

SWANTON MORLEY PARISH COUNCIL

A meeting of the Parish Council was held in the Village Hall on Monday 13th November 2006. The meeting commenced at 7.30pm.

Present: Mr R. Atterwill (Chairman), Mrs. R. Northall, Mr J. Carrick, Mrs. Q Wood, Mrs M. Thomas, Mr C. Clegg, Mr C Perry and 6 members of the public.

1. Apologies for Absence

None

2. Declarations of Interest

- Mrs R. Northall – Personal interests as a member of Norfolk Wildlife Trust, in relation to item 12b) – tree felling faculty application. Also as the secretary of Swanton Morley Cricket Club, in relation to item 7ii) – the applicant is also a member of the cricket club.
- Mr Atterwill – Prejudicial interest in the grass cutting contract (Item 8).
- Mrs Thomas - Personal interest as a member of the Village Hall Management Committee.
- Mr Clegg – Prejudicial interest in the Old Village Hall

3. Minutes from Parish Council Annual Meeting of 9th October 2006 to be Accepted, Initialled and Signed.

Mrs Northall proposed these minutes be accepted, Mrs Thomas seconded. All in favour.

4. Matters Arising

Mrs Northall reported that there had been a good response to the Good Citizen Dog Scheme to be held at the village hall by Steve O'Brien and that a second course was being considered due to demand. She made a plea to all dog owners to take advantage and requested that the clerk advertise the course in Link Up and the Dereham Times.

6. Finance

a) Accounts to be approved for payment

Payment	Amount	Cheque No.	Comments
Clerk's Salary	£281.22	101258	
Clerk's Expenses	£40.57	101258	
Mr R Allsop	£657.83	101259	Grass Cutting (September)
TT Jones	£1657.22	101260	Q. Maintenance and Repairs
Nicholas Hancox	£1375.93	101261	Legal fees Old Village Hall
Case and Dewing	£117.50	101262	Valuation Old Village Hall
EON	£102.57	DD	Street Lighting (Sept)
Total	£4,233.97		

Mrs Wood stated that the fees to Nicholas Hancox were getting too large and should cease. Mrs Northall questioned whether £50 maintenance fee for darkening the street light at 5 Manns Lane was to be reclaimed from Miss Paffron. Mr Atterwill answered that it would, but the full invoice should be paid to TT Jones by SMPC as the contract was between the Council and the contractor. Further to recent correspondence from the CAB, Mrs Northall requested that the donation of £50 agreed in the precept should be paid. The clerk advised that the request had been received too late to put on the agenda, but that this would be added to December's agenda. Mrs Thomas proposed that these payments be authorised, Mr Clegg seconded. All in favour.

b) Income – None Reported

c) To re-approve 2005/2006 Audit

This was deferred until the extraordinary meeting of 27th November.

d) To discuss 2007/2008 Budget

This was deferred until the extraordinary meeting of 27th November.

6) Public Participation Session

Mrs Wood proposed the meeting be adjourned and opened to the public. Mrs Thomas seconded. All in favour.

Mr Northall questioned whether the annual payment made to the Council by the War Graves Commission was being fully utilised to keep the war graves in the church yard to a very high standard. Mrs Thomas responded that the only requirement of the Council was to keep them clean, and if any maintenance is required then the Parish Council must apply to the War Graves Commissions. She also advised that Mr Hall deals with this and will follow up with him. Mr Brandford explained the reasons behind his planning application (item 7a ii). His wife is expecting a baby and extra space is required. Mr Marsham made a further plea that Highways look into the flooding at the base of Primrose Hill. The clerk is to follow this up with Highways.

Mrs Wood proposed the meeting be brought back into order. Mrs Thomas seconded. All in favour.

7) Planning

a) To consider the following planning applications

Mr Clegg declared a Prejudicial Interest in the following application and left the room

i) 3PL/2006/ 1454/O – Mr & Mrs R Pugh, Octagon House – Proposed one and a half storey three bed detached house and garage – Mr Atterwill advised that he had looked through similar applications dating back to January 2005. He was concerned by the lack of consistency shown by the Council in that previous similar applications were not objected to whereas the comments he had received from Councillors showed the majority objected on this occasion.

Mrs Northall felt that the old cottage in the grounds had to be knocked down to make room for Octagon House and that to rebuild on the grounds was senseless. She also felt that there had been too many garden developments recently.

Mr Carrick felt that Mr Atterwill's comment was unfair, in that previous applications had larger areas of land. He did however, state that despite his personal objection, the application was in line with Breckland's Planning Policy.

Mrs Wood asked whether the comments of the Parish Council are forwarded to Breckland. Mr Atterwill responded that they are.

The majority vote was to object to this application (3 objections, 2 in favour and 1 abstention).

Mr Clegg re-entered the room

ii) 3PL/2006/1504/F – Mr and Mrs B Brandford, Mistletoe Cottage, Woodgate – Demolition of existing outbuilding and addition of part 2 storey and part single storey extension to dwelling. – Mrs Thomas proposed there be no objections to this application. Mrs Wood seconded. All in favour.

b) To receive a report from Mr C. Clegg on the progress of the Planning & Local Development Working Group – It was agreed that Mr Clegg Should defer his report until after the presentation by David Spencer on 11th December.

Mr Atterwill requested that Mr Clegg include Hoe Road South in his report.

8) To Consider Tenders and agree Contractor for Grass Cutting 2007/2008 Season

Mr Atterwill left the room.

Mrs Northall explained that she, Mrs Wood and the clerk had met on 1st November to open the tenders received for the 2007/2008 grass cutting contract. She reported that the current contractor was considerably more highly priced than the other two offers. Although she regretted having to change contractor, her recommendation was to accept the offer of the lowest priced contractor, which in this instance was Mr Watson.

Mrs Northall proposed that the clerk write to Mr Watson to advise him that he was successful in his tender. Mrs Carrick seconded and all were in favour. Once Mr Watson has confirmed that he will

accept the contract offered, the clerk is to write to the other contractors and advise them that on this occasion they were not successful.

Mrs Northall advised that the conservation areas on the tender document were no longer relevant and provided the clerk with a more accurate description of the conservation areas of the churchyard. The clerk is to advise Mr Watson of this new information.

Mrs Thomas requested that a letter of thanks is sent to Mr Allsop for his services.

Mr Atterwill re-entered the room

9) Old Village Hall & Car Park

Mr Clegg left the room.

a) To receive updates on de-registration process.

Mr Atterwill reported that Nicholas Hancox had provided the Council with enough information for the Council to make a decision with reference to the vehicular Right of Way for the four cottage owners, and clearly stressed that the 'CROW Act is now dead'.

Mrs Wood felt that the only legal advice that the Council should act on is to 'let sleeping dogs lie'.

Mr Atterwill responded that this was not acceptable and not fair to the cottage owners who needed to know where they stand. Mr Atterwill's personal opinion was that access should be granted but not without cost. He felt that the formula that should be used should be taken from the CROW Act and that was 0.25% of the capital value of the property (each cottage). He went on to say that in his opinion the council should ask for £250.00 from each cottage owner plus legal costs estimated by Mr Hancox at £250 per household. Although Mr Hancox suggested access be granted for 20 years, Mr Atterwill felt that 99 years would be more appropriate in order to give the cottage owners peace of mind. This would be subject to the rights of the public to use the land, and that the Council should ensure that should the land be sold, the Right of Way passes with the sale.

Mrs Wood showed concern that the same treatment should be given to the Mill driveway.

Mr Carrick suggested that the valuation be done by the District Auditor, as the valuation by Case and Dewing may be misconstrued as showing favour to a Councillor that owns one of the properties. Mr Carrick also felt that the formula of 0.25% was inadequate in comparison to the increase in value the legal access would give the properties and that Best Value for the village would be to ask for more.

Mr Atterwill stressed that a response must be given to the cottage owners so that they can progress their discussions, and clarified that this is purely for Right of Way, not parking.

Mr Atterwill proposed that Nicholas Hancox should be asked to write to the cottage owners stating that the Parish Council would be prepared to grant a Right of Way over the land, the route of which should be specified by the Parish Council. The cost of the legal fees should be paid by the cottages, as should a fee of £250.00 and the Right of Way should be granted for 99 years. Mrs Wood seconded this proposal. All were in favour bar Mr Carrick who objected. The Clerk is to write to Mr Hancox instructing him to proceed on this basis

Mr Atterwill also reported that a response had been received from Breckland Council who deemed that play equipment were structures in breach of the restrictive covenant on Gooseberry Hill playing field. He had spoken to Zoe Footer and it is the responsibility of the Parish Council to prove that the play equipment is not a 'structure' as defined in the terms of the covenant.

Approval was given for Mr Atterwill and the Clerk to write to Breckland Council.

b) To reconsider Demolition/Sale of the Old Village Hall

Mr Atterwill provided the Council with an estimate of the costs associated with the old village hall over the last ten years whilst it has stood empty. After the costs of purchase, legal fees to Eversheds, rates, insurance and maintenance the cost had been approximately £25,000.

Mrs Wood stated that to sell at a reserve price of £ 60,000 would recoup these costs.

Mr Atterwill stressed that any sale of the site to a developer would mean the Council would lose control over what happens to the site.

Mr Carrick was confident that Breckland Council would approve an application for change of use to residential and that the application only previously failed because of his intervention.

Mrs Thomas reminded the meeting that the application was previously refused on Highway's grounds.

Mr Atterwill followed this up by saying that any development must allow an area to turn a car around because reversing out onto the bend on Town Street would be too dangerous. He then read aloud the

letter received from Greg Britton (Breckland Council Planning Officer) stating that adequate parking must be provided to get a change of use application approved.

Mr Carrick proposed that an outline planning application be submitted to convert the old village hall to residential use. He went on to say the original application carried officer approval and therefore stands a good chance of being passed. Part of this proposal was that extra fees be put in the budget for de-registration and he reminded the council that there was another potential site other than the Gooseberry Hill playing field. There was no second to this proposal.

Mr Atterwill proposed accepting the offer which Mr Carrick had obtained from Morways to demolish the hall for reclamation materials in exchange for a credit sum of £7,350. These funds could then be used to offset some of the costs of the hall so far and could be used to assist in the de-registration process. Mr Atterwill had spoken to John Morfoot (Morways) who had confirmed that he would be able to provide a risk assessment and was adequately insured. The building would be demolished by hand with the road cordoned off. The Parish Council should then pay Mr Carrick's insurance to allow him to clear the site of any remaining rubble/materials. Mrs Northall seconded. Mr Perry raised a remote personal interest as he knows John Morfoot. The motion was passed on a majority vote of four to two, with Mr Carrick and Mrs Wood objecting. Mrs Wood also objected to paying Mr Carrick's insurance. Mr Atterwill stressed that the Council had to pull together as a team on this issue. He and the clerk are to write to John Morfoot advising him of the Council's decision. He also requested that Mr Carrick make the necessary arrangements with his insurance company and provide the Parish Council with an invoice, further to his letter dated 7th September.

c) To address the continued deterioration of the Old Village Hall

Further to the decision in 9b), this was no longer relevant.

Mr Clegg Re-entered the room

10) Streetlighting

a) To receive fault reports / matters for attention

Mr Atterwill reported that TT Jones had provided a quote for replacing 11no. concrete poles in the village, which totalled £9,350 plus VAT. Mr Atterwill also reminded the Council that TT Jones had recently advised them that no new street lights can be placed on wooden poles. These should all be taken into account when setting the budget and that it may be cheaper to use a Public Works Board Loan.

b) To receive an update on the proposed new streetlight for Middleton Avenue

Mr Atterwill reported that poor legal advice had been given to the Council from WF Smith, who advised a Deed of Easement would be the best way to proceed. Mr Atterwill had spoken to Chris Sugars from Norfolk County Council who had advised a Wayleave Agreement would be more appropriate and this can be dealt with by EDF. EDF have sent the relevant forms to Breckland who have yet to sign and send back. Mr Atterwill recommended that the clerk write to WF Smith and advise them that their services are no longer required in this matter.

11) Highways

a) To receive reports of highways faults / matters for attention – Mrs Wood reported that the black and white posts with red lights on top, situated on Manns Lane were now laying in the hedge. She also reported that the bin on Ainsworth Close had been vandalised and was now beyond repair. Mrs Northall requested that Mr Atterwill speak with Jason Glasspoole about the footpath to the church survey.

Mr Atterwill advised the Council that Mrs Floering-Blackman had been in contact with him about objectors to the new Zebra Crossing. To ensure that Parishioners have enough information about this proposal, the clerk is to ensure that this project is publicised in the Dereham Times and in Link Up.

Mrs Thomas left the Meeting

b) To receive a report from Mr C. Perry on the progress of the Working Group – Mr Perry reported that extra signage would be required to slow traffic prior to reaching the newly installed Vehicle Activated Signs. Mr Atterwill suggested that the Council wait until the signs were connected and then review the situation

Mr Perry also stressed the need for signage at the boundaries of the village. Mr Atterwill replied that having spoken to Jason Glasspoole (NCC) The Highways Dept. now have these on order.

Finally Mr Perry reported that the lay-by at the school had been designated for buses at peak school hours, and that the zig-zag lines on the road had been repainted.

12) Churchyard & Burial Ground

a) To receive an update report from Mrs M. Thomas on progress of the Sub Committee

Mrs Thomas was unavailable to provide a report.

b) To agree faculty fee for tree felling

The clerk advised that the faculty fee for the tree felling project in the churchyard was to be £175. Mrs Northall felt that the weed sycamore in the Rump grave had done too much damage and that the grave couldn't be saved. Mr Clegg responded that there was no benefit to trees being in graves and that they are dangerous.

Mr Atterwill proposed that the Council go along with the findings of the sub-committee. Mrs Wood seconded. All were in favour bar Mrs Northall who abstained.

c) To consider the new shape of the memorial garden

Mr Atterwill advised that it would be difficult to maintain a garden shaped as a rectangle, whereby a cross would be more accessible. Mr Clegg added that it would take up less land, and that he is to see Malcolm Joyce who would recommend the best roses to be planted.

Mr Atterwill proposed that the shape of the memorial garden be a cross. Mrs Wood seconded. All were in favour bar Mrs Northall who abstained.

13) Youth & Playground Equipment

a) To receive an update report from Mr R. Atterwill on progress of the Sub Committee - Mr

Atterwill advised that there was no report from the sub-committee but they had met on 7th November and the minutes would be circulated shortly.

14) Commons, Open Spaces & Environmental

a) To receive an update report from Mr J. Carrick on progress of the Working Group

Mr Carrick reported that there had been a problem with the Single Payment Scheme that pays the Council approximately £80 per year. The Rural Payments Agency had asked for confirmation of any rights attached to Mill Common. Mr Carrick had consulted Norfolk County Council who confirmed that there were no grazing rights, but then disputed whether it was even a common and whether the Parish Council even had ownership. Mr Carrick is to follow up and to forward the relevant correspondence to the clerk.

Mrs Wood queried why there were only 4 hectares declared as the area for Mill Common, not 17. Mr Carrick confirmed that there are only 3.86 hectares associated with this land.

15) To Discuss Tree Preservation Orders

Mrs Wood queried Tree Preservation Order 2005 no.65, advising the Council that T1 was actually on Lincoln Close and not Merryfield and therefore should not have a Tree Preservation Order attached to it. This tree is overhanging the footpath and is unsafe. The clerk is to write to Gilbert Addison to advise.

16) Community Car

a) To receive an update on the Community Car Project

Mrs Wood reported that there is now a Dial-A-Bus service available in Dereham provided by the Red Cross.

Mrs Northall reported that she had spoken with the organisers of the Gressenhall and Beetley Community Car Schemes, both of which reported great successes. Their advice to Mrs Northall was that word of mouth seemed to work better than complicated surveys. They also recommended getting in place a group of volunteer drivers prior to moving the project any further. However, Gressenhall and Beetley were unable to advise on the vetting of volunteer drivers as their schemes were set up prior to this being implemented. However, Diana Wyatt from Breckland District Council oversees the scheme and will provide the relevant forms for drivers. There will be a meeting for organisers and volunteer drivers on 23rd November at Breckland Council and there will be an invitation issued to the Parish Council.

Mrs Northall also reported that Breckland were now in a position to match fund a Community Car Scheme to a sum of 10p per mile. The Parish Council would be expected to pay 10p per mile, with the user paying the remainder 20p per mile. The total of 40p per mile is paid to the driver to cover fuel and wear and tear. The approximate annual cost to the Parish Council would be £1,000 to £1,500.

Mr Atterwill proposed the meeting be extended. Mrs Wood seconded, all in favour

Mr Atterwill is to find the information on interest in the Community Car Scheme from the Village Appraisal archive. The proposal to fund a community car scheme is to be placed on December's agenda. Mr Atterwill also requested that Mrs Wood find out more information on the Dial-A-Bus service.

17) Correspondence

Mr Atterwill reported that he had written to Rod Fearnley about the village Emergency Plan, but had yet to receive a response. He also reported that he had sent an email requesting advice about the village sign, with a view to potentially replacing it after the damage that had been caused by the hot weather. Mrs Wood queried funds that had been set aside for a mould of the sign. Mrs Northall responded that it was not feasible.

Mr Atterwill also reported that there had been an article written in Town and About magazine about the village and would put the article on circulation.

18) Feed back from Mr Atterwill on the N.C.C Planning & Transportation Forum and N.C.A.P.T.C Annual General Meeting

Mr Atterwill reported that he had attended the Planning and Transportation Forum at County Hall. As part of the Q&A session, it emerged that most villages were pleased with the new structure of the Highways Department and felt it was working well. He also reported that there is now 70% match funding for bus shelters.

Mr Atterwill also conveyed the Council's willingness to assist the school and will attend the meeting of the School Parent Council arranged for 1st December.

Mr Atterwill also attended the NCAPTC AGM. He expressed his disappointment that no Chief Executives from District Councils, nor MP's had chosen to attend. Subscription fees are to be increased by 3%, in line with inflation, plus an extra 1% for campaigning costs. Mr Atterwill also reported that the Lyon's Inquiry into Local Government will be published in December through NCAPTC. It was also reported that the Parish Council could have more powers if it were able to obtain quality status.

19) County / District Councillors' Reports

There was no report from the County Councillor.

Mr Carrick, as District Councillor, reported that on a recent trip to Denmark he had discovered that they are miles ahead with regard to waste disposal. Most of their waste is burnt and they have only 2% land fill and there is minimal fly tipping.

Mr Carrick also reported that contrary to rumour, Becky Hellard had neither been sacked nor suspended but is under investigation. She is still at work but is no longer permitted contact with suppliers.

Further to the confirmation of attendance of David Spencer at the Parish Council meeting on 11th December, Mr Carrick confirmed that as part of the Local Development Framework, about 5,000 houses are due to be built in Thetford, with a scattering elsewhere.

Mr Carrick also reported that the CCTV in market towns was deemed a great success, however the cameras are coming to an end of their working life and will require replacing at great expense.

Finally Mr Carrick reported that the PCT are going to build their headquarters next to Breckland House.

20) Any Item to be Reported for the next agenda

Mrs Northall requested that the clerk report the continued problem of flooding outside Northview in Woodgate to Highways.

The clerk is to write to Hayes Affordable Housing and invite them to the meeting on 8th January to provide the Parish Council with a presentation on their Discounted Scheme.

Mrs Northall requested an agenda item to update the Council on the Community Car Project.

21) Public Participation Summary Session

Mrs Northall proposed the meeting be adjourned and opened to the public. Mr Clegg seconded. All in favour.

Mrs Walden expressed her disappointment that the cottage owners had not proven their legal Right of Way and took issue with the advice of Nicholas Hancox. She questioned that any money should need to be paid at all. She requested a copy of the letter that Nicholas Hancox had sent and thanked the Parish Council for actually coming to a decision.

Mr Atterwill responded that one of the contributing factors that go against the cottage owners is that in years gone by the Parish Council gave permission to the cottage owners by way of a licence for access across the car park in return for a nominal fee. Mrs Northall quoted the email received from NALC which confirms Mr Hancox's advice about licences.

Mrs Walden also expressed her concern about the planning application for Octagon House. She was of the belief the Octagon House suffered from subsidence due to it being built on sand, and queried whether the new building would suffer the same fate.

22) To confirm the date & time of next meeting to be held on Monday 11th December 2006 at 7.30pm at the Village Hall.

All in Favour. Mr Atterwill reminded the Council that an Extraordinary Meeting is to be held on 27th November to set the Precept.

The meeting closed at 10.15pm

_____ (Chairman) _____ Date