

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 28 April 2008 at 9.30 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

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

**Also Present**

Mrs J. Ball (Ward Representative) Lady K Fisher

**In Attendance**

Sue Bloomfield	- Planning Obligations Officer
Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Andrea Long	- Environmental Planning Manager
Helen McAleer	- Committee Officer
Nick Moys	- Principal Planning Officer (Major Projects)

**53/08MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 7 April 2008 were confirmed as a correct record and signed by the Chairman.

**54/08APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr M Fanthorpe, Mr F Sharpe, Mr M Spencer and Mrs P A Spencer.

**55/08DECLARATION OF INTEREST (AGENDA ITEM 3)**

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

**56/08CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman pointed out the fire exits and explained that the venue for the meeting had been changed as the screens and the microphones in the Anglia Room were not working. She asked everyone to speak up so that they would be heard clearly.

She also reminded Members that three places were available at the Summer School for those who had not previously attended.

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**57/08 LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)**

The Environmental Planning Manager told Members that the deadline for a site to be included for consideration in the LDF was 30 April 2008. A large number had already been received.

The Consultation Programme had been established with only three Wards yet to submit dates; Templar, Two Rivers and Wissey.

A report on Consultation on the Core Strategy would be presented to the Policy Development and Review Panel 3 at the meeting on 6 May 2008. This would include Strategic Housing Land Availability and a discussion paper on Settlement Boundaries.

Over the next few weeks visits to Parish Councils and other organisations had been arranged:

- 6 May - Thetford Rotarians & Bradenham Parish Council
- 8 May - Sporle Parish Council
- 12 May - Necton & Saham Toney Parish Councils
- 14 May - North Lopham Parish Council

Following the deadline on 30 April details of Site Specifics would go out to public consultation from June to September.

**58/08 SECTION 106 LEGAL AGREEMENTS (AGENDA ITEM 8)**

The Principal Planning Officer (Major Projects) gave a PowerPoint presentation to Members. He explained that changes in the way that legal agreements were dealt with and monitored had been introduced.

Legal agreements have to serve a planning purpose and be directly related to the planning proposal and were not used if a requirement could be conditioned. They were usually linked to land and stayed with the land when ownership changed. They were legally binding on the landowner and could be legally enforced through the courts.

Agreements were used in a number of ways, usually for the control of land, for example to provide affordable housing. They could also be used to require facilities such as open space or financial contributions to local services. Other more recent uses of S106 Agreements were to ensure sustainable construction, for the management of wildlife areas and for the provision of public art.

Over the last nine months there had been a number of changes to the processing of agreements as follows:

1. An attempt to speed up the process - as agreements can lead to significant delays affecting performance figures. This included developing standard templates and producing guidance notes for applicants.
2. The promotion of more informed discussion to allow people to comment. There was now a requirement for a Planning Obligation Statement to be submitted with a major application in which developers set out their proposed contributions,

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- making clear to consultees what was being offered.
3. Proper monitoring and enforcement. The Planning Obligations Officer would monitor the progress of agreements and ensure that actions were co-ordinated.

Previously agreements were drafted after Committee approval. Now they were drafted during the consideration process so that when an application was presented to Development Control Committee it would be accompanied by a draft heads of terms for a 106. Following consideration by the Committee the agreement would be finalised. However, if it was not possible to do this within the statutory timescale, authority to refuse the application would be sought from the Committee.

Feedback on the new changes had been very positive from consultees and developers.

Monitoring of agreements was critical to ensure that community benefits were delivered. There were various 'trigger points' and a need to ensure there was no delay between development and benefits being provided as there was a 'claw-back' clause for developers if money was not spent within five years.

Following an audit, changes to the Ocella database had been requested to improve its monitoring capacity. Ocella was a software system used nationally by many Local Authorities and changes had to be agreed by its User Group. Breckland was taking the lead in the use of Ocella's S106 monitoring system and our suggested enhancements had been well received by other Councils.

The monitoring system was up and running and could now record the receipt of contributions and itemise where and when monies were spent. A system was being developed to enable quarterly reports to be run, by Ward if required, to show what money was allocated to each area and for what purpose.

A monitoring charge had been introduced which worked out at about £250 for a simple S106 agreement and £500 per Head of Term for more complex agreements. So far this year £5,000 had been raised in this way.

It was intended to produce a Newsletter to publicise the contributions being received and to make clear where the money was being spent.

**59/08 DEFERRED APPLICATION: HARLING: KEEPERS COTTAGE:  
RETROSPECTIVE APPLICATION FOR NEW SITING OF DWELLING  
(NEW DWELLING APPROVED REF NO 3PL/2005/1914/F):  
APPLICATION REFERENCE 3PL/2007/0672/F (AGENDA ITEM 9)**

This item concerned a retrospective application for a change in siting of a dwelling at Keepers Cottage, Harling. The application had been considered at the Development Control Committee meeting held on 7 April 2008 where it had been deferred to enable a site visit to be carried out on 25 April 2008.

The Principal Planning Officer introduced the application and

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explained that the site visit had been arranged to enable Members to assess the implication of the changes made and their impact on the landscape and on the neighbouring dwelling.

The changes involved the re-orientation of the dwelling by approximately 15 degrees from its approved position, changes to dormers and other minor design/materials changes.

From an officer's point of view the changes were not unduly detrimental to the landscape or the neighbouring property and therefore the application was recommended for approval.

Mr Horn spoke on behalf of relatives living in the neighbouring dwelling. He explained that his main concern was landscaping and its mitigating effect on possible overlooking/intrusion and the impact of the dwelling on the surrounding landscape. He wanted to ensure that a scheme was submitted and approved. If this was done and the mitigation aspect addressed he had no other comments to make.

Dr Kobylecki confirmed that a landscaping scheme had been submitted. He apologised to the Committee for the difficulties caused by the changes.

A Member was concerned that if this application were approved it would set a precedent that it was acceptable to flout the law. He suggested that the application should be refused. Although he did not propose that the house should be moved he thought that it could be refused on the changes to the dormers.

The Council's Solicitor pointed out that in regard to retrospective applications there were no grounds for refusal simply because the works had been done without permission. The Committee had to consider if what had been done was acceptable in planning terms.

The Development Services Manager suggested that an alternative to refusal could be to agree that subject to amendments to the design of the dormers, authority be delegated to him to approve the application with conditions restricting permitted development for walling and the requirement for any landscaping scheme to be carried out in full.

Discussion followed on the changes to the dormers in particular. Opinion was split - some Members thought they were acceptable as built whilst others found them totally unacceptable.

A proposal was made to defer the application for further negotiation and it was

**RESOLVED** that the application be deferred to allow officers to negotiate modifications to the dormers. If following consultation with the Chairman the changes were acceptable, the Development Services Manager be given authority to approve the application subject to further conditions restricting permitted development rights for walling and landscaping. If the changes were unacceptable, the application would be brought back to Committee.

A request was made that the Parish Council be consulted on any

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proposed changes. It was confirmed that they had been consulted on the application as usual and would be notified of any proposed amendments.

**60/08 CARBROOKE: RESIDENTIAL/EMPLOYMENT DEVELOPMENT, FORMER RAF WATTON TECHNICAL SITE: VARIATION OF SECTION 106 AGREEMENT: APPLICATION REFERENCES: 3PL/2005/0476/H AND 3PL/2005/0477/O (AGENDA ITEM 10)**

The Principal Planning Officer (Major Projects) explained to Members that these legal agreements had been part of two earlier applications and required certain parts of the site to be reserved for a Local Centre and employment areas.

Following detailed design work since the agreements had been signed a variation was requested to allow for slight changes to the boundaries of these reserved areas.

**RESOLVED** to approve the variation of the two section 106 agreements as requested.

**61/08 SWANTON MORLEY: PROPOSED ASSISTED CARE LIVING UNITS, ADJACENT LINCOLN HOUSE NURSING HOME: VARIATION OF SECTION 106 AGREEMENT: APPLICATION REFERENCE: 3PL/2006/0332/O (AGENDA ITEM 11)**

The Principal Planning Officer (Major Projects) reminded Members that this application had been approved subject to a legal agreement to ensure that the units were only occupied by those needing assisted care.

The current agreement had provisions requiring the occupants to be over 60 and in need of care and for the units to be operated in conjunction with Lincoln House and not sold separately from Lincoln House.

The last two provisions were causing problems. Currently the occupants had no choice, and had to buy their care from Lincoln House.

Under the proposed variation the tie to Lincoln House would be removed and several enhancements to the qualifying criteria and monitoring arrangements were proposed. These included a new clause requiring the need for care to be certified by a doctor or medical practitioner and a strengthening of the requirement to keep records of occupants to ensure the units were occupied in an appropriate way.

It was considered that the new agreement would ensure that the units would be used in the way intended by the Committee when they granted approval.

Members discussed the proposed changes and raised concerns about the difficulty in restricting the units to those in need of care. As the units would be owned by the occupants the question of healthy relatives/dependants inheriting was raised.

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It was pointed out that the clause requiring occupants to be over 60 and in need of care still applied.

The Solicitor advised Members that it was impossible to cover every eventuality but he considered these were generally good terms.

The Chairman reminded Members that the aim of the Committee in approving the application had been to provide a rural location for older people in need of care.

On the Chairman's casting vote, it was **RESOLVED** to approve the variation of the section 106 agreement as requested.

**62/08 CARBROOKE: PROPOSED NEIGHBOURHOOD CENTRE, FORMER RAF WATTON TECHNICAL SITE: APPLICATION REFERENCE: 3PL/2008/0234/D (AGENDA ITEM 12)**

The Principal Planning Officer (Major Projects) showed Members a layout plan of this reserved matters application for a Neighbourhood Centre. He explained that the site occupied an important position at the entrance to the commercial area of the scheme and offered an opportunity to provide visual impact and to add character to the area.

The distinctive, contemporary design and mixture of building materials aimed to draw attention to the Neighbourhood Centre as a focus for the local community. It would provide a mix of uses with the potential for retail / office / restaurant / take-away and community uses on the ground floor with two floors of residential flats above.

Work had been done to ensure the existing trees were retained and the proposed strategic landscaping included hedging and the inclusion of some semi-mature trees around the building.

In consultation with the police the resident's parking areas had been enclosed with railings to deter casual access and had enhanced lighting to improve security.

The scheme offered a positive mixture of uses, met the guidelines for local centres and would not affect the vitality of Watton Town Centre. It was recommended for approval.

Members asked questions about accessibility by pedestrians from other housing areas and for large lorries to the service areas.

Footpath and cycle links were provided and the plan showed space for a large vehicle to deliver to the service areas.

**RESOLVED** to approve the reserved matters subject to conditions.

**63/08 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 13)**

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

- a) Item 1: 3PL/2007/1998/F: Watton: Former Doctors Surgery, St Giles Road: 2 and 3 storey apartment building comprising 14

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units for Icen Development

This full application proposed the demolition of a disused former doctors' surgery and its replacement with a contemporary apartment building. Indicative drawings showed the relationship between the proposed building and the existing adjacent terrace of houses.

Officers considered the design of the building acceptable and the use of the site in line with Government guidance.

One objection from a local resident concerning overlooking would be overcome by the use of obscure glazing.

Concerns were raised about the security of the ground floor flats in particular, as French windows opened directly onto communal areas.

Mr Fuller, speaking for the applicants, suggested that the architects could address this problem, possibly with the use of Juliet balconies.

Some Members expressed a strong dislike of the building, particularly the flat roof.

Mr Fuller explained that the flat roof was designed to reduce the bulk of the building and to keep its scale and massing in line with the adjacent terrace.

**Refused, contrary to recommendation, on design grounds.**

- b) Item 2: 3PL/2008/0161/F: Wretham: Part of agricultural holding field TL9288 2867, Larkshall: General purpose and potato storage buildings for A F Machinery Ltd

This full application sought permission for two large agricultural buildings adjacent an existing yard full of other such buildings. This yard was too full to accommodate the new buildings and it was proposed to site these on land adjacent, separated from the existing by a belt of planting.

The two new buildings were needed as currently there was only storage for 25% of the potatoes produced by the applicant. The general purpose building would be used to store machinery and equipment to address a security problem experienced at the site. There had already been £20,000 worth of thefts from the site this year.

**Approved as recommended.**

- c) Item 3: 3PL/2008/0162/D: Carbrooke and Griston: Part of Former Technical Site, RAF Watton: Erection of 113 No dwellings, garages, access road and associated highway works for David Wilson Homes Ltd

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This application for approval of reserved matters closely followed the previously approved Design Framework.

The layout proposed a formal more urban character close to the spine road and in contrast a more spacious, generously landscaped broken edge to the development adjacent to the airfield.

Members were shown 'streetscene' elevations and a site plan showing the road layout, open spaces and mews courts.

The Highway Authority had raised many concerns and requested more bends in the road. However that would compromise the layout and other traffic calming methods were preferred. Highways had also expressed concern that the parking areas provided would not be used, leading to on-street parking.

Following comments from the police the security of the parking courts had been improved with windows overlooking and rear access to dwellings being blocked. Rear fences had been lowered in height and topped by trellis to allow views of the parking courts. Garden privacy was partially compromised but this alleviated the sense of intimidation created by enclosed spaces, making the courts more user-friendly.

Mr Biggs was in attendance to answer questions on behalf of the applicants.

Members were concerned that people preferred to park in front of their houses. There was discussion on ways of preventing on-street parking.

It was pointed out that the aim of the spine road had been to provide continuous development and to avoid a landscape dominated by cars. The only way to achieve a mix of character areas within the site and to get vehicles away from front gardens was to provide these parking areas.

**Approved as recommended.**

- d) Item 4: 3PL/2008/0234/D: Carbrooke: Neighbourhood Centre, Blenheim Grange, (Former RAF Watton), Norwich Road: New local centre development (five retail units and 22 flats) for HDD RAF Watton Ltd

This item was considered in conjunction with Agenda Item 12 (see Minute No 62/08 above).

- e) Item 5: 3PL/2008/0363/O: Caston: The White House, The Street: Demolition of existing dwelling and replacement of 6 private and 2 affordable dwellings for Anne Bustard

This was an outline application with issues of siting and access to be considered. The proposal was to demolish the existing house and to build eight dwellings on the site, six four-

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bedroom detached marketable units and two three-bedroom affordable units.

The existing house was not considered to be of listable quality by the Council's Historic Buildings Officer. However, an objector had contacted English Heritage directly, requesting them to assess the property and they would be visiting the site soon. Any recommendation they might make would take time to be sanctioned therefore it was suggested that if approval were given a condition could be included that the house was not demolished before reserved matters approval was granted, by which time it was expected that English Heritage would have made a decision.

A number of letters and a petition of 96 signatures had been received in opposition to the proposal. Two letters and a petition with over 130 signatures had been received in support. However it was noted that only one of the supporting petition signatories lived in the village.

Mr Smith, an objector, spoke against the application. He raised concerns about the over development of the site and highway safety. He did not feel the development was in character and urged Members to protect the village.

Mr Haggett, another objector, showed a photograph showing recent flooding at the access to The White House. He told Members that the site was a wildlife sanctuary providing a buffer between agricultural land and the village. The ditch running along the front of the site was a known water vole habitat.

Mr Chapman, speaking on behalf of the Parish Council told Members that development of the site would be out of keeping with the wishes of the Parish Council and residents of the village. He suggested that the development would be more appropriate in an urban area and that the village wished to retain its linear form. He confirmed that there were on-going flooding problems in the area. He said that the development was out of keeping with the Parish Council's future vision for the village and concluded by imploring the Committee to refuse the application.

Mr Taylor, Agent for the application, told Members that the application followed months of discussion. They had worked closely with officers. Environmentally friendly measures had been included in the scheme to mitigate drainage problems. He said that the development would provide family homes which would help to ensure the future of Caston School. He concluded by saying there was no policy objection and a clear local need for more housing.

The Chairman told Members that this was not a clear case for approval. The site was in a prominent location at the entrance to the village and it failed to enhance. More hardstanding could only lead to more drainage problems.

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A Member commented that the existing house was exactly the sort of building that gave character to a village.

Another Member pointed out that it was not the Council's policy to add to small villages and that this form of development was not sustainable.

Members voted unanimously against the recommendation for approval.

**Refused as being detrimental to the entrance to the village and for its failure to enhance the form and setting of the area.**

- f) Item 6: 3PL/2008/0385/F: North Pickenham: Land adjacent Blue Lion PH, Houghton Lane: Erection of 4 bedroom detached dwelling with integral garage for Mr M Lee

This outline application and the listed building application at Item 7 for the same site were presented to Members jointly.

A detached dwelling was proposed on land adjacent the Blue Lion Public House. There were two previously dismissed appeals on the site for similar proposals. The appeals were dismissed because the Inspector considered that the existing group of historic buildings around the open space were important to the character of the area.

It was considered that the proposal failed to meet the policy requirement for development to enhance the form and character of the area and to preserve and not harm the setting of listed buildings.

Mr Lee spoke on behalf of the Agents. He explained that they had held discussions with a planning officer prior to submitting the application and had been led to believe that with amendments the proposal would receive officer recommendation. These amendments had been incorporated and included changes to design, scale to match the proportions of adjacent buildings, materials sympathetic to the area and the retention of car parking for the Blue Lion Public House. He considered that views to the church were still available and pointed out that other dwellings had been approved on nearby open land.

Mrs Ball, Ward Representative spoke against the application. She was sorry to object as she considered Mr Lee was the best landlord the village pub had had. She explained that the Parish Council were trying to raise the money to purchase this piece of land to ensure that views to the historic church, which was about to be renovated, were retained.

**Both applications were Refused as recommended.**

- g) Item 7: 3PL/2008/0391/LB: North Pickenham: Land adjacent

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Blue Lion Public House, Houghton Lane: Erection of 4 bedroom detached property with integral garage within the cartilage of listed building

See Minute No 63/08(f) above.

**Notes to the Schedule**

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

<u>Item No</u>	<u>Speaker</u>
Deferred Item	Dr Kobylecki – Applicant Mr Horn - Resident
1	Mr Fuller – For Applicant
3	Mr Biggs – For Applicant
5	Mr Chapman – Parish Council Mr Smith – Objector Mr Haggett – Objector Mr Taylor - Agent
6 & 7	Mrs Ball – Ward Representative Mr Lee - Applicant

**Written representations taken into account**

<u>Reference No</u>	<u>No of Representations</u>
3PL/2007/1998/F	1
3PL/2008/0234/D	1
3PL/2008/0363/O	20 and 2 petitions
3PL/2008/0385/F	3
3PL/2008/0391/LB	3

**64/08 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES  
MANAGER (AGENDA ITEM 14)**

This item was noted.

**65/08 APPEAL DECISIONS (AGENDA ITEM 15)**

This item was noted.

**66/08 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL  
(AGENDA ITEM 16)**

This item was noted.

The meeting closed at 1.15 pm

CHAIRMAN