

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 2 November 2009 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Councillor E. Gould (Chairman)	Mr J.P. Labouchere
Mr W.P. Borrett	Mr T.J. Lamb
Councillor Claire Bowes	Mr S. J. P. Rogers
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 M. Spencer
Mr R. Kemp	Mr N.C. Wilkin (Vice-Chairman)
Mr M.A. Kiddle-Morris	

**Also Present**

Mrs A.L. Steward - Planning and Regeneration Portfolio Holder

**In Attendance**

Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Helen McAleer	- Member Services Officer
David Spencer	- Principal Planning Policy Officer
Mike Brennan	- Principal Development Control Officer

**165/09 MINUTES (AGENDA ITEM 1)**

The minutes of the meeting held on 12 October 2009 were confirmed as a correct record and signed by the Chairman.

**166/09 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr A Byrne and Mr M Fanthorpe.

**167/09 DECLARATION OF INTEREST AND OF REPRESENTATIONS  
RECEIVED (AGENDA ITEM 3)**

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

Members noted that they had received direct representation for Items 3 and 4 (Caston) and Item 6 (North Tuddenham).

**168/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman told Members that the bus tour had been very information and had given those attending the opportunity to view both old and new Social Housing provision in Thetford.

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**169/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)**

The Principal Planning Policy Officer informed Members that the Inspector's report was now available on the Council's website and at libraries. Copies would be sent out shortly.

Work on the Site Specifics element of the Core Strategy was continuing. A meeting had been held on 14 October to discuss sites in Swaffham and Narborough and the next meeting would be held on 3 November 2009 in the Memorial Hall, Dereham, to discuss sites in Dereham, Shipdham and Swanton Morley. This would conclude the Task and Finish Group's work on towns and service centres. They would then move on to consider the smaller villages and rural settlement boundaries. The district would be divided into four quadrants and the first meeting would be held on 25 November 2009 when the North East quadrant would be discussed.

**170/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

**RESOLVED** that the applications be determined as follows:

- (a) Item 1: Brettenham: Shadwell Breck Cottage, Snarehill: New cottage and garage for Mr Philip Hodson: 3PL/2008/1627/F

This application sought full permission to construct a new dwelling and garage to replace an existing temporary dwelling for the yard manager, responsible for caring for the horses.

The two main issues were 'need' and the impact on the Special Protection Area (SPA). Justification of the need was accepted, as a 24 hour presence within sight and sound of the high value horses was required. The views of Natural England and the RSPB were noted.

Regarding the relationship with the SPA, the appropriate assessment carried out under the Habitat Regulations was adverse: in this instance the Council's Tree and Countryside Officer considered that no evidence had been put forward to show that there would not be an impact on the SPA.

An enormous amount of analysis had been done to determine the 1500m buffer zone to the SPA in the LDF process. This had been closely looked at by the Inspector and various experts during the Examination in Public. They had concluded that 1500m was the correct area for the buffer zone and this application was significantly within that area. It was however important that Members realised that this did not mean there should never be any development in the buffer zone. They needed to take into account existing screening, etc and whether mitigating measures might be appropriate.

If Members were minded to approve this application the Secretary of State would be notified and he could call it in if he so desired.

A Member said that Breckland was lucky to have this world class breeding and training establishment and that the proposed bungalow was a nice design and not large and ostentatious.

Another Member felt that as residential use already existed it would

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be acceptable to approve the bungalow, but it was pointed out that the temporary permission for the mobile home had been granted before the SPA and buffer zone had been set and that this was therefore not a straight replacement case.

A Member asked if there was any other location that would be more appropriate and it was noted that the case officer had suggested siting the bungalow behind the existing barn but the applicant had said the proposed siting was the most appropriate location.

The vote was tied and the Chairman used her casting vote to support the recommendation.

**Refused, as recommended.**

- (b) Item 2: Dereham: 116 Sandy Lane: Proposed 12 flats including demolition of existing building for The Dawe Charitable Trust: 3PL/2009/0078/F

This application sought full permission for 12 flats in two identical blocks of six. An amendment had repositioned the bin storage area in response to a neighbour objection.

Members discussed the design and build specification for these flats and considered that a higher code level should be sought. A Member also sought clarification on the amount of affordable housing to be provided as 30% equated to 3.6 units.

The Solicitor pointed out that there were no supporting policies in the Local Plan to require a higher code and the Development Services Manager thought that a policy could come forward in the annual review.

**Refused, contrary to recommendation, on the grounds of design quality, insufficient code level and the absence of affordable housing element.**

- (c) Item 3: Caston: The Red Lion Public House, Attleborough Road: Change of Use of building from public house to residential and demolition of flat roof extension between main building and store for Chapel Partners: 3PL/2009/0634/F

Items 3 and 4 were discussed together.

This full application sought the change of use of the former Red Lion Public House to a private dwelling, and listed building consent for the demolition of a flat roof extension between the main building and an outbuilding.

The site was in a very prominent position in the village adjacent a thatched cottage and the green and in close proximity to the church.

Emerging LDF Policy DC19 sought to protect local services and required marketing at a reasonable price and for efforts to be made to retain the use.

The pub had ceased trading in 2007 and had been marketed since

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then. Despite price reductions no business interest was shown. A Consultant had advised that to be viable the food side of the business would need extending. There was only room for 25 covers and a minimum of 50-60 were needed. This would require extension and renovation costing over £200,000 and two banks had declined assistance. Officers considered that a reasonable marketing campaign had taken place and were recommending approval.

Mr Chapman, representing the Parish Council, said that there had been huge changes in the pub's fortunes and there was great concern about its loss. Pubs played a major role in fostering community spirit and its loss would rip the heart out of the village. There were many new homes planned within a short drive of Caston and with the right landlord and management it could be run as a successful business.

Mr Ash, objector, said that as a relative newcomer to the village the pub had given him the opportunity to meet the locals. Previous landlords had set rents which meant that tenants could not make a profit. The pub had eventually sold well below its true value. Over 70% of the village supported its retention and if given a chance to run as a freehold pub the community would support it.

Ms Metcalf, applicant, said that it was unusual for Officers to support the change of use of a pub but in this case there were many issues. The pub had last traded at a loss and had lain empty for two years. It had a maximum of 25 covers and another local pub was surviving but not busy with 60. The building was in a semi-derelict state and sympathetic conversion was the best course.

A Member noted that the Committee had fought similar proposals and the pubs concerned had been revived. He acknowledged that these were difficult times but felt that the right person could turn the pub around. He sought advice from the Solicitor.

The Solicitor said that if the Committee wished to refuse the application there had to be a realistic prospect of the pub being reinstated.

Other Members were also against the loss of the pub and one suggested that as several examples of pubs being turned round had been given, on balance, it was probable that the pub would re-open in the future.

The recommendation of approval was not supported.

**Refused, contrary to recommendation, on the grounds that insufficient evidence of the pub's inability to succeed had been provided.**

It was confirmed that any future applications on this site would be determined by Committee.

- (d) Item 4: Caston: The Red Lion Public House, Attleborough Road: Change of Use of building from public house to residential and demolition of flat roof extension between main building and store for

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Chapel Partners: 3PL/2009/0635/LB

**Refused, contrary to recommendation, on the grounds that in the absence of an agreed scheme for change of use, it could not be demonstrated that the demolition and change in curtilage were needed.**

- (e) Item 5: Dereham: 34-36 Swaffham Road: Redevelopment of former "Hobbies" site to construct 10 dwellings for Derek Hales Ltd: 3PL/2009/0712/F

This full application sought permission for the erection of 10 new dwellings, within the Conservation Area, on the former Hobbies site comprising a terrace of six units; the conversion of the Hobbies building to two units; and a further two units built as an extension to the Hobbies building.

The principle of development had been established by a previous approval for ten dwellings. Members were shown the layout and elevations of that approval compared to the current application which had moved the terrace onto the site boundary, 9.2m from existing dwellings on Elvin Road. In the current application this elevation comprised kitchen windows at ground floor and velux windows and small dormers in the roof slope, designed to avoid overlooking.

The main issue was the effect on the Conservation Area. The Hobbies building was a gateway building to the town and a significant factor in the street scene. The Council's Historic Buildings Officer considered that the pair of attached units would detract from the building and from the Conservation Area.

Mr Heath, occupier of No 40 Elvin Road, objected to the proposal which would totally overlook his property leading to loss of privacy. He suggested that an amended scheme could overcome this and improve amenities for the new dwellings.

Mrs Irving, Ward Representative, agreed with Mr Heath. She was also concerned about the effect on the Hobbies building which she described as an important landmark. She suggested that the application should be deferred to allow a compromise to be found.

A proposal to defer the application was not supported.

**Refused, as recommended.**

- (f) Item 6: North Tuddenham: Dale Tree Barns, Low Road: Removal of condition 5 on 3PL/2005/1274/F to allow annexe to be used as separate dwelling

This application sought the removal of a condition requiring the annexe to be used as ancillary accommodation only. A similar proposal had been refused by Committee on the grounds that it was contrary to policies HOU.6 and PPS.7.

It was considered that approval would set a precedent and that the personal circumstances of the applicant did not provide the special

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justification required to allow a new dwelling in the countryside.

Mr Stapleton, from the Parish Council, said that North Tuddenham suffered from sporadic, creeping development and the Parish Council opposed this proposal.

Ms Carpenter, Agent, said that this was not an attempt to circumvent policy. The break up of a marriage meant that the main dwelling was to be sold. The applicant would lose her home and the significant investment she had made in it. She would be out of pocket and homeless. Permission would not create a new dwelling; the conversion already existed as did others in the locality. It was a very modest property which if sold on would add a small dwelling to the housing market.

**Refused, as recommended and continued Enforcement Action authorised.**

**Notes to the Schedule**

<b>Item No</b>	<b>Speaker</b>
3&4	Mr Chapman – Parish Council Mr Ash – Objector Anna Metcalf – Applicant Mr Cumming - Agent
5	Mr Heath - Objector
6	Mr Stapleton – Parish Council Ms Carpenter – Agent Ms Mysko - Applicant

**Written Representations taken into account**

<b>Reference No</b>	<b>No of Representations</b>
3PL/2009/0634/F	8
3PL/2009/0712/F	2
3PL/2009/0635/LB	3
3PL/2009/0849/F	10

**171/09 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (AGENDA ITEM 10)**

This item was noted.

**172/09 ENFORCEMENT ITEMS (AGENDA ITEM 11)**

This item was noted.

**173/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 12)**

This item was noted.

The meeting closed at 12.17 pm

CHAIRMAN