

BRECKLAND COUNCIL

At a Meeting of the

DEVELOPMENT CONTROL COMMITTEE

**Held on Monday, 24 September 2007 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

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

Also Present

Mrs S.M. Matthews	Mr A.C. Stasiak
Mr I. Sherwood	Mrs A.L. Steward

In Attendance

Mike Brennan	- Principal Development Control Officer
John Chinnery	- Solicitor & Monitoring Officer
Phil Daines	- Development Services Manager
Richard Fisher	- Tree Preservation Order Review Officer
Andrea Long	- Environmental Planning Manager
Phil Perkin	- Senior Development Control Officer
Julie Britton	- Committee Services Officer

147/07 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 3 September 2007 were confirmed as a correct record and signed by the Chairman. Members were informed that the absence of Councillors C Bowes, D Irving and T Lamb from this meeting was due to their attendance at the Planning Summer School in Swansea.

148/07 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mr M Spencer.

149/07 DECLARATION OF INTEREST (AGENDA ITEM 3)

Members and Officers were asked to declare any interests as appropriate at the time the applications were made.

Mrs D Irving declared a personal interest in Agenda item 9, Swanton Morley, for the reason that she knew the Parish Council Representative.

Mr F Sharpe declared a personal interest in item 8 of the Schedule of Applications (Swaffham). The nature of his interest related to him being a Member of Swaffham Town Council.

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Mr B Borrett declared a personal interest in item 8 of the Schedule of Applications (Swaffham), for the reason that he knew one of the directors.

Mrs C Bowes declared a prejudicial interest in item 8 of the Schedule of Applications (Swaffham). The nature of her interest related to her being a personal friend of one of the directors. Mrs Bowes left the room whilst this item was being discussed.

150/07 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

Following a general announcement on procedural matters, the Chairman reminded Members of the coach tour that had been arranged for Monday 1 October 2007. Anyone who wished to attend, and had not put their name forward, should notify Julie Britton in Committee Services. The coach would be leaving Elizabeth House at 9.30am and would return at 3.30pm. Lunch would be provided.

Reference was also made to the site visit being held in Thetford on 3 October 2007 at Abbey Farm Barns. All Development Control Members were encouraged to attend.

**151/07 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)
(AGENDA ITEM 7)**

The Environmental Planning Manager provided Members with an update on progress of work under the Local Development Framework.

1. Service Centre Villages

A report on Service Centre Villages had previously been submitted to the Policy Development and Review Panel 1 at its meeting on 18 September 2007. The Panel had discussed, in great detail, growth and protection of services within the identified villages. At this stage, the Service Centres that had been selected for future growth were Harling, Narborough, Shipdham and Swanton Morley. The villages of Weeting, Banham, Gt Ellingham, Mattishall, Old Buckenham, Necton, Litcham and Saham Toney had been identified as Local Service Centres for service provision (i.e. provide protection and promotion of service provision in the community without further need for large growth or development).

2. Timetable

The Environmental Planning Manager explained that a great deal of consultation had already taken place in reaching this stage and that a further report would be brought back to the Policy Development and Review Panel 1 as part of the Preferred Options for public consultation towards the end of December/early January. Following this, the Core Strategy submission document would then be submitted through the Committee processes for

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consideration, followed by further public consultation before it was submitted to the Secretary of State for determination.

3. **Saved Policies**

Central Government had made further provision to save 25 policies from the current Local Plan. These policies would be saved from 29 September 2007 until replaced by the Local Development Framework policies within the Core Strategy. The Environmental Planning Manager informed Members that, at the meeting of the Policy Development and Review Panel 1 on 8th November 2007, a report on Planning Policies would be discussed and Development Control Members were invited to attend. The Environmental Planning Manager advised that national and regional guidance would be quoted when looking at all planning applications in the future.

A directive letter concerning the aforementioned information would be sent to all Members and would be available on the Council's website.

152/07 DEFERRED APPLICATIONS (AGENDA ITEM 8)

(a) Mundford: Seletar Garage, Swaffham Road: Proposed Residential Development: Beechbrook Developments: Reference 3PL/2004/2050/O (Agenda item 8a)

The Development Services Manager presented the report which concerned an application for outline planning permission for the redevelopment of a former garage site on the edge of Mundford for eight dwellings.

The application had been approved by the Development Control Committee at its meeting on 25 July 2005, subject to the completion of a Section 106 Agreement requiring the construction of a footpath link to the village school, and a commuted sum payment towards off-site affordable housing provision.

The Council's Solicitors had not been able to progress the matter of the Section 106 Agreement due to the failure of the applicant to respond to a number of requests for information.

In the absence of an agreement, binding the developer to these contributions, the application was considered to be unacceptable and had been recommended for refusal.

RESOLVED that the outline planning permission be refused on the grounds that the development had not made an adequate contribution to affordable housing and had failed to provide appropriate pedestrian links with the local school.

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153/07 SWANTON MORLEY: PROPOSED ASSISTED CARE LIVING UNITS, ADJACENT LINCOLN HOUSE NURSING HOME: VARIATION OF SECTION 106 AGREEMENT: APPLICANT: DR S. KAUSHAL: REFERENCE 3PL/2006/0332/O (AGENDA ITEM 9)

The following speakers were in attendance for this item:

- Mr R Atterwell, Parish Council
- Mr D Ansong, Applicant's Solicitor
- Dr S Kaushal, Applicant

The Development Services Manager presented the report which concerned a request to vary a Section 106 Agreement relating to a proposed development of assisted care living units at Lincoln House, Swanton Morley.

Outline planning permission had been granted in January 2007 for 24 high dependency assisted care living units adjacent to Lincoln House Nursing Home. Reserved Matters approval had been granted in April 2007. The permission had been subject to a Section 106 Agreement, the main provisions of which were: i) occupancy of the units to be limited to persons over 60 years of age in need of care, ii) the units must be operated as a care home linked to the adjacent Nursing Home; and iii) the units should not be sold separately from Lincoln House.

Amendments to the Agreement had been suggested to enable more flexible arrangements to be made for the provision of health care packages which would provide future occupants more freedom of choice. These amendments had been proposed following discussions with health care bodies, including the Commission for Social Care Inspection. Accordingly, it had been proposed that clauses in the current Agreement tying the units to Lincoln House be deleted, but that qualifying occupancy criteria be enhanced. The proposed variation would require potential occupants' requirements for care and supervision to be certified by a medical practitioner.

A Member raised concerns in relation to the partitioning of the Nursing Home from the units as he felt that if the Nursing Home should ever cease trading the site would be very difficult to sell.

A Member asked about financial matters relating to the Nursing Home. In response, Dr Kaushal explained that it had been very difficult to move this project forward as funding was no longer available from certain health care bodies. Dr Kaushal stated that if Members were mindful to approve the amendments the occupants of the proposed units would also have the right to choose their own health care providers. Mr Ansong, the Applicant's Solicitor, assured the Committee that there would not be a danger of the units becoming a separate residential site in the countryside.

Mr Atterwell, the Parish Council Representative, had supported the original application but was concerned that the Parish Council had only just received notification of the variation on 15th

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September 2007. He requested that the application be deferred until after the Parish Council meeting on 8th October 2007.

A Member asked whether Norfolk County Council Social Services would be able to provide the care if the units were not sold off and separated from the Nursing Home. In response, Dr Kaushall stated that Social Services or the Primary Care Trust could not provide any further funding; however, the residents of the Care Home would still have access to social care allowance. The Council's Monitoring Officer asked whether there was any matter that would cause great difficulty to the operation of the Care Home if the bungalows were linked to Lincoln House. Dr Kaushall replied that the bungalows would be liable to VAT of 17½%. The Monitoring Officer then asked Members if they would have granted the outline planning application if the bungalows had been a separate entity; if not, then Members should look at the provisions of the Section 106 Agreement. A Member felt that the only advantage for the bungalows to be dislocated from the Care Home was that the residents of the units would have the opportunity to call upon some other health care provider, and in his opinion, that was not a good enough reason. He suggested that the units should remain tied to Lincoln House for commercial purposes but physically the residents should not be bound to any one health care.

The Chairman felt that this Committee should not be trying to solve a health care problem through the planning process.

RESOLVED that the request for variation of the existing Section 106 Agreement be refused.

154/07 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

RESOLVED that the applications be determined in accordance with the recommendations contained in the Schedule, subject to the following conditions and amendments:

- a) Item 1: 3PL/2007/1079/F: Caston: Hawthorns, The Street: Proposed redevelopment to provide two bungalows with garaging for Co-Dunkall

Approved, as recommended, subject to a further condition requiring the erection of the fencing protection, for the mature tree on the rear of the boundary, before the commencement of any building works on site.

- b) Item 2: 3PL/2007/1100/F: Attleborough: Plot adjacent to Thresher Wine Merchants, High Street: Convert existing house into 2 flats and form 2 new flats in adjoining garden for Mr G Leigh

Approved, contrary to the recommendation. Members considered that there was sufficient justification to support the application from the fact that the development would enhance that part of the High Street and would not be

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detrimental to amenity.

- c) Item 3: 3PL/2007/1140/D: Carbrooke: Area B, Former RAF Watton Technical Site, Norwich Road: Residential development of 117 2, 3 & 4 bedroom dwellings with associated parking, garages, roads and footpaths for J S Bloor (Sudbury) Ltd

Approved, as recommended, subject to the Officers checking that there was no requirement for a bund and subject to the inclusion of a further condition requiring the slab height levels to be agreed with the Environment Agency.

- d) Item 5: 3PL/2007/1173/F: Dereham: Units 5-9 Nelson Place: Alterations and extensions to units for Anguish's Educational Foundation

Deferred, with delegated power for the Officers to approve as recommended, subject to the withdrawal of the infilling of the existing alleyway between units 9 and 10. Members felt that the closure of the alleyway would endanger the public, as the rear of unit 10, where the shoppers would be encouraged to walk as an alternative, had no public footpath. It was noted that the Highways Authority had not made any representations on this application. If the application is not amended, it should be referred back to the Committee.

- e) Item 6: 3PL/2007/1183/O: North Elmham: Site adjacent 6 Orchard Close: Proposed dwelling and new vehicular access to no. 6 Orchard Close for Mr T Hansell

Refused, contrary to the recommendation. Members felt that the entire plot, being located on a severe gradient, was not suitable for another dwelling and would constitute as overdevelopment and would result in a form of development which was out of keeping with the character of the area.

- f) Item 7: 3PL/2007/1194/O: Scarning: Land adjacent to 25 Norman Close: Erection of two storey dwelling and garage for Breckland Council

Refused, contrary to the recommendation. The Committee understood that it was the Council's policy to dispose of these sites but felt that this piece of land should be retained as open space. Members also took account of the fact that the Parish Council and local residents had objected to the application.

- g) Item 10: 3PL/2007/1371/CU: Dereham: 10 Dale Road: Change of use from amenity land to garden land for Mr T J and Mrs J A Dagless

Refused, contrary to the recommendation. It was felt that the land in question should remain as amenity land as the change of use would adversely affect the appearance of the area.

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Notes to the Schedule

The following persons were in attendance to speak on the following items:

<u>Schedule Item No.</u>	<u>Speaker</u>
1	Mr Matthews, Applicant's Agent
2	Mr Staskiak, Ward Representative, in support Guy Leigh, Applicant David Cumming, Applicant's Agent
7	Mr Pointer, Objector
Agenda item 8 (Swaffham)	Mrs Matthews, Ward Representative, in support Mr Sherwood, Ward Representative, spoke against the application Mr/Mrs Green, Objector Mr Butters, Town Council Mr Dickerson, Applicant
9 Agenda item 9 (Swanton Morley)	Mr Woodward, Parish Council Mr Henry, Applicant Roger Atterwell, Parish Council Dr S Kaushal, Applicant Mr D Ansong, Applicant's Solicitor

Written representations taken into account

<u>Reference No.</u>	<u>No. of Representations</u>
3PL/2004/2050/O	8
3PL/2007/1079/F	3
3PL/2007/1100/F	2
3PL/2007/1183/O	1
3PL/2007/1194/O	5
3PL/2007/1202/F	4
3PL/2007/1343/F	17
3PL/2007/1371/CU	2

155/07 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 11)

This item was noted.

156/07 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (FOR INFORMATION) (AGENDA ITEM 12)

This item was noted.

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**157/07 APPLICATIONS DETERMINED BY NORFOLK COUNTY
COUNCIL (FOR INFORMATION) (AGENDA ITEM 13)**

This item was noted.

The meeting closed at 1.25 pm

CHAIRMAN