

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 9 March 2009 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mrs A.L. Steward	Planning and the Environment Portfolio Holder
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In Attendance

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

33/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 16 February 2009 were agreed as a correct record and signed by the Chairman.

34/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr W Borrett, Mr T Lamb, Mrs S Miller, Mr F Sharpe and Mr M Spencer.

35/09 DECLARATION OF INTEREST (AGENDA ITEM 3)

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

Councillor C Bowles declared a personal and prejudicial interest in Schedule Item 1 (Watton) by virtue of having a financial interest in the site. She also declared a personal interest in Agenda Item 14 (Brettenham) by virtue of her family having business connections with the tenant farmer of the site.

36/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

Members were told that the Core Strategy and Development Control Documents would be presented to the Council meeting on 12 March 2009, together with the comments and representations received

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during the consultation period. About 600 comments had been received from 94 individuals and organisations, of which approximately 450 sought amendments. However, the recommendation to Council was to proceed with the document as drafted, subject to about 20 minor amendments.

Consultation on the 200 additional sites was underway and would end on 30 March 2009.

Consultation on the Preferred Options for the Thetford Area Action Plan was also going well. There had been an event held in Thetford to publicise this process and visits had been made to all Thetford schools to encourage participation. The consultation period would end on 3 April 2009.

37/09 DEFERRED APPLICATIONS (AGENDA ITEM 8)

There were no deferred applications to be considered.

38/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/1622/O: Watton: 10 Monkams Drive: Demolition of bungalow, creation of new access and erection of 8 new dwellings with garages for Mr T Wells

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

This was an outline application with only access to be considered.

Members were shown a map with the site highlighted and an adjacent site also outlined which was for a similar application. This had been received at a later date and would come to a future Development Control Committee.

The existing modest bungalow on site would be demolished. A ditch which crossed the site would be piped. An indicative layout showed that the access would lead onto a private drive through the site in cul-de-sac form.

It was pointed out that surrounding residential development was predominantly single or one-and-a-half storey. Any overlooking and privacy issues would be addressed at the reserved matters stage, if outline approval was granted.

The density of the proposal was low and the Council's Housing Officer had suggested that a higher density could include an affordable housing element. However, officers felt that a higher density development would be out of character for the area and considered the current proposals acceptable.

Mrs Duggan, objector, said that she had lived adjacent to the site for 12 years. She would have no objection to bungalows

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but if houses were permitted they would take away the natural light to her dwelling.

Mr Mawford, objector, was concerned about potential loss of privacy through overlooking; the maintenance of the hedges on the borders of the site; and flooding. He showed photographs of the ditch full of water following recent rain. Finally he raised concerns about health and safety due to the proximity of a commercial garage to the site.

Mr Wells, Agent, understood the concerns of the neighbours and said these could be addressed in due course. He was present to answer questions.

A Member proposed that a condition be imposed limiting the development to a maximum of one-and-a-half storey dwellings and this was unanimously agreed.

Members were also keen to maintain the low density style of development.

Approved, as recommended, subject to additional conditions limiting the development to a maximum of eight dwellings, restricting the height to one-and-a-half storeys and that the indicative plan should be broadly followed.

- (b) Item 2: 3PL/2008/0073/F: North Tuddenham: Dale Tree Barns, Low Road: Removal of condition 5 on pp 3PL/2005/1274/F to allow annex to be used as separate dwelling for Mrs J Mysko

This application was for the removal of a condition which restricted the annex to ancillary use only and prevented it from being sold, leased or sub-let separately from the main dwelling.

The applicant was the sister of the owner of the site and had inhabited the annex since 2006. The owners were intending to sell. If the applicant succeeded in having the condition removed the land would be sub-divided and she would buy the annex and stay in residence.

Although policy permitted annexes in the countryside, the creation of new dwellings was resisted except where there was special justification. Personal circumstances did not provide sufficient justification. The application was therefore recommended for refusal.

Mr Stapleton, from the Parish Council, was concerned that similar applications had been refused in the past. The Parish Council did not want people to have to leave the village, but needed clarification of the policy in these circumstances.

Mrs Mysko, applicant, said there had been no objection to the annex or her occupation of it since 2006. The conversion had created a barn style property which did not impact on the local

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environment and extensive tree planting had enhanced the landscape. Her sister had paid Council Tax on the annex since it was built.

A local Member said he had visited the site and the annex was separated from the main building by quite a distance and could be separated easily. His only concern was that the footprint of the property could increase if the restriction was lifted.

Other Members felt that if the restriction was lifted in this case it would encourage more applications for annexes which might then become separate dwellings in the countryside. They felt that the policy should not be undermined.

Refused, as recommended.

Notes to the Schedule

<u>Item No</u>	<u>Speaker</u>
1	Mrs Duggan – Objector Mr Mawford – Objector Mr Wells - Agent
2	Mr Stapleton – Parish Council Mrs Mysko - Applicant

Written representations taken into account

<u>Reference No</u>	<u>No of Representations</u>
3PL/2008/1622/O	10
3PL/2009/0073/F	1

39/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (AGENDA ITEM 10)

This item was noted.

40/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 11)

This item was noted.

41/09 APPEAL DECISIONS (AGENDA ITEM 12)

The Development Services Manager was pleased with the success rate on appeals.

42/09 EXCLUSION OF THE PRESS AND PUBLIC (AGENDA ITEM 13)

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following item of business on the grounds that it involved the disclosure of exempt information as defined in paragraph 5 of Schedule 12A to the Act.

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**43/09 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**

Councillor Bowes declared a personal interest in this item.

The Deputy Chief Executive addressed Members in his role as Monitoring Officer, at the request of the Leader of the Council.

He advised them that the grounds for refusal on this application were not sustainable and would probably be overturned on appeal, which would be very likely to result in a substantial award of costs against the Council.

Mr Wilkin, had been Chairman of the first meeting at which this application had been considered, and had agreed to its deferral, for further information. He regretted that the decision had not been settled on that day.

After discussion, it was **RESOLVED** that the application should be brought back to the next Committee for further consideration.

The meeting closed at 10.55 am

CHAIRMAN