

BRECKLAND COUNCIL

At a Meeting of the

POLICY DEVELOPMENT AND REVIEW PANEL 1

**Held on Thursday, 8 November 2007 at 9.30 am in
Norfolk & Dereham Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr J.D. Rogers (Chairman)	Mr K. Martin
Mrs M.P. Chapman-Allen	Mrs P.A. Spencer
Mr P.J. Duigan	Mrs L.S. Turner
Mr A.P. Joel (Vice-Chairman)	

Also Present

Mr S.G. Bambridge	Mr M.A. Kiddle-Morris
Councillor Claire Bowes	Mr J.P. Labouchere
Councillor E. Gould	Mr B. Rose
Mrs S.R. Howard-Alpe	Mrs A.L. Steward

In Attendance

Mark Broughton	- Scrutiny Officer
Elaine Wilkes	- Senior Committee Officer
John Chinnery	- Solicitor & Standards Consultant
Paul Harris	- Planning Policy Officer
Sam Hubbard	- Planning Policy Assistant
Andrea Long	- Environmental Planning Manager
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
David Spencer	- Principal Planning Policy Officer

71/07 MINUTES

The minutes of the meeting held on 23 October 2007 were confirmed as a correct record and signed by the Chairman.

72/07 APOLOGIES

Apologies for absence were received from Mr. W.P. Borrett, Mr. R.P. Childerhouse, Mr. I.A.C. Monson and Mrs. P. Quadling. Mr. K. Martin and Mr. A. Byrne gave apologies for their late arrival.

73/07 DECLARATION OF INTEREST

The Solicitor and Standards Consultant gave advice as to the declaration of interests in relation to consideration of the Local Development Framework. In general, where members had an interest in land a personal interest would exist; such interest in relation to general policy matters need not be prejudicial so long as the land was not affected any more than any other. However, if the discussion indicated that the policy would directly affect such land (for example, that its value or development potential could be increased or decreased), then the member might feel it proper to declare a prejudicial interest at that point and leave the meeting.

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The following declarations were made in regard to Agenda Item 6:

- Mr. M. Kiddle-Morris – Personal interest as a landowner in a service centre village
- Mr. S.G. Bambridge – Personal interest from professional interest in LDF
- Mr. J.P. Labouchere – Personal interest as a landowner in North Elmham
- Mr. J.D. Rogers – Personal & prejudicial interest as Ward Member and has land interests in relation to LDF matters relating to Carbrooke

74/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following members were in attendance to speak to agenda item 6:

- Councillor E. Gould – Chairman, Development Control Committee
- Mrs. A. Steward – Executive Member, Planning & Housing
- Mr. B. Rose
- Mr. M. Kiddle-Morris
- Mrs. S. Howard-Alpe
- Mr. S.G. Bambridge
- Councillor C. Bowes
- Mr. J.P. Labouchere

75/07 LOCAL DEVELOPMENT FRAMEWORK (LDF): BRECKLAND CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT (DPD) - PREFERRED POLICY OPTIONS CONSULTATION (AGENDA ITEM 6)

It was noted that the views from this meeting would be reported to the Cabinet when it considered the matter on 20 November 2007.

(a) **Core Policies (continued)**

Following on from the adjourned meeting on 23 October 2007, discussions on the Core Policies continued as follows:

CP4 Infrastructure

This policy aimed to deliver a proactive approach to infrastructure provision.

Key issues related to the need for extra capacity for high schools at Dereham, Attleborough, Thetford and Old Buckenham; additional new primary school provision in Thetford, Attleborough and Dereham; enhancements to capacity at Dereham, Wayland (Watton) and Litcham high schools. Additional strategic waste water treatment capacity was also needed at Attleborough and Dereham to meet future development.

Members endorsed the importance of resolving these issues for the District and during discussion the following further points were made:

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- A critical date for sewage treatment capacity in Thetford was 2016. A separate water cycle study was being made which would include technical solutions to meet future needs.
- Members remained of the view that infrastructure to meet housing expansion, particularly regarding schools, should be in place before housing development started. It was explained that the preferred policy option put a responsibility on developers to demonstrate that developments would not harm existing provisions.
- There was concern that the Council had little control over the provision of infrastructure, such as schools, sewerage and public transport.
- Views were expressed in support of developers' contributions from Section 106 Agreements to support community infrastructure needs. In this regard, it was noted that the bulk of such funding would be related to housing developments but which would come only on completion of developments. It was proposed by a member that the Council should adopt a policy requiring S106 Agreements to be agreed and signed prior to the submission of planning applications, which it was felt would help to speed up the planning system and also improve the Council's Government planning grant. It was explained that the Council was embarking on a major review of S106 policy, a key part of which would be to look at the issue around the timing of developer contributions and implementation of infrastructure.
- So far as Dereham was concerned, it was confirmed that the problems facing schools and water treatment capacity were well understood. A strategic risk model had been produced and solutions were being investigated.

(**Note** – Mr. P.J. Duigan declared a personal interest in regard to the above point as a member of Dereham Town Council, which owned land in the town.)

CP5 Town Centres

This policy took a cautious approach to out of town retailing, which would require strong evidence of need and demonstrate that no town centre sites were available.

Primary retail shopping areas were to be defined in the proposals maps and were designed to limit the use of non-retail developments in those areas to prevent any over-dominance.

During discussion, the following points were raised:

- In regard to Dereham, there was a need to factor in the impact on food retailing provision in the town from the recent planning approval for the expansion of the Tesco store. With regard to non-retail use, the strategy would focus non-retail use into the secondary town centre area away from the primary area.

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- Some members had concerns that limits on non-retail use in town centres could risk properties standing vacant. Another concern was that Banks in town centres attracted people into towns which supported retail shopping and that Banks would be unlikely to want to move into secondary town centre areas if they needed to expand. In reply, it was explained that the Development Control Policies expanded on the Core Policy and would give flexibility to allow for some non-retail/office use (e.g. Banks) in primary shopping areas.
- It was confirmed that there would need to be wide consultation with businesses on the LDF.
- A member felt that it was crucial to ensure adequate nearby car park provision to serve primary shopping areas. He felt that this was not demonstrated in the proposals maps, particularly so far as Dereham was concerned.

CP6 Natural Resources

- A member raised the issue of water resources and the fact that Norfolk supplied a lot of its resource to Essex. It was suggested this need could be met through other means (as technological advances meant that supplies could be made from elsewhere over longer distances) and including the use of desalination plants. This would help to conserve Norfolk's own resource.
- On the question of water efficiency improvements, a member asked how much control the Council had to require developers to incorporate water and other energy resource saving solutions into housing developments. In reply, it was explained that there was limited scope to condition developments through the use of conditions on planning consents. Building Regulations were more relevant to this question and there was to be a national review by the Government of Building Regulations. It was felt the Government needed to revise the policies around Building Regulations. The Spatial Strategy was also relevant as it recognised other mechanisms which could be aligned with planning consents to deliver solutions.

CP7 Pollution and Waste

The Norfolk Minerals and Waste LDF and other Development Control policies would be relevant to this policy.

- The concept of encouraging the use of renewable energy solutions to be provided in buildings was supported and it was noted that Planning Policy Statement 22 enabled authorities to adopt policies for embedded renewable solutions on sites. However, it was explained that it was not felt desirable to prescribe policies for specific solutions, for example to require low level heat recovery systems, as there might be other viable solutions or a mix of solutions that could be applied.

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Development Control Policy DC15 was also relevant.

- In addition, officers were looking at solutions employed elsewhere in the country to gather information and learn from their experiences. An example of this was looking at a combined heat and power solution scheme in Woking as part of the investigations for an energy supply solution for Snetterton.
- Future work on the Site Specifics stage of the LDF would provide more opportunities to look at solutions for sites and there should be opportunities to visit sites to view the types of solutions being employed elsewhere in the country.

CP8 Natural Environment

This policy sought to strike a balance between the various designations for protection of sites and enhancement of bio-diversity. In line with Government guidance, international protection policies were not duplicated in the policy but these were applied through a separate and very strict assessment process, as well as through the planning process. This would cover SAC sites such as the River Wensum, which a member felt needed to be protected.

(Note – Mr. S.G. Bambridge declared a personal interest in this item as a member of the Wensum Valley Trust.)

CP9 Protection and Enhancement of the Landscape of the District

This policy sought to protect the intrinsic beauty of the District and was one of the most locally-focused policies.

In terms of wildlife, protection policies would normally be those designated by English Nature or other national or international body.

In terms of landscape, the policy looked at how to protect those areas which give Breckland its character. The Landscape Character Assessment was given weight in the policies when looking at diversification.

Examples of the type of areas that would fall within this policy were the flatlands at Yaxham and areas of oak trees to the North and East of Dereham, which were considered to be one of the few areas where this type of landscape could be seen.

CP10 Design Quality

Members strongly welcomed this policy. There were concerns that much of the modern estate development created a blandness and sameness of design, such as the house types used by national house building companies, so that much of the local 'Norfolk' character was being lost.

It was explained the Development Control Policies set out in more detail the design principles. However, Breckland was quite diverse in its built form and it would be difficult to set strict criteria and it was

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agreed that it would be a big challenge to raise design standards.

Members nonetheless felt the policies should seek to reflect the differences in areas, as was achieved elsewhere across the country. It was suggested Village Appraisals could be used to establish design statements that could define the village style, thus helping to protect the uniqueness of an area.

Particular reference was made to the loss of the traditional Norfolk roof from housing developments in Breckland, which were unique to the area and the design of which, with its lower pitch and width of eaves, was ideally suited to the Breckland climate and landscape. It was felt that this and other historically significant buildings (even if they were not Listed Buildings) and features but which were intrinsic to the character of an area should be protected. **Members endorsed the view that a policy should be included to this effect.**

CP11 Energy

There was a national commitment to increase energy conservation through the use of renewable resources and low-carbon technologies. This policy set out the criteria for proposals to be considered on their merits.

A member highlighted the importance of the need for wind energy developments to be viable, although he fully supported a policy which would put wind/renewable energy solutions on smaller sites. Another member spoke against the development of wind turbines as unviable and inefficient solutions.

It was explained that the definition of viability and determination of long-term use was secured through those policies requiring the removal at the developer's cost of a wind turbine or other installation when it was no longer needed or ceased use.

There was an onus on local authorities to conform to national and regional policies in regard to renewable energy solutions. The Council had carried out a survey which had identified, in terms of landscape character, certain areas where wind turbines could be permitted. This landscape character assessment provided much useful information and helped the Council to manage such proposals.

A member queried who benefited from energy suppliers' development contributions. He felt it should be the village concerned but that this might not always be the case. The Environmental Planning Manager thought that the respective villages did receive such contribution but undertook to clarify the matter.

A member pointed out that some authorities required a development deposit on wind turbine developments, which he felt was something the Council should investigate. Another member suggested that consideration should be given to producing scoring criteria for developments incorporating renewable energy design solutions. Officers were asked to take these points into account in the development of Site Specifics policies.

CP12 Accessibility

This policy was closely interrelated with on housing and employment. It accepted that Breckland was a rural area with dispersed villages and minimal public transport and recognised the need for adequate provision for cars and car parking in private developments. However, it also had to be balanced with other mobility options where available.

Members stressed the fact that 51% of the Breckland population lived in rural areas with no public transport or footpaths and that many of the options could only be related to urban areas, a point which was accepted.

Members supported the expansion of community car schemes as a proven solution to the lack of public transport.

A member suggested the current ratio of car parking space per dwelling in the villages was insufficient and should be increased.

CP13 Rural Communities

This was a key policy which sought to provide for development outside local service centres and towns but with the scale of development being relative to the existing settlement. It sought to protect and support existing service provision and employment in the countryside.

A member questioned the reference in the policy to the term “infill development”, which he felt was too prescriptive, and also questioned the need for two service provision criteria to enable development.

The Environmental Planning Manager agreed to review the wording on “infill development”.

A key issue for rural settlements was how to balance safeguarding existing service provision with an appropriate scale for new development, i.e. to balance development against the issue of sustainability.

A member referred to instances of those villages which had no services but had a strong demand for more houses. There was a fear that they could be constrained by this policy.

It was explained that much of the demand was for affordable housing to enable the younger population to remain in their local villages and this need could still be helped through the development of exception sites.

A member felt that the policy was not clear on this point. The Environmental Planning Manager explained that this policy was an overarching one designed to allow the Council to address issues and match need. More detail about how this could be achieved was provided through the Development Control policies.

A member questioned the definition of sustainability used in the policy and felt that the bigger a village was did not necessarily mean it was

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also sustainable. Although he agreed that there could not be unlimited development, he felt that there should be more emphasis on local views being taken into account.

On a further point by another member, who felt that existing settlement boundaries were drawn too tightly, the Environmental Planning Manager agreed that a review was needed in some cases. To this end, the Site Specifics stage would enable the boundaries to be revisited so that local communities could define where they would not want development to take place (e.g. to protect the character of an area) and to overcome some of the feelings about "cramming" from infill development which had been experienced in the past.

A member raised the issue of the need to address the issue of the railway crossing in Attleborough and it was confirmed that this was a key element in the transport strategy for Attleborough which was currently under discussion and it appeared that there were some positive solutions coming forward.

(b) **Development Control Policies**

DC1 Amenity

This policy was aimed at ensuring developments did not have a detrimental effect on the amenity of an area.

In answer to questions, the following points were noted:

- This policy would apply to all new developments. If a site with planning permission was sold on before development, the site remained subject to the existing planning permission. However, if the new owner submitted a fresh planning application for the site, then it could be reconsidered and the policy would apply.
- Similarly, an existing use giving rise to problems, such as odour nuisance, would continue to be dealt with under its existing permissions and conditions, with any enforcement or control issues being dealt with through other means, for example Environmental Health.
- Members were strongly of the opinion that enforcement was a critical issue which needed to go hand in hand with planning policy and should be well resourced, both in terms of funding and staff. A member also raised a question about how the Council monitored enforcement by other agencies to ensure compliance with development conditions. In response to the latter point, it was explained that there were separate processes governing enforcement of development outside the Council's control but that there was close liaison with relevant agencies to ensure a concerted approach was taken.
- Another member highlighted the problems of noise nuisance that could occur with employment in the countryside from changes of use from agricultural to light industrial and felt that caution was needed when dealing with such applications.

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DC2 Principles of New Housing

It was explained that new guidance permitted lower densities than the national average of 30 dwellings per hectare.

This policy defined high density developments as 40 dwellings per hectare and lower density developments as 22 to 30 dwellings per hectare (8 or 9 houses per acre) which could be applied to rural locations.

The policy also defined the parameters that would apply to the mix and type of housing.

The following issues were discussed:

- Options that could be used to determine site specific densities, although evidence would be needed to justify any prescription. The policy should be read in conjunction with the various other related policies, e.g. design principles, amenity etc.
- Design and character of an area were key issues to the determination of density of developments.
- It was suggested that it would be more prudent for the policy to refer to lower density developments as “up to 30 dwellings per hectare”, rather than the more specific “22 to 30 dwellings”, since anything less than 22 could be challenged at appeal.
- So far as mixed use development in town centres was concerned, it was recognised that this could be an issue but the aim was to achieve a balance between need and character of the area, etc.
- A member was concerned over the detrimental impact that could be caused to an area from unsympathetic annex developments in gardens. He considered that the creation of separate annexes in gardens should not be permitted to split gardens. The point was acknowledged but it was explained that where conversion was sought for an existing separate building, it should be considered.

DC3 Replacement Dwellings

The purpose of this policy was to ensure that the development of replacement dwellings did not involve the loss of traditional dwellings and the loss of small dwellings in the countryside.

It was noted that the policy provided for there to be no net increase in the total number of units than the existing.

Members strongly supported replacing policy (iii) – “that the size of the replacement is no greater in volume than the existing dwelling together with permitted development rights” - with the alternative option: *Allow for design to be the determinant factor for replacement dwellings rather than size related to housing need.*

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Members felt that the alternative option provided for design-led solutions to meet need and better use of land and would help to reduce the potential for properties remaining vacant and becoming derelict.

DC4 Affordable Housing Principles

The purpose of this policy was to ensure a level of affordable housing was provided through developments to meet the housing needs of the District's population.

A number of members were strongly concerned at the proposed requirement for 40% of the total number of housing units to be provided and maintained as affordable housing within all new residential development on sites. It was felt that this was overly prescriptive on small developments of, say, three or four dwellings, which could deter development, especially in the villages, and encourage developers to sit on a land bank. It was also thought that such a policy increased house prices; however, it was explained that evidence indicated that on current values, development of sites of three, four or five dwellings did support the affordable housing percentage. In this regard, the initial land value was relevant and this had been backed up at appeal.

In conclusion, members asked that it be noted that a number of them were opposed to the application of the 40% affordable housing percentage on new developments in villages, particularly on sites as small as three dwellings, but that, if the policy was approved, then housing priority should be given to local people.

DC5 Affordable Housing on Exception Sites

The purpose of this policy was to ensure the need for affordable housing in the rural areas was provided for.

It was explained that large developments on rural exception sites would be governed by evidence of need. It was unlikely that such evidence of need could be related to incorporate surrounding villages and scale in relation to the area would be a determining issue.

A member considered that there was a need to protect green areas in the rural villages and that empty land in a village should not preclude consideration being given to an exception site.

DC6 Protected Employment Sites

The purpose of this policy was to ensure adequate provision of appropriately located land for employment use development.

The question of promoting employment in the villages was covered within the following policy.

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DC7 Employment Development outside Protected Sites

The purpose of this policy was to ensure that there was scope for development of employment uses in exceptional circumstances outside General Employment Areas to ensure a prosperous local economy.

It was noted that this policy would allow for developments with an equestrian use, which was also supported by Planning Policy Statement 7.

Members were referred to policy DC25 regarding issues of diversification and conversion of existing sites.

DC8 Tourism Related Development

The purpose of this policy was to support tourism-related development and to ensure it was located in sustainable locations.

Members were concerned to see more flexibility for tourism related development, for example in relation to country house hotels, holiday cottages in rural areas.

It was noted that applications for static caravan site developments would be treated as new build and would be subject to evidence of need criteria.

DC9 Proposals for Town Centre Uses

This policy aimed to ensure the viability and vitality of town centres.

In answer to a question regarding primary frontages (policy subparagraph (v)), for example in relation to the riverside frontages at Thetford, it was explained that proposals for redevelopment involving demolition and rebuilding would not be precluded under this policy.

DC10 Telecommunications

This policy sought to set out the conditions where new telecommunications apparatus would be permitted. The policy sought to ensure that the Council could utilise its powers to influence an appropriate design and location where applicable.

A member welcomed the opportunity to introduce some controls that this policy offered, although it was noted that not all developments required planning consent. However, it did set out the criteria under which developments would be considered. It was also noted that there was an obligation to consult with schools in regard to the location of developments in their area.

DC11 Green Infrastructure

This policy set out the Council's approach towards the protection and enhancement of green infrastructure across the District. The policy was broad ranging and designed to be applied in combination with policies DC8, DC11, DC12, DC16 and DC18. It set the framework by

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which all elements would be considered.

There was concern that some hard surfaced footpaths and cycle paths were being created unnecessarily across green areas and that when such proposals were submitted, more account should be taken of local views (the example of a Sustrans route in Thetford was cited). It was explained that the policy did not prescribe a particular approach but would be considered on their merits through the range of policies to protect existing routes and to minimise any intrusion from new proposals.

The question of how the need for more/expanded cemetery sites was raised and it was noted that this policy did not address that issue specifically but rather flagged it up from the environmental aspect. In terms of green burial sites, any proposal would be assessed on its merits but would fall into the general definition of green infrastructure. So far as Thetford was concerned, the Growth Point programme would need to consider the question of need for cemetery provision to meet future growth plans.

DC12 Existing Open Space, Sport and Recreational Facilities

This policy aimed to protect and enhance the provision of open space in the District.

In response to questions, the following points were noted:

- The Council's standards on play areas were closely allied to national criteria.
- Evidence from the recent survey on open space provision showed that, compared nationally, Breckland was under-provided for on open space and sports playing fields.
- The Council was moving towards the management of open space and play areas being taken on by Town and Parish Councils, with maintenance contributions payable to them.
- Open space provision in developments was specific to that locality and could not be used to offset a deficit elsewhere in a town. However, there would be opportunities at the site specific stage to look at individual sites.
- A member suggested closer control of maintenance of open space sites was needed other than the developer. It was explained that this issue would depend on how applications were managed as they came forward under the planning process. The LDF should help in the management process from the fact that required standards would be known at the outset, with terms clearly specified in Section 106 Agreements. In this way, it was felt that the LDF would offer the best means of managing new sites to overcome the problems of the past.

DC13 Trees and Landscape

This policy set out the Council's aim to preserve the District's trees,

hedgerows and other natural features. The policy was closely related to policies DC8 and DC9.

The following points were noted in response to questions:

- The policy was designed to ensure replacement trees and hedges were mature specimens.
- So far as trees on development sites were concerned, if no Tree Preservation Order existed, then there was no control on trees removed before planning consent was given for development.

DC14 Flood Risk

This policy was aimed at minimising flood risks to new development and protecting existing development from an increased flood risk resulting from new development.

Baseline evidence indicated there was not a general problem with flooding in the District but that there were some individual problem areas.

In answer to a question as to how the policy related to brownfield sites, it was explained that the designation of a site as brownfield did not mean it was necessarily an ideal site for development. If new development proposals for such a site would give rise to an increased risk of flooding, then it might be appropriate to refuse planning consent. Equally, a proposal that lessened the risk could be viewed as beneficial.

The need to address existing localised flood issues was highlighted. In this connection, a member referred to the exacerbation of existing problems (for example in Toftwood, Dereham) from increased installation of paved and brick-weave drives, gardens, hard-standings etc. and asked whether it was possible to restrict such works. It was explained that hard-standings were permitted developments and although restrictions could be imposed on a planning permission, there would need to be good reasons. A national review of permitted development rights was currently under way and would cover this point.

Further to this point, it was asked whether the Environment Agency or other appropriate body took into account the influence of hard-standings when defining the baseline assessment on flood risk of a development area, or whether it was based on the basic footprint of a development.

Although it was expected that some risk analysis would be undertaken, whether that included a worst-case scenario or not was unknown. Members felt that this was something that should be clarified.

So far as development on flood plains was concerned, it was explained that a sequential test approach was used.

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It was noted that Breckland used Environment Agency maps to determine flood plain areas. A member thought that these were not in standard use and perhaps should be. Other maps in use elsewhere gave conflicting information.

DC15 Energy Efficiency

This policy aimed to reduce the use of non-renewable forms of energy associated with carbon dioxide emissions in new developments.

The following views were expressed by members:

- There should be a greater obligation on developers to produce energy solutions under the design principles.
- The requirement for 10% of the energy supply through on-site renewable sources on residential developments should be higher.
- There should be more encouragement for grey water solutions.

At this point the number of members present fell below the quorum and the meeting was accordingly adjourned.

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The meeting closed at 3.30 pm

CHAIRMAN