

Planning Committee

Minutes of the meeting held on 08 October 2021

Contents

1.	Apologies and welcome	3
	Openness of Local Government Bodies Regulations 2014	3
2.	Declarations of interest and introductions	3
3.	Minutes of last meeting	3
4.	Matters of urgent business	3
5.	Chair's announcements and introduction to public speaking	3
6.	Requests to defer applications and/or vary agenda order	4
7.	Applications for planning permission	4
	(1) BA/2021/0255/ FUL – 39 Thorpe Hall Close, Thorpe St Andrew	4
	(2) BA/2021/0305/CU – How Hill River Bank, Ludham	6
8.	Enforcement update	6
9.	National Design Guide and Model Design Code	8
10.	Sustainability Appraisal Scoping Report – comments received from consultation	8
11.	Neighbourhood Planning – designating Stalham as a Neighbourhood Area	9
12.	Local Plan Issues and Options bitesize pieces	9
	Tranquillity	9
	Farm diversification	9
	Your part of the Broads	10
	Agriculture	10
13.	Consultation responses	11
14.	Belaugh Conservation Area – final draft for adoption	11
15.	Minutes of the Heritage Asset Review Group meeting held on 17 September 2021	12
16.	Appeals to the Secretary of State	12
17.	Decisions made by officers under delegated powers	13
18.	Date of next meeting	13

Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andrée Gee, Gail Harris, Tim Jickells, James Knight, Michael Scott, Vic Thomson and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer (items 9-13), Nigel Catherall – Planning Officer (item 7.1), Kate Knights– Historic Environment Manager (item 14), Cheryl Peel – Senior Planning Officer, Callum Sculfor – Planning Assistant, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Governance Officer

Deborah Sharples (solicitor) of Birketts attended for items 7.1 and 8.

Members of the public in attendance who spoke

None.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting, including Callum Sculfor who had recently been appointed as a Planning Assistant.

Apologies were received from Nigel Brennan, Paul Hayden and Leslie Mogford.

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.

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 10 September 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

The Chair advised that a planning training session had been arranged for Friday 26 November. Further details would be provided to members in due course.

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. It was noted that item 7.2 had been deferred, as previously advised to members via email.

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 decision set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decision.

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/2021/0255/ FUL – 39 Thorpe Hall Close, Thorpe St Andrew

Retrospective change of use from dwelling to 9 bedroom House in Multiple Occupation (HMO)

Applicant: Mr Shah

The Planning Officer (PO) provided a detailed presentation on the retrospective application to regularise the use of the property at 39 Thorpe Hall Close in Thorpe St Andrew as an HMO. The supporting documents supplied with the application stated that the property was converted in 2015 to an HMO providing 9 bedrooms and confirmation had been received from the relevant local authority that the property was licensed as an HMO in October 2018, as soon as mandatory licensing legislation was introduced. Planning permission was required as a 9 bedroom HMO fell outside of Use Class C3 (dwelling houses) and Use Class C4 (HMO up to 6 people) and was therefore Sui Generis.

In assessing the application, the PO addressed the key issues of: the principle of development; the suitability of the accommodation; impact on neighbouring residents; and parking provision and highways.

In response to a question on the number of car parking spaces available at the property, the PO advised that there were four formal spaces and once the kerb had been dropped as required by the Highways Authority, this would increase to five spaces. A member commented that he was concerned about the lack of parking provision, particularly as the permitted number of residents at the property (17) could, in theory, mean there would be 17 vehicles and consequently all available on-street parking on Thorpe Hall Close could be taken up by just one property. The PO responded that other properties in the area, including flats, town houses and large detached houses, had dedicated parking areas and consequently there was very little on-street parking. In addition, the property was in a sustainable location, with good public transport links and within walking and cycling distance of the city.

A member queried if suggested conditions (iv) and (v), relating to cycle parking and bin storage areas, met the tests within the NPPF in terms of necessity and reasonableness. The PO responded that the Highways Authority was recommending the provision of secure cycle

parking provision and, bearing in mind, the character of the area, it would not be unreasonable to require the area to be tidied up by providing a bin storage area. In response to a question on the type, number and size of waste bins which would be provided, the PO advised that this was controlled by the district council. The Head of Planning added that it was appropriate for the Planning Committee to consider the issue of refuse bins as it was a matter of residential amenity and therefore, a material consideration. Furthermore, as the site was located within a Conservation Area, the issue could be afforded greater consideration. A less prominent and more screened area would minimise the impact and make the development more acceptable. In response to a question about whether the development would still be acceptable without those two conditions, the legal advisor confirmed that she was satisfied the conditions were appropriate for such a dense form of development. In terms of the cycle storage, this was appropriate given the low level of parking provision at the property; the Highways Authority was not objecting to the proposal as the site was in a sustainable location and cycling was being encouraged as an alternative form of transport. It was common for new housing developments to provide storage areas for both cycles and refuse bins and so this would not be an anomaly. However, she suggested that the wording of condition (v) could be amended to include a requirement that the bins remained in the storage area except when they were due for collection/emptying. She also advised that, as the application was retrospective, the conditions would need to be drafted to reflect that, and the development should cease to be occupied within a set period if the necessary details had not been provided and implemented. A period of three months was considered reasonable for compliance with the conditions. Members supported these suggestions and noted that, should the application be approved, the conditions would reflect their comments.

Members noted the concerns raised by objectors but acknowledged that they could only take into consideration issues relating to planning (ie neighbour amenity, highways, and character of the area due to a possible over-intensification of the use); others related to either environmental health or the licensing regime which were within the remit of the district council and objectors should be advised accordingly.

In conclusion, it was considered that the change of use was acceptable in principle and those issues which fell within planning control and required addressing could be dealt with through the imposition of appropriate conditions, having regard to Policies DM35, DM21 and DM23 of the Local Plan for the Broads.

Bill Dickson proposed, seconded by Harry Blathwayt and

It was resolved unanimously

To approve the application subject to conditions relating to: (i) in accordance with approved plans; (ii) widening of vehicular access; (iii) details of access and on-site car parking area including layout, space demarcation, levels, surface, and drainage; (iv) details of dedicated and secure cycle parking area and (v) details of bin storage area.

(2) BA/2021/0305/CU – How Hill River Bank, Ludham

The Chair reminded the Committee that, as previously notified by email, this item had been deferred to allow for further information to be obtained and to enable officers to review this as part of their assessment of the application.

8. Enforcement update

Members received an update report from the Head of Planning (HoP) on enforcement matters previously referred to the Committee.

In respect of the land at the Beauchamp Arms, the HoP provided a resumé of the history to this site for the benefit of new members to the committee. A number of static caravans had been stored within the grounds of the public house for a number of years. The caravans were moved to the rear of the public house in 2020 and in November 2020, Planning Contravention Notices (PCNs) were served asking about the ownership, use and occupation of the three static caravans, to which incomplete responses were received, despite a number of extensions to the time allowed for responses. As a consequence, it was decided to prosecute for failure to respond. Solicitors were instructed in February 2021 and an initial Hearing date was set for May which was then adjourned at the operator's request until 9 June. At this Hearing, a "not guilty" plea was entered and a trial date set for 28 September.

The HoP reminded members that the purpose of a PCN was to obtain information so that the local planning authority can determine if a planning breach has taken place, what the breach was and what action should be taken. The local planning authority still did not have the required information and so further PCNs would need to be served. However, it had been hoped that a successful prosecution would result in the operator being rather more diligent in completing the PCNs when requested the next time round. In July and August 2021, officers became aware of a lot more activity at the premises relating to both the public house and the caravans. Information was provided by a third party which indicated that the caravans were being occupied. Therefore, legal advice had been sought on whether new PCNs could be served the new whilst the prosecution was still running, potentially asking for an adjournment of the trial in September to enable officers to assess the new information. The Authority's solicitor had advised the best approach would be to serve the new PCNs, withdrawal of the current prosecution (which would save costs in terms of legal costs and officer time) and on the basis of the information received, it was reasonable for the local planning authority to review its position and take a view in the round.

Accordingly, on 7 September new PCNs were served and the prosecution was withdrawn. On 17 September, the two individuals with control of the site had visited the offices to discuss the PCNs with planning officers. Responses were then received to the PCNs on 27 September. However, the submitted responses were not entirely comprehensive and so officers had contacted the operator for further information. The HoP advised that officers had the benefit of evidence from a credible third party regarding the activities on site and were also liaising with the relevant district council. Council Tax officers had inspected the site and supplied the Broads Authority with information regarding the use of the site. This information would be

compared with the information supplied by the landowners to enable officers to assess the planning implications. If there was a breach of planning control and it was expedient to take action, preparations would be made to serve Enforcement Notices (ENs). The HoP reminded members that authority had been granted by the committee to serve ENs on 14 September 2018 and sought members' approval that this would be sufficient authority for officers to serve new ENs, in consultation with the Chair and Vice-Chair of the Committee.

In response to a question on whether there had been new information which had caused a change in the Authority's direction for action, the HoP responded that there had been a lot more activity on site since November 2020, with the public house reopening and increased work both inside and out of that building, based on evidence gained from South Norfolk Council, BA officers and a reliable witness.

A member commented that there now seemed to be an acceptance that the static caravans were an established use as they had been on site for so long and referred to an article in the Press which stated that the operator claimed to be paying Business Rates on them and so there was no need for Council Tax. He questioned exactly what the planning contravention was thought to be. The HoP responded that officers were not saying there was an established use but, as members would be aware, planning permission was not always required for caravans. A change of use occurred if the caravans were being used for residential purposes. The member responded that he felt the situation had evolved since the original authority had been granted for the removal of unauthorised static caravans to potential enforcement action for residential use. He would prefer to see a full report on the actual offence presented to the Committee to consider, before any further action was authorised. Other members did not support this view, as it would cause unnecessary delay to a situation which had a history going back to 2018 and which needed to be resolved. The legal advisor stated that the ENs would seek to control whatever the breach was: either the position of the caravans, the use of the caravans or both.

Bill Dickson proposed, seconded by Stephen Bolt, and

It was resolved unanimously to delegate authority to the Head of Planning, in consultation with the Chair and Vice-Chair of the Planning Committee, to serve Enforcement Notices for a breach of planning control relating to the unauthorised caravans on land at the Beauchamp Arms Public House in Carleton St Peter. However, the matter would be brought before the Committee for decision, in the event that the Chair and Vice-Chair did not wish to exercise their delegated power, in the light of any new information.

Further updates were also provided at the meeting as follows:

Blackgate Farm, High Mill Road, Cobholm: officers had written to all occupiers of the site and various other parties. A site visit would be made in February 2022 to check compliance with the EN.

Land east of Brograve Mill, Coast Road, Waxham: contact had been made with the Planning Inspectorate to ascertain the cause of the delay in making the decision.

Land off Damgate Lane in Acle: this case would now be closed as the caravan was no longer occupied. In response to a question, the HoP confirmed that officers would visit the site again in due course to ensure that the caravan did not return to a residential occupancy.

9. National Design Guide and Model Design Code

The Head of Planning introduced the report, which set out how the Authority proposed to comply with paragraphs 128 and 129 of the revised NPPF, requiring local planning authorities to prepare design guides or codes for their area.

It was proposed that the design guide and code work for the Broads was developed in parallel with the Local Plan review, as there were similarities in the processes and the consultation and engagement work could be shared. Given the nature of the Broads, the emphasis would likely be on the protection and reinforcement of its existing qualities and characteristics, rather than on the design of new development. Preliminary work would focus on documenting the key design characteristics of the Broads and then developing these in relation to the ten characteristics set out in the [National Design Code](#). It was acknowledged that a lot of the characteristics were more relevant in an urban area, as opposed to a rural area and so it would be up to each local planning authority to determine how it would interpret them for its own area.

A member commented that he could not see any mention in the Design Guide of heat efficiency. The HoP responded that all local planning authorities would tailor the guide to suit their own needs and given the unique nature of the Broads' vernacular and some of the challenges posed by historic buildings, things like insulation and modern heating standards would be an important part of the Authority's code.

Another member referred to sustainability and efficient use of resources, commenting that this related to more than just individual houses but also the nature of development, transport links etc and the HoP confirmed this would be included.

The report was noted.

10. Sustainability Appraisal Scoping Report – comments received from consultation

The Planning Policy Officer (PPO) introduced the report, which presented the comments received on the Technical Consultation on the Sustainability Appraisal Scoping Report, which had been held between July and August 2021. This was the first stage in reviewing the Local Plan. The PPO corrected an error in ref. 42 which should state ENV6 (not 5).

It was agreed by consensus to note the comments and support the responses and proposed changes to future iterations of the Sustainability Appraisal.

11. Neighbourhood Planning – designating Stalham as a Neighbourhood Area

The Planning Policy Officer introduced the report, outlining a request from Stalham Parish Council for the entire parish of Stalham to become a Neighbourhood Area in order to produce a Neighbourhood Plan.

There were no known or obvious reasons not to agree to the Neighbourhood Area.

Andrée Gee proposed, seconded by Gail Harris, and

It was resolved unanimously to agree to Stalham Parish becoming a Neighbourhood Area to produce a Neighbourhood Plan.

12. Local Plan Issues and Options bitesize 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, as part of the review of the Local Plan, and inviting members' thoughts and comments. The areas covered were: (i) tranquillity; (ii) farm diversification; (iii) your part of the Broads and (iv) agriculture.

Tranquillity

Tranquillity was more than just noise; it was about remoteness and where people felt calm. The NPPF referred to tranquillity at paragraphs 102b and 185b, and required planning policies and decisions to “identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”. The options were: keep current approach – with policies on amenity; dark skies and protection of landscape, or extend further. Members generally supported the section, noting that there are parts of the Broads that are very tranquil.

Farm diversification

Agriculture is one of the main land uses in the Broads, and an important part of the local economy; important to society for the provision of food and is part of the character and vitality of the countryside. It was acknowledged that agricultural incomes would change as a result of agricultural policy post BREXIT and the subsidies regime would evolve and there were also lots of other factors out of farmers' control that could impact income and make farming less viable. Therefore, farm diversification could assist in making farms more viable and the local planning authority hoped to assist in that.

A member commented that his perception was that the Authority was not as keen on farm diversification, especially for tourism, as it should be, referring to a recent planning application which had been approved but met with some resistance. He considered more should be done to support small scale farm diversification projects, particularly glamping types of sites, such as bell-tents, pods, tepees etc. which fitted well into the farm environment. In terms of the re-use of existing buildings, applicants had to demonstrate viability by providing reports often costing £'000s which was a disproportionate cost and burden to a farmer. Another member drew attention to the 56 day option, which farmers

could use to provide temporary campsites and so the ability for farm diversification was already available, without requiring planning permission. However, one member's experience was that this often led to complaints by the public as they were unaware of the rules relating to temporary permission and so it would be preferable to regularise as part of the planning regime.

A member stated he wanted to maintain viable agriculture but not preclude diversification or even fragmentation. He would like to see growth allowed within the Broads area, whilst maintaining its natural character, but also allowed activity in the landscape. It was important not to imply precluding particular activities but ensure they were well-planned, whilst allowing the landscape to evolve and to enable the local planning authority to maintain control.

Overall, there was general support for diversification within the planning framework, particularly if it kept a farm viable but the difficulties of converting redundant farm buildings were recognised and so options should be explored to establish what useful purposes they could serve. In some cases, demolition might be the only option.

The PPO reminded members that the document was not setting policy but coming up with thoughts, ideas and questions for consultees. It could be that the responses meant that a particular issue was not included in future iterations of the Local Plan or it could be concluded that the current policy was sufficient. Members concurred they were content with the wording of the questions being posed, which were suitably open.

A member commented that some wording on page 55 led the reader to be against farms breaking up, to which the PPO responded that this related to applications for farm diversification but actually involved renting out parts of a farm, e.g. glamping pods operated by someone else, which could be replicated throughout the site and it was questionable if this was farm diversification. She agreed to review the wording to be clearer. The Head of Planning added that officers would also review against how other local planning authorities dealt with the issue. The balance was supporting a thriving agricultural sector and rural economy but also protecting the character of the area.

Your part of the Broads

In the Broads, there were only parts of parishes and settlements and all were shared for planning purposes between the Broads and the relevant district. Consultees' views would be sought on what made their village or town a good place to live; what needed to be done to protect it or improve it.

Members thought this was an important set of questions and recommended that all parish councils be encouraged to respond.

Agriculture

Agriculture was a key land use in the Broads and was important to the local economy. The current Local Plan had policies relating to rural enterprise dwellings (DM38) and business and farm diversification (DM27). Currently, other types of agriculture development would be

assessed against various policies in the Local Plan and it was questioned if there was a need for a policy that helped guide agriculture development.

A member commented that it must be recognised that agricultural buildings would need to change their use and have a position by which that was straightforward to do as it was historic development and they need to be found new uses, such as the windmills, and remain in the landscape in a decent form.

A member referred to the run-off to water courses arising from new development, and also different crops had different run off levels. The PPO responded that for change of use applications the run-off rates were already in the Local Plan (in the SUDS policy) but this could be added as a consideration for the issues and options document.

The Committee's responses on the bitesize pieces were noted.

13. Consultation responses

The Planning Policy Officer introduced the report, which provided a proposed response to two planning policy consultations recently received: a Regulation 16 consultation on the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan and Norfolk County Council's proposed Transport for Norwich Strategy.

Tim Jickells proposed, seconded by Andreé Gee, and

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

14. Belaugh Conservation Area – final draft for adoption

The Historic Environment Manager (HEM) introduced the report, supplemented by a presentation, on the appraisal process for the Belaugh Conservation Area, the management and enhancement proposals and the subsequent proposed changes to the boundaries. As part of the appraisal process, a number of buildings had also been identified to be formally designated as Locally Listed. Finally, two Article 4 Directions were also being proposed to remove permitted development rights relating to the replacement of thatched roof coverings and the installation of solar / PV panels on specified properties. The Conservation Area (CA) was almost wholly within the Broads Authority Executive Area, apart from a property within the proposed CA extension which was within Broadland District Council's area, and it had been involved in the re-appraisal process. The Council was responsible for the formal adoption of that part of the CA which fell within its remit and a report would be considered by its members in due course.

Consultation literature was sent to all residents within the CA boundary plus homeowners affected by the Local List proposals and Article 4 Directions were sent a more detailed letter and notices where required. A consultation event was held in the parish, which was very well attended. It was noted that nine formal responses had been received to the consultation, with

the majority of the feedback being positive and constructive. No objections were received to the Conservation Area Appraisal.

The proposals had been discussed at the Heritage Asset Review Group Meeting on 17 September and members had expressed their support for the process, consultation, draft document and proposals for the Local List and Article 4 Directions.

A member referred to the proposal to remove the overhead wires in The Street and the possibility of re-instating the red phone box, commenting that as there was no parish council for Belaugh there was no precept and consequently no public funds to cover the costs. He questioned if the Authority could provide support, financial or otherwise, to assist the parish achieve the proposals. The HEM responded that the list of management and enhancement proposals was a “wish list”, subject to appropriate funds being available. There was the possibility of applying to Historic England for a conservation grant and the fact that the site was within a Conservation Area would go in its favour. The Broads Authority would certainly support the parish and actively look for appropriate funding.

Bill Dickson proposed, seconded by Stephen Bolt and

It was resolved unanimously to:

- i. note the feedback from the consultation on the draft Belaugh Conservation Area Appraisal, Local List and Article 4 Directions;**
- ii. adopt the Belaugh Conservation Area Appraisal, including the proposed boundary change, and management and enhancement proposals (detailed in paragraph 1.11 and Appendices 1 and 2 of the report);**
- iii. adopt the additional buildings to the Local List (identified in Appendix 3 of the report); and**
- iv. confirm the Article 4 Directions (detailed in Appendix 4 of the report).**

15. Minutes of the Heritage Asset Review Group meeting held on 17 September 2021

The minutes of the Heritage Asset Review Group meeting held on 17 September 2021 were received and noted.

The Chair of the Group encouraged all members to attend meetings to learn about the Authority’s responsibilities, and the interesting work being undertaken in respect of the heritage of the Broads and its heritage assets.

16. 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 reported that a start date had been received for the appeal by Morrisons, with work starting on the questionnaire that week.

17. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 28 August to 24 September 2021 and any Tree Preservation Orders confirmed within this period.

18. Date of next meeting

The next meeting of the Planning Committee would be on Friday 5 November 2021 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting ended at 12:17pm

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 08 October 2021

Member	Agenda/minute	Nature of interest
Fran Whymark	7.1	Portfolio for Housing & Wellbeing at Broadland District Council (remit included HMOs)
	14	District and County Councillor for Belaugh