

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 1 June 2009 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mrs A.L. Steward	Mrs A.L. Steward – Planning and the Environment Portfolio Holder
Mr S.G. Bambridge (Ward Representative)	

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Helen McAleer	- Member Services Officer
Nick Moys	- Principal Planning Officer (Major Projects)
David Spencer	- Principal Planning Policy Officer

84/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 11 May 2009 were agreed as a correct record and signed by the Chairman.

85/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr A Byrne, Mr M Fanthorpe, Mr T Lamb, Mr M Spencer and the Development Services Manager.

86/09 DECLARATION OF INTEREST (AGENDA ITEM 3)

The following declarations of interest were made:

Mr M Kiddle-Morris declared a personal and prejudicial interest in Schedule Item 2 (Lyng) as he knew the applicant.

Councillor C Bowes declared a personal and prejudicial interest in Agenda Item 9 (Watton) by virtue of having a financial interest in the application and a personal interest in Schedule Item 4 (Croxtan) by virtue of knowing the applicant.

Action By

Action By**87/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)**

The Principal Planning Policy Officer told Members that the focus of the team for the next 8-10 weeks would be the Core Strategy and Development Control Documents.

The Pre-Hearing Meeting had taken place on 19 May with two Government Inspectors and procedural matters had been discussed. The Examination in Public would commence in four weeks and all the meetings would be held in Dereham except for those directly concerning Thetford which would be held in Thetford on 8 July and those directly concerning Attleborough which would be held in Attleborough on 10 July.

All the information and details about the Examination in Public process were available on the Council's website. Factual statements would be on-line in the next couple of weeks.

88/09 REFERENCE FROM OVERVIEW & SCRUTINY COMMISSION (AGENDA ITEM 8)

The Principal Planning Policy Officer introduced this item.

The Overview & Scrutiny Commission had made a recommendation to the Development Control Committee, following consideration of the Use of LDF Submission Development Control Policies.

A Member advised that guidance had been provided in line with the recommendation, in the form of a S106 newsletter which had been issued on 20 May.

Members then discussed the potential confusion caused by using the policies before the Framework was adopted. They were advised by the Solicitor that the Council was legally required to take into account the Development Plan, and that new emerging LDF policies gained more weight as the LDF progressed, and had to be treated as material considerations.

The report was noted.

89/09 WATTON: PROPOSED DEMOLITION OF OUTBUILDINGS, IMPROVEMENT OF EXISTING ACCESS, ERECTION OF 5 DWELLINGS AND GARAGES AND RETENTION OF EXISTING HOUSE AT 51 THETFORD ROAD FOR MR T WELLS: 3PL/2008/1621/O (AGENDA ITEM 9)

Councillor C Bowes declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

This application had been deferred from the meeting on 30 March for negotiation with the applicant to remove the dwelling on plot 2b at the front of the site. Members had considered that the loss of the open aspect of the front lawn to Westbury would be detrimental to the character of the area.

Consideration had been given to their request by the applicant but they had declined to withdraw the proposed dwelling to plot 2b. However, they were

Action By

willing to accept a condition to restrict the two frontage plots to single storey dwellings.

Mr Wells, Agent, explained that the applicants wished to maximise both the value of the site and the use of the land. He felt that the prominence of the dwelling would remain if the frontage dwellings were single storey and he said that the site tried to reflect the character of the surrounding area.

A Member felt that there was no point in keeping the house without retaining its vista. He suggested that if it was demolished a better layout could be achieved.

The Chairman agreed that the street scene was enhanced by the existing house.

RESOLVED to approve the application as recommended, subject to a condition restricting the two frontage dwellings to single storey.

90/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2009/0171/D: Carbrooke: Area B, Former RAF Watton, Norwich Road: House type substitution for plots 77-79, 85-88, 90 and 91 and 101-103 inclusive for J S Bloor (Sudbury)

This Reserved Matters application sought to change the house types of 12 plots. Previous approval had been granted in 2007 for two and a half and three storey dwellings on these sites. Due to a decline in demand for that type of house, the applicant sought a reduction to three bedroom, two storey units. Layout, parking and materials would remain the same. No objections had been received.

Approved, as recommended.

- (b) Item 2: 3PL/2009/0209/F: Lyng: Swan Pens, Elsing Road: Erection of single storey dwelling and cartshed for Mr B Titchiner

Mr Kiddle-Morris declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

This application proposed a dwelling within the Settlement Boundary on land forming part of the back garden of Swan Pens. Members were shown surrounding development which included two other examples of backland development.

Officers considered that in this instance backland development was acceptable. The proposal was not considered to impact on the amenity of neighbouring properties; being single storey there was no problem with overlooking; the access drive was six metres from the adjacent property; and the proposal was in keeping with the character of the area.

Mr Payne, Agent, said that the single storey house met planning criteria. Backland development had already been permitted in the area. The new and existing development only covered 18% of the

Action By

site so could not be considered overdevelopment, and the access drive was adjacent the shed and greenhouse of the adjacent property and would not cause noise and disturbance to the neighbours.

Mr Bambridge, Ward Representative, had received representation from the Parish Council and neighbours against the application, as well as from the applicant. He agreed with the officers' assessment that there would be no detriment to the area, and he supported the application.

Two Members raised concern about the potential conflict caused by the shared access drive.

Approved, as recommended.

- (c) Item 3: 3PL/2009/0214/F: Dereham: Former Library, Church Street: Conversion of library building to restaurant (Class 3) and associated take-away (Class 5) (no demolitions) for Supreme Taste of India

Mr P Duigan had spoken to the agent prior to the submission of this application and the Chairman had spoken to people making representation on the application.

This application to convert the former library to an Indian restaurant and take-away would result in little physical change to the building. Two doors and a flue would be introduced, together with a facility for storing waste. Signage would be dealt with separately.

The Parish Council and some neighbours objected to the proposal. The Ward Representative, Robin Goreham, had written to reluctantly request refusal because he had serious concerns about the detrimental effect of the proposal on the neighbourhood.

Mrs Stimpson, objector, wanted to see the building re-used but was concerned re litter, parking, the effect on the Queen Mother's Garden and the potential effect of smells on the adjacent flats.

Mr Cutting, Agent, said the application had been submitted following negotiations. The potential impact on adjacent properties had been considered. The main concern was noise from the extraction unit. To overcome this, details had been provided of the sound baffles and filtration system to be used to make it as quiet as possible. The flue was located to minimise its impact on the adjacent flats. Only food deliveries would be made to the rear of the building.

Members discussed the toilets and whether they could be made available for the public; the windows in the roof, to confirm that they were for light only and there was no upper floor to the building; and the filtration system and the potential problems with smells.

Approved, as recommended.

- (d) Item 4: 3PL/2009/0228/F: Croxton: Adjacent 7 Watton Road: New workshop and machinery storage building for Raker Farms

Councillor C Bowes declared a personal interest in this item.

Action By

This application site was bounded on three sides by the Special Protection Area for Stone Curlews. It was on a site well screened from the road and comprising a farm house and a number of other farm buildings.

Permission had previously been granted for a smaller workshop and storage building which had not been constructed. This larger building was required to rationalise farming operations.

The Committee was satisfied that the proposed development was not likely to have any significant effect on the interest features of the SPA with the proposed conditions.

Approved, as recommended.

- (e) Item 5: 3PL/2009/236/F: Kenninghall: Oak Tree Farm, North Lopham Road: Erection of chicken shed and 2 No feed bins for Mr B J Gooderham

This application proposed a fifth chicken shed on a site approximately 500 metres from Kenninghall. The buildings were not particularly intrusive in the landscape as they were cut into the site to reduce their height and significant planting provided screening from the road. The new building would be the same colour as existing buildings which were approved in 2004.

Concerns raised about a breach of condition to that earlier permission, requiring the removal of a chicken shed at Ash Farm, would be investigated by the Enforcement team.

The original application had been accompanied by an Environmental Impact Assessment Statement which referred to 180,000 birds. Due to a change in regulations this number of birds had never been held on site. Even with the fifth building the number of birds would not exceed 157,500.

Mr Davidson, for the applicant, said that the breach of condition had resulted from a misunderstanding. The building at Ash Tree Farm was younger than other buildings which had been removed. It would not be replaced at the end of its useful life. It was not up to modern standards, but was still in use due to the change in regulations requiring fewer birds to be kept in each building.

A Member asked how the washdown waste was disposed of and was told that it went to sealed underground tanks before being taken off site.

It was pointed out that the condition attached to the original permission for the removal of other chicken sheds was because of concerns about the number of birds in the area, which was no longer an issue.

Approved, as recommended.

Action By

(f) Item 6: 3PL/2009/0297/CU: Thetford: Woodlands, 87 Mallow Road: Change of use of land to garden area for Mr J Chapman

This application was for the change of use of land to form an extension to the garden of 87 Mallow Road. Adjacent land, also in the ownership of the applicant would be fenced and retained as woodland. This did not require the benefit of planning permission.

Further representations had been received since the report had been written raising concerns about the effects on the character of the area and on wildlife and the loss of open space. Three letters of support had also been received.

It was acknowledged that the green space was an important feature of the area but it was not felt that the proposal would have any direct effect on the area and no trees would be removed. A condition would restrict building on root protection areas.

In relation to the loss of open space it was pointed out that the land was private and had not been offered for adoption. The S106 agreement for the whole development did not clearly define the woodland areas and it would be difficult to mount an objection on the grounds of the loss of public open space.

Members were also notified of two undetermined planning applications made by the developer for a dwelling on either side of the road, within the wooded area. Officers felt that these proposals would have a detrimental effect on the area, but they indicated that the developers had never intended to offer the land as public open space.

Mrs Bangay, objector, explained the objections of local residents to Members. This was a large area of land with lots of wildlife. Children played there and local people walked their dogs there. In the original plans she said the area was shown as being set aside as public open space.

Mrs Hutchinson, objector, said the community had no objection to the extension to the garden but did not think that such a large piece of land was necessary. She was concerned that there might be future plans to build on the land which could set a precedent. She also felt that the woodland added to the health and welfare of the residents.

Mr Butler-Finbow, representing the developer, was present to answer questions.

Mr Chapman, applicant, had bought his house 'off plan' in 2004 and had originally intended to build a conservatory. However, when the fencing was erected there was not enough room. He had sought to buy extra land and had been in negotiations since. When he was approached to buy the larger area he had agreed, to prevent any future building on the adjacent land. He had no desire to build on the woodland, and on the extension to the garden he only intended to erect the conservatory and an ornamental shed.

Members discussed this application at length. They were

Action By

concerned about the enclosure of what was perceived as public open space. The details of the S106 agreement were discussed and the reasons for the lack of definition of the open space areas were explained by the solicitor. It was not uncommon for S106 agreements to leave the exact position of boundaries on estates to be sorted out by the developers.

Mr Butler-Finbow provided an up-to-date plan showing the areas intended for adoption as open space. He confirmed that there was no intention to develop other woodland areas and offered to withdraw the outstanding applications for development either side of Mallow Road.

It was confirmed that both the application site for change of use to garden, and the adjacent woodland area were already in the ownership of the applicant.

Approved, as recommended.

- (g) Item 7: 3PL/2009/0323/F: Scarning: St Margarets: Replacement of existing boundary wall with close boarded wooden fence – 1.8m high for Mr M Haller

This application was to replace an existing low garden wall with a 1.8 metre close boarded fence. The principle issue was visual amenity as the site was on a fairly prominent corner plot adjacent a relatively busy road. Officers felt it would create a hard urban edge in a countryside area.

Mr Haller, applicant, said that he wanted to replace the wall with a fence for security reasons and for privacy. He had received no objections to his proposal from neighbours. The site was very open and as the property was a bungalow his wife felt vulnerable when alone at home. As the two properties opposite had two metre high garden walls he did not feel that the fence would harm visual amenity.

It was suggested that soft planting would look better, or a smaller wall, but Mr Haller explained that following research of police websites a six foot fence was necessary for crime prevention.

Members did not support the recommendation.

Approved, contrary to recommendation (subject to a condition that the colour be agreed) on the grounds that the fence would provide security for the property and would not have an undue effect on visual amenity.

Notes to the Schedule

<u>Item No</u>	<u>Speaker</u>
2	Mr Bambridge – Ward Representative
3	Mr Cutting – Agent Mrs Stimpson - Objector
5	Mr Davidson – for Applicant
6	Mrs Bangay – Objector Mrs Hutchinson – Objector

Action By

	Mr Butler Finbow – Developer (Ashwells) Mr Chapman - Applicant
7	Mr Haller - Applicant
Agenda Item 9	Mr Wells - Agent

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2009/0209/F	3
3PL/2009/0214/F	9
3PL/2009/0236/F	2
3PL/2009/0297/CU	6

**91/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 11)**

This item was noted.

92/09 APPEAL DECISIONS (AGENDA ITEM 12)

This item was noted.

**93/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 13)**

This item was noted.

The meeting closed at 12.25 pm

CHAIRMAN