

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 30 September 2013 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes
Mr S.G. Bambridge
Mr P.D. Claussen
Mr T.J. Lamb
Mrs J A North

Mr W. R. J. Richmond
Mr F.J. Sharpe
Mrs P.A. Spencer
Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan (Substitute Member)

Also Present

Councillor E. Gould
Mr K. Martin

Mr J.W. Nunn
Mr R. R. Richmond

In Attendance

Mike Brennan
Heather Burlingham
John Chinnery
Jemima Dean
Andrew Grimley
Michael Horn
Paul Jackson
Helen McAleer
Martin Pendlebury
Chris Raine

Principal Planning Officer*
Assistant Development Control Officer*
Solicitor & Standards Consultant
Senior Development Planner*
Team Leader (Environmental Protection)
Solicitor to the Council
Planning Manager
Senior Committee Officer
Director of Planning & Business Manager *
Senior Planner*

* Capita Symonds for Breckland Council

91/13 MINUTES (AGENDA ITEM 1)

Councillor W Richmond pointed out that Ms Smith (Agent) for Schedule Item 2 (Yaxham) had been omitted from the Notes to the Schedule on page 7.

Subject to that amendment, the Minutes of the meeting held on 2 September 2013 were confirmed as a correct record and signed by the Chairman.

92/13 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence had been received from Councillor Bowes, Councillor Carter and Councillor Robinson. Councillor Duigan was present as Substitute for Councillor Bowes.

Councillor Chapman-Allen had been due to substitute for Councillor Robinson but had sent her apologies due to illness.

Action By

93/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Councillor Armes declared a personal interest in Schedule Item 1 (Kenninghall) as her son was the applicant. She left the room whilst the item was discussed.

All Members had received direct representation regarding Schedule Item 1 (Kenninghall) and Schedule Items 6 and 7 (Swanton Morley).

94/13 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Schedule Item 5 (Bridgham) had been withdrawn by the Applicant.

The Deferred Item at Agenda Item 8a (Attleborough) had been deferred from the agenda as an extension to the time to determine the application had been agreed.

95/13 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)(AGENDA ITEM 7)

The Director of Planning and Business Manager updated Members on the work of the Planning Policy Team.

The Community Infrastructure Levy draft charging schedule was timetabled to go to Cabinet on 29th October with a recommendation for it to go out to public consultation for a six week period, starting in mid-November. This would also need to be agreed by Council at the meeting on 14th November.

The Government consulted on changes to the regulations in April and May 2013 and it was anticipated that those changes were likely to be published later in the year, potentially as soon as late October. The changes were likely to include:

- Relief from CIL for self build
- Extension to the deadline for the pooling of s106 agreements from April 2014 to April 2015.

Work was continuing on the new Local Plan for the District, with the timetable for the first public consultation currently programmed for April-May next year. Evidence base studies looking at housing numbers and employment were currently being undertaken to inform policies within the plan.

The Annual Monitoring Report had been finalised, considered by Local Plan Working Group and published on the website.

The three Attleborough Transport Studies were now being finalised, and were expected to be presented to the next meeting of the Local Plan Working Group (date to be confirmed; probably towards the end of October). The reports recommend that further work would be

Action By

needed to investigate the costs of the link road options.

Finally, Phil Mileham commenced his new role as Deputy Planning Manager for Breckland & South Holland District Councils today. Capita had swiftly appointed Philip James as interim Policy Team Leader. He would commence work with the team on 16 October. In the meantime Feng Li would be the principal contact point for the Policy Team.

96/13 DEFERRED APPLICATIONS (AGENDA ITEM 8)

- 96 .a Attleborough: Retail Area for 40 Caravans on Existing Established Caravan Storage & Maintenance Business Site at Swangey Farm, Swangey Lane, Attleborough: Applicant: Breckland Storage Ltd: Reference: 3PL/2012/0654/CU

This item had been deferred from the agenda as a time extension had been agreed with the applicant.

- 96 .b North Elmham: Residential Development at Station Road: Applicant: Mr S Thompson: Reference: 3PL/20071688/O

This application had been approved in 2009, subject to a legal agreement which had still not been successfully executed. It had been brought back to the Committee before and given more time, but there was concern that it might reach the position where the Council was required to repay the fees. It had therefore been recommended for refusal.

It was noted that after the Planning Committee had commenced an e-mail had been received from the applicant proposing an extension of time to the end of the year.

The Solicitor asked for clarification of whether it was proposed to refuse the application or grant a further extension.

The Chairman pointed out that the applicant could re-apply, free of charge if the application was refused.

RESOLVED to refuse the application, in the light of the failure to execute the legal agreement, on grounds of lack of suitable provision for affordable housing and other contributions.

97/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- (a) Item 1: KENNINGHALL: Green Farm, Edge Green: Extension to hatchery: Applicant: Crown Chicken Ltd: Reference: 3PL/2011/1100/F

Councillor Armes declared a personal interest in this item and left the room while it was discussed. Councillor North

Action By

declared that she had received direct representation from the applicant.

Members were shown a map of the area with various application sites highlighted as they were relevant to the Officers' recommendation.

The proposal had received no technical objections but the Parish Council and numerous third parties had objected on various grounds including traffic, smells, pollution and impact.

The key consideration was the environmental impact of the scheme. The Secretary of State (SoS) had issued a Screening Direction requiring that the Environmental Impact Assessment (EIA) should address the cumulative effect of the applications. An EIA had been received but it had not fully addressed that requirement. The application was therefore recommended for refusal on the grounds that the effects of the development could not be fully assessed.

Mrs Scott-Barber (Parish Council) said they had had concerns about the site for some time and had written to the Council about buildings and bulk bins being erected without permission. The site plan submitted with the application was out of date. They supported the recommendation and asked the Committee to err on the side of caution.

Mr Waters (Objector) said there had been six planning applications in the past 12 months. Two had been withdrawn and three were on the agenda. The sixth was for the bulk bins which had been erected without planning permission, as had the whole site. HGVs from the site damaged the road surfaces. The Certificate of Lawfulness issued by the Council had been quashed by the Court. The site was unlawful and was also under investigation by HM Revenues & Customs with regards to rates. He urged Members not to approve any applications until the question of lawfulness had been determined.

Mr Armes (Applicant) said the Company had been in operation for 60 years and the economic effects of a refusal would be great and would put jobs at risk. The extension would have no detrimental effect on the area in terms of noise, smell, etc. There had been a lot of poultry farm closures. Where did the cumulative effect start and where did it finish? As the last major employer in the area he asked the Committee for their support.

Councillor Nunn (Ward Representative) was speaking on behalf of the residents. Clarity was needed. There were a lot of applications and Crown Chicken was caught up unfairly in the confusion. There needed to be a balance between development and amenity. There were three applications on

Action By

the agenda and another three pending. The applications could not be determined until the cumulative effect had been assessed.

Councillor North asked how many people were employed on the site and was advised that of 400 employees overall, about 70 were employed on the Green Farm Site. She then asked for legal clarification.

Mr Horn, Solicitor to the Council, explained that the Certificate of Lawfulness of Existing Use or Development (CLEUD) granted by the Council had been challenged in the High Court and the Council was in the process of submitting to judgement, due to a technical drafting issue with the Certificate – on no other grounds. Therefore, currently, it could not be concluded whether the use was lawful or not.

After further questions from Members regarding the buildings on the site, the Solicitor to the Council reiterated that the legal position was that the developments on the site could not presently be considered either lawful or unlawful. He advised Members that the Officers' recommendation made it clear that the EIA did not adequately address the cumulation of development, and therefore, the legal advice was to refuse the application. He went on to say that the Secretary of State's Direction had been criticised by the Court of Appeal. Nonetheless he advised the Committee to have due regard to the Screening Directive.

Refused, as recommended.

Councillor Armes returned to the room.

- (b) Item 2: KENNINGHALL: Ash Tree Farm: Demolish 9 poultry sheds, erect 8 broiler houses for the rearing of poultry, feed bins and 4 service buildings: Applicant: Mr Bob Gooderham: Reference: 3PL/2012/0876/F

Councillor Sharpe asked whether the other applications around Kenninghall were affected by the Directive from the Secretary of State regarding the cumulative effect.

The Solicitor to the Council advised that it was a common theme which did effect all three applications, but as they were separate applications each had to be determined individually.

The Senior Planning Officer presented the report and advised that the key issue was again the fact that the EIA did not sufficiently address the cumulative impact of the developments.

Mr Gordon (Parish Council) showed photographs of the narrow village street with cars parked on either side and no

Action By

footpaths. His main concern was traffic and access. The EIA did not make clear how large vehicles would impact on the residents of Kenninghall. He was also concerned about emissions from the 200,000 chickens.

Mr Goodrum (Applicant) wanted to modernise the 40 year old operation. The existing two storey buildings would be replaced by single storey buildings designed to reduce their effect on the environment. The poultry farm would need less deliveries. The overall effects would be reduced and he asked how it could therefore be cumulative?

Councillor Nunn (Ward Representative) had huge sympathy with the applicant who was caught up in the mess. The applications all affected the village. In isolation they would be more straightforward. The problem was how to deal with developments all around the community. They needed to all be decided with the cumulative impact considered. He asked for the applicants to receive advice on how to take matters forward.

Councillor Claussen considered there was a net gain in this instance. The operation was existing and broilers would not need as many traffic movements as egg production. He was at a loss why the application was caught up in the Secretary of State's Directive.

Other Members were also unclear and Councillor North said it was confusing for Committee Members as in any other location the application would probably be approved.

The Solicitor to the Council agreed and noted that the lawfulness and appropriateness of the Secretary of State's Direction had been expressly questioned by the Court of Appeal. It probably did not stand up to close scrutiny, but he had to advise Members to follow it.

Councillor Sharpe said that although Members usually took Officer's advice into account they generally had the opportunity to exercise common sense. In this case they could not, as the Directive was clear.

Councillor W Richmond asked how many jobs would be created on site if the application was approved and the Applicant advised that there would be four full time jobs on site.

The recommendation for refusal was tied with four votes for and four against. The Chairman said he had to support the refusal because of the cumulative effect situation, and accordingly used his casting vote in favour of the recommendation.

Action By

Refused, as recommended.

- (c) Item 3: KENNINGHALL: Land to the West of Kenninghall: Solar photovoltaic panels & associated works (inverter housings, security, fencing & cameras): Applicant: NR16 Limited: Reference: 3PL/2012/1088/F

This was the third of the Kenninghall applications on the agenda affected by the Secretary of State's Directive. An EIA had been submitted which was satisfactory in terms of the impact of the solar farm development but failed to address the cumulative effect. It was also, therefore, recommended for refusal.

Mr Gordon (Parish Council) objected to the siting of the proposal which formed part of the Lopham Plain with long, open views. There was also concern about surface water drainage as the area already suffered from dust, stones, etc being swept onto the road by heavy rain. Another solar farm was proposed at the other end of the village. There were concerns about the loss of food producing land.

Mr Knights (Agent) had worked closely with all parties and the application was compliant in every way. Breckland Council did not have a cumulative effect policy and the Local Planning Authority should have written to the applicant explaining the need for more information. A refusal would be open to challenge and costs. It was an impossible situation but he did have a possible solution.

Councillor Nunn (Ward Representative) said that the issue went on and on. If the application was being considered in isolation there would be no huge problem. It was the impact of all the applications combined that was the problem and all had been caught in the cumulative impact net. It was an untenable situation and hugely unfair on all the applicants and the community.

Councillor Claussen thought there was a cumulative effect on agriculture and the loss of food producing land. The Council needed an over-arching policy for eco-friendly applications.

Councillor Sharpe thought that the decision could affect subsequent applications nearby and he asked who decided what area was covered by the cumulative effect.

The Solicitor to the Council said that that was a good question. When relevant future applications were submitted, the Secretary of State would be asked for a Screening Direction and he would decide if they were covered by the cumulation issue.

Councillor Sharpe asked what effect there would be on the

Action By

Council if it went against the Secretary of State's Directive and how it would affect the application.

The Solicitor to the Council advised that the applicant was not prevented from bringing proceedings due to lack of finances, pursuant to the Aarhus Convention. If the claimant had insufficient resources there would be a 'cost stop' on what the Council could claim (of about £2,500) on any Judicial Reviews that the Council had to defend, even when they were successful. Actual costs were usually in the order of £60-80,000 each time.

Councillor Bambridge said it was a dilemma. He liked to make his own mind up but today he had had to comply with the Secretary of State's Directive. His hands had been tied and he would write to the Secretary of State to say he was not happy about it.

Councillor North noted that the application was 'temporary'. She asked if the materials would be disposed of in an eco-friendly way.

Mr Knights advised that materials were predominantly sand and metal frames which would all be recycled. The land would be returned to agriculture.

Councillor Duigan challenged the Secretary of State to come to see how the Committee was suffering due to his Directive and Councillor Lamb noted it was the same Minister that was extolling Planning Committees for facilitating development but that did not apply in this case.

Councillor Armes referred the Committee to a DEFRA report about the need to source food locally and said that there would not be sufficient land to do so if solar farms were supported. It was said that animals could be grazed amongst the solar panels but it would be impossible for the farmers to round them up. Alternative ways were more efficient than solar farms.

Refused, as recommended.

- (d) Item 4: ATTLEBOROUGH: Bunns Bank: Relocation of current Station Road poultry processing to site of former poultry processing facility at Bunns Bank: Applicant: Mr Bob Waterson: Reference: 3PL/2013/0511/F

This proposal would provide for complete processing within one building. The existing odour abatement plant would be retained and upgraded. It was an appropriate location and conditions would alleviate amenity concerns. It was hoped that additional landscaping would address concerns about the effect on the Scheduled Ancient Monument and on balance

Action By

the proposal was acceptable.

Mr Delafield (for applicant) mentioned that Councillor Lamb had sought reassurance at the meeting on 29 July that the relocation of the poultry business would be to Bunns Bank. This application would secure existing jobs and allow the Station Road site to move forward with redevelopment.

Mr Waterson (for applicant) was Project Manager of Banham Poultry which was one of mid-Norfolk's largest employers. The company had originally been at Bunns Bank but had relocated to Station Road due to a fire. The existing buildings there were getting old and refurbishment was not ideal. The move back to Bunns Bank would give a new purpose built, highly sustainable processing plant. Efficiencies had been incorporated into the new development and the prime site at Station Road was already approved for development.

The Chairman advised Members that the Principal Environmental Health Officer was in attendance to answer questions.

Councillor Martin (Ward Representative) said the proposal was very prosperous for Attleborough and the move back to the original site would alleviate smells and traffic in the town as well as freeing the Station Road site for development. Banham Poultry had a Liaison Committee which met four times a year. An Environment Agency Officer attended those meetings, as did residents, staff, members of the public and officials from the Company. Councillor Stasiak (also a Ward Representative) could not be present but fully supported the recommendation.

Councillor Sharpe asked about potential harm to the Scheduled Ancient Monument and Mr Waterson advised that they had responded to English Heritage to discuss mitigation measures.

Councillor Claussen noted that he had been invited to a Civic Reception by the Mayor of Attleborough and there had been unanimous support for the proposal from the Town Council.

Councillor North agreed that it would be a great benefit to Attleborough. All that was needed now was the Link Road to alleviate town centre traffic. She mentioned the concerns raised by Old Buckenham Parish Council which related to Heavy Goods Vehicles using the Hargham Road which was narrow in places and asked if it could be conditioned that HGVs did not use that route.

Councillor Spencer was very pleased about the Liaison Group meetings, she wished the applicants success.

Action By

Councillor Armes asked for clarification about whether a previous planning permission for energy from waste was still going ahead. She was advised that it was not.

Deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement for a Travel Plan Bond.

- (e) Item 5: BRIDGHAM: Land at Hall Farm and Field Barn Farm: Construct solar farm & associated works (inverter cabins, access tracks, security fencing & cameras): Applicant: Rethink Energy Limited: Reference: 3PL/2013/0546/F

This application had been withdrawn.

- (h) Item 6: SWANTON MORLEY: Lincoln House Care Home, Dereham Road: 20 Assisted Living Units (C2 use) Part 1: Applicant: Lincoln House Care Home: Reference: 3PL/2013/0626/F

Items 6 and 7 were considered together.

Key issues to be considered were landscape impact and highway safety. In the Officers' views they were both sufficiently provided for. If approved the occupation of the units would be restricted by legal agreement.

Mr Atterwill (Parish Council) was concerned that NCC Policies had not been adhered to. No traffic assessment had been carried out. The access was via a dangerous junction. The units were too far from village facilities including the nearest bus stop to be sustainable. The application offered no contribution to affordable housing or Open Space due to the classification of the units, but that classification had been varied by legal agreement on previous units.

Mrs Barham (Objector) lived locally and found the junction very dangerous and inadequate. Drainage was also a concern. Surface water went into an existing pond and ditches but they were not adequate and excess water flooded the road and into her garden. More development would make the situation worse.

Mr Evans (Agent) said the application followed two and a half years of discussions during which time it had been altered and amended as required to give a better layout. It would allow assisted living with access to the Care Home. Units would be linked by legal agreement with a qualifying age of 60. The emphasis was on facilities for local people. A traffic count had been carried out and improvements to the access agreed. There would be less increase in traffic than for previous approvals as less than half the residents were expected to have cars.

Action By

The Chairman asked the Officer to clarify the Highway and Drainage concerns.

The Senior Planner said that the Highway Authority was aware of what was there, what was planned and the increase that would bring and they had raised no objection. The Drainage scheme had been designed to cope with increased capacity on site and the Environment Agency were aware and had raised no objection. On a final point, the units were not regarded as dwellings and would have restricted occupation therefore there was no need for affordable housing provision.

Councillor R Richmond (Ward Representative) said that after the approval for the first 25 dwellings the residents of Swanton Morley had taken active part in the LDF process. The area had been identified as a constrained site due to access limitations and the ability of the surrounding highway network to take additional traffic. The village had predominantly linear development which should be maintained and the detached hamlet of Woodgate should be protected from inappropriate infill. To approve the application would render the LDF process worthless. In the spirit of Localism he asked the Committee to support residents.

Councillor Sharpe asked if the Applicant had consulted with the Parish Council and the Agent confirmed that they had attended three meetings and showed their plans which they understood to be acceptable in principle.

Mr Atterwill could only recall one meeting in the last 18 months. The Parish Council had pro-actively sought the views of Woodgate residents who were all very concerned about the application. During the LDF process 75% of residents had agreed where development should take place and the proposal did not enhance the village.

Councillor Lamb thought the development was utterly inappropriate for a rural village.

Councillor Bambridge thought drainage was very important and problems could only increase unless action was taken to ameliorate them. He was also surprised that Highways had raised no objection.

Mr Porter, the Applicant's Highways advisor, was asked to comment. He said there were three main issues: highway/junction capacity, safety and alternative access. A survey had been taken of existing movements. Only a very small increase would be generated by the additional units. The junction had been improved as part of a previous application. There had only been two accidents involving personal injury in the last five years within 750 metres of the

Action By

junction. An alternative access had been suggested but was over third party land which the applicant did not own.

Councillor W Richmond proposed that the application be deferred for a traffic assessment to be carried out. That proposal was supported and Councillor Spencer asked for a complete report about drainage to be included in the next report.

Deferred, contrary to the recommendation, for a traffic assessment and drainage details.

- (g) Item 7: SWANTON MORLEY: Lincoln House Care Home, Dereham Road: 5 Assisted Living Units (C2 use) Part 2 in conjunction with concurrent application for 20 Assisted Living Units: Applicant: Lincoln House Care Home: Reference: 3PL/2013/0627/F

This application was considered with Item 6 – see (f) above.

- (h) Item 8: FRANSHAM / GREAT DUNHAM / KEMPSTONE / BEESTON / MILEHAM / STANFIELD / WHISSONSETT: Various amendments to permitted onshore cable route between Ryburgh and Fransham: Applicant: Dudgeon Offshore Wind Ltd: Reference: 3PL/2013/0641/F

This application sought minor amendments to the route for cable laying mainly to accommodate requests from landowners. No objections had been received and there were no new issues.

Ms Ward (for Applicant) said that they had reviewed construction following discussions with landowners. The expected life of the cable was 20 years and it was important to establish good relations with neighbours therefore the application had been submitted to make changes to minimise disruption. The changes had been assessed by Environmental Consultants and would slightly reduce the impact of the works.

Approved, as recommended.

- (i) Item 9: HARLING: Land East of Lopham Road: MMA to 3PL/2010/0374/F in respect of enlargement of plot 2 & amended fenestration and position of plots 13, 14 and 15: Applicant: Mr D Taylor: Reference: 3PL/2013/0672/F

These minor material amendments included changes to window and door positions and a slight increase to one plot size. They were before the Committee as they concerned a major application.

The Solicitor explained that it was not clear whether such

Action By

amendments needed to come to the Committee under the current Delegation Agreement which was why suggested amendments to that were on the Agenda.

Agreed, as recommended.

- (j) Item 10: NARFORD: Land off Low Road: MMA to 3PL/2012/1036/F to include provision of additional structure on site: Applicant: Hursit SPV1 Limited: Reference: 3PL/2013/0739/F

This was also a minor amendment to include an additional small building on the site for the retention of spares.

Approved, as recommended.

- (k) Item 11: LITCHAM: Land West of Tittleshall: MMA to 3PL/2012/1020/F to enable additional structure to be erected on site: Applicant: Claramond Solar SPV1 Ltd: Reference: 3PL/2013/0747/F

This was the same minor amendment as above, to include a small shed. One objection to the design of the building had been received, but it was considered that the utilitarian design served its purpose and the colour blended in well.

Approved, as recommended.

Notes to the Schedule

Item No	Speaker
1	Cllr Nunn – Ward Representative Mrs Scott-Barber – Parish Council Mr Waters – Objector Mr Armes – for Applicant Mr Ward – for Applicant
2	Cllr Nunn – Ward Representative Mr Gordon – Parish Council Mr Gooderham - Applicant
3	Cllr Nunn – Ward Representative Mr Gordon – Parish Council Mr Knights - Agent
4	Cllr Martin – Ward Representative Mr Waterson – for Applicant Mr Delafield – for Applicant Mr Grimley – EHO
6 & 7	Cllr Richmond – Ward Representative
8	Ms Ward – for Applicant

Written Representations Taken into Account

Reference No	No of Representations
3PL/2007/1688/O	5
3PL/2012/0876/F	12

3PL/2011/1100/F	9
3PL/2012/1088/F	5
3PL/2013/0511/F	4
3PL/2013/0626/F	2
3PL/2013/0627/F	11
3PL/2013/0747/F	2

Action By

98/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING (AGENDA ITEM 10)

Noted.

99/13 APPEAL DECISIONS (FOR INFORMATION)(AGENDA ITEM 11)

Noted.

100/13 PROPOSED CHANGES TO DELEGATED ARRANGEMENTS IN LIGHT OF THE INTRODUCTION OF THE PLANNING GUARANTEE (AGENDA ITEM 12)

Replacement pages for Appendix One had been published and copies were tabled.

The Planning Manager presented the report which was similar to the one discussed by Members at the meeting in March 2013. That report had been agreed by the Committee but the recommendations had not been supported at Council due to concerns about increased powers for Officers and the introduction of the Ward Member Call-In Request Form.

In response to the concerns raised at Council the Planning Manager had amended the report. The proposal to introduce the Ward Member Call-In Request Form had been removed as the current system worked well. That left a recommendation to make a minor amendment to the Delegation Agreement to do away with the need for ALL major applications to come to Committee. Major applications that had no issues, were in line with Policy and had received no substantive objections would not be presented to the Committee.

The Planning Manager had looked back over the last two years and during that time 45 major applications had been presented to the Committee which had not been a good use of Members' time. They included applications for large chicken sheds and for minor alterations to windows on previously approved major applications.

The Planning Manager also pointed out that the new Planning Guarantee came into force on 1 October 2013 which meant that the Council would have to pay back planning fees for applications not determined within 26 weeks. Most major applications came to the Committee within that time, but if they required a legal agreement and that had not been signed within the 26 weeks it could lead to costs.

Action By

The Chairman said that he wanted the Committee to have time to give due consideration to those applications that needed it. He asked Members to support the recommendation when it was presented to Council.

Councillor Claussen agreed. Members could still call in applications through the Chairman. The more applications that were delegated the better as it made the Committee more efficient and gave it time to consider the contentious issues.

Councillor North suggested that the Chairman should speak to the Planning Committee Members and substitutes that were not present to ensure that they were all in agreement at Council.

It was clarified that all major applications raising local concerns would come to the Committee under the new agreement. The first three items on the Schedule would still have come to the Committee, but the last three would not.

The Chairman also advised that not all applications that were called-in would come to Committee as sometimes there was no justification and he would take responsibility for that. It was up to Members to notify their Parishes that not all applications were suitable for Committee.

Councillor Bambridge thought that the call-in system should be strong and enshrined in Policy.

Councillor Claussen said that the Committee could only be as good as the Policies it made its decisions by and they needed to be looked at continuously.

RESOLVED to **RECOMMEND TO COUNCIL** that the Council's Delegated Arrangements be amended as follows:

(1) Delegated authority is given to the Director to:

Issue all decisions for Planning Applications (as defined below) except those applications which are of a major or significant nature (as defined below) where the Director considers that, on balance, and after taking into account all material considerations including Human Rights Acts issues, the decision would be in compliance overall with the policies contained in the Local Plan, **Neighbourhood Plans**, and Government guidance.

The above power is subject to the following:

- 1A A weekly list being sent to all Members containing details of Planning Applications received.
- 1B The right for a Ward Member in relation to their own or

Action By

an adjoining Ward and the Chairman of Planning Committee jointly (i.e. if both are in agreement) to require a Planning Application to be referred to and decided by the Planning Committee if the following conditions are met:

- (i) A written notice must be received from the Ward Member by the Director or a Capita Symonds' Director or Principal Planning Officer within 23 days of the publication of that application on the weekly list requesting the referral of the application to the Committee.
- (ii) The request only to have effect if it contains proper planning reasons for consideration by Committee.
- (iii) The Chairman of Planning Committee must agree that the proposed referral to the Committee is appropriate.

1C. "Planning Applications" for the purposes of these delegations include applications, notifications or consultations in connection with the following:

applications for or in connection with planning permissions (including those for amendments); advertisement consents; listed buildings; conservation area consents; demolitions; overhead power lines; telecommunications; applications or notifications from public authorities; agricultural notifications; minor amendments; variation or removal of conditions

1D "Major Applications" for the purposes of these delegations are defined as those proposals for:

- 10 or more dwellings;
- Residential development on sites of 0.5 hectares or more;
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
- Development carried out on a site having an area of one hectare or more;

Except that those 'Major Applications' which are in the opinion of the Director the subject of no significant public comment contrary to the recommendation of officers can be determined by the Director as if they did not fall within the term Major Applications but otherwise in accordance with these Delegations.

1E "Significant Applications" will include those which

- officers may wish to approve which are contrary to policy or the provisions of the National Planning Policy Framework (as amended or subsequently

Action By

amended).

- those which, in the opinion of the Director and the Chairman of Planning Committee, are of particular sensitivity locally
- applications submitted by the District Council
- all applications by Members, Senior Officers of the Council or by staff employed directly by the Council or Capita Symonds in the discharge of its statutory planning functions (where the Director is aware that the application is by or on behalf of a Member or Officer). The term "Senior Officers" of the Council in this context means those employed at Head of Service level or above.

1F. The Vice-Chairman of the Planning Committee can exercise the powers of the Chairman under 1B above in the absence or unavailability of the Chairman.

(2) Power for the Director to make decisions as necessary for the processing of applications, including any decision required under the Habitats Regulations and Environmental Impact Assessment Regulations.

Note: The term "Director" includes any other duly authorised offi

The meeting closed at 1.07 pm

CHAIRMAN