

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Tuesday, 12 April 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 Vera Dale
Cllr Peter Wilkinson (Vice-Chairman)	Cllr Phillip Duigan
Cllr Roger Atterwill	Cllr Keith Gilbert
Cllr Claire Bowes	Cllr Mark Kiddle-Morris
Cllr Harry Clarke	Cllr Robert Kybird
Cllr Helen Crane	Cllr Keith Martin

Also Present

Cllr Stephen Askew (Ward Representative)	Cllr Paul Claussen (Ward Representative)
Cllr Timothy Birt (Ward Representative)	

In Attendance

Michael Horn	Solicitor to the Council
Simon Wood	Director of Planning & Building Control
Gemma Manthorpe	Principal Development Management Planner (Major Projects)
Tom Donnelly	Senior Development Management Planner
Rebecca Harris	Technical Support Officer
Julie Britton	Democratic Services Officer
Ruth Tudge	Democratic Services Officer
Chris Fitzgerald	Technical Support Officer

Chairman's Opening Remarks

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

27/22 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 15 March 2022 were confirmed as a correct record and signed by the Chairman.

28/22 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)

None.

29/22 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED (AGENDA ITEM 3)

Saham Toney: Land adjacent Swaffham Road: Reference: 3PL/2019/0010/F

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The Chairman declared an interest in agenda 9 (c) Minute No. 35/22(c) below as he had received a video link from an objector. The Chairman did not vote on this application.

30/22 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

Members were informed that James Heaton, the Housing Enabling Officer, would be providing a short presentation after the meeting on the subject of starter homes.

31/22 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

TPO 2021 no.15: Dereham: Rookery Farm Barns. Elsing Lane (Agenda item 8(a))

The applicant was organising a tree survey to be carried out, the outcome of which would be reported back to the Planning Committee in due course.

Councillor Mark Kiddle-Morris was interested in the Wellingham applications that had been deferred at the previous meeting and asked when these were due to come back to the Committee.

Simon Wood, the Director of Planning & Building Control did not have that information to hand but would find out.

32/22 URGENT BUSINESS (AGENDA ITEM 6)

None.

33/22 LOCAL PLAN UPDATE (STANDING ITEM) (AGENDA ITEM 7)

The Director of Planning & Building Control provided Members with an update on the following matters:

Local Plan – Call for Sites

Members were aware that the first round of the process in respect of the call for sites was in progress in relation to proposed sites for residential, employment, leisure and various other uses that fell within the remit of the Local Plan, including a separate call for sites for local green spaces which were areas of land that local communities considered important to them and would like such areas to be protected.

All details were available on the website at <https://www.breckland.gov.uk/local-plan-review>.

The closing date for both of the above was 20 May 2022 and any proposals that came forward would be included on the website. This was an initial tranche of land coming forward and there were no implications of any likelihood of them being allocated or getting planning permission as this initial part of the process was very much just a search exercise.

Councillor Atterwill asked the Director of Planning & Building Control if he could provide an update on recruitment in respect of the Principal Planning Officers that was crucial in respect of maintaining the process for the Local Plan.

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Another question related to his attendance at the Neighbourhood Plan presentation where a series of dates were provided in relation to the Local Plan, but those dates seemed to differ to the ones mentioned at a previous Cabinet meeting held in 2021. Councillor Atterwill felt that it would be helpful for this Committee if an up-to-date programme and timetable could be sent to the Planning Committee Members.

Further to the above, Councillor Atterwill also asked if the date could be provided of when the draft Local development Scheme document would be submitted for examination as again, in the Neighbourhood Plan presentation it stated August 2025 but in the Cabinet report it stated 2026. He welcomed the fact that this Council was speeding up the process and getting it done a year quicker or was this just an error.

In terms of the two latter points, in respect of the Local Development Scheme and the submission date, the Director of Planning & Building Control said that the dates would be clarified; however, his instinct was that it was the earlier date, but he would check and report back accordingly.

In terms of recruitment, Rachel Gibbs had successfully been recruited internally for the Senior Planning role with immediate effect, but no additional posts had been employed as yet. The Principal Planning role had been advertised and a further advertisement for Rachel's replacement was being prepared.

Recruitment at the moment was difficult but Members would be kept up to date with progress and it was hoped that such recruitment would be able to take place in the next few weeks. If unsuccessful, there was a resource through the wider Capita family and there was a commitment to use this resource if necessary to ensure that the Local Plan process continued to move forward.

The Director of Planning & Building Control had further issues to raise in relation to Policy that would have an impact on decision making going forward and on the applications being determined at this meeting.

Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

The Director of Planning & Building Control expected that most Members had heard this term being used and were aware of the Green Infrastructure Strategy report that had been presented to the previous Cabinet meeting that had subsequently been adopted. This now enabled the Council to charge developers for appropriate development in the form of a tariff of £185.93 for each residential unit that had been approved.

The Strategy had been designed to address the recreational impact of development on European Protected Sites such as the Brecks, the Norfolk Broads and the Norfolk coast etc. This was a county-wide Strategy and was a legal requirement and was a matter that all local authorities had to have regard to when determining planning applications. This came into effect on 1 April 2022 in line with other Norfolk District Councils and would seek to obtain the tariff either through a formal S106 Agreement or in the case of minor development through a Unilateral Undertaking which was a document that the developer or the applicant would sign to commit to paying that tariff prior to commencement of any development.

The Strategy set out within it, various ways that the monies would be spent in relation to mitigating recreational impact. This would be in the form of finding

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additional sites to divert people away from the protected sites, improving signage, employing wardens, education programmes or other matters of a similar nature. The Strategy was extremely long but again was available on the website.

In terms of applying this levy prior to commencement of development, Councillor Kybird felt that the increased pressure on the recreational use arose on occupation and not on commencement.

The Director of Planning & Building Control understood the point that Councillor Kybird had made but it was appropriate in this instance that the mitigation tariff was paid up front so these monies could be used at the earliest opportunity. There were districts in Norfolk that he knew of that were seeking for monies to be paid upfront before planning consents were actually issued through a separate section of the Local Government Act but for Breckland Council it was felt to be more appropriate to do this through a Unilateral Undertaking or a S106 Agreement route as it was fairer for the developers and would ensure that such payments were made before any works took place on site. However, he would consider Councillor Kybird's suggestion but felt that prior to commencement was the correct trigger point.

Nutrient Neutrality

Presentation slides were provided.

Nutrient Neutrality was a new issue in relation to Norfolk. Norfolk districts along with 40 other districts within in England and Wales received a letter from Natural England advising of protected areas within these districts that were suffering from poor water quality due to the increase in nutrients, namely phosphorous and nitrogen, into those special areas of conservation. Members would hear those referred to as SACs. In Norfolk this had a particular impact on the River Wensum and the Broads and probably covered about two thirds of the County.

The purpose of the advice was to ensure that no further nutrients were added to these protected bodies of water. There were other schemes in place that sought to reduce these nutrients, but the aim of the planning system would be to ensure that the situation was not made any worse.

This had derived from European Law as well as the Habitat Regulations that had now been included in UK law. The impact of increased pollution in these bodies of water was that it increased eutrophication, decreased biodiversity and depleted oxygen and resulted in poor water quality. There were various reasons why this occurred including run off from agricultural land but also the impact of surface water and foul water from residential development. A great deal of this was in relation to the impact of sewage treatment works and therefore Anglian Water would have a role to play in all this in terms of how they upgraded current systems to ensure that such issues from wastewater treatment works were satisfactorily being addressed.

The letter from Natural England advised that all affected local authorities should take a precautionary approach to initially prevent decisions being made on all planning permissions that had wastewater implications which was essentially new residential development, anything that had an impact on overnight stays.

There were already some applications on the Planning Committee agenda that fell into this category and at the end of the presentation, Members would be advised on how these should be dealt with.

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A map provided by Natural England showing the affected areas was highlighted but the hydro connectivity to these areas was unclear in those settlements near the catchment areas. Further information from Natural England and Anglian Water was awaited to confirm if any areas outside of the catchment area would have an impact on the areas within the 'redline' on the map.

In order to address this, affected applications would have to carry out a Habitat Regulation assessment and the local planning authority, as the competent authority and the determining body, would have to carry out an appropriate assessment to establish whether a planning application would significantly affect water quality on a protected site. A precautionary approach would need to be taken and planning permission could only be granted if it was certain that the development proposal would not adversely affect the integrity of habitat sites.

The current implications were that there would be no planning applications determined within Breckland that related to overnight accommodation and the implications of the intensification of wastewater within the catchment areas until the definitive maps and the clarification on hydro activity had been received.

This was the same approach as all Norfolk authorities were taking and it was a County wide issue and the Districts were working together to try and understand the short- and long-term implications.

A number of mitigations to overcome such issues were highlighted.

Any application to be considered at this meeting that included overnight accommodation etc that Members were minded to approve, would be subject to delegation to Officers to address the issue of nutrient neutrality with the developers, the applicants and the agents as appropriate. Members were assured that if during the consideration of an application these issues became contentious then these applications would have to be brought back to Planning Committee at a later date.

Those applications that Members were minded to refuse would have an additional reason for refusal that would require the developer, applicant or agent to address issues of nutrient neutrality in any re-submission of the application. If a refused application was taken to appeal, the Planning Inspectorate would become the competent authority and would have to address such matters in the same way that the local planning authority would in the determination of a planning application.

The Chairman was aware that this was a very complex issue, but Members had been advised that the Officers would be following up any application and such matters could be discussed further in another forum; however, he was happy for Members to ask a few questions.

Councillor Gilbert knew that this was in the very early stages but asked if other areas outside of the catchment areas would eventually be considered such as the Watton Brooke that was a rear chalk stream that should be protected.

The Director of Planning & Building Control advised that currently the catchment area had been set out in the plans submitted by Natural England and Watton was outside this catchment area, and it had not been established as yet whether tributaries such as the Watton Brooke had flows into that catchment. If it did, then it could potentially be affected. Planning Officers would try to keep Members informed of specific areas of concern.

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Councillor Duigan asked if such matters affected applications that already had outline permission, and then if a full application was submitted would they still have to go through this process.

Members were informed that the advice in respect of Reserved Matters applications with discharge of conditions was confusing and was still being worked on. However, a precautionary approach would be adopted until clear advice had been received and therefore Reserved Matters applications would not be determined. If a development already had full planning permission, then it could mean that such matters in relation to drainage would still need to be addressed.

Councillor Atterwill asked if the map could be sent round to all Members. Additionally, he asked if Planning Officers had been in conversations with Anglian Water as such matters would have the greatest impact on them to mitigate these issues. He mentioned the two sewage works in his Ward that had various problems in terms of not working properly that both discharged into the River Wensum. Anglian Water had to provide connections and had concerns on how they were going to respond to this.

Members were informed that a briefing note and the map including a set of frequently asked questions would be circulated to all Members shortly. In terms of engagement with Anglian Water, several meetings would be taking place with Norfolk colleagues both at District and County level along with Water Resources East, the Environment Agency and various other relevant bodies. The purpose of these meetings was to gain clarity around the advice provided by Natural England as it had not been the most helpful approach but dealing with Natural England at a more local level had been much more productive. How Anglian Water responded to all this would be very important and remained a concern.

Councillor Kiddle-Morris mentioned the list of mitigation measures that had been displayed and asked if these were Natural England's mitigation measures or local planning authorities, and if the latter, had they been considered by Natural England and given the go ahead.

The Director of Planning & Building Control said there were various ways of looking how such matters could be mitigated but the list shown were the key mitigation strategies resulting from discussions with Natural England but also based on evidence and experience from other authorities that have had such issues for a considerable amount of time. Their concerns related to the 'goal posts' being changed in terms of the methodology meaning that their current strategies and mitigations would have to be looked at again. The current list highlighted the most obvious mitigation measures but there could be more that were more innovative. More reliance would be put on willing developers and landowners to enable land to be set aside and to look at a system where developers would be able to purchase credits for nutrient neutrality. All would have to be carefully governed in the same manner as biodiversity whilst bearing in mind that some authorities had taken a number of years to get proper mitigation measures in place.

Councillor Kiddle-Morris asked if applications were delayed for many months would Breckland Council be responsible for non-determination.

Members were informed that if an application went to appeal for non-determination the Planning Inspectorate would have the overall authority.

Councillor Atterwill asked how long this hiatus could go on for before concerns were raised about the Council's 5-year land supply.

Along with the other authorities affected, the Director of Planning & Building Control stated that the 5-year land supply was at significant risk as he believed that it would not take very long for this matter to have an impact on it. Various bodies such as the Local Government Association and the Leader of this Council, Councillor Sam Chapman-Allen, had already written to the relevant Ministers outlining this problem.

Michael Horn, the Council's Solicitor stated that when it came to the delegations on any decision made at this meeting, Members needed to be very precise and more careful in the drafting of the delegation that was being given to Officers.

The Chairman felt that there was a great deal more work to be done on this matter.

34/22 DEFERRED APPLICATIONS (AGENDA ITEM 8)

- a) TPO 2021 no.15: Rookery Farm Barns. Elsing Lane, Dereham

This application was deferred (see Minute No. 31/22 above).

35/22 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

- a) Garvestone: Land at The Street, Reymerston: Reference: 3PL/2021/1581/F

Change of use from existing grass land to use as a glamping site for six new glamping pods.

Consideration was given to the report presented by Gemma Manthorpe, 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:

Ward Representative: Cllr Paul Claussen (spoke against the application)

Applicant: Steve Munday

Objector: Vicky Wallis

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

- 1. the conditions as listed in the report; and delegated authority being given to Officers to grant planning permission, subject to:**
- 2. the receipt of a satisfactory Unilateral Undertaking in respect of GIRAMs and, subject to:**
- 3. full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation**
- 4. delegated authority also be given to Officers to refuse planning permission if a satisfactory Unilateral Undertaking is not received**

and/or if – after full consideration by Officers – they are of the opinion that due to nutrient pollution, the integrity of Special Areas of Conservation has not been satisfactorily secured.

- b) Old Buckenham: Coal Storage Yard, Road From Stacksford Lane to Hargham Road: Reference: 3PL/2021/1564/O

Outline permission for 3 no. dwellings.

Consideration was given to the report presented by Tom Donnelly, Senior 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 Stephen Askew (spoke in support of the application)

DECISION: Members voted 9 x 2 for approval against the Officer's recommendation of refusal.

REASONS: on the basis that a brownfield site was of material consideration, and in the Committee's opinion, this overrides the non-compliance of the Local Development Plan.

DECISION: Members voted 9 x 2 for approval, subject to delegated authority being granted to the Executive Director of Place to agree and impose suitable conditions; subject to:

- 1. delegated authority being given to Officers to grant planning permission, on the receipt of a satisfactory Unilateral Undertaking in respect of GIRAMs and, subject to:**
- 2. full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation**
- 3. delegated authority also be given to Officers to refuse planning permission if a satisfactory Unilateral Undertaking is not received and/or if – after full consideration by Officers – they are of the opinion that due to nutrient pollution, the integrity of Special Areas of Conservation has not been satisfactorily secured.**

- c) Saham Toney: Land adjacent Swaffham Road: Reference: 3PL/2019/0010/F

Erection of 54 dwellings with associated roads, parking, hard & soft landscaping and open space.

Consideration was given to the report presented by Simon Wood, Director of Planning & Building Control.

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: Cllr Timothy Birt (spoke against the application)

Parish Council: Cllr Trevor Bunce

DECISION: Members voted unanimously for refusal in support of the Officer's recommendation with the addition of reasons for refusal relating to the requirement for a tariff payment for GIRAMS and the requirement to demonstrate that the development will be nutrient neutral and will not impact on the integrity of protected water bodies.

d) Griston: HMP Wayland, Thompson Road: Reference: 3PL/2021/1706/F

Demolition of existing structure and construction of two storey house block, erection of new multi-faith building, minor extension to visitor building, construction of all-weather pitch and athletics track within a secure perimeter fence together with new pedestrian footpath, relocation of horticultural polytunnels and landscaping together with additional car parking outside of the secure perimeter fence.

Consideration was given to the report presented by Simon Wood, Director of Planning & Building Control.

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:

Ministry of Justice: Phil Houghton, Kelly Lloyd and Megan Freeman

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

- 1. the conditions as listed in the report;**
- 2. no objections being raised by the Council's ecologists;**
- 3. full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation; and**
- 4. delegated authority also be given to Officers to refuse planning permission if after full consideration by Officers – they are of the opinion that due to nutrient pollution, the integrity of Special Areas of Conservation has not been satisfactorily secured.**

e) Colkirk: Land Off Whissonsett Road: Reference: 3PL/2022/0132/VAR

Variation of Condition No 22 of planning permission 3PL/2021/1265/VAR - to vary the wording to enable works to continue up to slab level across all plots, in advance of this condition being discharged.

Consideration was given to the report presented by Gemma Manthorpe, Principal Development Management Planner.

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

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

Parish Council: Cllr Charles Joice

Applicant: David Winch (on behalf of Breckland Bridge)

DECISION: Members voted 10 x 2 to defer the application contrary to the Officer's recommendation of approval to allow Officers to liaise with Norfolk County Council Highways to establish the position of the S278 application they are currently considering in relation to off-site highway works.

Notwithstanding the deferral, Councillor Mark Kiddle-Morris asked that this application be brought back to the next Planning Committee meeting.

36/22 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE & DELIVERY (AGENDA ITEM 10)

Noted.

37/22 APPEALS SUMMARY - MARCH 2022 (AGENDA ITEM 11)

Noted.

The meeting closed at 12.40 pm

CHAIRMAN