

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 30 March 2009 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Lady Fisher (Ward Representative)	Mr J.D. Rogers (Ward Representative)
Mr A.C. Stasiak (Ward Representative)	

In Attendance

Viv Bebbington	- Senior Development Control Officer
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
James Stone	- Senior Development Control Officer

44/09 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 9 March 2009 were agreed as a correct record and signed by the Chairman.

45/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs S Miller and Mr R Kemp.

46/09 DECLARATIONS OF INTEREST (AGENDA ITEM 3)

Councillor C Bowes declared a personal interest in Agenda Item 9 (Brettenham) by virtue of family connections to the tenant farmer. She also declared a personal and prejudicial interest in Schedule Item 4 (Watton) by virtue of having a financial interest in the site.

47/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

Members were informed that the Planning Summer School would be held at Exeter from 4 to 8 September 2009. Anyone interested in attending was asked to inform the Chairman.

Action By

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**48/09 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA
(AGENDA ITEM 5)**

It was noted that Schedule Item 5 (Besthorpe) had been withdrawn. It was likely that this application would be re-submitted.

49/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Principal Planning Policy Officer told Members that the Core Strategy and Development Control Policies Document which had been approved at Council on 12 March 2009, would be submitted to the Planning Inspectorate today. The Pre-Examination meeting would be held on 19 May 2009 and the Examination in Public, which was expected to last two weeks, would commence on 29 June. The Inspector's details were expected soon.

The consultation on the Additional Sites would close today. About 100 comments had been received and more were expected before the 5pm deadline.

The inaugural meeting of the LDF Working Group would be held on 1 April 2009. At that meeting the timetable of LDF production would be considered and discussion would take place on what weight could be given to elements of the submitted Core Strategy and Development Control Policies.

**50/09 BRETENHAM: 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.

This proposal had been fully discussed at previous meetings of the Committee and had come back for further consideration.

Members were given an overview of the proposal, the consultations and the issues raised.

The proposal was unchanged, but the description had been amended to reflect the joint use of the land for mixed equine and agricultural use.

Addressing the issue of impact on the countryside, the Officer explained that there would be limited hardstanding associated with the small stable blocks; the need for which was accepted on isolation requirement grounds.

The three metre wide gallops would also have limited impact being constructed of sand with post and rail inner fencing to the central grazing land and post and wire outer fencing surrounded by a wildlife buffer. There would be no jumps or floodlighting.

Mr Poulter, representing the Parish Council, spoke strongly in support of retaining the agricultural land which he said was of good quality and had an installed irrigation system. He quoted National policies and others contained within the emerging LDF Core Strategy document which aimed to protect agricultural land. He also felt that any additional employment would be for a short term each year only.

Action By

Mr Wright, objector, had been a tenant of the land in partnership with his brother and sister for many years. He said the proposed agricultural use would not be by them. The proposal would have a huge impact on the landscape and on bio-diversity. It would cause the loss of 50 acres of good land and would not create jobs.

Mr Warth, Agent, said that equine use would provide many more direct and indirect employment opportunities than agriculture. He reiterated that Stone Curlews did not like arable land or open countryside and said that more areas of land would be set aside for bio-diversity under this proposal. Finally he mentioned that the tenant farmer had been offered compensation above the national requirement.

Lady Fisher, Ward Representative, was surprised that there had not been an Environmental Impact Statement provided. She said this was a big equine village on the grand scale which would impact on the countryside and lead to loss of bio-diversity, contrary to policies.

The Solicitor pointed out to Members that it was up to the Committee to approve or refuse the application, but that adequate and sustainable reasons had to be given.

A Member asked about pre-determination, as the Committee had already considered this application. The Solicitor advised that as long as Members had an open mind they could participate.

A discussion then followed concerning the amount of agricultural land which had already been lost to equine use. Figures had been provided, for this holding only, by the tenant farmer, which indicated that almost 47 hectares of land had been lost since January 2002. It was pointed out that there was still over 1300 hectares farmed by the tenant.

The need for planning permission for the change of use of the land in the centre of the gallops was queried, as it was still to be used for grazing. The Agent explained that the grazing of cattle and sheep was regarded as an agricultural use, but the use for horses was not (unless they were working horses).

Another Member could not understand how horses and gallops could be considered to have a negative impact on the countryside. She confirmed that the applicant employed many local people and was actively supporting bio-diversity and already looked after Stone Curlew habitat. She felt the application would enhance the landscape.

RESOLVED to approve the application as recommended, subject to an additional condition preventing construction work during the nesting season.

51/09 SCHEDULE OF PLANNING APPLICATIONS (SCHEDULE ITEM 10)

RESOLVED that the applications be determined as follows:

- (a) Item 1: 3PL/2008/0497/F: Griston: Willow Fields Farm, Caston Road: Siting of mobile home for temporary period for H Irwin Ltd

This application for temporary permission to stand a mobile home

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followed a previous refusal. New supporting information had been provided from an independent technical advisor.

The accommodation would allow a stockman to live on-site and provide 24/7 supervision and security for the existing free range chicken enterprise.

The mobile home would be well screened by mature vegetation.

Mr Sutton, Agent and Mr Irwin, Applicant explained that the site had the potential to hold more arcs and a greater number of chickens, but a permanent presence on-site was necessary as early and late checks were carried out seven days a week. There was also the need to protect against predators, prevent intruders and maintain bio-security.

Mr Rogers, Ward Representative, supported the Parish Council's objection. He said there were properties available to rent in the area and that night work only occurred on a few days per year when the birds were caught.

A Member who had attended two recent appeals on similar proposals said that it was clear that the financial test was satisfied and the need for security was acknowledged in this case. Only the sequential test on alternative accommodation remained to be satisfied.

After discussion it was generally agreed that on-site accommodation was warranted to provide the degree of supervision and security required.

A Member asked why permission had not been sought for a permanent dwelling and it was explained that until an enterprise had been in existence for more than five years, Government guidance recommended temporary approval only.

Approved, as recommended, subject to an additional drainage condition.

- (b) Item 2: 3PL/2008/1419/F: Brettenham: Home Farm, Shadwell: Change of Use to mixed agricultural and equine use and the construction of an all weather gallop and two stables consisting of six boxes each for Mr P Hodson

Approved. See Minute No 50/09 above.

Item 3: 3PL/2008/1522/O: Attleborough: The Foundry, Foundry Corner, Buckenham Road: Erection of dwelling and garage/carport for Mr I Haynes

Outline planning permission for a dwelling already existed on this site but the siting was contrived to place the proposal within the Settlement Boundary. This outline application, with all matters reserved, sought permission to place the new dwelling outside the Settlement Boundary.

It was felt that a high quality design in a position further back in the

Action By

site would improve the appearance and be more attractive for the character of the area. An indicative plan had been received to demonstrate this.

Mr Stasiak, Ward Representative, spoke in support of this application. He felt that negotiations had led to a satisfactory conclusion and he asked Members to approve the proposal.

A Member was concerned that this was only an outline application and that there would be no way to ensure the high quality design desired.

The Development Services Manager felt that to allow the re-arrangement would provide a better relationship with adjacent properties. The principle of development was already approved and design could be controlled by condition.

Approved, as recommended.

- (d) Item 4: 3PL/2008/1621/O: Watton: Westbury, 51 Thetford Road: Demolition of outbuildings, improvement of existing access, erection of 5 dwellings and garages and retention of existing house for Mr T Wells

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

This outline application sought permission for five new dwellings in the grounds of an existing house which would be retained. The site was adjacent to that of an application for eight dwellings which had been approved at the previous Committee meeting.

Concerns raised by the Tree Officer about the effects on a Protected Tree had been addressed by the re-siting of the dwelling proposed on Plot 2b.

Density was similar to the surrounding area and there would be no detrimental impact on neighbours.

Mr McFarlane-Holt, Agent, was present to answer questions.

The Chairman felt it was a shame that the existing house would have two new houses in front of it. Other Members agreed and regretted the loss of the large front lawn and view of the house from the street scene.

A Member suggested that if the new house immediately between the existing house and the road was removed from the proposal it would be acceptable and this was agreed.

Deferred and the officers authorised to grant approval following negotiations to remove the house at Plot 2b.

It was confirmed that if negotiations were unsuccessful the application would be returned to Committee for reconsideration.

Action By

- (e) Item 5: 3PL/2008/1672/F: Besthorpe: Attleborough Fish Farm, Norwich Road: Three bedroom house to supervise and maintain fish farm and associated business for Mr T H & Mr P H Day

Withdrawn. See Minute No 48/09 above.

- (f) Item 6: 3PL/2009/0092/F: Horningtoft: Elmroyd, Oxwick Road: Part demolition of existing and extensions at ground and first floor levels proposed for Mr R Storey and Ms S Moden

This full application proposed the partial demolition of a single storey dwelling and extensions at ground and first floor to create a chalet style property.

Following investigations by the Enforcement department with regard to a new fence, no further action would be taken. The new access did not require planning permission. Visibility issues would be dealt with by condition.

The proposed design was considered acceptable and an improvement on the existing.

A Member agreed that the proposal was a huge improvement and asked if the colour of the render could be conditioned. Another Member confirmed that very little traffic used the lane.

Approved, as recommended.

- (g) Item 7: 3PL/2009/0095: Great Ellingham: Building Plot at Attleborough Road: erection of pair of semi-detached cottages to replace single detached bungalow (already approved)

This application sought full planning permission for a pair of semi-detached cottages on a building plot outside the Settlement Boundary. The site already had extant permission for a single dwelling and was surrounded by other development.

An independent noise survey had been submitted with the application which indicated that a solid fence would be required to the rear boundary between the dwellings and an existing scrap yard business.

Officers considered that a refusal could not be justified and that an exception to policy was acceptable in this case.

The agent had accepted suggestions to improve the appearance of the front elevation and amendments included a brick plinth, arches over the windows and a downpipe to break up the appearance.

A Member was concerned that the development might lead to future conflict with the scrap yard business and wanted reassurance that the acoustic fencing would be conditioned.

The Development Services Manager accepted these concerns and said that a previous proposal had been refused on noise grounds. The fencing would be conditioned. It was also likely that the occupants of the new cottages would be involved in the scrap yard

Action By

business.

Approved, as recommended.

- (h) Item 8: 3PL/2009/0123/O: Caston: Plot 1, Rear of White House, The Street: Revised house type for Plot 1 from semi-detached to linked detached (previous application 3PL/2008/0975/O) for Miss Anne Bustard

This outline application sought approval to amend the layout of an existing permission, previously approved by the Committee.

Concerns had been raised that the revised layout would give the appearance of a continuous row of buildings. The revision would bring one dwelling closer to the White House, but it was not felt that there would be any effect on neighbours.

Any approval would require a new legal agreement.

Mr Taylor, Agent, asked that this minor amendment be approved to improve the overall appearance and to re-create the original barn complex. It would also provide improved access to Plot 1 and contribute a degree of privacy to Plots 1 and 2.

A Member was concerned that a window in the end gable of the house which would be closer to the White House might cause overlooking and the agent agreed that this would be removed.

Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

Notes to the Schedule

Item No	Speaker
Agenda Item 9	Lady Fisher – Ward Representative Mr Poulter – Parish Council Mr Wright – Objector Mr Warth - Agent
Schedule Item 1	Mr Rogers – Ward Representative Mr Sutton – Agent Mr Irwin - Applicant
3	Mr Stasiak – Ward Representative
4	Mr McFarlane-Holt - Agent
8	Mr Taylor - Agent

Written representations taken into account

Reference No	No of Representations
3PL/2008/0497/F	5
3PL/2008/1522/O	1
3PL/2008/1621/O	1
3PL/2009/0123/O	2

**52/09 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES
MANAGER (AGENDA ITEM 11)**

This item was noted.

53/09 ENFORCEMENT ITEMS (AGENDA ITEM 12)

This item was noted.

54/09 APPEAL DECISIONS (AGENDA ITEM 13)

This item was noted.

**55/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL
(AGENDA ITEM 14)**

This item was noted.

56/09 MEMBERS' INTERESTS / PROTOCOL (AGENDA ITEM 15)

56a Interests of Development Control Members (Agenda Item 15a)

As a lead-in to the draft planning protocol the Solicitor gave Members a quick reminder about interests.

He explained that under the Code of Conduct Members must not use their position for their own, or others' advantage. This could be a complicated matter to decide and he felt that the flowchart would help Members to decide.

The new Code referred to 'close associates' but did not give a definition of what this meant; although it was explained in the Guidance.

He ran through an example of a recent court case where the perception of the public had been taken into account.

Members were required to declare their interest and the nature of that interest. It was more important to declare the nature of the interest when they were only declaring a personal interest, for clarity.

The definition of prejudicial interest had been narrowed to matters affecting the financial position of the Member or their close associate, or when an approval of permission related to the Member or a close associate.

The crunch point was – would a member of the public consider that an interest would affect the Member's judgement?

A Member suggested that applications by fellow Councillors, or by the Local Authority itself, should be dealt with by a neighbouring Council. However under current legislation this would not be allowed.

To determine who would be considered a 'close associate' the Solicitor suggested that Members should assess how the association would appear to other people. He said that the main indicator of close association was regular social contact.

Action By

56b Draft Planning Protocol (Agenda Item 15b)

The Solicitor told Members that the draft guidance for Members would need to go through Standards Committee and Council to be adopted.

At item 2.1, bullet point two, he suggested that it was important for Members to keep a record of any formal meetings to safeguard themselves and the Authority. He urged Members to be cautious of what they said if asked for advice and to make clear that they would keep an open mind until they had heard all the facts.

It was also important to declare any written information received as this might give them additional information not known to other Committee members.

The question of pre-determination was discussed. This was a similar concept to bias. If a Member had made up his/her mind before a meeting – or **appeared** to have done so, they should not take part in the item.

A Member could be pre-disposed, but must still have an open mind when they attended the meeting. If they expressed strong opinions in advance of the meeting they should not then participate.

Some Committees were very strict and only allowed Members to vote if they had been present for the whole item. This seemed to be reasonable and Members were asked to consider this if they left the Chamber during a debate.

Site Visits had been changed and there was no longer any opportunity for debate at that time. The visits were simply to look at the site and to gain information. The debate should take place in the Chamber.

On the question of 'gifts' the Solicitor said that these could be considered much more relevant if they were received before a decision had been made.

The Solicitor hoped that the draft reflected what Members were already doing and said that if there were any points they were unsure of they should contact him to discuss them.

The meeting closed at 12.37 pm

CHAIRMAN