

Planning Committee

Minutes of the meeting held on 21 September 2022

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Present

Melanie Vigo di Gallidoro – in the Chair (until item 3), Harry Blathwayt – in the Chair (from item 3), Stephen Bolt, Nigel Brennan, Bill Dickson and Tim Jickells

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer Cally Smith – Head of Planning and Marie-Pierre Tighe – Director of Strategic Services

Members of the public in attendance who spoke

None

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Andrée Gee, Tony Grayling, Gail Harris, James Knight, Leslie Mogford, Vic Thomson and Fran Whymark

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. She 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. Appointment of Chair

Harry Blathwayt was proposed by Tim Jickells and seconded by Bill Dickson.

Harry Blathwayt was appointed Chair.

3. Appointment of Vice-Chair

Tim Jickells was proposed by Harry Blathwayt and seconded by Bill Dickson.

Tim Jickells was appointed Vice-Chair.

4. Declarations of interest and introductions

Members indicated that they had no further declarations of interest other than those already registered.

5. Minutes of last meeting

The minutes of the meeting held on 22 July 2022 were approved as a correct record and signed by the Chair.

6. Matters of urgent business

There were no items of urgent business

7. Chair's announcements and introduction to public speaking

No members of the public had registered to speak. The Chair thanked the outgoing Chair and praised the efficient and effective way they performed this role.

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

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

9. Applications for planning permission/enforcement control

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.

Enforcement – Loddon Marina

Two static caravans being used as permanent residential dwellings without planning permission

The Head of Planning (HoP) introduced her report seeking authority to serve an Enforcement Notice (EN) requiring the cessation of the unauthorised use and removal of the two static caravans at Loddon Marina. The HoP provided a detailed presentation, including photographs of the site.

The HoP set out the planning issues making particular reference to the Authority's Enforcement Plan and emphasising the consideration to be given to whether the unauthorised development was capable of being made acceptable and, if unacceptable, the expediency of taking enforcement action.

The HoP provided a detailed assessment of the development and concluded that it was unacceptable as it conflicted with Adopted Local Plan Policy DM35 (Residential Development within Defined Development Boundaries), Adopted Policy DM38 (Permanent and Temporary Dwellings for Rural Enterprise Workers) and Adopted Policy DM21 (Amenity) and could not be made acceptable. The expediency of taking action was given detailed consideration relating to the harm resulting from the development, the impact of the development, the impacts and costs of taking action, as well as proportionality and consistency. The preferred approach was

always to seek to negotiate a solution. The owner of this site had other properties elsewhere in the Broads, including at Beauchamp Arms. Previous experience indicated that it would be very unlikely that compliance could be achieved by negotiation and the Local Planning Authority had not sought to engage with the landowner on this matter. The HoP recommended that an EN was served requiring the cessation of the unauthorised use and that a compliance period of four months would be appropriate.

A member asked whether by removing the occupants and leaving the caravans empty the removal of the two static caravans could be negated. The HoP explained that case law did provide for a circumstance whereby a development that in itself did not require planning permission, but the purpose of which was deemed to facilitate unauthorised use, then the development could be included in an EN to ensure removal and thereby prevent a continuation or repeat of the unauthorised use.

Another member asked whether moving the two caravans from their current locations to the approved campsite would make a difference to the recommendation. The HoP explained that the provision of static caravans for rent by touring visitors would mean they are attached to the site and would require planning permission which, in the context of these units, would be unlikely to be granted, so unlikely to change anything.

A member asked about the time required to rehouse the occupants of the two caravans. The HoP explained that the proposed compliance period provided 4 months to rehouse the occupants and acknowledged that this might be grounds for appeal on the basis that it did not provide adequate time to rehouse the occupants.

The HoP explained that the intention was to serve the EN the week commencing 26 September 2022, the EN would come into effect the week commencing 26 October which would require compliance by the week commencing 26 February 2023. The Director of Strategic Services proposed that the compliance period be extended to 6 months.

Members agreed to the proposal and supported the recommendation to ensure consistency with previous unauthorised development of this nature and to protect the integrity of the LPA.

Tim Jickells proposed, seconded by Bill Dickson and

It was resolved unanimously to authorise the serving of an Enforcement Notice requiring the cessation of the unauthorised use and removal of the two static caravans with a compliance period of six months.

10. Enforcement update

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

Land at the Beauchamp Arms (Unauthorised static caravans): Papers had been received from the solicitor this week and expected to complete and return them next week. The solicitor would then be in a position to prepare a summons and the HoP expected this to be issued

early October. Progress thereafter would be in the hands of the Courts although the HoP intimated that there was a chance of a first Court date before the end of the year.

Blackgate Farm, High Mill Road, Cobholm: The HoP indicated that no compliance activity had been undertaken and there was now an extra occupied caravan taking the total to five onsite. The HoP would update members at a future Planning Committee.

Land east of North End, Thorpe next Haddiscoe: The HoP had visited the site, there was little evidence of any change, and a full report would be prepared for a future Planning Committee.

Land at the Beauchamp Arms (Unauthorised development): The appeal documentation had been completed and submitted to the Planning Inspectorate and the Local Planning Authority for the Broads awaited a decision.

11. Bungay Neighbourhood Plan - proceeding to referendum

The Planning Policy Officer introduced the report, which sought approval for the Bungay Neighbourhood Plan proceeding to referendum. The Plan had been subject to an independent examination and endorsed, with some changes, for referendum.

Tim Jickells proposed, seconded by Stephen Bolt and

It was resolved unanimously to support the Examiner's report and support the Bungay Neighbourhood Plan proceeding to referendum.

12. Worlingham Neighbourhood Plan - proceeding to referendum

The Planning Policy Officer introduced the report, which sought approval for the Worlingham Neighbourhood Plan (WNP) proceeding to referendum. The Plan had been subject to an independent examination and endorsed, with some changes, for referendum.

Tim Jickells proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved unanimously to support the Examiner's report and support the Worlingham Neighbourhood Plan proceeding to referendum.

13. Hemsby Neighbourhood Plan - agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Hemsby Neighbourhood Plan. The PPO indicated that there was no health check/informal request for review for this neighbourhood plan during the regulation 16 stage, unlike at the regulation 14 stage. The PPO had raised comments on the HNP but Hemsby Parish Council decided to continue with the regulation 16 stage. The did, however, update their evidence base to reference more recent data. The PPO will report comments made on the HNP at a future Planning Committee.

Tim Jickells proposed, seconded by Nigel Brennan, and

It was resolved unanimously to endorse the Hemsby Neighbourhood Plan, REG16 version for consultation.

14. Issues and Options consultation - Local Plan for the Broads

The Planning Policy Officer (PPO) presented the report which contained a revised residential moorings study and associated section (for inclusion in the Issues and Options version of the Local Plan), the Issues and Options version of the Local Plan ready for consultation, the supporting consultation material (Sustainability Appraisal and Habitats Regulation Assessment) and the proposed consultation approach, as well as acknowledging that a revised National Planning Policy Framework may be out for consultation over the coming months. The PPO proposed to discuss each section of the report in turn and seek endorsement of the associated recommendation(s) after each relevant section.

Residential Moorings study

The PPO confirmed that this study had been revised in consultation with the member who had highlighted problems with its terminology at Planning Committee 22 July 2022. After a number of iterations the member had indicated their satisfaction with the study's terminology although a concern regarding section 3.18 and the reference to previously identified residential moorings within the Broads that were no longer in this use remained. In response to that concern, the PPO highlighted that the following section (3.19) of the residential moorings report had been included in order to address the issue.

Melanie Vigo di Gallidoro proposed, seconded by Bill Dickson and

It was resolved unanimously to endorse the Residential Moorings study.

Residential Moorings section

The PPO indicated that the associated call for sites would emphasise the need to deliver in an attempt to address the problem of previously allocated residential moorings within the Broads that had not come forward over the last 4 years, since adoption of the Local Plan.

Stephen Bolt proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved unanimously to endorse the Residential Moorings section.

Issues and Options version of the Local Plan

The PPO reminded members that they had reviewed this document in bite size pieces over the last year or so. The PPO had summarised changes that had been made since this content was reviewed by members in section 3.3 of the report.

The PPO had also received written feedback from a member who had not taken part in these reviews and was unable to attend this meeting. The member had suggested that, in reference to peat, the Authority should be more ambitious and strive for peat restoration rather than reduce peat excavations. The member had suggested including climate resilience as an objective of the Local Plan. The member had also challenged the proposition to not set a standard for energy design of new buildings (section 13.3). A member suggested that this feedback was more appropriate to the next stage of the Local Plan when policy options would

be considered. Given that the member had not been involved in the production of this version of the Local Plan the PPO would meet with them to discuss this feedback in more detail.

Melanie Vigo di Gallidoro proposed, seconded by Stephen Bolt and

It was resolved unanimously to endorse the Issues and Options document and recommend Broads Authority endorse it for consultation.

Sustainability Appraisal

The PPO reported that the Sustainability Appraisal (SA) was intended to assess sustainability of policies and, given that there are no policies at this stage, contained an assessment of the options instead. The PPO confirmed that the SA would be more meaningful when the preferred options are assessed along with any reasonable alternatives that might arise from consultation.

Tim Jickells proposed, seconded by Bill Dickson and

It was resolved unanimously to endorse the Sustainability Appraisal and recommend Broads Authority endorse it for consultation.

Habitats Regulations Assessment

The PPO reported that the Habitats Regulations Assessment (HRA) was intended to assess the impact on wildlife habitats of policies and, given that there are no policies at this stage, contained a high-level assessment of the options instead.

Melanie Vigo di Gallidoro proposed, seconded by Tim Jickells and

It was resolved unanimously to endorse the Habitats Regulations Assessment and recommend Broads Authority endorse it for consultation.

Consultation

The PPO reported on the Issues and Options version of the Local Plan consultation process which would also include the draft Design Guide. The PPO reminded members that they are welcome to attend any of the planned drop-in events. The PPO indicated that as well as members of the planning team, there would be representatives of the Broadland Futures Initiative attending on Monday 10 October and Harry Mach (Climate Change) would be present on Wednesday 2 November and Saturday 12 November.

The PPO explained that work would be undertaken to engage with hard to reach groups to ensure the consultation was as inclusive as possible. Discussions were ongoing with the Great Yarmouth Youth and Broadland Advisory Boards, the Nancy Oldfield Trust and New Roots and the PPO explained that the Authority's Education Officer would be involved.

A member asked what sort of public attendance was expected at these events and the PPO explained that it depends on how motivated/engaged local people are by the Local Plan; there had been 30-40 people present at some previous drop-in sessions. Expect there to be more interest when site allocations are included in future versions of the Local Plan.

In response to a member's question the PPO confirmed that with the inclusion of the Design Guide, Broadland Futures Initiative and Climate Change, it was expected that a wider audience would attend than if the consultation had been limited to just the Local Plan.

A member asked whether the drop-in events would be advertised and the PPO confirmed that they would be advertised using social media, press releases, press advert and via email to the Authority's 400-500 subscribers.

National Planning Policy Framework

The PPO explained that when the consultation period was originally proposed a new National Planning Policy Framework (NPPF) was expected to be released and three scenarios had been documented to address when the NPPF was released and at what stage of the consultation this coincided. The PPO acknowledged that given the recent change in Government some of the scenarios appeared very unlikely.

A member asked what would happen if a new NPPF was released after the consultation had been completed. Based on previous experience the PPO explained that, if a Local Planning Authority was beyond a certain stage in plan production, a transitional arrangement would apply whereby the Local Plan would be assessed in the context of the previous version of the NPPF (i.e. the version of the NPPF that informed the creation of the draft Local Plan) and not the new version of the NPPF.

Stephen Bolt proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved unanimously to endorse the following three scenarios and associated actions:

- a. If the NPPF comes out after the September Planning Committee, but before the consultation starts and, if we find on reading it, that any aspect of the Issues and Options cannot go forward, then we would delay the consultation and amend relevant sections and come back to a future Planning Committee and Broads Authority meetings. We would have to postpone the consultation venues accordingly.**
- b. If the NPPF comes out after the September Planning Committee, but before the consultation starts and, if we find on reading it, that it does not affect the Issues and Options, the consultation would go ahead as planned following the Broads Authority meeting.**
- c. If the NPPF comes out during or after the consultation, then we would carry on with the consultation as planned. We would then consider the responses to the consultation, as well as the NPPF, in preparation for when the Levelling-Up and Regeneration Bill becomes an Act.**

The Chair thanked the PPO for her hard work in preparing the Issues and Options version of the Local Plan.

15. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications Q2 (1 April to 30 June 2022)

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 30 June 2022. The HoP highlighted that all applications had been completed within expected timescales or within an agreed extension of time as shown in table 3.

The report was noted.

16. Appeals to the Secretary of State

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

17. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 13 July 2022 to 2 September 2022 and any Tree Preservation Orders confirmed within this period.

A member highlighted that the Local Planning Authority (LPA) for the Broads did not charge for pre-application advice and that members who were councillors, could promote this service for the benefit of their constituents (avoid any surprises and associated costs) and the LPA for the Broads (avoid subsequent enforcement costs). The Head of Planning (HoP) confirmed that she was drafting a communication to Parish Councils highlighting that pre-application advice was available from the LPA for the Broads and that this service was currently free. The HoP would ensure members were included in/informed of this communication.

18. Date of next meeting

The next meeting of the Planning Committee would be on Friday 14 October 2022 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 11:37am.

Signed by

Chair