

Planning Committee

Minutes of the meeting held on 04 December 2020

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andree Gee, Gail Harris, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Leslie Mogford (joined at 11.32am), Vic Thomson, Fran Whymark.

In attendance

Natalie Beal – Planning Policy Officer, Essie Guds – Governance Officer (Moderator), Sarah Mullarney - Governance Officer (Moderator), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Sara Utting – Governance Officer (minute taker) and Tony Wilkins – Planning Officer (Compliance & Implementation)

Members of the public in attendance who spoke

Fergus Bootman (as agent) and Alice Brown (objector) both for application BA/2020/0335/FUL – land at Redbeck adjacent Dilham Restricted Byway 11

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Leslie Mogford, who would be late joining the meeting due to a medical appointment.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting would be held remotely in accordance with the Coronavirus Regulations 2020 and the Standing Orders for remote meetings agreed by the Broads Authority on 22 May 2020. The meeting would be live streamed and recorded and the Authority retained the copyright. The minutes remained the record of the meeting.

2. Declarations of interest and introductions

Members introduced themselves, and provided their declarations of interest as set out in Appendix 1 to these minutes and in addition to those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 6 November 2020 were approved as a correct record and would be signed by the Chair.

4. Points of information arising from the minutes

Minute 13 – Heritage Asset Review Group (HARG)

The Head of Planning advised that the notes of HARG would continue to be presented to the Planning Committee on a quarterly basis but the meeting papers would only be provided to members on the group.

Minute 14 – Appeals

The Head of Planning advised that while the outcome of two appeals had been reported verbally at the last meeting, they remained on the schedule for this meeting as formal notification of closure of the case.

5. Matters of urgent business

There were no items of urgent business.

6. 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 Conduct for Planning Committee.

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

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

8. 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.

(1) BA/2020/0335/FUL – land at Redbeck adjacent Dilham Restricted Byway 11, Dilham

Use of land for siting of three glamping pods with associated car/cycle parking, landscaping and installation of package treatment plant.

Applicant: Mr Luke Paterson

The Senior Planning Officer (SPO) corrected an error in the report, which referred to Calum Pollock as the report author, having originally been the case officer for the application. She then provided a detailed presentation of the application for the use of land for the siting of three glamping pods with associated car/cycle parking, landscaping and installation of package treatment plant.

In assessing the application, the SPO addressed the main issues of the principle of development, impact upon the landscape, ecology, amenity of residential properties, and highways and public rights of way. The SPO concluded that it had not been adequately demonstrated to be a sustainable form of tourism development, there would be unacceptable impacts on both the immediate and wider landscape character and the amenity of local residents, and there would be a conflict with the public’s right to use the Byway. Accordingly,

the proposed development was not in accordance with the provisions of the policies in the Local Plan for the Broads (2019) and the officer recommendation was to refuse.

In response to a member's request for clarity on the number of representations either in favour of or against the application, and the responsibility for maintenance of Oak Road, the SPO advised that there were three objectors and eight supporters to the scheme. Responsibility for maintenance of the road was on the basis of one fifth per resident (three in total) and two fifths to the applicant.

In response to a question on the construction works and the impact they would have, such as damage to trees, and how this had been assessed, the SPO advised that details of construction had not been supplied and therefore the impact could not be taken into account as this was unknown. It was suggested that the agent could address this issue as part of his verbal presentation.

Alice Brown, an objector, provided a statement commenting that the presence of streams of cars traversing the Restricted Byway would blight the stunning landscape character of this area. The increased level and much more frequent vehicle noise would certainly not provide the expected level of tranquillity currently in great demand by walkers or horse riders using this PROW, a tranquillity which they currently enjoyed. The overbearing nature of the mere presence of motor vehicles on RB11 would only dissuade the public from using it and by extension, the public footpaths which branch off RB11, a much used local and visitor facility will be lost by wilful degradation. Furthermore, this would open the door to the use of other fields located along the length of the byway as 'pop-up' caravan / campsites. Use of just a couple of these fields could easily exceed the 70 units of accommodation the applicant already had in operation in the area and have a detrimental impact on the amenity of properties along both Oak Road and Broad Fen Lane. She had suggested that the Authority impose an Article 4 Direction to all land that bordered RB11, to prevent development without the grant of planning permission (such as caravans / tents for 28 nights). In summary, by permitting this development it would be impossible to safeguard the public right of way afforded by RB11.

In response to a member's question, Ms Brown confirmed that the Byway was owned by the farmer and used for farming purposes to access his fields, tend to horses, etc. However, there was more use by walkers, joggers, etc than vehicular use.

In response to a member's question on what was considered to be a stream of traffic, Ms Brown advised that she owned holiday cottages at Wayford Bridge and guests used their vehicles a lot, all throughout the day. The Restricted Byway was there for use by all people, both local and holiday-makers. She confirmed that she was not against the three pods but had concerns on the access of the Restricted Byway. The pods attracted people for shorter stays, resulting in more traffic movements, not just visitors but also for maintenance staff, cleaners, etc.

Mr Bootman, the agent, provided a statement in support of the application explaining that the applicant was a fourth generation farmer who lived and worked in Dilham and the

application was a direct response to the impending loss of income from the Basic Farm Payment Scheme, and represented precisely the kind of small-scale, environmentally sensitive development farm diversification project that should be supported by the Authority. The applicant was happy to agree to an officer request to create a new stretch of permissive path which provided a 'missing link' in the existing footpath network, and had agreed to provide interpretation boards at the boundary of Broad Fen. As with most rural areas, sustainable transport options within the Broads were limited; however, in this context, the site actually represented a relatively well-connected location. The application was supported by a detailed Landscape Visual Impact Assessment (LVIA) which concluded there would be no adverse cumulative landscape impact. The application site was not visible from any other tourism development (or any view from outside the site) and was sufficiently small in scale and distinct in character so as to have no cumulative landscape impacts. With regards to noise, this was an existing trackway which formed an important vehicle route for the farm and used to access the tourism development at Tonnage Bridge, three dwellings and several horse fields. In conclusion, he advised that a small lorry would deliver the pods to the site.

In response to a members' question, Mr Bootman advised that he had not been involved in the application for Tonnage Bridge and therefore was unaware of the infrastructure. The applicant had chosen the Redbeck site rather than extend his existing site of ten pods as he was mindful of the limits, landscape, etc. The application site would only be open to adults and be very low density.

In response to a member's question, Mr Bootman explained that there would be signage within the site ("no left turn"). The County Council as Local Highways Authority had confirmed it was satisfied any problems it had with the proposal could be controlled. Rather than rely totally on satellite navigation systems, users would respond to the directions supplied with the booking on the correct access route.

In response to a member's question on landscaping, Mr Bootman advised that a full LVIA had been submitted with the application, which identified there would be no clearance of trees or hedges and new planting would take place. The land surrounding the pods would be managed as a wildflower meadow with areas mown through for paths. The pods would be set up on pre-prepared timber blocks.

A member asked the agent to confirm that he had submitted all the information to accompany the application and also to elaborate on the sustainability of the application. Mr Bootman responded that he had submitted a LVIA, which had informed a detailed landscaping plan. This identified where trees would be planted, etc as they were mindful of the sensitive landscape. The SPO added that slide 6 of her presentation referred to the landscaping plan, and she referred to the wording of paragraph 6.28 of the report, explaining that the issues had been raised by the Authority's landscape architect and were not matters of fact but areas of concern. In terms of sustainability, Mr Bootman advised that the site was within five miles of the train station and one mile from the bus stop, but users tended to use their private cars regardless of the fact that the site was in a sustainable location.

A member commented that the pods were not buildings in planning terms as they were a moveable structure and, therefore, policy DM27 was not relevant as this was specifically for new build development. The agent responded that the proposal was for a change of use of the land and not proposed development. If the pods were removed, only the timber sleepers and utility connections would remain.

A member referred to the differences between the application site and the site at Tonnage Bridge, which was connected to the main road network. The Redbeck site was located in a much more rural area, close to a SSSI.

Andree Gee proposed, seconded by Harry Blathwayt, to refuse the application for the reasons given in the report.

Some members expressed their support for the application, on the basis that the Authority supported the local rural economy and farm diversification; the impact on the environment would be minimal; there were no highway issues; and the type of people who would use the pods would support sustainable principles. Furthermore, a comment was made that the arguments put forward by officers in the report were thinly stretched and presented an unbalanced assessment, with objections laboured and emphasised and no account taken of consultees' views of "no objection".

Leslie Mogford joined the meeting at 11.32am.

Lana Hemsall proposed, seconded by Fran Whymark, to approve the application.

The Head of Planning (HoP) responded that she was concerned by some of the comments raised by members on the content of the report, particularly that the report was not balanced. For example, it was clear that the officers had acknowledged that the concerns on the previous application had been addressed, with the application being scaled down to three pods, no issues of drainage, Highway Authority concerns addressed, etc. However, officers did not have all the required information, such as construction and landscaping details and therefore, it could not be assumed they would all be satisfactory. While it was accepted the agent had offered an extension of the permissive footpath to the road, no further details had been provided and there was no guarantee it would continue in perpetuity as it was proposed as permissive only.

On the matter of the application being submitted in response to loss of farming income, the HoP advised that 40 pitches had been provided three to four years ago (Canal Camping) to help with the loss of the farm income. This had been very successful in the first year and subsequently extended by another 15-20 pitches on the adjacent land, followed by an application for a further ten units in the form of glamping pods at Tonnage Bridge, providing a different sort of development and tourism offer. Following a site visit, this had been approved by the Planning Committee. This new application for a further three pods, while relatively small, needed to be assessed on a cumulative basis, alongside all the other schemes on offer. There was the issue of setting a precedent – and if three was an acceptable number, could six or ten units also be considered acceptable? In conclusion, there had been a significant amount of farm diversification at this site and possibly enough for a village of this size and in a

sensitive landscaping setting. Officers had assessed all of the issues and come to a recommendation of refusal.

A member responded that the application was finely balanced and he considered the officer report and presentation were both very good. He questioned whether, if planning permission were to be granted, an expansion would require full planning permission in the future or could they make use of the 28 days temporary permission. The HoP responded that planning permission would be required to expand the site but the applicant could make use of the 28 days' provision.

A member commented that these were three completely different sites, so the assessment should not be of cumulative impact and this application should be treated on its own merits, for three pods. Another member added that the NPPF supported farm diversification and the rural economy, and the cumulative impact should only be considered once other applications were received for this particular site, if received. There would be local public benefit, such as the provision of passing bays, which could be secured through a Section 106 Agreement. Furthermore, the pods mimicked the appearance of agricultural buildings and had been designed sensitively to fit in the rural atmosphere.

In response, the HoP advised that the issue of cumulative impact was covered in Policy DM29 and had been included as part of the officer presentation.

The committee then voted on the proposal to refuse as follows:

With four votes in favour, six against and three abstentions (one due to a member having lost connection for a part of the presentation) this was declared lost.

Gail Harris left the meeting at 12pm

Members then proceeded to discuss the basis on why the application should be approved, how to secure the public benefits and appropriate conditions. The HoP advised that a Section 106 Agreement should be used to secure the extension of the permissive path and passing bays, but members were content to cover this through planning conditions, which would be quicker and was the preference of the applicant. The other conditions should cover signage; the standard time limit; development to be in accordance with submitted plans and landscaping scheme; ecology to be agreed with Natural England for access to, and protection of, the SSSI; disposal of waste water; provision of parking; bin storage and connection to mains supplies. Any condition to enforce occupancy restrictions, such as adults only, would be difficult to monitor and enforce.

It was resolved by 7 votes in favour, 3 against and two abstentions (one due to a member having lost connection for a part of the presentation)

to approve the application subject to conditions securing the passing bays, permissive path, signage, landscape scheme including connections, bin storage, fencing.

The Committee adjourned at 12.20pm and reconvened at 12.30pm.

(2) BA/2020/0002 – enforcement on land east of North End, Thorpe next Haddiscoe

Unauthorised development comprising the change of use to mixed use of a leisure plot and storage

The Head of Planning (HoP) introduced her report on the unauthorised development which had taken place on land to the east of North End in Thorpe next Haddiscoe, a plot of land within the countryside. Historically it would have been used for agricultural grazing but in recent years there had been no subsequent use so it currently had a nil planning use. The HoP also provided a detailed presentation, including photographs of the site.

It was noted that the landowner had been written to on a number of occasions, being advised that the activities on the site were unacceptable in planning terms and requested to clear the site, but no action had been taken and nor had a response been received.

In assessing how to take this matter forward, members took into consideration whether the unauthorised development was acceptable in planning terms, whether it was capable of being made acceptable or whether it was unacceptable and accordingly, the expediency of taking enforcement action.

Stephen Bolt and Tim Jickells left the meeting at 1pm.

Due to conflict with policies DM50, DM16 and DM25, the authorised development was considered to be unacceptable and it would not be appropriate to seek a retrospective application. The conflict was considered to be so fundamental that it could not be overcome by any amendments to the development. The harm was considered to be significant and accordingly, enforcement action would be expedient, given the benefits of securing a cessation of the development. In terms of proportionality, it was considered that the private benefits being derived from the site did not override the public benefits associated with protecting the national asset and therefore, enforcement action to secure the cessation of the unauthorised development was proportionate. Finally, the principle of the approach would be consistent with the Local Enforcement Plan and regard was had to a recent appeal at Brograve Mill, which had been dismissed by the Inspector. The issue there was of impact on the protected landscape with the remedy sought being a cessation of the unauthorised use.

Andree Gee proposed, seconded by Lana Hempsall and

It was resolved unanimously to serve an Enforcement Notice with a compliance period of four months.

9. Enforcement update

Members received an update report on enforcement matters previously referred to the Committee. Further updates were provided for:

Marina Quays, Great Yarmouth: It had been hoped to have the site completely cleared but following a site visit that week, the officer had noted it was about 85% clear. Unfortunately, a

ringbeam had needed to be extracted and removed, which would take an additional 7-10 days' work.

Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter: The deadline for responding to the Planning Contravention Notices served on 13 November was today and as yet, no response had been received.

Ditchingham Maltings: Replanting had commenced. The Parish Council had requested access through the new area, a small copse of trees, to the east to provide pedestrian access to the footbridge. The contractors were in discussion with the Parish Council.

The report was noted.

10. Beccles Neighbourhood Plan – agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Beccles Neighbourhood Plan. Members were advised that the Broads Authority was a key stakeholder and therefore able to comment on the Plan. It was anticipated that a report would be presented to the next meeting of the Committee for endorsement of the suggested response.

The Chair asked if members were happy to endorse the recommendation and unanimously **It was resolved to note the report and endorse the proposed response.**

11. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to a consultation by East Suffolk Council on its draft Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document.

The Chair asked if members were happy to endorse the recommendation and unanimously **It was resolved to note the report and endorse the proposed response.**

12. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications (1 July to 30 September)

The Committee received the development control statistics for the quarter ending 30 September 2020.

The report was noted.

13. Appeals to the Secretary of State

The Committee received the latest schedule of appeals to the Secretary of State since November 2020.

The report was noted.

14. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 26 October to 20 November 2020.

The report was noted.

15. Date of next meeting

The next meeting of the Planning Committee would be on Friday 8 January 2021 at 10.00am and would be held remotely.

The meeting ended at 1:18pm.

Signed by

Chairman

Appendix 1 – Declaration of interests: Planning Committee, 04 December 2020

Member	Agenda/minute	Nature of interest
Harry Blathwayt	13	Site was within his Ward and had discussed with the appellant
Bruce Keith	8.1	Had received representations from one of the objectors
James Knight	8.2	Site was within his Ward but had not had any contact with the owner