

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

Held on Monday, 14 December 2020 at 1.00 pm

Via Zoom

PRESENT

Mr N.C. Wilkin (Chairman)
Mr P. S. Wilkinson (Vice-Chairman)
Mr R. Atterwill
Councillor C. Bowes
Councillor M. Chapman-Allen
Mr H. E. J. Clarke

Mrs H Crane
Mrs V. Dale
Mr K.S. Gilbert
Mr R.G. Kybird (Substitute Member)
Mrs L.H. Monument (Substitute Member)

In Attendance

Michael Horn
Simon Wood
Rebecca Collins
Andrew D'Arcy
Rebecca Harris
Teresa Smith
Julie Britton

Solicitor to the Council
Director of Planning & Building Control
Head of Development Management
Planning Policy Manager
Technical Support Officer
Democratic Services Team Leader
Democratic Services Officer

Action By

Introductions

The Chairman welcomed everyone to the Planning Committee meeting. The format of the meeting and voting procedure were explained.

102/20 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 26 October 2020 were agreed as a correct record.

103/20 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence had been received from Councillors Brame, Duigan and Keith Martin.

Substitutes in attendance were Councillors Kybird and Monument.

104/20 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Councillor Kybird declared an interest in one of the applications for Kilverstone under agenda item 11 due to his construction business being involved in the build.

105/20 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

None.

106/20 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

Members approved the deferral of agenda item 10(a): Dereham, land at Westfield Road: Reference: 3PL/2019/1526/D due to the late receipt of a legal representation.

107/20 URGENT BUSINESS (AGENDA ITEM 6)

None.

108/20 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

Simon Wood, the Director of Planning & Building Control advised that there was nothing to report on the Local Plan since the previous meeting.

Councillor Atterwill asked the Director of Planning & Building Control if he had forgotten to send him the information that he had requested at a recent Cabinet meeting. The information was in respect of what work was being carried out by Officers on the Local Plan.

The Director of Planning & Building Control apologised and would arrange for this information to be sent forthwith.

a) 5-year Land supply Update

Andrew D’Arcy the Planning Policy Manager provided Members with an update on the Council’s 5- year land supply position.

Local Planning authorities had to identify an annual update of its supply of deliverable sites that met a minimum of five years’ worth of housing against the housing requirement for the Breckland District, including any shortfall.

As far as the requirement aspect was concerned, the adopted Local Plan had set out that the Breckland District required 612 dwellings per annum, over the next five years that equated to 3060 dwellings. To this figure, any shortfall had to be added since the beginning of the Local Plan period of 2011, and this equated to 866 dwellings. Additionally, a 5, 10 or 20% buffer had to be added dependent on previous historic delivery and, in Breckland’s case, due to its strong housing delivery test measurement that it had in place, a 117% delivery had been achieved and therefore a 5% buffer had been applied.

In summary, Breckland Council’s annual housing requirement was 612 dwellings per year for 5 years, add to that the 866 shortfall that provided this Council with a 3,926 figure plus the 5% buffer giving a total requirement over the next 5 years of 4,122 dwellings.

The NPPF required local planning authorities to demonstrate a 5-year land supply of specific deliverable sites sufficient to provide 5 years’ worth of housing (and appropriate buffer) against its housing requirement.

For Breckland, the planning judgement was that the housing land supply was made up of the following components:

- Sites with planning permission: Major and minor sites with planning permission were considered deliverable until permission expired or unless there was clear evidence that schemes would not be implemented within five years. All site planning permissions were taken into consideration up to and including 31 October 2020.
- Not-superseded allocations: Sites within the adopted Breckland Local Plan subject to that have undetermined planning applications.

- Windfalls: The Council was satisfied that there was compelling evidence that such sites had consistently become available within the local area and would continue to provide a reliable source of supply. Analysis had been based on a reduced continuation of historic trends.

Members were informed that as of October 2020 there were outstanding planning permissions for 13,533 dwellings on major sites (including 9,000 on the Thetford and Attleborough sustainable urban extensions) and 984 dwellings on minor sites. Additionally, there were 617 dwellings on sites remaining in the Breckland Local Plan without some form of permission.

Referring to major sites, those for 10 or more dwellings with planning permission, to further test deliverability, a questionnaire had been sent to developers of those schemes seeking their intentions for development on the site. A second follow up request had also been sent (an example of this request could be found at Appendix 1 of the report). These requests included a statement that if no response was received by the Council, then the trajectories set out in the request would be assumed as being accurate. Only a few responses had been received. In total it had been considered that 4,380 dwellings would come forward on major sites. Where developers or agents did not confirm delivery rates a cautious 25% discount rate had been applied on the figures in order to try and take account of unconfirmed delivery.

On smaller sites, sites of less than 10 dwellings, it had been considered that 886 dwellings would come forward over the next 5 years and a 10% lapse rate had been applied as not all would come forward.

Sites in the Local Plan with a small total of 216 undetermined applications but due to uncertainties a 25% discount had been applied.

For windfall sites, based on historical trends, a total of 242 dwellings had been applied over the next 5 years starting year 3 to eradicate any duplication on sites that already had planning permission.

This provided Breckland Council with a grand total of 5,724 dwellings (see table 3). In terms of how this equated to a 5-year housing land supply, Breckland had a requirement of 4,122 dwellings and a supply of 5,724 dwellings which would provide the District, based on a 5% buffer, with a 6.95-year land supply (see table 5 on page 27 of the agenda pack).

In conclusion, the report stated that Breckland Council could demonstrate a 6.95-year supply and based on this information, planning applications could be determined in accordance with the Development Plan with full weight attached to housing supply policies.

It had been a positive report in terms of being able to demonstrate over a 5-year housing land supply and this had primarily been due to sites that already had outstanding planning permissions.

The tables within the report demonstrated that there would have to be a step change in delivery particularly from years 2022 onwards. A delivery of over 1,000 dwellings per year based on historical trends and was in line with the adopted Local Plan as well as the suggested Government figures for the new standard housing requirement.

There were unknowns that had to be factored into these figures such as the impact of Covid, or a recession and therefore a cautious approach had been applied.

All figures would be revisited at the end of March 2021.

Councillor Atterwill felt that this was a very comprehensive report and was good news for Breckland. He asked if the additional land that had been allocated within the Swanton Morley Neighbourhood Plan for 120 dwellings had been taken into account within the 5-year land supply figures. Members were informed that it would be taken into account once applications were submitted and approved.

Councillor Gilbert asked the following questions:

- if Breckland under delivered the specified quote would this be taken into account and added on to the new requirement when renewed.
- if Breckland over delivered would the over delivery be taken off the total.

The Planning Policy Manager explained that based on his own experience in a previous role where there was over delivery the 5-year land supply statement had been reduced. However, further consideration would have to take place as there was no clear guidance available for any surplus.

Councillor Kybird referred to the step change in delivery focused on the 2 urban extensions and asked if Officers saw this as a realistic step change.

Members were informed that a cautious approach had been applied to all sites including the urban extensions and analysis attached to the appendices did suggest that Breckland was spreading the delivery over a number of different sites and not completely focusing on very high delivery from the 2 sustainable urban extensions.

The Chairman pointed out an error on page 10 of the agenda pack, paragraph 2.12 within the last sentence which should be changed to read 'minor' and not 'major'.

RESOLVED that, subject to the aforementioned change:

1. Members noted the content of the 5-year Housing Supply Statement and agreed that it represented the current position of the Council; and
2. Members agreed to the use of the 5-year Housing Land Supply Statement in terms of decision making.

109/20 S106 ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2019/2020
(AGENDA ITEM 8)

Simon Wood, the Director of Planning & Building Control, presented the report.

This report was a factual statement that the Council was required to produce on an annual basis.

Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) could seek obligations, both physically on-site and off-site either in the form of a financial contribution or an "in-kind" contribution such as the provision on site of Affordable Housing, when it considered that a development would have negative impacts that could not be dealt with through conditions in the planning permission. Obligations were generally sought where they were required in line with the Council's up to date planning policies, national policy and subject to compliance with the statutory provisions relating to planning obligations, in particular the Community Infrastructure Levy Regulations 2010(CIL Regulations).

Part 10a of the Community Infrastructure Levy required any contribution to the receiving authority whether that was Breckland Council or the County Council to publish an annual Infrastructure Funding Statement no later than 31 December in each calendar year. This would be published on the Council's website subject to Members' agreement.

The following points were highlighted.

As of 31 March 2019, the total amount of S106 money held by the Council which had not yet been allocated, spent or transferred totalled £2,731,464.58.

The total amount received or invoiced during the financial year from April 2019 to March 2020 totalled £615.653.10.

Referring to the obligations, Members were informed that within that financial year the Council entered into agreements that provided a total of 15 on-site open space areas and a total of 823 affordable housing units, of which, 105 affordable housing units had been provided and 3 open spaces areas had been created.

The total money allocated in the last financial year 2019-20 was £426,727.09. The Statement also detailed the amount of money spent or transferred during that financial year totalling £602,280.70.

In conclusion, the amount held by the Council as of 31 March 2020 was £2,426,823.85.

Members were asked to note the information within the report prior to the publication of the Infrastructure Funding Statement

Councillor Gilbert was aware that the Council held a great deal of money to be spent by the Town and Parish Councils but wanted to know how much money, if any, was returned to the developers when it was not accordingly spent within the time frame.

In response, the Director of Planning & Building Control said that very little money was returned to the developers. He did not have a precise figure to hand, but this information would be sent to Councillor Gilbert.

Councillor Atterwill asked if Breckland Council provided any written guidance to developers in regard to how the S106 agreements would be applied as he was aware that other authorities did have their own guidelines and felt that this would be very useful.

Members were informed that general S106 guidance was available on the Planning website for applicants when submitting a planning application.

Rebecca Collins, the Head of Development Management explained that Breckland did not have a specific 'SPD' but did have an Open Space Assessment.

The content of the report was otherwise noted.

110/20 DEFERRED APPLICATIONS (AGENDA ITEM 9)

The schedule of deferred applications was noted.

111/20 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)

- a) Dereham: Land East of Westfield Road: Reference: 3PL/2019/1526/D

This application was deferred see Minute No. 106/20 above.

- b) Garboldisham: Marlborough Cottage, Smallworth Common: Reference: 3PL/2020/0799/F

To erect a timber log cabin for the use of a garden yoga studio (resubmission).

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:

Applicants: Jarrod & Gillian Wilson

DECISION: Members voted 8 x 2 contrary to the Officers recommendation of refusal.

REASONS: Members felt that the application should be granted subject to some remedial works being carried out to the driveway entrance to be secured by condition, and that there was no adverse impact on highway safety in accordance with Paragraph 109 of the NPPF.

DECISION: Members voted 7 x 3 to approve the application; subject to the following conditions:

1. that the two brick piers either side of driveway and the stone statue of the lion's head are removed to minimise the highway safety concerns;
2. the height of the fence on the left-hand side of the driveway be retained at its current height; and
3. delegated authority be granted to the Executive Director of Place to agree and impose suitable conditions.

112/20 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 11)

Councillor Kybird declared an interest in one of the applications listed in respect of a change of use to a building located in Kilverstone which his firm built.

The applications determined by the Executive Director of Place was otherwise noted.

113/20 APPEALS SUMMARY (FOR INFO) (AGENDA ITEM 12)

Councillor Gilbert was pleased with the list of Appeals in respect of the positive results.

The meeting closed at 2.15 pm

CHAIRMAN