

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 12 October 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
Mr A.J. Byrne	Mr T.J. Lamb
Mrs M.P. Chapman-Allen	Mr B. Rose
Mr P.J. Duigan	Mr F.J. Sharpe
Mr P.S. Francis	Mrs P.A. Spencer
Mr M. Fanthorpe	Mr M. Spencer
Mrs D.K.R. Irving	Mr N.C. Wilkin (Vice-Chairman)
Mr R. Kemp	

**Also Present**

Mr J.P. Cowen	Mrs A.L. Steward
Mr C.R. Jordan	

**In Attendance**

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

**153/09 MINUTES (AGENDA ITEM 1)**

The minutes of the meeting held on 21 September 2009 were confirmed as a correct record and signed by the Chairman.

**154/09 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Cllr C Bowes and Mr S Rogers.

**155/09 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.

It was noted that all Members of the Committee had received direct representation concerning Schedule Item 2 (Colkirk), Schedule Item 3 (Caston) and Schedule Item 5 (Garvestone).

Mr P Duigan and Mr M Fanthorpe declared a Personal and Prejudicial interest in Schedule Item 1 (Dereham) by virtue of being members of Dereham Town Council.

**Action By**

**Action By**

Mr B Borrett declared a Personal and Prejudicial interest in Schedule Item 2 (Colkirk) by virtue of a relative owning adjacent land; and in Schedule Item 6 (Hoe) by virtue of living in the vicinity.

**156/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman reminded Members of the bus tour which would take place on Friday 16 October 2009, leaving promptly at 09.30am from the Elizabeth House car park.

**157/09 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)**

The application at Schedule Item 7 (Gressenhall) had been withdrawn.

**158/09 URGENT BUSINESS (AGENDA ITEM 6)**

The Chairman had accepted an Urgent Item of business which had been published as a supplement to the main agenda. This item was Confidential and would be discussed at the end of the meeting.

**159/09 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)**

The Principal Planning Policy Officer advised Members that the Inspector's Report had been received and would be publicly released in the week beginning 19 October 2009.

He intended to take the final version of the Core Strategy Document to Council on 17 December 2009 for adoption.

The Site Specifics Task & Finish Group had met on 22 September 2009 to discuss Watton and Harling. The next meeting would be on 14 October when Swaffham and Narborough would be discussed and then on 3 November when Dereham, Shipdham and Swanton Morley would be considered.

The dates for the meetings to consider rural Settlement Boundaries were being finalised.

**160/09 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

**Note:**

*The Chairman left the meeting at 12.15pm and **Mr Wilkin took the Chair** for Schedule Items 1 (Dereham) and 3 (Caston) and the Agenda Items 10, 11, 6a and 6b.*

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

- (a) Item 1: Dereham: Toftwood Recreation Ground, Recreation Road, Toftwood: Use of portacabin for changing rooms and storage (temporary permission lapsed) for Dereham Town Council: 3PL/2009/0112/F

Mr Duigan and Mr Fanthorpe declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

**Action By**

This application sought the retention of a portacabin used by the local football teams for changing room and storage facilities. The building had been in its current position for a number of years. The Town Council were taking over the Open Space and had submitted the application to regularise the use of the portacabin.

Mr Needham, Town Council Clerk, told Members that the building had been there for 20 years and had caused no problems. The football club was well supported and needed the facilities provided by the portacabin.

**Approved, as recommended.**

- (b) Item 2: Colkirk: Meadow View, Meadow View Drive: Residential development of 4 No houses with garages for Fleur Developments Limited: 3PL/2009/0576/O

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

This outline application for four dwellings and garages was on a site that formed part of the rear garden of Meadow View, a large detached house. Access would be from Conference Way and Bramley Drive, both un-adopted roads.

Only access and scale were to be considered. An indicative layout had been provided which demonstrated that there was sufficient room for four two-storey dwellings with detached double garages, together with an access drive and turning head.

The indicative layout followed the line of development on Conference Way and Officers considered that the proposal was in keeping with the scale and character of the area. Other matters, such as amenity, could be dealt with at Reserved Matters stage.

There were surface water drainage problems in the area and local residents were concerned that any additional development would exacerbate this. However, the applicants were in negotiations with Persimmon Homes for rights of access to the site and in exchange were proposing to provide on-site drainage for surface water from Conference Way and Bramley Drive (which would enable them to be adopted) as well as for the new houses. As this was outside the scope of the application Members were advised that this could only be considered as a 'bonus' if agreed. Officers were satisfied that on-site drainage for the houses could be dealt with by condition.

Mr Barron, for the Parish Council, showed a plan of the local sewage system in Conference Way which he described as 'chaotic'. It became blocked about twice a year leading to localised flooding. This problem was aggravated by the failure of the surface water, soak-aways, due to the land having an impermeable clay layer.

Mr Kindleysides, an objector, said that all the residents in the vicinity opposed the proposal. It would be detrimental to the area and would lead to a cramped development. The village did not need more houses and had no public transport or amenities to support them. The extra traffic created would increase noise and pollution.

**Action By**

The unadopted roads would suffer from construction traffic.

Mr Brooker, Applicant, had built other small scale developments in the area using traditional design and employing local tradesmen. He took local concerns very seriously and the drainage problem would be addressed. He was in discussion with Persimmon Homes working to overcome the problem. The site could be the key to improvement of the whole area.

Mr Labouchere was Ward Representative and confirmed that there were surface water problems in the area caused by the underlying geology which made soak-aways no good. He said the sewers had not been laid correctly and the existing soak-aways had never worked leading to problems with flooding and smells. He did not think further development was appropriate until this problem was sorted out.

The Development Services Manager reminded Members that only the application for could be considered, not the surrounding problems. He assured them that enforceable drainage conditions could be attached.

The Chairman asked the applicant if he would be willing to sort out the drainage problem before building work commenced and he agreed to this in theory. She further asked him if he was confident he could sort it out and Mr Thorpe, the applicant's drainage consulted responded.

He said that the sewer problems and blockages were Anglian Water's responsibility unless they were within the curtilage of a dwelling when they were the property owner's responsibility. The new development would connect to the mains sewer and have soak-aways for surface water. Permeability tests had been done and showed that these could work.

A Member disagreed with this assumption and proposed that the application should be deferred.

**Deferred, for further information on surface water and foul drainage.**

- (c) Item 3: Caston: Bilhams Cottage, The Street: 2 new houses with garages for Co-Dunk-all: 3PL/2009/0654/F

This application was for two dwellings on former garden land to the rear of Bilhams Cottage. The general form of development in the area was linear with some outbuildings to the rear of residential development.

The main issues were the lack of a Flood Risk Assessment which was required as the site was within Zones 2 and 3. The Environment Agency had raised an objection due to this omission. A similar application had been previously refused on grounds of amenity and backland development and this was a material consideration.

**Action By**

Mr Skipper, objector, said the land was non-conforming and should not be considered for development in advance of the LDF Site Specifics decision. The Government were also currently reviewing the use of garden land. He was concerned that refuse bins could obstruct the highway when awaiting collection and that the driveway would not be suitable for larger vehicles.

Mr Matthews, Agent, showed an up-to-date plan which put the site outside the Flood Zone. He had sent this information to the Environment Agency and was awaiting a response. Apart from their objection the site was acceptable. Other backland had been given permission in the village.

A Member asked why this application had been called in by the Ward Representative and was advised that it was because other backland development had been approved.

**Refused, as recommended.**

- (d) Item 4: Thompson: School Road: One affordable bungalow. Resubmission of pp 3PL/2008/1698/F for Flagship Housing Group Ltd: 3PL/2009/0705/F

This full application proposed a two bedroom bungalow in the middle of the site, avoiding conflict with two large protected oak trees. Policy allowed for exception sites outside the Settlement Boundary to provide affordable housing subject to criteria. The site was also within the Stone Curlew buffer zone however, the Tree and Landscape Officer did not consider that the development would have significant impact on the Special Protection Area. A septic tank for an adjacent property was thought to be within the site, but this was not a planning consideration.

Ms Handford, for the applicants, explained that a previous permission to replace three Airey houses locally meant that they needed to move an existing tenant within the village. Drainage for the proposed bungalow would include provision for the existing dwellings adjacent.

Mr Cowen, Ward Representative, had called-in this application. He believed that current policies were designed to allow for exception sites in rural areas to address local need for affordable housing and that that principle should be supported in this case. He was also glad that this application helped to clarify the position with regard to the Stone Curlew buffer zone, following the comments made by the Inspector at the Examination in Public.

Members were concerned that a single storey dwelling was not the best use of this piece of land, but Ms Handford confirmed that bungalows were in demand in rural areas. She also thought that the protected trees might be affected by a two storey dwelling.

**Approved, as recommended.**

**Action By**

- (e) Item 5: Garvestone: The Round House, Hingham Road, Reymerston: Proposed new bungalow for Mr A Worby: 3PL/2009/0727/F

This was the re-submission of a previously refused application for a new dwelling. The existing house and cattery would remain. The new dwelling would be built to disabled standards. It was needed as the applicant had medical problems which made the existing property unsuitable.

The applicant and his wife ran the existing business on-site and could demonstrate a functional and financial justification for a dwelling on site. However, there was a policy objection to a new dwelling in the countryside and officers considered that the existing house could be extended, or replaced to overcome the accommodation problems.

Mrs Worby, for the applicant, said that the business was very well established, reputable and profitable; employing her full time as well as two part-time staff. Her husband looked after the paperwork and accounts and manned the phone. The business was capable of expansion but could not do so until the accommodation problems were solved. Her husband could not use the first floor and had problems with low doorways on the ground floor.

Mr Jordan, Ward Representative, fully supported the application. The business was successful and needed to expand. The Parish Council and local people supported the application. The existing house was not functional, but was a landmark building in the village and should not be replaced.

A Member was concerned that interim accommodation would be needed if the sale of the Round House was to finance the new dwelling and that this might not be suitable considering Mr Worby's condition. Mrs Worby confirmed that funds were available to enable the build to take place before the sale.

A Member was concerned about making an exception to policy and the Solicitor advised that national and local Policies could not be ignored but that if Members considered that the matter was finely balanced they could take personal circumstances into consideration.

The recommendation for refusal was not supported. A new proposal for approval was made and it was confirmed that this was subject to a legal agreement, linking the new dwelling to the cattery business.

**The application was deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement**

- (f) Item 6: Hoe: Hall Road: Erection of agricultural storage building and two polytunnels for horticultural purposes: 3PL/2009/0772/F

Mr Borrett declared a personal and prejudicial interest in this item. Once he had addressed the Committee he left the room.

**Action By**

This was a resubmission of previously refused applications. In this instance no dwelling was proposed. Previous applications had not provided evidence of any agricultural activity on site. Since then about £11,000 had been invested in the site. A bore-hole had been sunk and planting and fencing had taken place.

The two polytunnels and storage building would support a horticultural business to be run from the site. The only element of the application that required specific permission was the storage building for nursery supplies and machinery/tractors. Officers did not consider that this would impact on the surroundings due to the undulating nature of the landscape and the existing and additional planting to the boundaries.

Highways had objected to the proposal due to the poor transport network in the vicinity, however, it was noted that the business use, polytunnels and produce sales from site could take place without planning permission.

Mr Wood, for the Parish Council, showed a photograph of the proposed storage building which they considered to be very industrial in appearance and out of character for the area. He suggested that the need for the building was not justified as materials could be kept outside in compounds and the tractor could be kept off site. He was concerned that the building could be used for other purposes.

Mr Hubbard, applicant, said his family had farmed in Hoe for three generations. He had secured the site and rectified flooding problems. He wanted to run an environmentally friendly rural enterprise from the site. The steel building was a standard for this type of business and would provide enough space to meet all his on-site needs. It would be positioned to minimise its impact.

Mr Borrett, speaking as a local resident, was surprised that officers were supporting this application when exactly the same building had been refused before. He thought that it would present an unwarranted intrusion into the countryside. He was also surprised that the Highway objection did not affect the recommendation.

Mr Borrett then left the room.

A Member was confused about the Highways objection and Graham Worsfold, Norfolk County Council Highways Officer, was asked for clarification.

He confirmed that part of the route had recently been re-designated as an alternative route for Heavy Goods Vehicles, but other possible routes were not considered adequate to cater for the likely vehicle movements.

In response to a question about the size of the storage shed, Mr Hubbard explained that it was the same size as the current rented space he used and that the horticultural enterprise would require regular use of machinery. They would be growing mature trees in substantial pots and would not be able to move them by hand.

**Action By**

**Approved, as recommended.**

- (g) Item 7: Gressenhall: Camden Cottage, 2 The Green: Alteration and extension to cottage for Mr S Wood: 3PL/2009/0776/F

**This item had been withdrawn.**

- (h) Item 8: Hockering: Heath Cottage, 24 Heath Road: Extensions to dwelling (single and two storey) for Mr P Claussen: 3PL/2009/0779/F

This resubmission sought amendments to a previously approved scheme to extend the dwelling.

**Approved, as recommended.**

**Notes to the Schedule**

<b>Item No</b>	<b>Speaker</b>
1	Tony Needham – Town Council
2	Mr Barron – Parish Council Mr Kindleysides – Objector Mr Brooker – Applicant Mr Thorpe – for Applicants
3	Mr Skipper – Objector Mr Mathews - Agent
4	Mr Cowen – Ward Representative Ms Handford – for Applicants
5	Mr Jordan – Ward Representative Mrs Worby - Applicant
6	Mr Wood – Parish Council Mr & Mrs Hubbard - Applicants

**Written Representations taken into account**

<b>Reference No</b>	<b>No of Representations</b>
3PL/2009/0576/O	13
3PL/2009/0654/F	3
3PL/2009/0705/F	4
3PL/2009/0727/F	31
3PL/2009/0772/F	2

**161/09 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (AGENDA ITEM 10)**

This item was noted.

**162/09 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 11)**

This item was noted.

**163/09 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 6A)**

**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 involves the



disclosure of exempt information as defined in paragraphs 5 and 6 of Schedule 12A to the Act.

**164/09 URGENT BUSINESS (AGENDA ITEM 6B)**

The Principal Planning Officer (Major Projects) advised Members that negotiations had been taking place in relation to the terms of a Section 106 Agreement.

Due to current market conditions an amendment to the terms for the adoption of public open space was proposed.

The Land Management Officer was in attendance and gave details of the reasons for the variation and the negotiations that had taken place.

**RESOLVED** to authorise the variation of the legal agreement to enable public open space to be adopted on the basis outlined in the report.

**Action By**

The meeting closed at 1.10 pm

CHAIRMAN