

Planning Committee

Minutes of the meeting held on 01 April 2022

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson (items 1-8), Andrée Gee, Paul Hayden, Leslie Mogford, Michael Scott, Vic Thomson and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer (items 9-11), Cheryl Peel – Senior Planning Officer, Calum Pollock – Planning Officer (item 7.2) , Callum Sculfor – Planning Assistant (item 7.1), Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Steven Bell (solicitor) of Birketts attended for items 1-8.

Members of the public in attendance who spoke

None

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Gail Harris, Tim Jickells and James Knight.

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. 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.

3. Minutes of last meeting

The minutes of the meeting held on 4 March 2022 were approved as a correct record and signed by the Chair, subject to the following amendment:

Item 7(2) – BA/2021/0490/FUL – former Bridge Hotel site, Potter Heigham

After the decision, add:

“A member requested that some clarity be sought from the policy planners on what exactly they thought was meant by the policy as written because he did not believe there had been any significant change in the flood zone classification since that plan was written and therefore, although he completely accepted that members had a plan in front of them and all that went with that, that was just as true when the plan was written and the Environment

Agency had the opportunity of being consulted on that plan, and he came back to the original question which was that, on today's meeting the policy is undeliverable and the policy actually ought more properly to be called "the site" or more properly to be called "everything inside that line except the Bridge Hotel site" because he felt that it had been said that this site cannot be developed."

4. Matters of urgent business

There were no items of urgent business.

5. Chair's announcements and introduction to public speaking

No members of the public had requested to speak.

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.

(1) BA/2021/0473/FUL – Plot 29 Bureside Estate, Crabbetts Marsh, Horning

Replacement boathouse

Applicant: Mr Martin Chapman

The Planning Assistant (PA) provided a detailed presentation on the application for the construction of a replacement boathouse at Plot 29 Bureside Estate at Crabbetts Marsh in Horning.

In assessing the application, the PA addressed the key issues of: the principle of the development; design of the proposed replacement boathouse and the impact the development would have on the neighbouring amenity and landscape.

It was noted that the positioning of the boathouse was similar to the existing, which would ensure there would be no direct overlooking, overshadowing or loss of privacy for existing neighbours; the design, whilst modern, used traditional materials; and the development would reinforce the linear pattern of development along the dyke and contribute to the traditional character. Accordingly, it was considered that the proposals were in accordance with Policies DM16, DM21, DM43 and DM50 of the Local Plan for the Broads 2019.

Bill Dickson moved, seconded by Harry Blathwayt and

It was resolved unanimously to approve, subject to the following conditions:

- Time limit
- In accordance with plans and documents
- Submission of exact materials and samples
- Details of hard and soft landscaping
- No overnight accommodation

(2) BA/2022/0033/FUL – The Quay, The Street, Thurne

Change of use of decommissioned telephone box to a mini-visitor information hub

Applicant: Broads Authority

The Planning Officer (PO) provided a detailed presentation on the application for the change of use of a decommissioned telephone kiosk to a mini visitor information hub on The Quay, The Street in Thurne. He advised that, if approved, the permission would be subject to the standard time limit condition, requiring commencement of development within three years of permission being granted.

In assessing the application, the PO addressed the key issues of: the principle of development; impact on historic environment and amenity of residential properties.

In response to questions on ongoing maintenance of the kiosk, both internally and externally, the PO advised that this would be the responsibility of the Broads Authority, as owner. Regarding potential vandalism, the PO referred members to the similar kiosk situated in South Walsham (shown in his presentation), owned by the parish council, which had been in situ for nearly 10 years, and this was not displaying any evidence of vandalism. He advised members that the kiosk subject of this application would display the Broads Authority logo and contact number for people to ring with any issues regarding the kiosk's condition.

Members noted that the change of use would provide a new community asset displaying educational information about the Broads, while maintaining and preserving the K6 telephone box kiosk, which was a local heritage asset. It was not considered there would be any adverse impacts on neighbouring amenity as a result of the change of use. Accordingly, it was considered that the proposed change of use was in accordance with Policies DM44, DM11, DM12 and DM21 of the Local Plan for the Broads 2019.

Leslie Mogford moved, seconded by Stephen Bolt and

It was resolved unanimously to approve, subject to the standard time limit condition.

8. 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 PH: the period for compliance had now expired in terms of the unauthorised residential use of the caravans and officers would be visiting the site next week to check that the caravans were unoccupied. Discussions with the local authority Council Tax team indicated the caravans were still being occupied. There was also evidence of two new caravans being brought onto the site in recent days. Members would be presented with the possible courses of action which could be taken, at the next meeting.

Blackgate Farm, Cobholm: two caravans had been removed from the site, two were authorised until August 2022 and of the three remaining, officers had been advised that two were unoccupied but this would be investigated further. Officers had been advised that the third caravan was being occupied by someone in a poor state of health and so documentary evidence had been requested in support of this. Depending on this evidence, there was the potential to extend the period of compliance for this particular caravan for a temporary period.

Land at Thorpe next Haddiscoe: the HoP advised that, as detailed in the report, some clearance of the site had been carried out in accordance with the Enforcement Notice (three month compliance starting from February 2021) but this had been very sporadic and had subsequently ceased, despite negotiations and an extended period for compliance being granted. Therefore, a decision needed to be taken on how to proceed.

The HoP provided a detailed presentation of the background to the case, including photographs of the site. In April 2018, the plot was simple countryside. However, later that year officers were notified that materials were arriving on site, such as sand and bricks etc as well as a water supply, and subsequently breezeblocks, wood, plant pots etc. Works also commenced on preparations for a footpath, with the installation of a membrane layer topped with gravel. Over a period of time fencing, decking, benches, a firepit, chairs and camping equipment were brought onto the site, resulting in the site changing from countryside to a leisure plot, which was unauthorised. Clearly this was changing the character of the countryside and so an Enforcement Notice was subsequently served in January 2021 requiring cessation of the change of use and to make good the land. The Enforcement Notice identified exactly what was required in terms of removal and reinstatement etc. Photographs taken in February 2021 showed that the decking and gazebo had been removed and the plastic membrane started to be removed, but nothing further. The owner was no longer visiting the site, since around October 2021, which meant that the leisure use was no longer taking place. However, the domestic planting was thriving and had subsequently become overgrown. As at January 2022, there was evidence that further material had been removed but some further work was required for full compliance.

There were three options available to the Local Planning Authority: (1) prosecution for failure to comply with the Enforcement Notice (in its entirety); (2) take direct action and (3) take no further action. The HoP advised that, whilst it would be valid to prosecute, there was currently no leisure use taking place on the site. Therefore, the consideration was whether it would be proportionate to prosecute for the remaining elements of non-compliance, also taking into account the high costs involved. In terms of direct action, the Authority (or an appointed

contractor) would remove the remaining structures, take out the hedging etc. This would not incur particularly high costs and the Authority could (if not recovered immediately) potentially also place a charge on the land so the costs could be recouped if/when the land was sold. Direct action would provide the Authority with certainty that the work would be completed. Furthermore, the threat of direct action might prompt the owner to do the work himself; particularly as some of the structures had a resale value to the landowner, such as the scrap metal. The final option, to take no further action, might be appropriate given there was currently no leisure use taking place and most of the main structures which facilitated the leisure use had been removed. Over a period of time, the site would naturalise. However, consideration should be given as to how this would be perceived as not all of the required works had been carried out. There was the option to issue a Section 215 Notice (“untidy land”) but officers were not convinced this would be an appropriate remedy, in this instance. In conclusion, the HoP advised Members that the recommended option was (2) – quotes could be obtained for clearing the site and once the landowner had been informed of the proposed action, this may well prompt him to carry out the works himself.

In response to a question on whether the difference in costs between a prosecution and direct action was known at this stage, the HoP advised that costs were always a consideration when looking at what action to take. Furthermore, a successful prosecution was just that; the planning breach would still remain. Reference was made to a site within the locality where direct action by the Authority had been successful, following non-compliance with an Enforcement Notice. Contractors had tidied the site (costing approx. £7,000-£8,000) and the landowner had paid the invoice within 30 days. The solicitor advised that the Enforcement Notice would remain until such time it was withdrawn by the Local Planning Authority which meant that if the landowner re-commenced the unauthorised use of the site, action could be taken.

Members concurred that direct action was the most appropriate and expedient way to secure full compliance with the Enforcement Notice.

Leslie Mogford moved, seconded by Andrée Gee, and it was resolved unanimously to authorise the Head of Planning to investigate fully the costs of direct action to secure full compliance with the Enforcement Notice relating to the authorised change of use to a mixed use of leisure plot and storage on land to the east of North End, Thorpe next Haddiscoe and bring a full report with a recommendation back to members at a subsequent committee meeting.

Bill Dickson and Steven Bell left the meeting.

9. Fleggburgh Neighbourhood Plan – proceeding to referendum

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

Stephen Bolt proposed, seconded by Harry Blathwayt and

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

10. Local Plan – bite-size pieces

The Planning Policy Officer (PPO) introduced the report, which provided members with some sections of the emerging draft Issues and Options stage of the Local Plan. These sections covered the topics of marketing and development boundaries, and the Development Boundary Topic Paper, which would form part of the evidence to support the Local Plan for the Broads, was also presented for Members' endorsement.

Marketing

The PPO advised that the 12 month marketing period in the Marketing Guide had previously been queried by members but, as shown in the report, this was common amongst neighbouring planning authorities. The draft section of the Issues and Options as presented, simply included some other adopted/emerging policies that set timelines for marketing and asked what people thought.

Development Boundaries

A member referred to the restrictions on further development in Horning, due to issues with water recycling. The PPO advised that surface and river water ended up in the drainage network and then the water recycling centre but the storm tanks were always full, even out of the storm season. Therefore, the issue was one of volume exceeding the permit, and not necessarily quality of the discharge. North Norfolk District Council (and the BA for that part which fell within the executive area) could not grant permission for development in Horning which added to the burden. This included residential moorings and holiday accommodation. Unfortunately, there was no simple solution but work was continuing on how to reduce the volume of water entering the system. There was regular dialogue between NNDC, the Broads Authority, Anglian Water and the Environment Agency and it was hoped that a resolution could be found which would enable some development in the future. It was worth pointing out that Anglian Water had already gone beyond what would reasonably be expected of them to find a solution.

Members' thoughts and comments on the draft sections were noted.

Leslie Mogford proposed, seconded by Andrée Gee and

It was resolved unanimously to endorse the Development Boundary Topic Paper.

11. Biodiversity Net Gain – consultation

The Planning Policy Officer (PPO) introduced the report, which provided a summary of the Government's consultation on the details of how the Biodiversity Net Gain (BNG) could work. The BNG was introduced in the Environment Act 2021, and was set to become mandatory in

November 2023. It would require developers to demonstrate how they would bring about a minimum 10% increase in biodiversity in order to obtain planning permission for their projects. National Parks England were coordinating a response to the consultation, which had been prepared by the National Parks Ecology Group. Officers were supportive of the response from NPE and, therefore, it was not proposed to provide a response from the Broads Authority but rely on the NPE response. The PPO reported that there were three recently adopted Neighbourhood Plans which brought in bio-diversity net gain early for their areas and so relevant officers would be meeting to discuss how to take that forward once relevant development happened in those areas (within the BA executive area), earlier than the 2023 deadline. Also, it was pleasing to see that Natural England had taken into consideration smaller sites, which was ideal for authorities like the Broads Authority, as if the focus was on larger sites, it was difficult to see how this could be realised for smaller sites.

A member referred to the purchase of biodiversity units and the similarities with carbon credits, and questioned if the potential for perverse incentives could apply to this scheme and also questioned how the credits would be converted into money and then spent in the Broads, eg habitat maintenance, peat preservation etc. The PPO responded that the preference was for on-site net gain but off-site gains could be purchased and delivered locally to the development site. She acknowledged that there was potential for developers to take advantage but it was hoped that there would be sufficient mechanisms in place to try and reduce this. The details had yet to be agreed but potentially a project would be proposed and developers would contribute with the appropriate number of credits. The Head of Planning added that the report referred to the practical, technical and philosophical issues to be addressed; there was concern that where the Broads Authority was to be a recipient site for some of the bio-diversity net gain, but the enhancements should be on site, whilst this would benefit the Broads, it created bio-diversity hotspots and deserts and the whole objective was to improve bio-diversity nationally.

Stephen Bolt proposed, seconded by Harry Blathwayt, and

It was resolved unanimously to note the report and endorse the nature of the proposed response.

12. Appeals to the Secretary of State

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

A member advised that, in terms of the bakery in Ludham, the Business Development Officer at North Norfolk District Council was in contact with the applicant to help find more suitable premises in the area. The Senior Planning Officer added that, if the bakery decided to continue operating at its current site, the Local Planning Authority could take no further action, pending the outcome of the appeal.

13. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 21 February to 18 March 2022 and any Tree Preservation Orders confirmed within this period.

14. Date of next meeting

The next meeting of the Planning Committee would be on Friday 29 April 2022 at 10.00am.

The meeting ended at 11:34am

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 01 April 2022

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all members	7.1	Applicant is an employee of the Broads Authority.
Melanie Vigo di Gallidoro on behalf of all members	7.2	Applicant is the Broads Authority.