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BRECKLAND COUNCIL

At a Meeting of the

CABINET

Held on Tuesday, 26 July 2011 at 9.30 am in
The Anglia Room, Conference Suite, Elizabeth House, Dereham NR19 1EE

PRESENT

Mr J.W. Nunn (Chairman)	Mr W.H.C. Smith
Mr S. Askew	Mr A.C. Stasiak (Vice-Chairman)
Mr P.D. Claussen	Mrs L.S. Turner
Mr M.A. Kiddle-Morris	

Also Present

Mr S.G. Bambridge	Mr R.G. Kybird
Mr J.P. Cowen	Mrs L.H. Monument
Mr R.F. Goreham	Mr W R J Richmond
Mrs D.K.R. Irving	Mr R R Richmond
Mrs E M Jolly	Mr M A Wassell

In Attendance

Laura Apps-Green	- Community Development Officer
Natalie Beal	- Planning Policy Officer (Growth Point)
Ralph Burton	- Strategic Property Manager
Keith Eccles	- Building Control & Development Services Manager (Capita Symonds for Breckland Council)
Zoe Footer	- Land Management Officer
Lloyd Gibson	- Commercial Solicitor
Terry Huggins	- Chief Executive
Helen McAleer	- Senior Committee Officer
David Spencer	- Principal Planning Policy Officer (Capita Symonds for Breckland)
Mark Stokes	- Deputy Chief Executive
Vicky Thomson	- Assistant Director - Democratic Services
Robert Walker	- Assistant Director of Commissioning

Action By

55/11 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 31 May 2011 were confirmed as a correct record and signed by the Chairman.

56/11 DECLARATION OF INTEREST (AGENDA ITEM 4)

Mr Kybird declared a personal interest in Agenda Item 11 (TAAP Submission Version) by virtue of being a member of the Town Council, Moving Thetford Forward Board and the Thetford Society and a local builder.

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57/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mr G Bambridge, Mr P Cowen, Mr R Goreham, Mrs D Irving, Mrs E Jolly, Mr R Kybird, Mrs L Monument, Mr R Richmond, Mr W Richmond and Mr M Wassell were in attendance.

58/11 REDEVELOPMENT OF SWEYN CLOSE/FULMERSTON ROAD, THETFORD - RELEASE OF RESTRICTIVE COVENANT (AGENDA ITEM 7)

The Executive Member for Assets & Strategic Development introduced the report which sought the release of covenants which might impede redevelopment.

Mr Kybird, speaking as a Thetford Member, supported the scheme as an exemplar regeneration project and a key element of Moving Thetford Forward.

Mr Goreham asked for a brief outline of what the restrictive covenants said.

The Land Management Officer advised that the covenants were imposed on all right-to-buy properties. They restricted development and maintained specific boundaries. The restrictions would prevent the layout of the redevelopment scheme.

Mrs Monument urged Members not to keep the restrictions which were very good when they applied to the original site, but not for the new layout. The question was on what terms should they be parted with?

The Vice-Chairman said that housing was a major priority for the Council and Cabinet should do what it could to assist more homes being built.

The Chairman agreed. The release of the covenants amounted to a gift of £100,000 towards the scheme but he did not want to jeopardise its progress.

Options

- (1) To agree to release each and every restrictive covenant (insofar as the Council has power to do so) contained in the relevant Conveyances in respect of the properties identified in the report, at nil consideration, as per the request from Flagship Peddars Way. Please refer to paragraph 3 of the letter attached, as to the reasoning the Housing Association feels the covenants should be released at no premium; or
- (2) To agree to release each and every restrictive covenant (insofar as the Council has power to do so) contained in the relevant Conveyances in respect of the properties identified in the report but negotiate with the Housing Association as to an appropriate market value and/or a claw back arrangement.

Reasons

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1. To deliver 67 affordable dwellings of which 33 will be additional to the re-provision of 34 cross-walled properties; and
2. The development of Sweyn Close forms part of the regeneration of the Barnham Cross Estate.

RESOLVED to release each and every restrictive covenant, (insofar as the Council has power to do so) contained in the relevant Conveyances in respect of the properties identified in the report, at nil consideration.

59/11 ACTIVE LAND MANAGEMENT - TRANCHE 3 (AGENDA ITEM 8)

The Executive Member for Assets & Strategic Development outlined the background to the Active Land Management programme. Each piece of Council land was being investigated for potential uses, using a 'top down' approach which provided a clear audit trail and ensured that the Council's assets achieved their best value.

Members received a presentation on each of the ten sites in the third tranche and were advised of the options available.

The following comments were made with regard to each site:

Attleborough – Blenheim Drive

In response to representations received from Ward Members, the Executive Member for Assets & Strategic Development suggested that the site should be retained for consideration in the wider planning context of the ASHAAP.

It was clarified that the Open Space had been provided as a condition of the initial planning permission but noted that the Council had given the Town Council an additional 22 acres of Open Space.

Snetterton – North End

Snetterton Parish Council supported Option 4.

Thompson – Tottington Road

Thompson Parish Council preferred affordable housing with a degree of openness retained.

The Chairman was pleased that the proposal was for the authority to build its own houses to rent as there was a huge need across the district for rentable accommodation.

Watton – Mill Road

Mr Wassell noted that Watton was already densely populated. He supported the Town Council's view that the land should remain as Open Space.

The Executive Member for Assets & Strategic Development said that to ensure best value the development potential had to be looked at first.

Gressenhall – Rougholme Close

The Parish Council were in support of the development of starter homes – preferable three bedroomed so that families would stay in the village.

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Whissonsett – Church Close

The Parish Council were keen for open market housing for local people.

Bintree – Cubitts Close

Mr Cowen suggested that there was clearly value in the site which could be developed for a single dwelling as the access was adequate for that. The Executive Member for Assets & Strategic Development agreed and modified the recommendation to investigate that option.

Dereham – Waples Way

Mr Goreham, speaking as Ward Representative, said that both this and the following site were on the Moorgate Estate which had already been extensively developed. This site had drainage issues and also formed part of a nature walk. It was a long way from the town centre and residents would have to use a car to access services which would add to the traffic burden. He suggested that the land should be retained as Open Space by the Council and asked why that was not an option.

The Executive Member for Assets & Strategic Development advised that the option to retain the sites had been removed due to cost implications and that if land was transferred to town or parish councils there would be no commuted sum for maintenance.

Mr Goreham accepted that all Councils had to maximise their assets but said that sometimes, in terms of amenities to the ratepayers, the best option was to leave it as it is – money would not replace amenity.

The Executive Member for Assets & Strategic Development explained that under the Active Land Management Framework they had a duty to look at all options and in this case he felt development should be investigated. If it turned out to be too costly other options would be considered.

The Vice-Chairman pointed out that the Council had to represent the whole district. He suggested that two additional dwellings would be a compromise.

Mr Goreham reiterated that as Ward Representative he completely opposed the recommendation.

Dereham – Howlett Close

Mr Goreham noted that as the option for status quo had been removed it seemed the Council was determined to dispose of the land one way or another. This very small piece of land had been Open Space for nearly 60 years and was an amenity enjoyed by the predominantly elderly residents. Development would cause them a lot of stress – he had received representation from almost every resident. The estate was well balanced, further development would be inappropriate and would cause chronic parking issues. Both he and the other Ward Representative, Mr Monument (who could not attend the meeting) were implacably opposed to the site's development.

The Chairman ensured Mr Goreham that his comments were not being disregarded. The Council was trying to get best value for its land. If a planning permission was submitted Ward Representatives and residents would have the opportunity to object. If the planning permission failed

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Cabinet would take a secondary view on the use of the land.

Mr Cowen suggested that the cost of moving the high voltage cables should be investigated first as that might negate any residual value.

The Executive Member for Assets & Strategic Development accepted that in some cases it would be impossible to fulfil planning application requirements, but said that all potential uses had to be investigated.

Dereham – Castell Road

Mr William Richmond, Ward Representative, spoke against the recommendation. The residents of Highfield Estate had no access to Open Space which was why this site was designated as such in the Local Development Framework. Dereham already had its allocation for affordable housing and 200 residents wanted to retain the site as Open Space.

Mrs Monument, also a Ward Representative for the estate said that when Open Space was provided in new developments it was bound by legal agreement. This site was too old for that but exemplified the reason for the policy. It would make a travesty of Open Space policy if it was built on. The land served about 250 houses and also linked to a narrow strip of green land which (if owned by the Council) should be included if the land was transferred to the Town Council.

The Executive Member for Assets & Strategic Development felt that Options 1 and 2 were both worth investigating and he would recommend a combination of the two.

Mrs Monument was concerned that there should be no road linking the two estates as local people feared a rat run from Quebec Road to Highfield Road.

If the two sites were developed together the Vice-Chairman wondered if the Open Space provision could be met on the Castell Road site. He acknowledged however that that might not be the best area within the scheme and said that should be left open for investigation.

Mr Cowen suggested that the developers could be given a steer that the presumption would be that the existing space to the east would form the bulk of the Open Space provision as that was what the people of Dereham wanted.

Options

To decide on the alternative/future uses of each of the 10 sites processed in the third tranche of the Active Land.

Reasons

- (1) To ensure the diverse interests that exist around land usage are realised; and
- (2) To provide a source of funding for both the Council's revenue and capital spending.

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RESOLVED that the alternative/future use of each of the 10 sites processed in the third tranche of the Active Land Management Programme be determined as follows:

- (1) Attleborough – Blenheim Drive
Land to be retained and its future use to be considered as part of the wider Attleborough & Snetterton Heath Area Action Plan.
- (2) Snetterton – North End
Whole site offered for affordable housing. Any development to include an area of Open Space for transfer to the Parish Council.
- (3) Thompson – Tottington Road
Land to be developed for affordable housing with RSL partner or by design and build.
- (4) Watton – Mill Road
Land to be developed for open market housing on a design and build basis.
- (5) Gressenhall – Rougholme Close
To be developed as design and build to rent out as affordable housing.
- (6) Whissonsett – Church Close
To be developed for open market, design and build housing for rent or sale.
- (7) Bintree – Cubitts Close
Investigate the possibility of development for single dwelling on design and build basis for sale.
- (8) Dereham – Waples Way
Develop part of site for two affordable houses (extending existing line of housing).
- (9) Dereham – Howlett Close
Submit planning application for open market sale for design and build housing.
- (10) Dereham – Castell Road
Hold dialogue with purchasers of adjoining (swimming pool) site to discuss potential to develop both plots of land as one site, with the preference that the area to the east of the site forms the bulk of the Open Space provision required.

60/11 COMMUNITY CAR SCHEMES (AGENDA ITEM 9)

The Deputy Chief Executive introduced the report which recommended setting a deadline for car schemes operating in the Breckland area to sign up to the new governance arrangements for funding.

Mr Cowen, Chairman of the Overview & Scrutiny Commission advised

Action By

that Scrutiny Members supported the recommendation to set a deadline.

The Community Development Officer advised that following further meetings it had been agreed to produce a template letter for GPs and to introduce a grace period of six months, to comply with requirements, for those that signed up by 1st October. The Council's Commercial Solicitor noted that the grace period had been introduced after the report had been written. He requested an addition to the recommendation to make its terms clear.

Mr Goreham understood the need for governance but did not want to negate the usefulness of the schemes, the vast majority of which were well run. He didn't want legal red tape to get in the way of a valuable service.

The Chairman agreed that he was absolutely right but said that litigation was the key word. It was a sad state of affairs but it was necessary to have a scheme to protect drivers.

Mr Bambridge said he had been involved with the scheme since day one. He congratulated the officers on the work they had done and fully supported the recommendation.

Option 1

To continue to discuss the issues with each car scheme individually without a time constraint – this will cause further delays and continue to expose Breckland Council. This option is not recommended as all the community car schemes have had more than enough time to reach agreement as to whether or not to accept Breckland Council's funding under the new conditions.

Option 2

Keep the funding agreement as originally formatted and set a deadline of 1st October to sign the agreement, after which time Breckland Council funding will be suspended. This option is recommended.

Reasons

The new governance procedures demonstrate best practice, and implementation should be a matter of priority to protect all parties

RESOLVED

- (1) to set a deadline of 1st October 2011 for the car schemes operating in the Breckland area to sign the funding agreement, after which time Breckland Council funding would be suspended; and
- (2) to allow six months, from 1st October 2011, for those schemes that signed up to the agreement to implement the changes required. If they remained non-compliant after six months, funding would be withdrawn.

61/11 META: HEALTHY THETFORD (AGENDA ITEM 10)

The Assistant Director Commissioning introduced the report.

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Funding had been allocated to the Council from the Area Based Grant Settlement 2008-2011 and release of £32,000 was requested to provide match funding to NHS Norfolk in support of the META Scheme which was part of the Healthy Town: Thetford project.

A detailed breakdown of the figures was provided in the appendix to the report.

Options

- (1) to approve funding of £32,000 from the Area Based Grant Settlement 2008-2011 to NHS Norfolk for the META scheme (part of the Healthy Town: Thetford project); or
- (2) not approve funding of £32,000 from the Area Based Grant Settlement 2008-2011 to NHS Norfolk for the META scheme (part of the Healthy Town: Thetford project).

Reasons

Thetford: Healthy Town is a significant project within Breckland – aligned to Council priorities – and is addressing the health inequalities that exist within the district. The META scheme has and continues to be an integral part of the project's success. Breckland Council funding for this project will be an important contribution to the overall match funding required to satisfy the Department of Health.

RESOLVED to approve funding of £32,000 from the Area Based Grant Settlement 2008-2011 to NHS Norfolk for the META scheme (part of the Healthy Town: Thetford project).

62/11 THETFORD AREA ACTION PLAN (TAAP) (SUBMISSION VERSION) (AGENDA ITEM 11)

The Executive Member for Assets & Strategic Development introduced the report and handed over to the Principal Planning Policy Officer and the Planning Policy Officer (Growth Point) to present the details.

Members were advised that the document was ready for submission and the six week publication period would provide an opportunity for representations on its soundness.

When adopted, the Council would have in excess of eight years Housing Land Supply which would allow greater control over future development.

The evidence base was comprehensive and there had been numerous meetings with stakeholders. The full suite of documents was available on the website.

The main changes to the document were pointed out and explained. A key change was to re-order the document placing town-wide policies, including Town Centre regeneration, at the start of the plan. Flexible policies would allow estate regeneration and encourage investment in commercial areas. There had been improvements to the text and maps. Policies had been strengthened where necessary. Two new policies had

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been introduced on Biodiversity Management of Key Sites and Settlement Boundary.

The projected timeline was to publish the document for six weeks and following analysis of comments received and any amendments necessary to submit the document around November. An Examination in Public would be held in early 2012 with the Inspector's report expected around June and adoption by full Council around July 2012.

Mr Kybird noted that there were a significant number of policies and that growth and regeneration went hand in hand. The contentious issues were Stone Curlews and the Bus Interchange. He gave support to the detailed consideration of Thetford's heritage. He noted that there were no objectors present.

Mr Goreham asked how additional GPs would be attracted to Thetford and was advised that services would be competitively commissioned by NHS Norfolk either by existing practices expanding or the introduction of new practices.

Mr Cowen suggested that the Draft Masterplan should be amended to show the location of the proposed bus station, academy and additional railway station. The Planning Policy Officer (Growth Point) Officer said that the Masterplan gave an indicative and strategic indication of proposals and that details would be made clear in the text.

Mr Cowen said he had not intended to criticise but wanted to help other people to understand the proposals. He also raised the subject of Stone Curlews saying that they had created a lot of tension and had a huge impact on the shaping of Thetford. The Inspectors had been keen for more work to be done as not enough was known about the impact of development on the birds.

The Principal Planning Policy Officer acknowledged that the Inspectors had made reference to the need for urgent research on Stone Curlew nesting densities near development. It was difficult to mitigate until more was known and it would be a two to three year process to carry out the necessary study. Officers had interpreted the Inspector's comments to mean an urgent need to get on with the work. There were various research options and Cabinet had agreed to go with a re-analysis of the existing data, together with the additional two years of data now available. The work was being investigated and it was hoped to share the research with Forest Heath and maybe other affected authorities. There were also a number of developers keen to contribute to the research.

Various other issues were discussed, including water abstraction. Mrs Jolly was concerned about the potential effect of abstraction on the Meres which were European Protected Habitats. The Officers advised that the detailed water cycle study had confirmed that there would be sufficient groundwater available assuming lower water demands were achieved in the new developments and that relevant policies sought reduced water demand as well as emphasising the need to protect habitats. The Habitats Regulation Assessment had investigated the effect of water abstraction as well.

Mr Cowen asked if the adoption of the TAAP in 2012 would conclude the

Action By

LDF process and it was pointed out that the Attleborough & Snetterton Heath Area Action Plan would still be outstanding.

The Chairman asked if the item on the Scrutiny agenda in September regarding development in Thetford was still required. Mr Cowen said that he had attended the Cabinet meeting to gain further understanding and he did not feel that the matter needed to be scrutinised.

Option A

To agree to the publication of the TAAP document, including any amendments, for a period of at least six weeks. To further agree to submit the TAAP document to the Secretary of State for an Examination in Public, unless comments received during the six weeks of pre-submission publication indicate that the document is unsound and should be withdrawn.

Option B

Not agree to the publication of the TAAP document, including any amendments and to further not agree to the submission of the TAAP document to the Secretary of State for an Examination in Public.

Reason

To allow the timely progression of a sound development and regeneration framework for Thetford.

RECOMMEND TO COUNCIL that the TAAP document be published for a period of at least six weeks.

63/11 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 12)

No references were made.

64/11 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 13)

The Executive Member for Internal Services presented the Minutes of the Annual Meeting of the ARP Joint Committee and noted that Mr Moakes from East Cambridgeshire had been appointed as Chairman and Mrs Gower, from St Edmundsbury, had been appointed as Vice-Chairman.

The budget surplus of £189,000 had been distributed to Partners.

The Chairman suggested that the changes to Housing Benefit should be included in the Information Bulletin for all Members to note. The Executive Member for Planning & Environmental Services pointed out that the information was changing all the time but that there were a few consistent items that could be shared.

The item was noted.

**65/11 BUSINESS IMPROVEMENT AND PROJECTS SUB-COMMITTEE
(AGENDA ITEM 14)**

(a) Report of the meeting held on 24 May 2011

This meeting had been postponed and re-arranged for 7 June 2011.

(b) Report of the Meeting held on 7 June 2011

(1) Introduction to New Business Improvement & Projects Sub-Committee (Minute No 46/11)

RESOLVED to add the following clause to the Sub-Committee's Terms of Reference:

- To identify and promote business improvement opportunities and improving service delivery.

(2) Adoption

RESOLVED to adopt the Minutes of the Business Improvement & Projects Sub-Committee meeting held on 7 June 2011.

(c) Report of the Meeting held on 5 July 2011

RESOLVED to adopt the Minutes of the Business Improvement & Projects Sub-Committee meeting held on 5 July 2011.

66/11 MEMBER DEVELOPMENT PANEL: 2 JUNE 2011 (AGENDA ITEM 15)

The Minutes were noted.

67/11 NEXT MEETING (AGENDA ITEM 16)

The arrangements for the next meeting on 6 September 2011 were noted.

Action By

The meeting closed at 11.40 am

CHAIRMAN