

# Planning Committee

## Minutes of the meeting held on 09 December 2022

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## **Present**

Harry Blathwayt – in the Chair (except for item 7.1), Stephen Bolt, Nigel Brennan, Bill Dickson (items 1-9), Andrée Gee, Tony Grayling, Gail Harris, Tim Jickells – in the Chair for item 7.1, James Knight, Vic Thomson and Fran Whymark

## **In attendance**

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Cheryl Peel – Senior Planning Officer and Cally Smith – Head of Planning.

Steven Bell (solicitor) of Birketts attended for items 7 & 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 Leslie Mogford and Melanie Vigo di Gallidoro.

### **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.

## **3. Minutes of last meeting**

The minutes of the meeting held on 11 November 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**

No members of the public had registered 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 application 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/2022/0321/FUL Reedham Marshes - engineering works for IDB

**Proposed works including: 2km of new High Level Carrier, 2km of new open channel watercourse/linear scrapes, 6km of new earth embankments, 57,000m<sup>2</sup> of new island features, 207,000m<sup>2</sup> of new open surface waters/scrapes between islands and 10 new water control structures aiding longer term water level management plans.**

**Applicant: Broads Internal Drainage Board**

The Senior Planning Officer provided a detailed presentation of the application that involved various works to extend the provision of freshwater via the High Level Carrier further to the east, within the Halvergate marshes. This work would improve the current habitat, creating new wetland features capable of supporting greater levels of biodiversity, improving the sustainability of farming within the marshes and reduce the vulnerability of the marshes to climate change.

The presentation provided photographs of the impacted areas showing an open expanse of low lying marsh and farm land and some of the existing managed water features. The presentation included maps showing the location of the site, a site map, the field locations (as per the table on page 4 of the report) within the site map and then the proposed works within the various field locations (as detailed in the table on page 4 of the report). Cross-sectional diagrams showing the proposed embankments, islands and scrapes were also presented.

The SPO confirmed that there were no specific policies within the Local Plan for the Broads which relate to this type of development and, given the environmental enhancements proposed by this development, Strategic Policy SP6 (Biodiversity) was deemed appropriate. The SPO concluded that the principle of development was considered acceptable given:

- The proposed extension to the High Level Carrier will make the whole landscape more resilient and adaptable to climate change.
- The associated environmental enhancements will improve the site's ability to support national and internationally important flora and fauna.

The SPO explained the impact on the landscape, which would be altered by the introduction of a new fairly linear watercourse, embankments and water control features although there

were similar elements within the wider landscape and therefore this impact was not deemed to be unacceptable. The SPO indicated that a detailed landscaping scheme had been suggested to be conditioned to ensure that these impacts were not significant in the long term and that this proposal complied with Local Plan Policy DM16 (Development and Landscape).

In terms of Heritage Assets, the SPO explained that the site was located within the Halvergate Marshes Conservation Area and in close proximity to Grade II listed building Lockgate Mill and encompassed many other non-designated heritage assets, in particular archaeological remnants of early field systems. For this reason a Heritage Statement had been submitted by the applicant which, the SPO indicated, acknowledged that the scheme had the potential to cause less than substantial harm to the designated heritage assets. The SPO explained that a series of mitigation measures had been proposed, and secured via condition, to reduce the extent of the harm to a level that was not unacceptable. In light of the public benefits of improved water management, adapting to climate change and increased bio-diversity the SPO confirmed that this proposal had been deemed to comply with Policy DM11 (Heritage Assets).

The SPO indicated that no concerns had been raised regarding increased flood risk elsewhere, bio-diversity or amenity and confirmed the recommendation to approve the application subject to the conditions specified.

Harry Blathwayt and Nigel Brennan left the meeting.

Members were concerned about the impact this work would have on ground nesting birds and grazing cattle. The SPO confirmed that the Authority's ecology team were supportive of this application and highlighted that landowners had been consulted and that the RSPB was a partner in this project.

Members acknowledged that this application was consistent with the Broads Plan and supported this application for the benefits it would bring to the marshes.

Bill Dickson proposed, seconded by James Knight and

**It was resolved by 8 votes for and 1 abstention to approve the application subject to the following conditions:**

- **Time Limit**
- **In accordance with plans and documents**
- **Archaeological Scheme of Investigation submitted prior to commencement of development.**
- **Prior to the first operation of the new works the site investigation and post investigation assessment shall be secured.**
- **Details of the exact location of the island features shall be submitted and agreed.**
- **Landscaping Scheme and Management Plan shall be submitted and agreed.**

- **Construction Management Plan and Method Statement shall be submitted and agreed.**
- **Any damage to the fabric of the mill or raceways within its curtilage resulting from the carrying out of the works hereby permitted shall be made good, to the reasonable satisfaction of the Local Planning Authority in writing within six months from the damage occurring.**

Harry Blathwayt and Nigel Brennan returned to the meeting.

## **(2) Enforcement – Beauchamp Arms**

### **A static caravan being used as permanent residential dwelling 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 of a static caravan at the Beauchamp Arms. The HoP provided a detailed presentation, including location maps, a site map and various photographs of the site.

The HoP explained that two of the three static caravans located at the Beauchamp Arms were the subject of existing ENs (issued November 2021). Planning Contravention Notices (PCNs) served in April 2022 had confirmed that they were still occupied and hence the ENs had not been complied with.

At a site visit on 15 November 2022 it was ascertained that all 3 caravans were occupied, albeit with the two previous occupants having moved; the resident of the unit to the north-east of the property had moved to the unit to the west and the resident of the western unit had moved to the previously unoccupied middle unit. A third and new occupier was now resident in the north-eastern caravan.

The two caravans previously the subject of the EN were still occupied in contravention of the EN, and there was now a further breach due to the occupation of the middle caravan without planning permission.

A PCN had been served on 25 November 2022 seeking information on the occupation, including when the occupation of the middle caravan started. The operators had agreed to a meeting to provide a verbal response to the PCN and this meeting was due to occur early 2023. In the meantime the Local Planning Authority (LPA) had recourse to evidence from the site visits as well as the electoral roll and information relating to council tax receipts.

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 SP15 (Residential Development), Adopted Policy DM35 (Residential Development within Defined Development Boundaries),

Adopted Policy DM21 (Amenity), Adopted Policy DM5 (Development and Flood Risk) and Adopted Policy DM43 (Design) 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. Given the continued non-compliance associated with the existing ENs on this site it would be very unlikely that compliance could be achieved by negotiation and the LPA 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.

Members were concerned about the duty of care associated with the occupants. The HoP explained that the LPA were liaising with South Norfolk District Council as the housing authority.

A member explained that they had had doubts over the outcomes of the previous ENs given the intransigence of the operator, who obviously believed they were being put upon by the LPA and for this reason they did not see any value to engaging with the LPA. The Authority was now engaged in a long drawn out legal process that would be costly in terms of time and resource, even more so given the uncooperative attitude of the operator. The member questioned the real harm given that these caravans were not visible beyond the boundary of the site itself. The member considered the Beauchamp Arms to be an iconic venue within the Broads and felt that the Authority should step back and consider, not a further EN, but what it would take to get this venue open and functioning again. The member indicated that they could not support the proposal and would abstain from the vote.

A member spoke in support of the EN highlighting that the operator had flouted the rules over a number of years and, given their non-compliance with the previous ENs, they were breaking the law and that nobody was exempt from following the law. The member highlighted that these caravans were visible to walkers (a Public Right of Way crosses the site).

Another member indicated that they had little confidence in a successful outcome to the EN; once the occupant had been removed, the caravan remained and, given the nature of the operator, the caravan would be re-occupied. The HoP explained that once the proposed EN had been served, the operator would most likely lodge an appeal and the HoP expected that appeal to fail and for the EN to be upheld. The HoP confirmed that if the operator was unwilling or unable to comply with the upheld EN then the LPA could consider a number of actions one of which was direct action to remove the caravan. This form of action would take time and would be expensive however, the HoP explained, it would resolve the planning breach and demonstrate that the LPA was committed to the planning enforcement system. A member agreed that enforcement matters took time and highlighted that East Suffolk Council were continuing to pursue cases that originated as far back as 2009.

A member highlighted that a person would be impacted by the proposed action and asked whether the LPA could be held liable for not looking after the occupant of the caravan

correctly. The solicitor for the Authority agreed that it was important that the people involved were treated correctly (pursuant to the duties under the Equality Act 2010, as amended) and that was why the HoP was working with South Norfolk District Council, as the housing authority, to ensure that the occupant was rehoused in accordance with the necessary legal obligations. A member also made reference to the duties generally under the Homelessness Reduction Act 2017 on South Norfolk District Council

A member countered the earlier suggestion that the Authority had failed to engage with the operator, they believed the Authority had made numerous attempts over the years to do so.

A member summarised that the vast majority of the public did their utmost to comply with the planning process and objected very strongly to people who chose to disregard the rules. It was the job of this committee to know the rules, apply the rules and, in this case, the rules were being broken and warranted the proposed action.

Tim Jickells proposed, seconded by Bill Dickson and

**It was resolved by 9 votes for and 2 abstentions to authorise the serving of an Enforcement Notice requiring the cessation of the unauthorised use of the static caravan with a compliance period of four months.**

## 8. Enforcement update

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

**Land at the Beauchamp Arms (Unauthorised static caravans):** The operator and caravan occupants had been invited to interviews under caution and these would take place before the Christmas break.

**Blackgate Farm, High Mill Road, Cobholm:** The HoP confirmed that of the original six caravans only two remained on site and were occupied by members of the landowner's family. These caravans had until 1 April 2023 to be removed.

**Land east of Brograve Mill:** The Authority had raised a complaint with the Planning Inspectorate (PINS) as no Inspector had been assigned in the 90 weeks that this case had been lodged with PINS (normally expect a response in 16-20 weeks). In reply PINS had indicated that this site was provisionally scheduled to be visited on 5 January 2023.

**Land at the Beauchamp Arms (Unauthorised development):** The appeals paperwork had been submitted and the HoP expected a decision next year.

**Loddon Marina:** The HoP confirmed that the appeal statements would be completed and submitted in the next week.

**The report was noted.**

## 9. Belton with Browston, Burgh Castle and Fritton and St Olaves Neighbourhood Plan – area designation consultation

The Planning Policy Officer (PPO) introduced the report, that provided the result of the consultation of an application for designation of a neighbourhood area associated with the parishes of Belton with Browston, Burgh Castle and Fritton and St Olaves. The PPO confirmed that only 2 responses were received during the consultation; one indicating no comment and the other in support of the designation.

A member commended this form of collaboration between smaller areas in order to produce a Neighbourhood Plan.

Fran Whymark proposed, seconded by Vic Thomson and

**It was resolved unanimously to the designation of Belton with Browston, Burgh Castle and Fritton and St Olaves as a neighbourhood area.**

Bill Dickson left the meeting.

## 10. Annual Monitoring Report

The Planning Policy Officer (PPO) introduced the report, that detailed key metrics associated with planning activity from 1 April 2021 to 31 March 2022, as well as an assessment on how policies in the Local Plan for the Broads were utilised. The PPO provided some headline results:

- The Authority permitted 21 dwellings in total that count towards the housing need
- The Authority had demonstrated a 5-year land supply (Note that the presumption in favour of sustainable development did not apply in the Broads)
- Self-build exemption from the duty to give enough suitable development permissions to meet the identified demand.
- The average number of dwellings permitted, since the adoption of the Local Plan, was 16.33 dwellings which is greater than the Local Plan average of 11.43 dwellings.

A member congratulated the PPO on a comprehensive report and wondered what actions were required to improve the two policy areas rated as Red, namely DM14: Energy demand and performance and DM45: Designing Places for Healthy Lives. The PPO indicated that the Building Regulations associated with the energy efficiency had changed in June 2022 and this would prove beneficial in the context of Policy DM14. The HoP added that the use of Building Regulations to improve energy efficiency was a more effective means of engendering change in this regard given that the regulations were simpler to change and they applied nationally. The PPO highlighted the need for these policies to be taken into account when assessing future planning applications.



A member asked, in relation to Table 7 of the Annual Monitoring Report, how self-contained tourism accommodation could count towards the Objectively Assessed Housing Need (OAN) set out in the Local Plan. The PPO explained that the consultants, who calculated the OAN, had taken into account empty homes which, in this context, included holiday homes. On this basis these holiday homes could then be included when assessing whether this need had been met. The PPO confirmed that this methodology had been applied in the production of the previous three annual reports and had been clarified with the Inspector at the examination.

Tim Jickells proposed, seconded by Harry Blathwayt and

**It was resolved unanimously to endorse the Annual Monitoring Report 2021/22.**

## **11. Notes of the Heritage Asset Review Group meeting held on 28 October 2022**

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 28 October 2022.

The Chair indicated that the next HARG meeting would be on Friday 16 December 2022.

## **12. Appeals to the Secretary of State**

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

## **13. Decisions made by officers under delegated powers**

The Committee received a schedule of decisions made by officers under delegated powers from 31 October 2022 to 25 November 2022 and any Tree Preservation Orders confirmed within this period.

## **14. Date of next meeting**

Given that there were no matters for decision and no new policy matters scheduled for the 6 January 2023 meeting, it was agreed to cancel this meeting.

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

The meeting ended at 11:34am

Signed by

Chair

## Appendix 1 – Declaration of interests Planning Committee, 09 December 2022

Member	Agenda/minute	Nature of interest
Harry Blathwayt, Nigel Brennan	7.1	Member of Broads Internal Drainage Board, the applicant, so left the room for this item
Tony Grayling	7.1	Director, Sustainable Business and Development for the Environment Agency - chose to abstain as Environment Agency were a consultee