

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Tuesday, 2 August 2022 at 10.00 am in
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Nigel Wilkin (Chairman)	Cllr Keith Gilbert
Cllr Peter Wilkinson (Vice-Chairman)	Cllr Mark Kiddle-Morris
Cllr Claire Bowes	Cllr Robert Kybird
Cllr Harry Clarke	Cllr Keith Martin
Cllr Helen Crane	Cllr Linda Monument (Substitute Member)
Cllr Phillip Duigan	Cllr David Wickerson (Substitute Member)

Also Present

Cllr Philip Cowen (Ward Representative)	Cllr Alison Webb (Ward Representative)
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In Attendance

Michael Horn	Solicitor to the Council
Rebecca Collins	Head of Development Management
Andrew D'Arcy	Planning Policy Manager
Chris Hobson	Principal Development Management Planner
Will Hornbuckle	Development Management Planner
Rebecca Harris	Technical Support Officer
Julie Britton	Democratic Services Officer

71/22 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on Tuesday, 5 July 2022 were agreed as a correct record and signed by the Chairman.

72/22 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Atterwill and Dale. Councillors Monument and Wickerson were in attendance as their substitutes.

73/22 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Dereham: Dereham Hockey Club, Greenfields Road: Reference: 3PL/2022/0597/F (Agenda item 9(b))

Councillor Linda Monument declared a personal but non prejudicial interest in this application due to her being a resident in this area and a Ward Representative and had been invited to the Hockey Club to view the safety fencing.

Councillor Monument remained in the room and was able to vote on the matter.

Councillor Mark Kiddle-Morris also declared a personal but non prejudicial interest in the application due to his daughter being a former member of the

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Hockey Club.

Councillor Kiddle-Morris remained in the room and was able to vote on the matter.

74/22 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman thanked those Members for attending the recent site visit in Griston, he felt that it had been very informative and very worthwhile. It also highlighted issues with regard to site visits and for those who did not attend in terms of voting.

Michael Horn, the Council's Solicitor then clarified the rules of voting in respect of site visits.

If a Member had expressed a view that a site visit was material to making a decision on the planning application - either by voting for a site visit or by proposing or seconding that there should be one - then, if for whatever reason, they were not able to attend the said site visit, it would be illogical for them, when the matter was heard at the Committee meeting, to vote on that matter. Conversely, where a Member had not expressed any view that there needed to be a site visit, either by not voting on the matter or just by remaining silent on the issue, and they felt that they had enough information before them to make the decision, without having attended the site visit, then they would be able to vote on the application.

75/22 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

None.

76/22 URGENT BUSINESS (AGENDA ITEM 6)

None.

77/22 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

Andy D'Arcy, the Planning Policy Manager provided Members with an update on the Local Plan (partial review).

Following the decision at the recent Cabinet meeting held on 25 July 2022, the public consultation on the Local Plan partial review would commence on 11 August 2022 for a period of 6 weeks ending on 23 September 2022.

This review would relate solely to the wording of Policy INF 03 of the adopted Local Plan.

Work was continuing on the full update of the Plan as well as other key workstreams including the 5-year housing land supply for which a report would be presented to the Planning Committee once completed.

Advice had been received from Natural England on 16 March 2022 alerting Norfolk Local Authorities to the unfavourable condition of the River Wensum and Broads Special area of conservation from nitrogen and phosphorus pollution and, that all planning applications within those river catchments that related to overnight stays were to be put on hold, until it could be scientifically shown that these additional dwellings would not impact the river catchments

with any further nutrient pollution.

This had currently affected around 80 planning applications with approximately 770 dwellings within Breckland alone, as well as impacting the progress of the Greater Norwich Local Plan and North Norfolk Local Plan. Mitigation measures to counteract nutrient river pollution were not easy to identify or implement and could take some time.

Following the advice from Natural England, local authorities, including Breckland, had lobbied Government detailing the economic and social issues arising from this advice and the lack of support to address those issues, especially around the provision of mitigation to allow applications to start to be determined.

On 20 July 2022, there was a ministerial statement that:

- Placed a new statutory duty on water and sewage companies in England to upgrade their waste-water treatment works to the highest technical specifications to be available by 2030. Upgrades would reduce the amount of nutrients in discharges into river catchments in nutrient neutrality areas and would reduce the mitigation burden on developments, allowing them to come forward. This would be tabled as an amendment in the Levelling Up and Regeneration Bill.
- Secondly, a Nutrient Mitigation Scheme was being established by Natural England working with stakeholders to identify mitigation projects within affected river catchments, enabling developers to purchase credits against mitigation projects being implemented.
- DEFRA and the Department for Levelling Up, Housing and Communities, would provide funding to pump prime schemes investing in mitigation projects e.g. wetlands and woodland creation. This would enable Local Planning Authorities to grant permission subject to conditions/obligations securing mitigation.
- Nutrient Management Plans would also be put in place to secure restoration of rivers long term.
- Habitats Regulations Assessments still applied to post permission approvals. i.e. reserved matters and discharge of conditions.

Matters to consider:

- Upgrading wastewater treatment works was very expensive. The government had indicated that these would be paid by developer contributions, which could create viability issues for development.
- The Levelling Up Bill would require royal assent which could take some time and would create further uncertainty.
- For local planning authorities, as a competent body, and to meet its obligations in respect of Habitat Regulations, planning permissions would need to be granted with conditions attached to mitigate nutrient pollution. However, for this to be done, there needed to be clarity on what the mitigation solution was and its timeframe.
- Equally, for a developer, they would need to know how much the mitigation credit would cost and the timeframe as to when they could

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start development given the mitigation needs to be in place before properties could be occupied, creating more uncertainty.

- It was unclear what mitigation measures local authorities should be investigating. Short-term/mid-term mitigation i.e. measures that provided capacity up to 2030, as it was unclear if the long term issue would be dealt with by the upgrade of wastewater treatment works.
- It was also unclear whether there would be sufficient mitigation to support growth across Norfolk, how this would be apportioned and whose development would go first?

Within Breckland and Norfolk there continued to be a number of ongoing workstreams. These included:

- The creation of a nutrient calculator specific to Norfolk which reduced the nutrient burden on development, refined river catchment maps with discharge outlet information and a risk-based map on the impact of surface water on river catchments.
- Local farming groups discussing the use of cover crops and the use of agricultural and livestock land in the future.
- Securing additional resource within the County to look at legal framework and delivery of a mitigation credit system.
- Within Breckland there was a Rivers Trust Feasibility Study on natural based river purifying options on Breckland owned land alongside the River Tud in Dereham, and with land alongside the Billingford wastewater treatment works.
- Work continued on the Wendling Beck Exemplar Nutrient Neutrality mitigation solution funded by the Nature Conservancy to provide a mitigation solution with credits alongside Biodiversity Net Gain credits for Breckland's development.
- Some Registered Providers within Norfolk were considering retrofitting water saving methods within their existing housing stock.

As far as planning applications were concerned within the affected river catchment areas that involved overnight stays, these were now on hold, including reserved matters and discharge of condition applications. Some Section 73 applications (varying and existing permission) had been released but not all would be able to follow suit.

Commercial applications that required water as part of their operations were also now on hold as well as agricultural applications that involved the increase of livestock.

Rebecca Collins, the Head of Development Management advised that there was a specific nutrient neutrality webpage available on the Council's website that was kept up to date with the most recent information and would be updated as such as further information was received (see link below):

<https://www.breckland.gov.uk/planning/nutrient-neutrality>

Councillor Clarke thanked the Planning Policy Manager for his comprehensive update but one of the issues that was mentioned was the 5-year land supply which he felt was a serious issue going forward regardless of nutrient neutrality.

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Another matter was the call for sites and the availability of suitable sites and he asked if it could be confirmed that the Council had an agreed criteria for evaluating applications when submitted.

Members were informed that the call for sites process that had recently been undertaken formed part of the Local Plan and would be sites that would be considered against the criteria and considered for suitability in the new Local Plan. For clarity, the 5-year land supply related to sites that already had planning permissions and the trajectory for delivery of those sites that were deemed therefore to be policy compliant with the existing Local Plan. The call for sites would be for the new Local Plan, and any sites allocated would need to be considered with whatever that policy and development strategy approach might be in the new Local Plan which had yet to be considered by Members and agreed. The most important matter was the 5-year land supply and the subsequent trajectory going forward. This was near on completion and would be brought to a Planning Committee meeting in due course.

Councillor Kybird referred to the briefing paper that was circulated to Members recently that mentioned Housing Associations putting in water saving measures in 20,000 properties and, in his opinion, felt that such measures would not affect nutrients going into the system merely the concentration.

The Head of Development Management stated that there was a scheme in Southampton that was now in place in respect of slowing down and reducing the amount of water that flowed into the treatment plants. She explained that the water would remain in the treatment plants for longer and therefore had a greater level of treatment within in it. This had been an accepted scheme by Natural England and was being investigated through the Council's consultants to discover how such schemes could be delivered in the short-term. It was certainly not a long-term measure, and a long-term mitigation scheme would have to be identified as this only created headroom in the short-term.

In terms of the 5-year land supply, and in terms of trajectories, Councillor Duigan asked if a lot of the build in the north of the area would be put on hold due to nutrient neutrality.

The Planning Policy Manager explained that nutrient neutrality could not be ignored. There were many sites that were in the 5-year land supply that had been completed in the last 12 months. The trajectory would still include sites within the catchment area, and it was hoped that with the statements and the mitigation measures that were currently under consideration that development would start to come forward again but would be kept under review on an annual basis.

The Head of Development Management added that a great deal of work was being carried out with developers that were within the catchment area and not all of those development sites were waiting for a District or County-wide mitigation strategy as some of those sites in the northern part of the District were already identifying their own mitigation strategies and the Planning Team were working with them to bring those forward.

78/22 DEFERRED APPLICATIONS (AGENDA ITEM 8)

None.

79/22 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

- a) Caston: Land Adjacent To Caston Primary School: Reference: 3PI/2021/0223/D

Reserved matters application for erection of five dwellings following outline application 3PL/2017/1267/O.

Consideration was given to the report presented by Rebecca Collins, Head of Development Management.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

Representations were made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Ward Representative: Cllr Philip Cowen (spoke against the application)

Applicant's Agent: Ben Burgee (Lanpro Services)

Caston Parish Council: Cllr Mary Howell

Objectors: Simon Spanyol and Martin Walker

DECISION: Members voted 9 x 2 for approval in support of the Officer's recommendation; subject to:

- 1. the conditions as listed in the report;**
- 2. the additional conditions from the Highways Authority as listed in the supplementary agenda on pages 23 and 24 of the agenda pack;**
- 3. the receipt of a satisfactory Unilateral Undertaking in respect of GIRAMs and;**
- 4. delegated authority also be given to Officers to refuse planning permission if a satisfactory Unilateral Undertaking is not received; and**
- 5. no objections being received from the Historic Environment Service.**

- b) Dereham: Dereham Hockey Club, Greenfields Road: Reference: 3PL/2022/0597/F

Erection of safety fencing at the ends of Pitch 1 (northern pitch) (retrospective) and replacement fencing at Pitch 2 (southern pitch).

Councillor Linda Monument declared a personal but non prejudicial interest in this application due to her being a resident in this area and a Ward Representative and had been invited to the Hockey Club to view the safety fencing.

Councillor Monument remained in the room and was able to vote on the matter.

Councillor Mark Kiddle-Morris also declared a personal but non prejudicial interest in the application due to his daughter being a former member of the

Hockey Club.

Councillor Kiddle-Morris remained in the room and was able to vote on the matter.

Consideration was given to the report presented by Will Hornbuckle, Development Management Planner.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Ward Representative: Cllr Alison Webb (spoke in support of the application)

DECISION: Members voted unanimously for approval in support of the Officer's recommendation.

c) Besthorpe: Land South of The Barn, Heron Farm: Reference: 3PL/2022/0190/F

Continued use of land for open air storage (plant, materials and aggregates in connection with the operations of Newall Plant Ltd) and proposed associated works, including; provision of earth bund and landscaping.

This application was considered in conjunction with agenda item 9(d).

Consideration was given to the report presented by Will Hornbuckle, Development Management Planner.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: James Platt (Locus Planning Ltd)

DECISION: Members voted unanimously for approval in support of the Officer's recommendation; subject to:

- 1. the conditions as listed in the report;**
- 2. condition no. 3 being updated to reflect a 7am start; and**
- 3. no objections being received from the Council's Ecologist.**

d) Besthorpe: The Barn, Heron Farm: Reference: 3PL/2022/0333/F

Retention of modified earth bund and proposed landscaping.

This application was considered in conjunction with agenda item 9(c).

Consideration was given to the report presented by Will Hornbuckle, Development Management Planner.

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Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: James Platt (Locus Planning Ltd)

DECISION: Members voted unanimously for approval in support of the Officer's recommendation; subject to the conditions as listed in the report.

- e) Harling: Land North of Kenninghall Road and south of Quidenham Road:
Reference: 3PL/2022/0555/VAR

Variation of condition 6 on 3PL/2019/1076/O - to amend the wording of the condition to lower housing density for the section of the site accessed from Mount Pleasant Drive.

This application was considered in conjunction with Agenda item 9(f).

Consideration was given to the report presented by Rebecca Collins, Head of Development Management.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: Paul LeGrice (Abel Homes Ltd)

DECISION: Members voted unanimously for approval in support of the Officer's recommendation; subject to:

1. the conditions as listed in the report and as listed in the supplementary agenda on page 74 of the Agenda pack;
2. a satisfactory Unilateral Undertaking to secure mitigation towards the GIRAMS (already received) and;
3. delegated authority be given to Officers to refuse planning permission if the Unilateral Undertaking is not deemed satisfactory; and
4. the permission as varied remain bound by the S106 Agreement for outline application reference: 3PL/2019/1076/O.

- f) Harling: Land North of Kenninghall Road & South of Quidenham Road:
Reference: 3PL/2022/0576/D

Reserved Matters application for 85 dwellings following outline permission 3PL/2019/1076/O and variation of condition application reference 3PL/2022/0555/VAR, as well as discharge of conditions 9,11,12,13,14,16 & 18 from 3PL/2019/1076/O (information has also been submitted pursuant to the requirements of conditions 7&8).

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This application was considered in conjunction with Agenda item 9(e).

Consideration was given to the report presented by Rebecca Collins, Head of Development Management.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: Paul LeGrice (Abel Homes Ltd)

DECISION: Members voted unanimously for approval in support of the Officer's recommendation; subject to:

- 1. the conditions as listed in the report and as listed in the supplementary agenda on page 74 of the Agenda pack;**
- 2. no objections being received from the Council's Ecologist and the Highways Authority;**
- 3. a satisfactory signed Unilateral Undertaking in respect of GIRAMs (already received); and**
- 4. delegated authority be given to Officers to refuse planning permission if the Unilateral Undertaking is not deemed satisfactory.**

g) Swaffham: Old School House, 18 Market Place: Reference: 3PL/2020/1028/LB

Change of use including alterations to listed buildings, demolition of buildings, and erection of 6 no. Town houses with revised access to form 18 no. Dwellings. (Amended Description).

This application was considered in conjunction with Agenda item 9(h).

Consideration was given to the report presented by Chris Hobson, Principal Development Management Planner.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: John Putman

DECISION: Members voted unanimously for approval in support of the Officer's recommendation; subject to no objections being raised by the National Amenity Societies; and:

- 1. the conditions as listed in the report; and**
- 2. delegated authority be given to the Executive Director of Place to enter into a S106 Agreement to secure the planning obligations as identified in the report.**

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h) Swaffham: Old School House, 18 Market Place: Reference: 3PL/2020/1027/F

Change of use including alterations to listed buildings, demolition of two existing buildings and erection of 6 no. Town houses with revised access to form 18 no. Dwellings. (Amended Description).

This application was considered in conjunction with Agenda item 9(g).

Consideration was given to the report presented by Chris Hobson, Principal Development Management Planner.

Members considered the matter and fully explored the details of the application in light of prevailing policies and guidance.

A representation was made in respect of the application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Applicant's Agent: John Putman

DECISION: Members voted unanimously for approval in support of the Officer's recommendation; subject to:

- 1. the conditions as listed in the report and additional conditions recommended by the Highways Authority;**
- 2. a note to be added to the decision that the applicant was encouraged to provide further landscaping to eradicate further parking on site; and**
- 3. delegated authority be given to the Executive Director of Place to enter into a S106 Agreement to secure the planning obligations as identified in the report.**

**80/22 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE
(AGENDA ITEM 10)**

Noted.

81/22 APPEALS (JULY) (AGENDA ITEM 11)

Noted.

The meeting closed at 12.45 pm

CHAIRMAN