

Planning Committee

Minutes of the meeting held on 03 February 2023

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Nigel Brennan, Andrée Gee, Tony Grayling, Gail Harris, Tim Jickells, James Knight, Leslie Mogford, Melanie Vigo di Gallidoro and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services (items 1-7) and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

Steve Hooper (applicant) and Nicole Wright (agent) for item 7(1) – BA/2022/0416/FUL – Postwick, Blackwater Carr - Yurt (retrospective)

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Bill Dickson and Vic Thomson.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

Members provided their declarations of interest as set out in Appendix 1 to these minutes and in addition to those already registered. Members had been invited to a site visit by the agent associated with item 7(1) – BA/2022/0416/FUL – Postwick, Blackwater Carr - Yurt (retrospective), and members had been precluded from accepting this invitation by the [Code of Practice for members of the Planning Committee](#). A member asked for clarification on this matter and the Senior Governance Officer referred to section 6.3, relating to when a planning application had been submitted, item (i) states “A member’s involvement prior to consideration at Planning Committee will be limited to public meetings and committee site visits”. The member believed there was an inconsistency, as section 11.1 stated that “attendance at an informal site visit” must be declared before speaking at committee. The Senior Governance Officer indicated that this documentation would be reviewed under the aegis of the governance improvement work reported at the last full Authority meeting (20 January 2023).

3. Minutes of last meeting

The minutes of the meeting held on 09 December 2022 were approved as a correct record and signed by the Chair.

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Practice for members of the Planning Committee and officers. Those who wished to speak were invited to come to the Public Speaking desk when the application they wished to comment on was being presented.

6. Requests to defer applications and/or vary agenda order

No requests to defer or vary the order of the agenda had been received.

7. Applications for planning permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decisions.

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

Tony Grayling left the meeting.

(1) BA/2022/0416/FUL – Postwick, Blackwater Carr - Yurt (retrospective)

Retrospective consent for the retention of a yurt on a small, raised platform to be used in connection with the management of the site, securing a table and bench to the ground, the installation of a small staked and woven willow windbreak.

Applicant: Mr Steve Hooper and Ms Mary Alexander

The Planning Officer (PO) provided a detailed presentation of the application for retrospective consent for the retention of a yurt, table and bench, and willow windbreak within a site known as Blackwater Carr, which was land accessed from Ferry Lane, Postwick.

The presentation provided photographs of the yurt, table and bench, and windbreak within the site, in relation to a previously approved storage shed and from various points across the site and from a neighbouring plot of land. The presentation included maps showing the location of the site, a site map, the site map within the boundary of land owned by the applicant and an aerial photo showing the same information.

The site, the PO explained, was within an area of peat fen habitat to the east of the village of Postwick and accessed from Ferry Lane that leads to Surlingham Ferry. The 2.1-hectare site was privately managed for conservation purposes by the applicant. The boundaries of this land were predominantly tree lined, with areas of woodland to the north and west. To the south-west and south were further peat fen areas with a similar appearance to the subject site.

The yurt was a circular structure with a 5.5m diameter and an overall height of 4.35m (not 1.95m as previously stated in the report).

The planning history of the site was limited to two previous planning applications, both submitted by the applicant:

- In 2020 planning permission had been granted for access improvements and the siting of a storage shed.
- In April 2022 planning permission had been refused for retention of the yurt which had been on the site since March 2020.

The PO explained that the conservation work on this site had commenced around 2012 and the current owners had continued this work since they took ownership in 2019. The conservation work undertaken by the owners included planting trees, hedges, bluebells and daffodils, creating new habitat for birds, small mammals and reptiles and the management of invasive species. Since 2019, the species count on the site had increased from approximately 600 to well over 800. The site had been designated a Local Wildlife Site and the owners aimed to achieve County Wildlife Site designation.

The PO detailed the night-time activities, as stated on the current application, as feeding foxes and deer, checking for hedgehogs and bats, dealing with the moth trap, recording, record keeping, updating the species list, listening for owls and bitterns and an early morning observation walk. The application indicated that the yurt was used to store scientific equipment, reference books, a laptop, bird feed, a first aid kit and a telescope.

The PO clarified that the use of the land was not in question; what was before the committee was the provision of structures on an undeveloped natural site that, within the context of the Local Plan, was deemed to be a leisure plot. Local Plan Policy DM50 (Leisure plots and mooring plots) aimed to maintain the natural and undeveloped appearance of all leisure plots, including this site, from a starting point that structures would not normally be permitted. The policy provided some consideration for what would be deemed a reasonable exception and the storage shed was approved in 2020 as, in the consideration of that application, it was felt that it was justified in supporting the continued management of the site.

The PO agreed that the way the site was being managed was time intensive, however the management of a 2.1-hectare site did not justify the retention of the yurt providing overnight accommodation, particularly given the approved shed structure which provided storage. The PO confirmed that the landowners had not indicated whether the storage space provided by the shed was insufficient for their needs.

The PO indicated that the retention of the yurt to provide overnight accommodation was not justified and was not in accord with local and national planning policy. This represented further development on a leisure plot where the provision of structures would not ordinarily be permitted. The Local Planning Authority (LPA) for the Broads had shown support for the conservation work at the site by approving the storage shed. The LPA did not consider the yurt, in addition to the shed, to be reasonable or necessary or acceptable.

The Landscape Architect for the Broads Authority (BA), explained the PO, had maintained an objection citing the light-coloured canvas structure, in an unusual form, in a natural setting as undermining the landscape character.

The PO reported that the Environment Agency (EA) had confirmed that the site was located within Flood Zone 3b, the functional floodplain, and national policy dictated that uses classified as 'more vulnerable' should not be permitted within the functional floodplain and the EA had objected to the proposal on flood risk grounds.

The PO confirmed that the site was within a protected habitats catchment and therefore, was subject to a consideration of Nutrient Neutrality (NN). The application included an assessment that concluded that the development cannot be demonstrated to be nutrient neutral and Natural England (NE) had maintained an objection. The PO indicated that there may be a way forward but at present there was no agreed mitigation.

The PO concluded that the principle of development was not acceptable, there were landscape impacts, the site was within the functional floodplain, the EA had objected, and it had not been demonstrated that the development would be nutrient neutral and therefore the recommendation was to refuse permission.

Steve Hooper, the applicant, provided a statement and began by stressing the importance of the yurt as an essential workshop/laboratory space for the ongoing conservation work. Since 2019 this conservation work had resulted in a 46% increase in biodiversity.

With regard to NN, Mr Hooper indicated that further information relating to mitigation had been supplied to NE and that Dr Graham Hopkins had indicated that NN would not be a valid ground for refusal.

Mr Hooper confirmed that they had been onsite in January 2022, when the river reached a 10-year high, and the resulting flood water had not breached the yurt. They had a tested flood evacuation plan and Mr Hooper indicated that they received flood alerts from Floodline.

Mr Hooper indicated that the use of a yurt within the Broads was not unprecedented as evidenced by application BA/2022/0115/CU (referenced in section 3.28 of the report).

Despite the threat of planning refusal, Mr Hooper confirmed that they had continued to pursue their conservation work. This work and the resulting data had been praised by many local conservationists and Mr Hooper indicated that UEA students would be performing research at the site from February 2023.

Mr Hooper highlighted the overlap between the BA's educational and conservation remits and the work being undertaken at the site. They were willing to share their skills and knowledge with the BA and were discussing this with both the Authority's Ecologist and Education Officer. Mr Hooper indicated that they would be willing to enter into a Section 106 agreement.

Mr Hooper thanked Councillor Laming, The Broads Society and Tim O'Riordan for their support. Mr Hooper appealed to members to do the right thing and vote in favour of this planning application.

A member asked Mr Hooper to clarify the height of the yurt, and he replied 3.5m, with 80% of the structure being less than 2m.

The Chair thanked Mr Hooper for his statement.

Members were supportive of the conservation work being undertaken by the applicant and praised them for their efforts in this regard. However, a number of members were concerned by the objection of the EA and were unwilling to go against this advice given their role as a consultee in flood risk matters. Other members believed that given the reliability of flood alerts and the flood defence work undertaken on the River Yare, the flood risk was manageable.

A member was not impressed by the yurt and believed it was a wholly unsuitable structure for a peat fen within the Broads.

Other members spoke in support of the yurt, explaining that the discolouration of the canvas helped the structure to blend into its surrounding and softened its impact on the landscape.

A number of members believed the yurt was a temporary structure and one member made a comparison to a large tent, the dimensions of which he believed to be 5.5 x 6 x 20m, that had been erected at the Broads Authority's dockyard for a period of years, arguing that if that could be considered a temporary structure then they saw no reason why the yurt could not be considered as such. The member added that if a large tent could be installed at the dockyard that was visible to everyone driving over the River Yare then planning policy was hardly consistent if it chose to disapprove of a small yurt that might only be visible by peering through a hedge.

A member felt that describing this structure as a yurt was misleading as it implied the ability for it to be dismantled and moved at will. It would be better described as a canvas hut and given the need for it to be in-situ over a period of years it could not be considered a temporary structure. The member also indicated that alternative accommodation arrangements were available and suggested, given the proximity of the site to the River Yare, the use of a boat.

A member believed that given that each planning application was judged on its merits, approving this application was unlikely to set a precedent for future planning applications. Conversely, another member believed that by approving this application a precedent would be set that would result in similar structures being erected at similar sites in the Yare valley.

A member indicated that if it was deemed to be a temporary structure then it should be granted temporary permission. Another member indicated that they would be willing to approve this application subject to conditions being imposed on its usage and its duration on the site.

A member commended the conservation work being undertaken by the applicants and believed that this work outweighed the harm posed by the structure. For this reason, they proposed that this application be approved subject to conditions, thereby proposing overturning the officer recommendation.

The Senior Governance Officer drew the member's attention to section 7.4 of the [Code of Practice for members of the Planning Committee](#), that requires the reasons for a contrary decision to the officer recommendation to be clearly stated before a vote is taken. In addition, the officer should have the opportunity to explain the implications of the contrary decision.

The member stated that Councillor Laming's consultation response as detailed in section 3.25 of the report set out the reasons which they considered to cover the matter.

The Head of Planning (HoP) summarised the position to assist members, by stating that the proposal to approve the application was being made on the basis that whilst it was accepted that the application was contrary to development plan policy, the value and extent of the conservation work being done on the site was sufficient to override the policy. The member agreed that this was what they were proposing.

The HoP explained that by approving this application it would create a precedent whereby conservation work could be deemed to outweigh Policy DM50 that was intended to prevent the erection of buildings, enclosures or structures on leisure plots. She reminded members that the EA had objected to this application and that NE required more information on the NN mitigation strategy for this site.

With the permission of the Chair, the agent added that the applicant had consulted Dr Graham Hopkins, a NN specialist and a mitigation statement had been submitted to NE.

James Knight proposed, seconded by Leslie Mogford, that the application be approved subject to the following conditions:

- A time limited permission of 7 years.
- Overnight visits be restricted to a maximum of 72 days per year.
- That the yurt cannot be used for financial gain / can only be used in conjunction with the ongoing conservation work.

On being put to the vote, the motion was lost by 4 votes in favour, 5 against and 1 abstention.

Tim Jickells proposed, seconded by Stephen Bolt that the application be refused for the reasons given in the officer report.

It was resolved by 6 votes in favour, 3 against and 1 abstention that the planning application be refused as the proposal was considered to be contrary to Policies DM2, DM5, DM16,

DM43, and DM50 of the Local Plan for the Broads, the National Planning Policy Framework (2021) and Planning Practice Guidance which are a material consideration in the determination of this application, and The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations).

The Committee adjourned at 11:40am and reconvened at 11:53am when Tony Grayling re-joined the meeting.

8. Enforcement update

Members received an update report from the Head of Planning (HoP) on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

Land at the Beauchamp Arms (Two unauthorised static caravans): The operators and one caravan occupant had been interviewed under caution on 21 December 2022. The HoP confirmed that these interviews had been conducted by Broads Authority officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) code of practice on audio recording interviews with suspects.

Blackgate Farm, High Mill Road, Cobholm: The HoP confirmed that a further site visit was planned after 31 March 2023 to ensure the remaining two caravans had been removed.

Land east of Brograve Mill: The appeal had been dismissed 9 January 2023 and the Authority had informed both the landowner and agent that compliance was required by 9 October 2023.

Land at the Beauchamp Arms (Third unauthorised static caravan): The Enforcement Notice had been served 11 January 2023.

The report was noted.

9. Issues and Options - Summary of consultation

The Planning Policy Officer (PPO) presented the report which provided a high-level summary of the consultation on the Issues and Options version of the Local Plan. The PPO explained that a more detailed analysis of the comments received during the consultation would be provided at the next meeting.

The report was noted.

10. Local Plan – Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed five new or amended policies that were proposed to form part of the Preferred Options version of the Local Plan. The PPO reminded members that this stage of the Local Plan development was an opportunity to review existing policies and propose improvements.

The PPO reminded members that they were welcome to provide further comments on these policies. The PPO confirmed that Sustainability Appraisal (SA) objectives had been confirmed during the previous Issues and Options phase of the Local Plan. Each draft policy had been assessed against the SA objectives and this was stated in table form at the end of each policy.

The PPO proposed to discuss each section of the report in turn.

Draft Amenity policy

The PPO explained that this policy dealt with the impact of development on the amenity of existing or potential neighbouring properties or uses.

A member asked whether this policy would reference energy efficiency and the PPO responded that this requirement would be better served by other approaches, such as Building Regulations as well as in other sections of the Local Plan.

Draft Pubs policy

The PPO explained that this policy had been updated to include energy efficiency and address crime or the fear of crime (the latter following consultation with Secured by Design Officers).

Draft Railway stations/halts policy

A member asked whether this policy would be applicable to new stations or halts within the Broads. The PPO believed that the current policies in the Local Plan, although not specifically covering proposals for a new station/halt, would provide the necessary guidance, for example policies relating to regarding the relevant policy framework such as landscape, ecology, sustainable transport and good design. The PPO would update the policy in a later iteration to indicate support for appropriately designed and located new stations or halts.

Draft Trinity Broads and Upper Thurne policies

The PPO indicated that these policies were intended to protect these important areas of the Broads and as such were very similar to each other. The PPO highlighted the change to include possible Habitats Regulation Assessments for new developments within these areas.

Members' comments were noted.

11. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the responses to the Trowse with Newton Regulation 14 version of the Neighbourhood Plan. The PPO indicated that the main feedback centred on the Design Guide where improvements were required to better assess development within the Broads in this context.

To note the report and endorse the proposed response.

12. Levelling up Bill, Planning and the NPPF, including proposed consultation response

The Planning Policy Officer (PPO) explained that as part of the Levelling Up Bill the Government was proposing changes to the planning system and the National Planning Policy

Framework (NPPF). These changes were out for consultation and, in conjunction to the consultation feedback, the PPO had reviewed existing literature and provided a summary of the changes for the benefit of members. The PPO highlighted a few of the proposed changes as follows:

- The reformed planning system would set a 30-month timeline to adopt a Local Plan. This seemed unreasonable to the PPO as it included the examination period, which was not under the control of the Local Planning Authority (LPA), could take up to 14 months to complete and therefore left too little time to produce the necessary Local Plan documentation.
- There was a proposal to remove the need for LPA's to continually demonstrate a deliverable 5-year housing land supply if a Local Plan was up to date.
- Measures had been proposed to tackle slow build out rates that involved referencing the past behaviour of applicants during the decision-making process. The PPO agreed that this would be of benefit and had asked how a developer or applicant could resolve their past 'poor' behaviour.
- Under onshore wind development footnote 63 it was proposed that a Supplementary Planning Document (SPD) could be used to determine the location of wind turbines. The PPO had responded that this was a misuse of an SPD, as they are not intended for making policy. And the use of an SPD was inconsistent with the next proposed change...
- A proposal to remove SPDs and replace them with Supplementary Plans. These plans will be afforded the same weight as a local plan or minerals and waste plan. Existing SPDs will remain in force for a time-bound period; until the local planning authority is required to adopt the new-style plan.
- There was a proposal to group planning considerations that apply regularly in decision making within National Development Management Policies (NDMPs). The PPO had responded that it was important to factor in protected landscapes when deriving NDMPs.

A member asked why there was no comment in relation to attaching more weight to Social Rent in planning policies and decisions (question 22 of the consultation) given that the Broads was impacted by a lack of affordable housing. The PPO responded that the LPA for the Broads was not the Housing Authority and therefore responding to this question would mean collating possibly conflicting responses from the relevant LPA's that acted as Housing Authorities on behalf of the Broads.

Melanie Vigo di Gallidoro proposed, seconded by Leslie Mogford and

It was resolved by 10 votes in favour and 1 abstention to endorse the nature of the proposed consultation response on planning and the NPPF.

13. Notes of the Heritage Asset Review Group meeting held on 16 December 2022

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 16 December 2022.

The Chair indicated that the next HARG meeting would be on Friday 10 March 2023 at the Lowestoft Museum.

14. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q4 (1 October to 31 December 2022)

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 31 December 2022. The HoP highlighted that all major and minor applications had been completed within statutory timescales or within an agreed extension of time as shown in table 2 (of the report) and exceeded the national performance indicators as shown in table 3 (of the report).

Members congratulated the Planning team on their successful performance.

The report was noted.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 28 November 2022 to 20 January 2023 and any Tree Preservation Orders confirmed within this period.

17. Date of next meeting

The next meeting of the Planning Committee would be on Friday 03 March 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 12:29pm

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 03 February 2023

Member	Agenda/minute	Nature of interest
Harry Blathwayt on behalf of all members	7.1	Lobbied: Receipt of emails from agent
Tony Grayling	7.1	Director, Sustainable Business and Development for the Environment Agency. He had been granted a dispensation by the Monitoring Officer to speak but not vote on matters where he had a pecuniary interest by virtue of his employment with the EA. As the EA had objected to this planning application, he left the room for this item.
Tony Grayling	12	Director, Sustainable Business and Development for the Environment Agency. He had been granted a dispensation by the Monitoring Officer to speak but not vote on matters where he had a pecuniary interest by virtue of his employment with the EA. As his role with the Environment Agency requires him to respond to NPPF consultation, he chose to abstain from participating in this item.