which would also be two-storey and gable-ended, would be of a scale and design that would not be out of keeping with the surrounding area. A planning condition will ensure that the materials to be used for the construction of the dwellings are sympathetic to the surrounding area.
- \* Concerns have been expressed with regard to the impact of the proposal on the surrounding area. The proposed dwellings are considered to be located at a satisfactory distance from neighbouring dwellings to avoid any overshadowing and overdominance. It should also be noted that the only first floor windows overlooking neighbouring properties would be obscurely glazed because they serve bathrooms. Additionally, a planning condition would ensure that no first floor windows could be installed without planning permission.
- \* The proposal would not impact on any of the protected trees following the re-organisation of parking on the site. The NCC highways officer has no objection to the scheme following amendments to the layout of the access. Additionally, it should be noted that whilst 28 garages exist on site, only 4 are used whilst the proposal incorporates the erection of 5 replacement garages.
- \* Concerns have also been expressed with regard to noise from a nearby factory. The proposed dwellings would be constructed within the buffer zone between the factory and existing dwellings. However, the Council's Environmental Health team have reviewed the technical report relating to noise and feel that there is sufficient information to expect that the houses can be constructed so that the interior noise levels would achieve those recommended by available guidance (including the World Health Organisations - Target Noise Values for Residential Receptors). The Council's Environmental Health Officer raises no objection provided the dwellings are constructed and maintained to the standard recommended in the noise assessment. A planning condition will ensure that this is achieved.
- \* Concerns have been expressed by residents and by the Health and Safety Executive (HSE) with regard to the removal of garages on site because of the presence of asbestos. A planning condition will ensure that a satisfactory scheme for the removal of asbestos on site will have to be agreed in writing with the Local Planning Authority (in consultation with the HSE) before the commencement of works.
- \* The application is recommended for planning permission subject to conditions.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted AMENDMENTS
- 3106** External materials and samples to be approved
- 3212** No additional windows at first floor
- 3214** Obscure glass
- 3380** Archaeological work to be agreed
- 3300** No P.D. for fences, walls etc
- 3302** No P.D. for extensions, roof alterations, porches
- 3304** No P.D. rights for extensions, sheds, etc
- 3306** No P.D. rights for garages
- 3402** Boundary screening to be agreed
- 3740** Vehicular access to be constructed
- 3740** Access/parking/turning laid out
- 3414** Fencing protection for existing trees
- 3415** Trees and hedges
- 3920** No Dig condition
- 3944** Contaminated Land - Desk Study/Site Investigation
- 3946** Contaminated Land - Unexpected Contamination
- 3920** Acoustic glazing
- 3920** Proper disposal of materials
- 3920** Hours of work/deliveries
- 3920** Scheme for removal of asbestos
- 3739** Highway NOTE Inf 1
- 3923** Contaminated Land - Informative (Extensions)
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

**BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>3</b>	<b>REPORT TO COMMITTEE</b>
<b>REF NO:</b>	3PL/2009/0118/D	
<b>LOCATION:</b>	CARBROOKE AND GRISTON Norwich Road	<b>APPN TYPE:</b> Reserved Matters <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> Redevelop. Opport <b>CONS AREA:</b> N <b>TPO:</b> Y <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Taylor Wimpey Tartan House Etna Road	
<b>AGENT:</b>	Taylor Wimpey Tartan House Etna Road	
<b>PROPOSAL:</b>	Residential development with associated access, car parking & open space	

**CONSULTATIONS**

**RECOMMENDATION**

No recommendation made

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2009/0139/F	
<b>LOCATION:</b>	DEREHAM 2 London Road	<b>APPN TYPE:</b> Full
<b>APPLICANT:</b>	Mr Mohammed Ali 58 Bunyam Close Norwich	<b>POLICY:</b> In Settlemnt Bndry
<b>AGENT:</b>	Mr David Hanton Line One 153 Magdalen Street	<b>ALLOCATION:</b> No Allocation
<b>PROPOSAL:</b>	Change of use from showroom to an Indian restaurant and takeaway	<b>CONS AREA:</b> Y
		<b>TPO:</b> N
		<b>LB GRADE:</b> Adjacent Grade 2

### **KEY ISSUES**

1. Impact upon residential amenity
2. Impact upon highway safety
3. Impact upon the town centre

### **DESCRIPTION OF DEVELOPMENT**

The application seeks planning permission for the change of use of a vacant A1 Retail unit into a restaurant with take-away element. The first floor will provide residential accommodation.

### **SITE AND LOCATION**

The site is roughly rectangular in shape and contains a large two storey building which is at present vacant, its previous use was as an A1 retail premises. The remainder of the site provides off-road parking which is accessed via the London Road carriageway which lies to the north-east. To the south of the site is the Dereham Scout Hall and a neighbouring residential property. To the west is the Southend carriageway beyond which are residential dwellings and to the north is a roundabout beyond which is the library and residential properties.

### **RELEVANT SITE HISTORY**

3PL/1984/1553/F - Change of use to retail (sale of glass includes cutting) DIY goods etc. Approved.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable development

PPS6: Town Centres

PPS23: Planning & Pollution Control

TRA5: Highway safety

### **CONSULTATIONS**

DEREHAM T C

No objection.

HIGHWAY AUTHORITY - No objections subject to minor revisions and conditions.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No objection if built to plans.

### **REPRESENTATIONS**

A number of objections including a petition have been received, a summary of which are as follows:

Smells from premises are unneighbourly; unacceptable levels of noise and disturbance including unsociable hours; litter; there are already too many food outlets in Dereham; attract vermin; highway safety concerns.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee as it is locally sensitive.
- \* PPS6 requires an assessment of need when a site is located outside of the defined town centre when a main town centre use such as a restaurant is proposed. It is evident that the site in question is located adjacent to the defined town centre and it also benefits from being an A1 (retail) unit and, as such, these factors, coupled with the applicant's supporting statement, suggest that the proposed restaurant will not compromise the vitality and viability of the town centre.
- \* Significant objection has been received in relation to the potential disturbance to local residents as a result of this proposal in terms of noise, smell, litter etc. It is considered that the current planning use for the site is commercial and located within an area with a mix of uses (residential, retail, library) and, as such, the introduction of a food establishment is not an isolated exception to residential development. Furthermore, the Council's Environmental Health Department has confirmed that they have no objection in terms of nuisance. It is acknowledged that conditions are required to ensure that the premises operate in an acceptable manner ie suitable extraction systems are used, opening hours are controlled and the take-away element remains ancillary to the restaurant use and these would all be attached to any subsequent consent.
- \* In terms of highway safety, concerns have been raised in terms of parking and vehicle movements. The Highway Authority has confirmed that they have no objections subject to a number of minor revisions and the imposition of conditions. The applicant is in the process of preparing the necessary amended plan for consideration.
- \* In visual terms, the building is not to be significantly altered visually in the context of the streetscene and, as such, will not compromise the existing character and appearance of this part of Dereham.
- \* In conclusion, it is considered that the proposal complies with the relevant policy requirements and is recommended for approval.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted AMENDMENTS
- 3740** Any highway conditions
- 3516** Prov. of fume extraction & filtration system&duct
- 3532** Late night opening hours
- 3920** Takeaway ancillary to restaurant
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2009/0160/CU	
<b>LOCATION:</b>	ICKBURGH Manor Farm Swaffham Road	<b>APPN TYPE:</b> Change of Use <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Paul Rackham Ltd Manor Farm Bridgham	
<b>AGENT:</b>	Tony Hayden & Associates 20 Castle Meadow Norwich	
<b>PROPOSAL:</b>	Change of use to inc. use Class B8 warehousing & storage	

### **KEY ISSUES**

1. Acceptability of proposed use
2. Impact on highway safety
3. Impact on neighbouring amenity.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks change of use planning permission to permit a B8 (storage or distribution) use in addition to the current B2 (general industry) use.

### **SITE AND LOCATION**

The site is located on the east side of the A1065 Swaffham Road, north of Ashburton Road. The site comprises an existing industrial building last used as a commercial operation to process ducklings

### **RELEVANT SITE HISTORY**

- 3PL/1999/0012/F - Mono pitch building for fork lift storage - Approved  
3PL/1996/0032/F - Erection of duck processing plant including two storey offices - Approved  
3PL/1993/1233/F - Relocation of duck processing factory - Approved

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable Development

PPG4: Industrial/Commercial

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

TRA.5: Highway safety

### **CONSULTATIONS**

ICKBURGH P C

NO REPLY AS AT 21ST APRIL 2009.

HIGHWAY AUTHORITY - No objection subject to condition

COUNCIL'S CONTAMINATED LAND OFFICER - No objection

COUNCIL'S ENVIRONMENTAL PLANNING OFFICER - No objections subject to conditions

NORFOLK WILDLIFE TRUST - No comment received to date

NATURAL ENGLAND - No objection

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - No comment received to date.

### **REPRESENTATIONS**

None

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee as it is a major application.
- \* The application seeks change of use planning permission to include Class B8 (storage or distribution) with respect to an existing site and buildings and is accompanied by a statement in support.
- \* The site is located outside the Settlement Boundary of the village of Ickburgh.
- \* The applicant states that the site and buildings have been mainly unoccupied for a number of years with the redundant duckling processing plant remaining in place.
- \* It is intended to remove the plant and associated partition walls so that the main floor space can be used for warehousing and storage purposes. Owing to existing floor levels, it is likely that the main building will be divided into two units
- \* The floor area of the main building is 4,150 square metres comprising of Unit one (2295 sq m), Unit two (1885 sq m), ground floor office accommodation including toilets etc (724 sq m) and first floor office accommodation (339 sq m)
- \* The site has parking provision for eighty cars and hardstanding parking for larger commercial vehicles
- \* There is established and mature existing landscaping which screens the development from existing neighbouring development to the south
- \* No external alterations are proposed which would affect the external appearance of the building
- \* The applicant states that storage outside the building is not intended and there will be no increase in the level of external lighting of the building or site
- \* The Council's Environmental Health Officer recommends conditions restricting operating hours, no loading during unsocial hours and that no generators/air handling plant are installed without the prior approval of the local planning authority
- \* The application is considered acceptable in planning policy terms and approval is, therefore, recommended subject to conditions.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3534** Hours restriction and no Sunday working
- 3520** No loading during unsocial hours
- 3519** No loudspeaker etc outside the buildings
- 3522** No generators/air handling plant without consent
- 3920** Full details of external lighting
- 3508** No external storage
- 3750** Parking/turning etc. laid out
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>6</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2009/0209/F	
<b>LOCATION:</b>	LYNG Swan Pens Elsing Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr B Titchiner Swan Pens Elsing Road	
<b>AGENT:</b>	Roy Payne Chartered Architect Russell House Litcham	
<b>PROPOSAL:</b>	Erection of single storey dwelling & cartshed	

### **KEY ISSUES**

1. Form and character of locality
2. Impact on residential amenity
3. Highway safety

### **DESCRIPTION OF DEVELOPMENT**

The proposal seeks full planning permission for the erection of a detached single-storey dwelling with a detached double cart shed on land to the rear of the applicant's property known as Swan Pens. Access would be provided via a shared access off Elsing Road.

### **SITE AND LOCATION**

The site lies in the Settlement Boundary for Lyng. The site comprises of garden land which currently serves the applicant's property.

### **RELEVANT SITE HISTORY**

A planning application for a house and garage to be constructed on the site was submitted to the Council (Ref 3PL/2008/1358/F) but was withdrawn in January 2009 prior to determination.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable Development

PPS3: Housing

HOU4: Development in villages

TRA5: Highway safety

### **CONSULTATIONS**

LYNG P C

Lyng Parish Council has considered the above proposal and has objections to the scheme as submitted.

1. Historically, Elsing Road has a number of substantial dwellings standing in the grounds of large individual plots. Infill and sub-division of those plots has always been strongly contested by Lyng Parish Council and it is only in recent years that the largest plot, Shrublands, has received support for the erection of two adjacent dwellings to replace the original single dwelling. That support was given solely to supercede the extant permission for 4 dwellings. As far as Lyng village as a whole is concerned, Breckland Council's Planning Department has shown a wholly inconsistent approach to backland development over the years despite its policy to prevent it.
2. To protect the identity, character and form of the village, Lyng Parish Council has requested re-definition of the development boundary to protect against further infill and sub-division of plots. Swan Pens is one of the properties which fall outside that proposed development boundary.
3. The existing dwelling is a substantial 3 storey detached family home and is entirely commensurate with the size of plot upon which it stands. The addition of a second dwelling is in the opinion of Lyng Parish Council, overdevelopment of the site and will create an equally unacceptable precedent for further unwanted development in this area.
4. Were any new development permitted on this site it would have significant impact upon the amenity and privacy of the neighbouring properties and destroy the very purpose for residing in a location which affords such spacious secluded surroundings.

Lyng Parish Council contends that the above proposal is contrary to Policy HOU4 of Breckland Council's Local Plan (adopted September 1999) in that continued backland development does not enhance the form and character of the village or its setting.

HIGHWAY AUTHORITY - No objection subject to provision of bin store and conditions

COUNCIL'S CONTAMINATED LAND OFFICER - No objection subject to conditions

**REPRESENTATIONS**

Letters of objection have been received from neighbouring residents on the grounds that the scheme would set an undesirable precedent for other back garden developments, would impact on the character of the area and on the amenities of the neighbouring properties, and would constitute the overdevelopment of the plot.

**ASSESSMENT NOTES**

\* The application is referred to the Development Control Committee at the request of the Ward Representative.

\* This application seeks full planning permission for the erection of a detached bungalow and garage on garden land to the rear of a property known as Swan Pens. The dwelling would comprise of three bedrooms, associated living accommodation and a detached two bay cartshed style garage.

\* The site lies within the Lyng Settlement Boundary where the principle of a new dwelling is considered acceptable in terms of Policies PPS3 and HOU4.

\* Whilst the scheme constitutes backland development, it is not considered that a dwelling in this location would be detrimental to the character of the area. In addition, given that the dwelling would be single-storey and reduced in scale from the previously withdrawn scheme, it is not considered that the scheme would constitute overdevelopment of the site.

\* Furthermore, whilst concern has been raised that the scheme would set a harmful precedent, there are already a number of backland developments within the immediate locality, with this part of Elsing Road being predominantly residential in character.

\* Concern has also been expressed from neighbouring residents that the scheme would be detrimental to the residential amenities of the adjacent dwellings, particularly in terms of loss of privacy, outlook and noise disturbance. However, given the orientation of the dwelling, combined with the fact that it would be single-storey only, it is not considered that the scheme would result in a significant loss of privacy to the existing dwellings. Furthermore, whilst the scheme would result in an additional level of noise generated by vehicles accessing the dwelling, it is not considered that this would result in a significant level of noise disturbance to justify the refusal of the scheme on these grounds.

\* Therefore, the scheme is recommended for approval.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3104** External materials to be approved
- 3116** Roof of clay pantiles
- 3944** Contaminated Land - Desk Study/Site Investigation
- 3946** Contaminated Land - Unexpected Contamination
- 3740** Highway condition - Vehicular access
- 3740** Highway condition - On-site parking/turning/communal bin
- 3750** Highway condition - Communal bin collection
- 3300** No P.D. for fences, walls etc
- 3302** No P.D. for extensions, roof alterations, porches
- 3304** No P.D. rights for extensions, sheds, etc
- 3739** Highway NOTE Inf 1
- 3923** Contaminated Land - Informative (Extensions)
- 3994** NOTE:Contaminated Land
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>7</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2009/0213/F	
<b>LOCATION:</b>	ELSING Elesa Heath Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr S Cushion-Swales Elesa Heath Road	
<b>AGENT:</b>	Mr S Cushion-Swales Elesa Heath Road	
<b>PROPOSAL:</b>	Construction of dwelling	

### **KEY ISSUES**

1. Outside Settlement Boundary
2. Extent to which proposal accords with national and local plan policies
3. Design, appearance, scale and siting
4. Impact on neighbour amenity.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to construct a new dwelling outside the Settlement Boundary of the village of Eelsing. The site currently forms part of the rear garden of an existing dwelling. There is an existing shed which would be demolished to facilitate the new build.

### **SITE AND LOCATION**

The application site forms part of the existing rear garden of a two storey dwelling known as Elesa. To the east is a dwelling known as The Cottage. There is a dwelling attached to the rear of Elesa which is accessed via a separate access to the west.

### **RELEVANT SITE HISTORY**

3PL/2008/1531/F - Construction of dwelling - Withdrawn  
3PL/2006/1654/F - Study extension - Approved  
3PL/1996/1193/F - Sunroom and garage - Approved  
3PL/1990/0250/F - Domestic extension and garage - Approved.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

National

PPS1: Sustainable Development

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

PPS22: Renewable energy

PPS23: Planning and Pollution Control

HOU.6: Housing outside settlement boundaries

TRA.5: Highway safety

### **CONSULTATIONS**

ELSING P C

NO REPLY AS AT 21ST APRIL 2009.

NORFOLK CONSTABULARY - No objection

HIGHWAY AUTHORITY - No objection subject to conditions

COUNCIL'S CONTAMINATED LAND OFFICER - No objection

COUNCIL'S ENVIRONMENTAL PLANNING OFFICER - Object on the grounds that the proposal is contrary to Policy HOU.6 of the Breckland Local Plan and is not truly exceptional in terms of paragraph 11 of PPS7.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No objections

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - No comments

**REPRESENTATIONS**

One letter of support has been received from a nearby neighbour commenting as follows:  
Consider it a very exciting and forward thinking proposal which Breckland Council should be happy to support and be involved in. Would be "feather in cap" to be seen to allow such development in rural areas which incorporate sustainable and ecological ideals

Two letters of objection have been received raising the following issues:

- The proposed dwelling would not be 'between two properties' but to the rear of Elesa Cottage between two gardens
- The houses on Heath Road were built on parcels of land allotted under the 1849 Elsing Enclosure Act and are characterised by traditional long gardens by which the occupiers could partly support themselves by growing vegetables, keeping chickens and perhaps a pig or two
- If permission granted a precedent would be set for similar development with respect to neighbouring dwellings which would be detrimental to the character of the area
- Impact on adjacent trees
- Environmental sustainability credentials may be pretext upon which to gain permission to overdevelop a site which in normal circumstances would not be entertained.
- Impact on quiet enjoyment of rear gardens.
- Diversity of wildlife in area could be adversely affected by over development of the area.

**ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee at the request of the Ward Representative.
- \* The application seeks full planning permission to construct a dwelling to the rear of Elesa Cottage.
- \* The site is located outside the Settlement Boundary of the village of Elsing where national and local plan policies place strict restraint on any new development except in exceptional circumstances
- \* The application falls principally to be considered against Planning Policy Statement 7: Sustainable Development in Rural Areas and Saved Policy HOU.6 of the Breckland Local Plan 1999. Paragraph 10 of PPS7 states that "new homes in the countryside should be strictly controlled". Paragraph 11 of PPS7 states that "very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission". PPS7 makes clear that:  
"such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas.  
The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area".
- \* The proposed development falls within the definition of backland development e.g. it would be sited to the rear of existing road frontage development and would not have the benefit of a separate access. The existing access serving Elesa would be shared with the new dwelling
- \* The applicant describes the proposal as a low profile building which would be single storey to the front elevation, stepping down to the rear of the plot. The accommodation would comprise, at ground floor level two bedrooms, two bathrooms, kitchen, living room and utility room, with a basement level to the rear which would provide energy stores and games/yoga studio. The ground floor would face onto a central covered courtyard
- \* In terms of setting, the dwelling has been designed to minimise the visibility of the building from the highway and neighbouring gardens whilst reducing any impact on the surrounding area. An existing shed would be demolished which is considered by the applicant to be of a style unsympathetic to the rural surroundings.
- \* The new dwelling would have a significantly greater footprint than the existing structure
- \* In terms of layout the development proposes an 'inward facing' design and it is considered that the relationship with neighbouring dwellings is acceptable in terms of any potential for overlooking. The new building would be sited 1 m away from the boundaries with the dwellings to the east and west
- \* In terms of materials the building is proposed to be green oak timber framed with gable walls of brick for fire protection. The roof would be hipped to east and west elevations and have a green roof of turf or sedum
- \* In relation to energy efficiency, the main features are to provide a very well insulated building, utilising micronal PCM (phase change material) to maximise solar gain together with a fully glazed courtyard and additional heat recovery from cooking, ambient heat and waste hot water. The applicant states that it will be possible for the dwelling to function without additional heating for 10.5 months of the year. Additional heating will be provided by a high efficiency, low emissions Norwegian wood stove.
- \* The site slopes to the rear which will allow the construction of the basement level to the rear without the need to excavate materials.
- \* In relation to highway safety implications, the Highway Authority has confirmed that it has no objections to the scheme, subject to conditions.

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\* In conclusion, whilst the proposed dwelling is commendable in some respects with regard to the inclusion of some energy efficiency measures, it is not considered that the design is truly 'ground-breaking' in terms of materials used, methods of construction or that the design reflects the highest standards in contemporary architecture or will result in a significant enhancement of its immediate setting or wider character of the area, sufficient to justify an exception to established rural area protection policies.

\* Planning Policy Statement 3: Housing is also relevant to this proposal. Paragraph 36 of PPS3 states "in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure".

\* The application site is located in an isolated position away from community facilities and services and as such fails to meet the above requirements

\* Notwithstanding that the site falls outside the Settlement Boundary, in terms of form and character the dwellings in Heath Road comprise frontage development characterised by long rear gardens. A dwelling in this location would, therefore, be out of keeping with the form and character of the area.

\* In addition, it is considered that the proposal would be likely to create a serious precedent for future proposals of a similar nature in the area, which would become more difficult to resist and which could, cumulatively, seriously harm the amenities of the area.

\* The applicant has cited four examples of residential development granted planning permission within the District outside the Settlement Boundary. However, there were site specific circumstances which led to the grant of permission in each of the cases quoted, none of which are directly comparable to this application.

\* In conclusion, it is considered that the proposal fails to satisfactorily meet the requirements of paragraph 11 of PPS7 and is also contrary to the aims and objectives of Paragraph 36 of PPS3. Refusal is recommended

### **RECOMMENDATION**

**Refusal of Planning Permission**

### **REASON(S) FOR REFUSAL**

- 9900** Development outside settlement boundary
- 9900** Falls short of requirements of PPS7
- 9900** Isolated position
- 9300** Setting a precedent

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<b>ITEM</b>	<b>8</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2009/0225/F	
<b>LOCATION:</b>	WEETING Land at Lodge Farm	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Enertrag UK Ltd Suite H Diss Business Park	
<b>AGENT:</b>	Enertrag UK Ltd Suite H Diss Business Park	
<b>PROPOSAL:</b>	Erection of meteorological mast to measure, record & log wind speed & direction	

**KEY ISSUES**

1. Impact upon the character and setting of the countryside
2. Impact upon protected species
3. Residential amenity

**DESCRIPTION OF DEVELOPMENT**

The application seeks temporary planning permission (three years) for the erection of a meteorological mast. The mast is 70m in height, with a width of 90m and consists of a single main mast with 12 steel cable guys attached to it. There are no moving parts to the mast ie turbine blades. The purpose of the mast is to measure, record and log wind speed & direction.

**SITE AND LOCATION**

The site consists of part of the countryside in an isolated location away from any existing dwellings and the main settlement of Weeting. To the north and south of the site are tree belts with tracks to east and west.

**RELEVANT SITE HISTORY**

No relevant site history

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### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

Conservation (Natural Habitats &c) Regulations 1994 (known as the Habitats Regulations)

### **CONSULTATIONS**

WEETING P C

No objection

NATURAL ENGLAND - No objections.

NORFOLK LANDSCAPE ARCHAEOLOGY - No objections.

NORFOLK WILDLIFE TRUST - comments awaited.

RSPB - No objections subject to conditions.

COUNCIL'S TREE & COUNTRYSIDE OFFICER - Comments to be finalised. To be reported verbally at Committee.

### **REPRESENTATIONS**

One letter or representation has been received, this is summarised as follows:

Whilst not concerned at this proposal, there is concern that this will lead to a wind farm in this area. If so, this would be detrimental to health/well-being and privacy, unacceptable noise, cannot see significant benefits from such a proposal and will be detrimental stone curlew population.

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### **ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee as it has been submitted by a Ward Member.
- \* In visual terms, it is considered that the mast is appropriately sited with significant tree belts to the north and south so as to prevent any significant harm being caused to the rural locality. Furthermore, it is evident that the mast is not to be a permanent fixture and would be dismantled after a period of three years.
- \* In terms of residential amenity, it is considered that separation distances to the nearest neighbours are sufficient enough to prevent any significant harm in terms of outlook.
- \* The issue over the future use of the site for a wind farm has been raised, however, at this stage the Local Planning Authority must assess the proposal before them and as such any future proposals cannot be considered as part of the consideration of this application.
- \* The application site is immediately adjacent to the Breckland SPA which is cited for stone curlews, woodlarks and nightjars, in this case particularly stone curlews. For this reason an appropriate assessment is required. Having undertaken this, it is concluded that any potential harm to the stone curlew population can be mitigated against by the restricting the installation to a time outside of the breeding season (mid-march to mid-august). The RSPB have concluded that this approach is acceptable and Natural England have confirmed that they have no objection on the basis that the structure is of a nature unlikely to disturb wildlife and unlikely to present a collision risk to birds. The Council's Countryside Officer has expressed concern that there could be an adverse effect upon stone curlews, however, these comments were made without the benefit of the comments of the RSPB. In balancing the views of the aforementioned consultees on this issue, it is considered that the proposal can adequately mitigate against any harm to protected species and in particular stone curlews and as such is recommended for approval.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3022** Temporary Mast - 3 year
- 3046** In accordance with submitted plans
- 3920** Use between Sept and Feb only
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

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<b>ITEM</b>	<b>9</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2009/0258/F	
<b>LOCATION:</b>	ROUDHAM/LARLING Chattel House Roudham Road Harling Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr J Chapman Chattel House Roudham Road	
<b>AGENT:</b>	ADM Architectural Flint Cottage Shropham Road	
<b>PROPOSAL:</b>	Establish permanent dwelling on site inc. retention of extg timber clad temp. structure with new two storey structure	

**KEY ISSUES**

1. Outside Settlement Boundary
2. Demonstrated need
3. Access/highways
4. Design and appearance

**DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to retain an existing timber built home on a permanent basis and to provide an extension to provide additional ground and first floor accommodation.

**SITE AND LOCATION**

The site is located on the north side of Roudham Road adjacent to the Roudham employment area.

**RELEVANT SITE HISTORY**

- 3PL/2008/0117/F - Retention of existing timber built home and extension - Refused  
3PL/2002/1673/F - Erection of timber built mobile home (20' x 40') - Approved

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

HOU.6: Residential development outside settlement boundaries

TRA5: Highway safety

### **CONSULTATIONS**

ROUDHAM & LARLING P C

No objection: The Parish Council supports this application.

HIGHWAY AUTHORITY - No objection subject to conditions

COUNCIL'S CONTAMINATED LAND OFFICER - No objection subject to conditions

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - No objections

COUNCIL'S ENVIRONMENTAL PLANNING OFFICER - Objection to principle on the following grounds:

Not convinced that functional tests set out in Annex A of PPS7 have been met

The only justification is for security reasons which PPS7 does not consider as an adequate justification on its own

### **REPRESENTATIONS**

None

**ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee owing to the history of the application site.
- \* The site is outside the Settlement Boundary of Roudham.
- \* The proposal seeks to retain and significantly extend an existing timber built home (20' x 40') which was granted temporary permission for five years. That permission, which was personal to the applicant, expired on the 31st January 2008. The current application seeks to retain the mobile home on a permanent basis for the security and running of the existing business.
- \* The applicant has operated a Tree Surgery and Forestry contracting business from the site since 1997 and employs three full-time and two part-time personnel.
- \* The site was formerly part of a farm owned by the applicants' parents for the purpose of rearing pigs.
- \* The applicant has lived on the site since 2003.
- \* The proposed extension would provide ground and first floor additional accommodation comprising office and sitting room on the ground floor and bedroom with en-suite on the first floor.
- \* By way of justification for retaining the structure on a permanent basis the applicant states that the security of the site has gained in importance with the high value of the easily mobile plant necessary for Mr Chapman's business, together with the increasing value of timber as a heating fuel, encouraged in the overall drive to use carbon neutral fuels. These factors require that the site be continuously attended.
- \* The Design and Access Statement states that the aim is to provide a permanent new two storey dwelling incorporating the existing single storey structure. The walls are to be clad in featheredge softwood weatherboarding to give a traditional appearance to blend with the existing building and its surroundings with brown profiled metal roof cladding. Access will remain as existing.
- \* In policy terms the proposal represents that of a new dwelling in the countryside e.g. permanent retention of temporary structure with permanent extension. The application, therefore, falls to be considered under PPS7: Sustainable Development in Rural Areas and HOU.6 of the Breckland District Local Plan.
- \* These policies allow for this type of development in the countryside where a number of tests can be met. These tests are set out in Annex A of PPS7. There are two issues which need to be considered, firstly whether there is justification to allow the permanent retention of this building on this site and secondly whether the size, scale and design of the dwelling now proposed is acceptable.
- \* Officers remain unconvinced that the proposal adequately meets the functional test outlined in PPS7 or that there is sufficient justification for the size of dwelling now proposed.
- \* The building as it stands is a modest single storey structure, the proposal is to extend this by adding a two storey element which is considered unacceptable owing to the design, massing and external appearance which would be out of keeping with the scale and appearance of the existing timber built home, proposed to be retained.
- \* Notwithstanding that the Council have accepted the need for a temporary dwelling in this location, insufficient justification has been provided to justify the proposed development on a permanent basis or for the significant increase in scale of the building proposed. The only justification for the dwelling provided is for security reasons which PPS7 does not consider as an adequate justification on its own.
- \* The application is recommended for refusal

**RECOMMENDATION**

**Refusal of Planning Permission**

**BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

**REASON(S) FOR REFUSAL**

- 9900** PPS7: Sustainable Development in Rural Areas
- 9042** HOU.6 -Outside settlement boundary
- 9900** HOU.6 cont.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

<b>ITEM</b>	<b>10</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2009/0278/F	
<b>LOCATION:</b>	DEREHAM 40 Swanton Drive	<b>APPN TYPE:</b> Full <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr B Meen 17 York Place Dereham	
<b>AGENT:</b>	Mr B Meen 17 York Place Dereham	
<b>PROPOSAL:</b>	Extension & alterations to existing bungalow	

### **KEY ISSUES**

1. Scale, design and materials appropriate to dwelling and area
2. Impact on amenity

### **DESCRIPTION OF DEVELOPMENT**

The application relates to the erection of a single storey gable ended extension to the rear of a detached bungalow. The extension measures 7.9m wide and 4.65m deep and provides a bedroom and improved kitchen/dining room. Two new windows in the original bungalow are proposed on the east elevation to serve a study and bathroom. The new extension will be finished in render in contrast to the existing bungalow.

### **SITE AND LOCATION**

40 Swanton Drive is a modest bungalow with flat roof garage on a residential estate of mixed bungalows and houses on the edge of Dereham. The property fronts an open area of grass with a footpath link between two lines of dwellings. The property is accessed by vehicles from Swanton Drive to what is technically the rear garden of the bungalow. A wall with mesh metal fencing above bounds the site to the highway. The bungalow to the west is set back from No. 40 and has a detached garage set forward, closer to the highway and adjacent an electricity sub station compound. The bungalow to the east sits on a corner plot with its principal elevation facing east and a detached garage to the north. That garage sits forward of the line of the proposed extension. A 2m high fence screens the shared boundary. No.41 Swanton Drive has two windows in its rear elevation facing the application site but largely screened by a 2m high fence. These windows serve two bedrooms, one in a previously converted garage.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 11-05-2009**

### **RELEVANT SITE HISTORY**

No relevant site history

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable Development

DC1: Development Control Policies Proposed Submission Document

### **CONSULTATIONS**

DEREHAM T C

No objection.

### **REPRESENTATIONS**

A letter of objection has been received from the occupiers of 41 Swanton Drive who, while having no general objections to the extension, have concerns that the new study window in the existing bungalow will, notwithstanding the existing fence along that boundary, look directly into a bedroom window.

**ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee as the applicant is an employee of Breckland Council.
- \* The proposed extension is appropriate in terms of its scale, design and materials and adds interest to the otherwise simple rear face of the bungalow and contributes to the street scene generally. Adequate parking space is maintained within the site.
- \* In terms of the relationship between the application site and the adjacent bungalow at No. 41, the new extension to No 40 will run within 3.5m of the rear wall of the neighbouring property which has two windows in the rear elevation, facing west. Those two windows are largely screened by an existing 2m high wooden fence and serve bedrooms (secondary rooms). The proposed extension is 2.4m to the eaves and 4.8m to the ridge with the roof sloping away.
- \* Two new windows proposed in the gable of the existing bungalow will serve a study and bathroom and although they will directly face the rear of No. 41, views will be restricted by the existing fence. Formal consent is not specifically required for the addition of windows in the ground floor of an existing dwelling.
- \* Objections relating to the study window have been received from the occupiers of No. 41. Notwithstanding the screening provided by the existing fence, the neighbours feel the window, looking directly into a bedroom, would impact on their privacy.
- \* PPS1 requires design to be appropriate to its context and provide opportunities for improving the character and quality of the area. The proposal is considered to be appropriate to this residential area and makes a positive contribution to the street scene.
- \* Policy DC1 of the Proposed Submission Document does carry some weight in the determination of planning applications. It refers to the protection of amenity and refers to issues of overlooking and/or loss of privacy, dominance or overshadowing, odour, noise, vibration or other forms of disturbance, other forms of pollution and quality of the landscape or townscape.
- \* The extension is not considered likely to have a significant detrimental impact on the amenities of the neighbouring property or the street scene generally and is recommended for approval.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans