

AGENDA

NOTE: In the case of non-members, this agenda is for information only

- Committee** - **PLANNING COMMITTEE**
- Date & Time** - MONDAY, 4TH AUGUST, 2014 AT 9.30 am
- Venue** - ANGLIA ROOM, THE CONFERENCE SUITE,
 ELIZABETH HOUSE, DEREHAM

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

NOTE

Ward Representatives wishing to speak on a particular application are asked to inform the Usher, Mrs H. Burlingham, well in advance and arrive at the meeting by **9.30am** as the items on which the public wish to speak will be taken first in order of the agenda.

IN THE EVENT OF DEFERRED ITEMS APPEARING ON THE AGENDA, WARD REPRESENTATIVES WILL BE NOTIFIED ACCORDINGLY IN ADVANCE.

THE ORDER OF THE MEETING WILL VARY TO ALLOW FOR PUBLIC SPEAKING AND WILL NOT FOLLOW THAT OF THIS AGENDA

PERSONS ATTENDING THE MEETING ARE REQUESTED TO TURN OFF MOBILE PHONES

VOTING:

If the first vote is lost in considering an application, a new proposal will be requested (eg a vote for approval, if lost, does not automatically mean “refused”). On a tied vote, the Chairman has a casting vote, if he/she wishes to use it. It is necessary for summary reasons for approvals or refusals to be identified in each case.

Member Services
 Elizabeth House, Walpole Loke,
 Dereham Norfolk, NR19 1EE
 Date: Thursday, 24 July 2014

PLANNING POLICY NOTE

THE STRENGTH OF PLANNING POLICY IN DETERMINING PLANNING APPLICATIONS

The Planning process is set up, **IN THE PUBLIC INTEREST**, to protect the public from the unacceptable planning activities of private individuals and development companies. Planning is primarily concerned to deal with issues of land use and the way they affect the environment.

The Council has a DUTY, through the Planning & Compulsory Purchase Act 2004, to prepare **Local Development Documents (DPDs)** to provide a statutory framework for planning decisions. The **Development Plan** for Breckland **currently** consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Core Strategy and Development Control Policies document. This was adopted by Breckland Council on 17th December 2009 and is the local starting point in the determination of planning applications. Breckland Council has also adopted its Site Specific Policies and Proposals DPD, on 19th January 2012. The document allocates specific areas of land for development and revised settlement boundaries.

Breckland's Plan contains the Council's planning policies, which must be consistent with Government policy which is currently the National Planning Policy Framework (NPPF) and accompanying technical guidance.

The full public scrutiny of the Council's proposals will give the Plan an exceptional weight when dealing with planning applications.

This shift towards a "Plan-led" planning system is a major feature of planning legislation. The Planning & Compulsory Purchase Act 2004, states that ***planning applications should be determined in accordance with the policies of the Plan, unless material considerations which are relevant to planning indicate otherwise.***

The NPPF states that the purpose of the planning system is to achieve sustainable development. The core planning principles contained within the NPPF are summarised as:

- To be genuinely plan led
- To drive and support sustainable economic development
- Seek high quality design
- Conserve and enhance the natural environment
- Encourage the effective use of land
- Conserve heritage assets

Unless there are special reasons to do otherwise, planning permissions "run with the land", and are NOT personal licences.

The factors to be used in determining applications will relate to the effect on the "public at large" and will NOT be those that refer to private interests.

Personal circumstances of applicants "will rarely" be an influencing factor, **and then, only** when the planning issues are "finely balanced".

THEREFORE we will:

- **acknowledge the strength of our policies,**
- **be consistent in the application of our policy, and**
- **if we need to adapt our policy, we should do it through the LDF process.**

Decisions which are finely balanced, and which contradict policy will be recorded in detail, to explain and justify the decision, and the strength of the material planning reasons for doing so.

LOCAL COUNCILS

OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?

We ask local parish and town councils to recognise that comments received are taken into account. Where we disagree with those comments it will be because:

- Districts look to "wider" policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.

PART A
ITEMS OPEN TO THE PUBLIC

1. MINUTES

To confirm the minutes of the meeting held on 7 July 2014.

2. APOLOGIES & SUBSTITUTES

To receive apologies for absence.

3. DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED

Members are reminded that under the Code of Conduct they are not to participate and must leave the room, for the whole of an agenda item to which they have a Disclosable Pecuniary Interest.

In the interests of transparency, Members may also wish to declare any other interests they have in relation to an agenda item, that support the Nolan principles detailed within the Code of Conduct.

4. CHAIRMAN'S ANNOUNCEMENTS

5. REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA

To consider any requests from Ward Members, officers or applicants to defer an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

6. URGENT BUSINESS

To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act 1972.

7. LOCAL PLAN UPDATE (STANDING ITEM)

To receive an update.

8. DEFERRED APPLICATIONS

To consider applications deferred at previous meetings including some, but not all, of those shown on the attached Schedule of Deferred Applications.

9. SCHEDULE OF PLANNING APPLICATIONS

To consider the Schedule of Planning Applications:

<u>Item No</u>	<u>Applicant</u>	<u>Parish</u>	<u>Page No</u>
1	Mr T Gray	Necton	16 - 23
2	Abel Homes Ltd	Watton	24 - 33
3	Abel Homes Ltd	Swaffham	34 - 39
4	Mr & Mrs Greenwood	Gressenhall	40 - 48
5	Mr & Mrs P J Plummer	Mattishall	49 -56
6	Reads Nurseries	Dereham	57 - 64

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herewith

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	<u>Page(s)</u> <u>herewith</u>
10. <u>APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR (PLACE)</u> Report of the Executive Director (Place). <i>Members are requested to raise any questions at least two working days before the meeting to allow information to be provided to the Committee.</i>	65 - 77
11. <u>APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL</u>	78
12. <u>APPEALS DECISIONS (FOR INFORMATION)</u> Appeal decisions in relation to Billingford were included as a Supplementary Report item to Planning Committee on 7 th July, 2014. Appeal A: APP/F2605/C/13/2199946: BILLINGFORD: Land adjoining Billingford Hall, Elmham Road: Appeal by Mr. Todd against enforcement notice in respect of a single storey general purpose agricultural building: The requirements of the notice are to (i) remove the building from the land and (ii) remove all associated building materials, rubble and spoil arising from the construction and removal of the building. The time period for compliance is 3 calendar months. Decision: The appeal does not succeed. The enforcement notice is varied to extend period for compliance to 9 months and upheld. Summary: In respect of ground c: The Inspector concluded that the structure which exists is not the "prior notification" building. There is no express planning permission for the building nor does it amount to permitted development. There has been a breach of planning control and the appeal should not succeed on ground c of the Town and Country Planning Act. In respect of ground a and the deemed planning application (the building as a whole) and Appeal B (the extensions): The Inspector concluded that the extent of existing agricultural activity on the holding is very limited. Whilst planned agricultural activities are relevant, the extent of those activities is not markedly different to those put forward for the smaller "prior notification" building. No business plan or agricultural assessment has been submitted. The balance of evidence does not support the appellant's contention that the building as a whole, or the lean to elements in Appeal B, are reasonably necessary for the purposes of agriculture. In respect of the effect on the character and appearance of the area, the Inspector gives limited weight to the visual impact of the building. However the Inspector concludes that the addition of a building of this scale, character and appearance results in material harm to the character of the river valley. The Inspector did not consider that planning permission should be granted for that part of the appeal building which would be equivalent to the "prior notification" building (which would amount to the appeal building minus the lean-to elements on the side and end elevations). This would nevertheless be materially harmful to the area's character. The balance of evidence does not suggest that such a building would be reasonably necessary for the purposes of agriculture. In respect of ground f Appeal A: The appellant contends that the requirements of the enforcement notice should be varied to allow the prior notification element of the building to remain. The Inspector concluded that the building is	

not permitted development. There is no fall back position to erect an agricultural building of the same size as the "prior notification " building to comply with permitted development rights as it is not considered that the building would be reasonably necessary for the purposes of agriculture. The requirements of the notice do not exceed what is necessary to remedy the breach of planning control. The appeal should not succeed on ground f.

Appeal B: APP/F2605/A/13/2199672: BILLINGFORD: Land adjoining Billingford Hall, Elmham Road: Appeal by Mr. Todd against refusal of planning permission for an extension to an agricultural general purpose building

Decision: The appeal does not succeed.

Summary: See above

Appeal C: APP/F2605/A/12/2205936: BILLINGFORD: Land adjoining Billingford Hall, Elmham Road: Appeal by Mr. Todd against the refusal of planning permission for a visitor centre and camping pods: Appeal C

Decision: The appeal does not succeed.

Summary: The Inspector concluded that, having regard to the advice of the Environment Agency and Natural England, the development would not have a significant effect on the River Wensum SAC/SSSI or on protected species.

The Inspector concluded that, in relation to the need for the visitor facilities and accommodation, the balance of evidence suggests the need for some on-site visitor facilities, which would go some way to meeting the requirements of Policy DC8 and be consistent with promoting rural enterprise. However, concerns were raised in respect of the suitability of the former gravel workings for sailing and canoeing. No substantive evidence of likely demand for holiday breaks is provided and no firm evidence from schools or other organisations of the likely extent of their use.

In respect of the effect on the character and appearance of the area, the Inspector concluded that the extent of development proposed would be materially harmful to the predominantly open character of the site and its surroundings. It would conflict with the high level of protection for river valleys envisaged in Policy CP11.

Costs application by Mr. Todd for full award of costs against Breckland in connection with an appeal against an enforcement notice and refusals of planning permissions (as above).

Decision: The application fails and no award of costs is made

Summary: The Inspector concluded that there was no unreasonable behaviour by the Council. It is not unusual for a number of amendments to be made to a scheme. It is not unusual for different planning officers to deal with an application particularly where there is a lengthy period between submission and determination. While officers may discuss a scheme and suggest amendments, they are entitled to give their professional opinion on the basis that it is not binding on a Council. Whilst the appellant had made reference to inconsistent advice from officers, no evidence was provided.

Costs application by Breckland Council for a full award of costs against Mr. Todd in connection with an appeal against the refusal of planning permission and appeals concerning an agricultural building (as above)

Decision: The application succeeds to a limited extent. A partial award of costs is made.

Summary: The Inspector concluded that the appellant's unreasonable behaviour did lead to an element of unnecessary expense in addressing matters of foul and surface drainage and pollution prevention in the appeal process.

All these appeal decisions will be a material planning consideration when the Council comes to consider related, although somewhat different, development proposals on this Planning Committee Agenda. In particular they raise issues around scale, form and impact of buildings and other operational development; coupled with concerns around the lack of substantive evidence to support the nature and scale of the range of uses proposed. All these matters will be addressed when the planning application is presented to the Planning Committee on 7 July.

APP/F2605/A/14/2216623: SWAFFHAM: Evergreen Farm, South Pickenham Road: Appeal by Mr. Easey against the refusal of planning permission for the erection of a mobile home for a stock man: Reference 3PL/2013/1165/F

Decision: Appeal dismissed

Summary: The Inspector concluded that given there is continuous staffing of the unit and some stockmen live on site, there is not an essential functional need on animal welfare grounds. Suitable alternative accommodation is available in the area. No evidence was found of impact on protected species and no contribution towards open space was needed.

APP/F2605/A/14/2216485: BRIDGHAM: Land adj. Hall Farm Barn, The Street: Appeal by Mr. Wright against the refusal of planning permission for the erection of 2 cottages|: Reference: 3PL/2013/0637/F

Decision: Appeal dismissed

Summary: The Inspector concluded that, given its siting remote from local facilities and the infrequency of the bus service, the proposal would not be consistent with Paragraph 7 of the NPPF in terms of sustainable development. Whilst the Framework makes provision for housing where it will enhance or maintain the vitality of rural communities, the proposal cannot be justified on this basis. The proposal would unacceptably harm the character and appearance of the area. The limited benefit of the scheme in support of local facilities and community activities did not outweigh the harm identified.