

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 6 September 2021 at 10.00 am in
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Nigel Wilkin (Chairman)	Cllr Helen Crane
Cllr Peter Wilkinson (Vice-Chairman)	Cllr Vera Dale
Cllr Roger Atterwill	Cllr Phillip Duigan
Cllr Claire Bowes	Cllr Robert Kybird
Cllr Harry Clarke	Cllr Keith Martin

Also Present

Cllr Gordon Bambridge (Ward Representative)	Cllr Philip Cowen (Ward Representative)
Cllr Paul Claussen (Ward Representative)	Cllr Richard Duffield (Ward Representative)

In Attendance

Michael Horn	Solicitor to the Council
Simon Wood	Director of Planning & Building Control
Rebecca Collins	Head of Development Management
Chris Hobson	Principal Development Management Planner
Fiona Hunter	Principal Development Management Planner
Naomi Minto	Development Management Planner
Rebecca Harris	Technical Support Officer
Teresa Smith	Democratic Services Team Leader
Julie Britton	Democratic Services Officer

Chairman's Opening Remarks

The Chairman welcomed everyone to the Planning Committee meeting. The procedure was explained and following introductions the meeting commenced.

81/21 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on Monday, 2 August were agreed as a correct record.

82/21 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Marion Chapman-Allen and Keith Gilbert.

Councillor Wickerson was in attendance as substitute for Councillor Gilbert.

83/21 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Swanton Morley: Land on the edge of Woodgate, alongside Frog's Hall Lane:
Reference: 3PL/2021/0051/F

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Councillor Atterwill had received an email from a resident of Frog's Hall Lane who had subsequently forwarded the correspondence + a video to all Planning Members.

84/21 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

None.

85/21 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

None.

86/21 URGENT BUSINESS (AGENDA ITEM 6)

None.

87/21 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

It was noted that a Local Plan Review report was being presented to the Cabinet meeting on 20 September 2021.

88/21 CHAIRMAN'S PANEL (AGENDA ITEM 8)

Simon Wood, Director of Planning & Building Control presented the report and provided Members with an update in respect of the Chairman's Panel.

The key points were highlighted.

Members were reminded that the Chairman's Panel was instigated as a result of a Peer Review carried out by the Planning Advisory Service (PAS) in 2018. Panel meetings were then introduced in August 2019.

The aims of the Panel were explained, one of which was to reduce the (then) large number of applications being considered at Planning Committees.

It was clear that the Panel process had significantly reduced the average number of applications on a Planning Committee agenda and thus enabled the Committee to focus on key strategic applications as well as applications that had realised significant policy issues or matters of local interest.

The number of applications considered at the Chairman's Panel meetings up until June 2021 was highlighted (see section 1.5 of the report).

It was noted that the Panel only regulates the decision-making process, and that it did not decide planning applications. It makes a ruling on the route an application should take based on its significance or call-in requests.

Members were informed that the Panel meetings would remain virtual for the foreseeable future but that this would be kept under review.

Attention was drawn to the flow chart attached to the agenda that gave an indication of how the application process was carried out (page 15 of the agenda pack).

Councillor Atterwill had been sceptical about the Chairman's Panel at the start

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but felt that they were working well and he was pleased that the meetings would continue to be held virtually, as it gave all Members the opportunity to dial in when an application, they were interested in was being discussed. He mentioned the call-in process where Members had a 23-day window for an application to be considered by the Panel from the date the application was validated on the Breckland portal and suggested that if an application was subsequently changed and sent out for further consultation, Members should then have another opportunity, at that point, to call it in again. He also mentioned that he had never been included on the Panel's roster and would like to partake in future.

In terms of the latter point, Becky Harris, the Planning Technical Support Officer, in attendance had already noted this request and Planning Members were advised to make contact with Becky if they had not been included on the roster for some unknown reason.

In terms of the call-in process, the Director of Planning & Building Control explained that on balance, it had been concluded that a 23-day window was a sufficient amount of time for Members, Parishes and residents to look at an application and take a view as to whether or not they had any concerns they wished to raise. The difficulty of having a second opportunity was that it was very difficult from an administration point of view; however, if a call-in deadline had been missed, Members were asked to contact him or the Planning Technical Support Officer for further advice on how this application should be progressed.

As a Member of the Chairman's Panel, Councillor Wickerson agreed that such meetings had worked quite well, but felt that the point needed to be reinforced that Members were not there to discuss the detail of applications but were just there to discuss the route it should take. Referring to the last sentence of section 1.12 of the report he asked on how many occasions the Executive Director of Place & Delivery or his delegated representative had overruled the decision of the Panel.

Mr Horn, the Solicitor of the Council advised that those precise figures could be made available to Members after the meeting. He pointed out however, that it was very rare for the views of the Panel to be overruled.

The Director of Planning & Building Control believed it had only happened on about 4 occasions since the instigation of the Panel.

The Chairman advised that the Solicitor had only overruled the Panel on a very small number of occasions when he had an underlying and significant difference with the view of the Panel Members. In respect of discussing the merits of an application, he explained that on occasions, at were at times circumstances when the Panel needed to discuss applications in more detail.

Councillor Clarke referred to the outcome of the Chairman's Panel where it had been decided to delegate an application and this was subsequently taken to appeal on a delegated refusal. He asked if a list could be created to establish if there was any pattern in terms of the ultimate outcome of the appeals process. The Director of Planning & Building Control felt that it would be useful to have such a list but at the moment, Breckland Council's record on appeals was very good.

Councillor Duigan asked what was considered as an application of strategic significance, as no criteria were available to precisely define this, and it was, in his opinion quite subjective.

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Members were informed that if a definition was put in place, it would remove the flexibility and each application was considered on its own merits, as significant applications could come in many forms. The Solicitor explained that if he ever felt that an application could be of strategic significance or contentious, his default position in the absence of any other overriding factors was that such an application should be considered by the Planning Committee.

Referring to Councillor Atterwill's views about the Panel, the Chairman agreed that some Members had been sceptical at the Panel's inception, but all those Members who had attended such meetings had contacted him stating that they had been surprised as to how transparent the Panel meetings were and how well they had worked and that this was the way forward.

Councillor Atterwill felt that the key word was 'transparency' and that accordingly the virtual meetings should remain.

The report was otherwise noted.

89/21 PLANNING ENFORCEMENT (AGENDA ITEM 9)

Simon Wood, the Director of Planning & Building Control presented the report and provided Members with an overview of the Planning Enforcement process.

Enforcement Action was discretionary; however, local planning authorities had a statutory duty to investigate all alleged breaches of planning control. There was a wealth of Government advice available on how planning enforcement should be dealt with and how to address issues around enforcement. National Policy Guidance provided Officers and Members with a clear indication as to how local authorities should address breaches of planning control.

Local authorities were advised to be pragmatic and proportionate in respect of such matters, and it was fair to say that what was important to one individual or group of people might not be quite so important to others, and Enforcement Officers have to ensure that they keep such matters in perspective and deal with them in an appropriate and proportionate manner.

Negotiation was the best tool for Enforcement Officers and again, they were advised to work with applicants, agents, landowners and developers to seek a negotiated resolution.

There would be occasions where the harm in planning terms was so significant and could not be resolved by a retrospective planning application or any remedial action carried out that if it was expedient to take enforcement action (the legal test), then Officers should not be afraid to use the powers open to them.

In terms of the Enforcement Team itself, it had been increased in 2013 and had appointed the existing Manager and a Technical Support Officer and was currently fully staffed. Since then, many internal processes had been created including the on-line Enforcement complaints form, as enforcement was very much a legal process and Officers had to be seen to follow due process and be proportionate /appropriate in everything they did.

Formal action may well end up at appeal or in the courts, and lack of any enforcement action may also end up with complaints to the Council and at the Local Government Ombudsman. There had to be a clear audit trail and a clear reference to the appropriate legislation and tests.

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Enforcement was a very busy service which could be seen at page 21 of the agenda pack. Breckland Council received a significant number of cases, and all had to be addressed to decide the best way forward. Paragraph 3.4 of the report highlighted the outcome of cases for the first 5 months of 2021 during which a significant number of cases had been closed with a finding of no breach of development control. Of the 180 cases closed up until May 2021, 125 had either had a finding of no breach of development control/was permitted development, or they had been referred to another service area better placed to address the underlying issues. The Team did not act within a silo: it worked with colleagues in housing, enforcement and environmental health and legal to ensure that it had a corporate approach to enforcement and using all the tools available.

The elements that could not be investigated such as agricultural matters in respect of noise and smell had to be dealt with by the Environment Agency via its licensing process and issues around highways were dealt with by the County Council. The Enforcement Team worked with both agencies, but it could not effectively do their job for them, or vice versa.

Looking at the figures and the outcomes and the 125 cases with no further action, Councillor Clarke thought it would be helpful to illustrate the workflow for the Team: for example, if there were several alleged breaches around the same component that were related to other services rather than planning enforcement.

The Director of Planning & Building Control agreed, as there were some properties/addresses that received a disproportionately large number of complaints and were very challenging in terms of how they were dealt with.

The Chairman stated that in the past, on occasion, Members would be provided with an update on enforcement issues from the Enforcement Team, but as there had been a number of considerable changes within the Team, they were very busy and he would rather have the Team out there doing their job rather than taking up their precious time at meetings.

The Director of Planning & Building Control pointed out that there were on-going discussions about possibly bringing a quarterly report to the Planning Committee in the near future.

The report was otherwise noted.

90/21 DEFERRED APPLICATIONS (AGENDA ITEM 10)

- a) Swanton Morley: Land on the edge of Woodgate, alongside Frog's Hall Lane:
Reference: 3PL/2021/0051/F

Whole life zero-carbon dwelling with detached garage set within a substantial natural landscaping and ecological enhancements scheme.

This application was deferred at the Planning Committee meeting held on 2 August 2021. The item was deferred prior to the meeting to allow Officers to consider a last-minute objection received from Leathes Prior Solicitors acting on behalf of Swanton Morley Parish Council.

A model of the application site was on display.

Councillor Atterwill had received an email from a resident of Frog's Hall Lane who had subsequently forwarded the correspondence + a video to all Planning Members.

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It was noted that the report mentioned Policy 12 of the Swanton Morley Neighbourhood Plan (SMNP) which was incorrect and should be Policy 11.

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 Representatives: Councillor Roger Atterwill & Councillor Richard Duffield (against the application)

Applicant: Richard Kenyon

Applicant's Agent: Wilf Meynell (Studio Bark)

Swanton Morley Parish Council: Kelly Pickard (Clerk)

Objector: Gill Matthew

DECISION: Members voted 6 x 3 against the Officer's recommendation of approval.

REASONS: Having considered the matter, Members did not agree that the proposal overall complied with the Development Plan in that the benefits listed do not override the non-compliance with the Development Plan. The proposal did not comply with SMNP Policy 1 and HOU03 of the Development Plan in principle and would result in a development out of character with the street scene, as well as having a negative impact on the landscape contrary to Policies GEN02, COM01, HOU06, ENV05 of the Local Plan and Policy 11 of the SMNP.

DECISION: Members voted 6 x 3 to refuse the application.

91/21 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 11)

- a) Garvestone: Reymerston Hall, Reymerston Road: Reference: 3PL/2021/0344/F

Use of site & buildings for residential (Reymerston Hall), bed & breakfast accommodation, and events (Use Class F.1) comprising of celebratory events including weddings, wakes, and courses held over one day or longer, and catering events comprising of afternoon teas and lunches.

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.

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

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Ward Representative: Councillor Paul Claussen (in support)
Applicant: Liz Holbrook
Supporter: Vicki Wallis
Objector: Amanda Ward
Parish Council Representative: Bernard Peard (against the application)

DECISION: Members voted unanimously in support of the Officers recommendation of approval, subject to:

- 1. the conditions as listed in the report; and**
- 2. an update to Condition 7 to refer to the revised Noise Impact Assessment once report had been corrected and submitted.**

b) Old Buckenham: Land off Attleborough Road: Reference: 3PL/2021/0236/F

Ground mounted solar photovoltaic (PV) farm along with continued agricultural use, ancillary infrastructure and security fencing, landscaping provision, ecological enhancements and associated works

Consideration was given to the report presented by Fiona Hunter, Principal Development Management Planner.

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:

Applicant: Rob Shaw

Old Buckenham Parish Council: Cllr Steve Milner (in support)

DECISION: Members voted unanimously in support of the Officers recommendation of approval, subject to:

- 1. the conditions as listed in the report; and**
- 2. an updated glint and glare assessment being submitted and not objected to by the Council's Environmental Health Team.**

Note: the applicant was encouraged to have discussions with the Parish Council about any local community initiatives in respect of this permission and any subsequent permissions.

c) Hockering: Land West of Heath Road: Reference: 3PL/2021/0653/O

Outline planning permission for the development of up to 31 dwellings with associated works including: creation of vehicular and pedestrian accesses, pedestrian links, infrastructure, public open space, and landscaping.

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

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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: Councillor Bambridge

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

Hockering Parish Council: Cllrs Richard Hawker & Tom McMahon
(against the application)

DECISION: Members voted unanimously in support of the Officers recommendation of approval, subject to:

1. the conditions as listed in the report;
2. a suitable S106 Agreement to agree developer contributions;
3. no objections being received from the Ecologist; and
4. additional conditions in respect of the parking arrangements at Reserved Matters stage being Policy compliant, and a suitable drainage condition to eliminate the risk of contamination to the stream and the River Tudd.

d) Old Buckenham: 42 Fen Street: Reference: 3PL/2021/0947/HOU

Single storey side and rear extensions.

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:

Applicant's Agent: Paul Clarke (Brown & Co)

Old Buckenham Parish Council: Cllr Steve Milner (in support)

DECISION: Members voted unanimously in support of the Officers recommendation of approval, subject to:

1. the conditions as listed in the report; and
2. an additional condition in respect of construction vehicles parking off the road and building materials being stored onsite.

e) Old Buckenham: Development Site 605747 291109, immediately adjacent Hargham Road: Reference: 3PL/2021/0210/TDC

Erection of 4 dwellings & garages – technical details consent following application 3PL/2020/0227/PIP.

Action By

Consideration was given to the report presented by Naomi Minto, Development Management Planner.

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: Councillor Phil Cowen (in support)

Applicant's Agent: Paul Clarke (Brown & Co)

Old Buckenham Parish Council: Cllr Steve Milner (in support)

DECISION: Members voted 6 x 3 to defer the application contrary to the Officers recommendation of approval.

REASONS: An updated ecology report that had suitable mitigation measures set out as well as location and species recommendations for the replacement hedgerow be provided. All subject to the satisfaction of the Natural Environment Team and the Tree & Countryside Officer.

- f) Attleborough: Greenfields Crow, Crows Hall Lane: Reference: 3PL/2021/0687/PIP

Permission in Principle for the erection of 2 detached dwellings and associated works and access. (Permission in Principle, Town and Country Planning Act 1990 Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

Consideration was given to the report presented by Naomi Minto, 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: Mr Phil Cowen (Cowen Consulting)

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

A note to be added to any subsequent permission to remind the applicants to address Environmental Health matters of noise and disturbance raised at Technical Details stage.

- g) Carbrooke: Land between 11 Mill Lane and the Old Chapel: Reference: 3PL/2021/0197/F

Change of use of steel container to be clad in timber to a workshop, mobile home on site for storage - (retrospective)

Consideration was given to the report presented by Naomi Minto, Development Management Planner.

Action By

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: Councillor Helen Crane (against the application)

Applicant: Gary Wicks

DECISION: Members voted 7 x 2 to approve the application in support of the Officer's recommendation subject to the conditions as listed in the report.

h) Gressenhall: Carm-Chil, Dereham Road: Reference: 3PL/2021/1094/HOU

Detached building to create and annexe.

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.

No representations were made in respect of the application.

It was noted that the consultation period ended on 27 August 2021.

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

92/21 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE & DELIVERY (AGENDA ITEM 12)

Noted.

93/21 APPEALS SUMMARY (AGENDA ITEM 13)

Noted.

The meeting closed at 3.20 pm

CHAIRMAN