

# Planning Committee

## Minutes of the meeting held on 05 November 2021

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## **Present**

Tim Jickells – in the Chair, Harry Blathwayt, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Gail Harris (items 1-8), Paul Hayden, James Knight, Leslie Mogford and Michael Scott

## **In attendance**

Natalie Beal – Planning Policy Officer (items 9-11), Nigel Catherall – Planning Officer (item 7.1), Cheryl Peel – Senior Planning Officer, Calum Pollock – Planning Officer (item 7.2), Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Governance Officer

Steven Bell (solicitor) of Birketts attended for items 1-7

## **Members of the public in attendance who spoke**

None

## **1. Apologies and welcome**

The Chair welcomed everyone to the meeting.

**Apologies** were received from Vic Thomson, Melanie Vigo di Gallidoro and Fran Whymark

### **Openness of Local Government Bodies Regulations 2014**

The Chairman 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.

A representative from the Press advised that he would be recording the meeting.

## **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 8 October 2021 were approved as a correct record and signed by the Chairman.

## **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 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/2021/0298/FUL – Cremorne House, Cremorne Lane, Thorpe St Andrew Change of use from dwelling house (C3) to residential care home (C2) with minor interior amendments**

**Applicant: Mr William Clark**

The Planning Officer (PO) provided a detailed presentation on the application for the change of use from dwelling-house (C3) to a residential care home (C2) for up to six residents and for minor interior amendments to the dwelling at Cremorne House, Cremorne Lane in Thorpe St Andrew. He advised the meeting that the application was not retrospective, which was incorrectly stated in the report (para 6.1) and that two new representations had been received since the report had been published, from nearby residents relating to parking and highways concerns but these did not raise any new planning issues not already addressed. The agent had subsequently confirmed that family visits would be pre-organised only and, under normal circumstances, would be a maximum of one parent per week in total, per property. The application was before the committee because it was a departure from the Local Plan, as the site was outside a defined development boundary. In addition, the PO advised that the departure advertisement in the local Press did not expire until 11 November and consequently the officer recommendation needed to be amended accordingly, to delegate authority to the Head of Planning to approve, subject to no new material considerations of significant weight arising from the consultation and subject to conditions.

In assessing the application, the PO addressed the key issues of: the principle of development; impact on amenity of neighbouring residents, and highway considerations.

In response to a question on the amount of available car parking on site, the PO advised that there was a four-bay garage and three car parking spaces, plus additional space available, and so he considered that the site could accommodate at least nine cars.

As the agent was unable to attend, the Senior Planning Officer read out his statement on his behalf, as follows:

“The proposal is for the change of a dwelling (C3) to a residential care home (C2) for up to six residents with no live-in staff. It is accepted that the final decision is to be made by the Planning Committee due to the proposal representing a departure from the Local Plan, but we have provided all the necessary justification to support the development which has resulted in a recommendation for approval today from Nigel Catherall the Planning Case Officer and his Team Leader. The applicant is Teddy Clark Ltd, and the care provider is Cascade Care Ltd

whose operation 'supports people living with autism, mental health conditions and learning difficulties and enables them to develop greater independence.' There is a clearly defined need for such accommodation and care in the East Anglia region and our supporting statement demonstrates a significant lack of facilities in the local area. Karen Joy, Senior Commissioning Manager for Learning Disabilities at Norfolk County Council, confirmed in an email to us that she fully supports this application as there is a clear demand for this new service and have in fact already identified people that would be able to benefit from this development which includes bringing people back into Norfolk from out of county placements. Policy DM41 relates to specialist housing and cites being close to services and facilities as important to provide benefits to residents, staff, and visitors. The application site is located in a well-established residential area, albeit out of the settlement boundary for Thorpe St Andrew, but is near the main road network to the north with regular bus services close by which reaffirms the sustainability credentials of the site. Given that the building is used as a large family dwelling, then the day-to-day activities to and from the site would not be noticeably different from the extant use. As the building is set within a generous plot and well away from the neighbouring residents, residential amenity would be unaffected by the proposal. In terms of access, the site has two points of access from Cremorne Lane and Frogs Hall Lane but the Highways Department have stated that Cremorne Lane should be used only which we are in agreement with. Aside from that, no objection has been raised. Given that there is a defined and established need for such a facility in the area and that the proposal meets the criterion set in Policy DM41, then we would hope that the Committee Members would provide their fullest support for such a development. Crucially, we have received no objections from any nearby residents, Council Departments or other consultees to the proposal which only adds weight to supporting this proposal. Based on this information, we respectfully request that the Change of Use application is approved. However, should there be any unexpected items that may prevent this application being granted approval today, I am available to be contacted immediately to resolve any concerns."

Members considered that the proposed use was acceptable in principle as it provided residential care in a largely residential setting. Whilst the site was outside of a defined development boundary and therefore, a departure from the Local Plan for the Broads Policy DM41, there were a number of considerations which weighed in favour of the proposal. The site was in an accessible location with good links to public transport and acceptable level of services. It was considered that sufficient information had been submitted to establish there was a local need for the proposed accommodation and there was not an undue concentration in the area. It was noted that the Highways Authority had not raised an objection, subject to conditions regarding the use of Cremorne Lane only for vehicular access.

In conclusion, it was considered that, whilst the development was not fully compliant with Policy DM41, in this instance other material planning considerations meant that, on balance, it was sustainable development and therefore acceptable and in accordance with Policies DM21 and DM23 of the Local Plan for the Broads.

Bill Dickson proposed, seconded by Andrée Gee, and

**It was resolved by 10 votes for and one abstention**

**To delegate authority to the Head of Planning to approve the application** subject to no new material considerations of significant weight arising from the consultation, and subject to conditions relating to: (i) time limit; (ii) in accordance with approved plans; (iii) use as care home only and no other C2 uses; (iv) vehicular access via Cremorne Lane only; (v) details of signs to advise no vehicular access via Frogs Hall Lane; (vi) publication material to refer to vehicular access via Cremorne Lane only; (vii) numbers of residents and staff, and the use of the parking areas in accordance with submitted information; (viii) access, on-site car parking, turning/waiting area provided prior to first use and (ix) no external lighting without written permission.

**(2) BA/2021/0256/COND – Burgh Castle Marina, Burgh Castle**

**Variation of condition 1 of permission BA/2004/0820/HISTAP to allow holiday use during the period from 1 March to 14 February in any year**

**Applicant: Island Meadow Parks**

The Planning Officer (PO) provided a detailed presentation on the application to vary condition 1 on planning permission BA/2004/0820/HISTAP which restricted the occupation of the accommodation at the Burgh Castle Marina holiday park for holiday purposes only and during the period 1 March to 31 January in any year. The proposal would allow the holiday park to operate during the period from 1 March to 14 February in any year.

In assessing the application, the PO addressed the key issues of: the principle of the development; the impact the proposed amendment would have on holiday accommodation and the impact it would have on amenity.

A member queried if the purpose of the application was to further more residential use, questioning what would be the tourism value of an additional two weeks in February, noting that the objections received all related to permanent use of the holiday accommodation. The PO acknowledged that a concern around permanent residential use was raised, but it was confirmed that the holiday park management company operated all their sites as tourism sites and therefore, it was not considered the purpose of this application was to make the accommodation residential, and consideration could only be given to what was being proposed.

In response to some members' concerns about ensuring the use of the accommodation was restricted to tourism only, the solicitor reminded the committee that the condition imposed on the original planning permission prevented residential use as it limited the use "for holiday purposes only". He added that the application for determination was a variation in the condition regarding the occupancy period and any other matters concerning the actual use of the accommodation would be an enforcement issue if there was a breach of that condition and it was expedient to take enforcement action.

The Senior Planning Officer informed members that, by way of background, officers had looked at the restrictions which applied to the other holiday accommodation sites surrounding the application site – these varied considerably from no restrictions on closure times; two months' closure in December and January, through to year round use but providing an occupant stays no more than 181 days.

A member referred to the increasing pressure for all year round holidays in the Gt Yarmouth area which led to an increased need for tourism accommodation throughout the year, including the winter months, as well as entertainment facilities. In his view, there was no reason to close the park down just for two weeks of the year as it could be controlled through the planning condition.

In response to a question on whether the enforcement team could investigate any potential enforcement issues if the planning application were to be approved, the Director of Strategic Services confirmed that, as part of the Authority's enforcement tasks, all holiday sites were inspected annually to ensure they were complying with occupancy conditions.

It was acknowledged that the Authority had inherited conditions imposed by local authorities when they had been the Local Planning Authority for the Broads Executive Area at the time, and there were many variations on how the holiday restrictions were formulated. It was suggested that the broader issue should be looked at in the future as part of the review of the Local Plan, taking into consideration the impact on local services and the possibility of people living in sub-standard accommodation etc.

In conclusion, it was considered that the variation would protect existing tourism uses, whilst ensuring the site remained closed for two weeks of any year and would not have a detrimental impact on amenity and therefore, was in accordance with Policies DM21, DM29 and DM30 of the Local Plan for the Broads. Members had some sympathy with the issues raised by the public and parish / district councillors but these were not considered to be material in the determination of this planning application, as they related to enforcement matters.

Leslie Mogford proposed, seconded by Stephen Bolt, and

**It was resolved by 10 votes for and one abstention**

**To approve the application** subject to the following condition:

- (i) The accommodation shall be used for holiday purposes only and may only be occupied during the period from 1 March to 14 February, in any year.

The Committee adjourned at 11.07am and reconvened at 11.15am.

## 8. Enforcement update

Members received an update report from the Senior Planning Officer on enforcement matters previously referred to the Committee.

(Andrée Gee left the meeting at this point)

## 9. Adopting the Marketing and Viability Guide

The Planning Policy Officer introduced the report, which proposed that the Marketing and Viability Guide be endorsed for adoption by the Authority. The Guide had been consulted on three times, most recently between July to September 2021.

(Andrée Gee returned to the meeting)

Harry Blathwayt proposed, seconded by Bill Dickson, and

**It was resolved by 9 votes for and one abstention (due to the member having left the room during the item) to recommend that the Broads Authority adopt the Marketing and Viability Guide.**

## 10. Local Plan Issues and Options bite size pieces

The Planning Policy Officer introduced the report, which provided members with a section of the emerging draft Issues and Options stage of the Local Plan, as part of the review of the Local Plan, and inviting members' thoughts and comments. The area covered was: trees, woodland, shrubs and bushes.

Members considered that the introductory text needed to be strengthened in terms of the navigation aspect, recognising the risk trees could pose to boaters by hanging branches etc, as well as reducing the wind available to power sail boats. In some circumstances, the "right tree in the right place" could actually mean no tree. The section needed to be furthered to say that some locations in the Broads may not be appropriate for trees and also refer to the need for maintenance, to deal with overhanging branches etc. along the river banks, and potentially their clearance.

It was also considered that the choice of species of tree being planted was important. Finally, the value of peat is a "carbon sink", so tree planting would not be appropriate or adequate in peatlands. This also needed to be included in the introductory text.

**The Committee's response on the trees, woodlands, hedges and shrubs section of the Issues and Options was noted.**

## 11. Consultation documents update and proposed response

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to a Regulation 14 consultation on the Bungay Neighbourhood Plan by Bungay Parish Council.

In response to a question on what would happen if the Parish Council ignored the fundamental point raised in the first bullet point (relating to the Design Guide), the PPO advised that she would need to make a firmer objection at the next stage, relating the issue to one of the basic conditions. However, the same consultant had been used on two or three other Neighbourhood Plans where this situation had happened and so they would recommend to the Town Council to take the correct approach. She added that this matter had

been raised with Locality and AECOM consultants and it was expected that Design Guides currently being produced would have a better context for use by the Broads Authority.

**It was resolved by consensus to note the report and endorse the nature of the proposed responses.**

## **12. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q2 (1 July to 30 September 2021)**

The Senior Planning Officer introduced the report, which provided the development control statistics for the quarter ending 30 September 2021. Key figures were in table 3, which showed that 100% of applications had been determined within national targets.

**The report was noted.**

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

The Committee received a schedule of appeals to the Secretary of State since the last meeting. The Senior Planning Officer advised that a start dated had been received for Ye Olde Saddlery in Neatishead and the Authority's statement had to be submitted by the end of November.

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

The Committee received a schedule of decisions made by officers under delegated powers from 27 September 2021 to 22 October 2021 and any Tree Preservation Orders confirmed within this period.

## **15. Date of next meeting**

The next meeting of the Planning Committee would be on Friday 3 December 2021 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting ended at 11:42am

Signed by

Chairman

## Appendix 1 – Declaration of interests Planning Committee, 05 November 2021

Member	Agenda/minute	Nature of interest
Stephen Bolt	7.1	Potentially looking to access this type of care home facility in the future for a family member. Not a disclosable or “other” interest but chose to abstain from voting.