

Planning Committee

Minutes of the meeting held on 13 September 2024

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Present

Tim Jickells – in the Chair, Harry Blathwayt, Stephen Bolt, Andrée Gee, Tony Grayling, James Harvey, Martyn Hooton, Kevin Maguire, Matthew Shardlow and Melanie Vigo di Gallidoro

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Steve Kenny – Development Manager, Kayleigh Judson – Heritage Planning Officer (item 7), Harry Mach – Carbon Reduction Projects Manager (item 10), Ruth Sainsbury – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

Mr Adam Singer, as applicant, and Steven Howes, as agent, for item 7: BA/2023/0214/FUL and BA/2023/0215/LBC Toft Monks Mill, Haddiscoe Island

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from 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. 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 16 August 2024 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

The Chair welcomed the recently appointed Development Manager to his first planning committee meeting with the Authority. The Chair noted that this was Kevin Maguire's last

meeting before his term of appointment ended and thanked him for his support and contributions on the committee since he joined in July 2023.

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Practice for members of the Planning Committee and officers. Those who wished to speak were invited to come to the Public Speaking desk when the application they wished to comment on was being presented.

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.

**BA/2023/0214/FUL and BA/2023/0215/LBC Toft Monks Mill, Haddiscoe Island
Restoration of drainage mill, re-build steam pump building, and erection of replacement building for living accommodation (removing this element from the drainage mill)
Applicant: Mr and Mrs Singer**

The Heritage Planning Officer (HPO) provided a detailed presentation of the application that involved the restoration of a Grade II listed drainage mill, the rebuilding of a steam pump building and the erection of a discrete replacement residential building that enabled the mill to be restored to full working order.

The presentation included a location map, a site map showing the proximity of the site to the River Waveney, a detailed diagram of the existing site, photographs of the access track leading north adjacent to the floodbank, the mill and remains of the steam pump, a plan diagram and cross section diagram of the south-east elevation of the extant 1974 development, a diagram depicting the south-east and south-west elevations of the 1974 development (highlighting why this development prevented the restoration of the mill to full working order), a detailed site plan of the development including an overlay of the 1974 development, a diagram depicting the south-east and south-west elevations of the restored mill, aerial cut away diagrams of each of the four floors of the mill, a diagram depicting the plan and four side elevations of the restored pump house including a photograph of the original structure from the 1960s, a diagram depicting the plan and four side elevations of the replacement dwelling, a diagram depicting artist's impressions of the completed site from various vantage points and an artist's impression of the whole site viewed from the south-west.

The HPO confirmed that no further consultation responses had been received since the publication of the report and indicated that a new condition would be included for application BA/2023/0214/FUL to remove householder permitted development rights relating to enlargement, improvement or other alteration of a house. The HPO added that the Broads Authority was awaiting a RAMS (Recreational Impact Avoidance and Mitigation Strategy) payment and therefore, if Members were inclined to permit these applications, final approval would be delegated to the Head of Planning once payment had been received.

Tony Grayling left the meeting.

In response to questions the HPO confirmed that the living accommodation would have a green roof, that the planting of the roof had been conditioned, that other residential properties were present on Haddiscoe Island and that flood resilience had been incorporated into the design of the dwelling.

A Member was keen to understand how the Authority could ensure the restoration of the mill. The HPO confirmed that the Section 106 (s106) agreement, that specified the restoration of the mill before use of the dwelling, would be legally binding and was a proven mechanism of enforcing agreed delivery milestones on a development.

Members had concerns regarding the efficacy of an s106 agreement for ensuring the extant permission was not implemented and asked if there were alternative mechanisms for negating an extant permission. The Head of Planning (HoP) responded that the legal framework provided by the s106 agreement was a standard mechanism for replacing an extant permission. She confirmed that if Members chose not to approve the application the extant permission could be completed with no further recourse to the Local Planning Authority (LPA) for the Broads.

In response to a question the HoP confirmed that this was indeed an exceptional case due to the extant 1974 permission and as such it could not be used to set a precedent in the context of future applications within the Broads executive area.

A Member noted that the flood risk on the site had changed considerably since 1974 and asked whether the application had accounted for up-to-date tidal flood risks and climate change. The HPO confirmed that the applicant had submitted a Flood Risk Assessment that incorporated multiple types of flood event including tidal flooding and projected changes due to climate change. A number of steps had been taken to mitigate the flood risk on site including the use of stilts to raise the dwelling above all but the most extreme flooding events. The applicants had provided a flood response plan and an evacuation plan to ensure that occupants were not on site in times of extreme flooding. This had not been a requirement in 1974 when the previous application had been approved.

A Member noted that the Habitat Regulations Assessment (HRA) had been provided by a third party and asked whether this assessment would be adopted by the Authority. The HPO confirmed that the HRA had been reviewed and ratified by the Authority's ecologists.

In response to a question the HPO confirmed that the development would have no impact on the Public Right of Way to the east of the site and there was no requirement for a Temporary Closure Order.

A Member asked, in light of the objection from the Environment Agency (EA), whether there would be further discussion with the EA if the application was approved. The HoP confirmed that the EA was one of many consultees and, as with all consultees, once the Planning Committee had reached a decision there would be no further dialogue with them.

A Member asked why the applications were described as part retrospective. The HPO responded that it was in part a reflection of the extant permission and part a reflection that work on the restoration of the mill had started. The HPO confirmed that this restoration work had subsequently been deemed appropriate by the LPA for the Broads. The Member noted that permits from the EA and the Internal Drainage Board were outstanding and asked whether this posed a risk to the Authority. The HPO confirmed that these were the sole responsibility of the applicant. The Member asked how waste water would be processed and the HPO confirmed that the development proposed a sewage treatment plant and further information relating to this had been conditioned.

Steven Howes, the agent, provided a statement in support of the application explaining that the applicants had, from the outset, intended to restore the mill to full working order. They were dismayed when their research revealed the scope of the previous permission and its impact on the mill. When clearing the site, the applicants had discovered the mill workings and the remains of the steam pump and were keen to demonstrate the history of drainage on the site. The applicants had previously restored a 14th century barn and this experience gave them an understanding of the time and effort required to restore historic buildings and an appreciation of the possible pitfalls. The applicants believed the dwelling was integral to the long term viability of the site as once the mill was restored it would require ongoing monitoring and maintenance. The applicants had experience of delivering an off grid property from a previous development in North Norfolk and Mr Howes indicated that his agency had previous expertise in this area. A historic building consultant with mill restoration experience had been engaged on this project. The development would, through the utilisation of photovoltaic panels, a green roof and timber frame, be sustainable. The applicants had considered the EA's concerns, at one point considering the introduction of a mezzanine floor within the dwelling, although this was precluded by the height restrictions imposed on the structure. In a worst case scenario, the use of the three storey windmill, the tallest structure in the location, as a refuge was considered to be the most practical solution.

A Member asked whether the applicants had access to a boat. Adam Singer, the applicant, confirmed that they would have a small dingy on site. Mr Howes indicated that, given flood events take time to reach their peak, the intention was to evacuate the site beforehand.

A Member noted that the EA's objection focused on the dwelling being separated from the proposed refuge and asked whether other options for ensuring safe access to the refuge in extreme flooding, such as a raised or floating walkway, had been considered. Mr Howes responded that a raised walkway was impractical given the height required to guarantee safe

use in an extreme flood event and given the complexities of a floating walkway it was considered not appropriate for this development.

Members supported the improvements the application brought to the site. Members noted the EA's representation and were content that sufficient measures had been proposed to provide a more resilient development than was approved in 1974 and considered that this was an exceptional development and it was believed that its benefits outweighed the risks.

Andrée Gee proposed, seconded by Melanie Vigo di Gallidoro

It was resolved unanimously to delegate approval of BA/2023/0214/FUL to the Head of Planning, subject to Section 106 Agreement, RAMS payment and the following conditions:

- **Standard time limit**
- **In accordance with plans and documents**
- **Historic building details including schedule of works to mill, schedule of works to engine house and photographic historic building record**
- **Materials and Additional details including: all new and reclaimed external materials, large scale joinery sections, barge soffits and rainwater goods, hard landscaping, soft landscaping, details of flues, external lighting, signs and interpretation and details of proposed sewage treatment plant**
- **Flood Risk and Water Management including full details of, flood proofing measures, flood refuge measures, flood response plan and evacuation strategy, surface water drainage strategy, hydrostatic and hydrodynamic pressures calculations for dwelling and mill, and water consumption capacity cap.**
- **Ecology including enhancement and mitigation outlined in Appendix 3 of Ecology Survey**
- **Remove householder permitted development rights relating to enlargement, improvement or other alteration of a house**

Martyn Hooton proposed, seconded by Harry Blathwayt

It was resolved unanimously to delegate approval of BA/2023/0215/LBC to the Head of Planning, subject to Section 106 Agreement and the following conditions:

- **Standard listed building time limit**
- **In accordance with plans and documents**
- **Any damage to the fabric of the building to be made good**
- **Historic building details including updated schedule of works to mill, updated schedule of works to engine house and photographic historic building record**
- **Materials and Additional details including: all new and reclaimed external materials, large scale joinery sections, barge soffits and rainwater goods, hard landscaping, soft**

landscaping, details of flues, external lighting, signs and interpretation and details of proposed sewage treatment plant

The meeting adjourned at 11:07am and reconvened at 11:12am when Tony Grayling rejoined the meeting.

8. Enforcement update

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

Holly Lodge, Church Loke, Coltishall (Unauthorised replacement windows in listed building)

The HoP indicated that discussions with the agent of the landowner had ended in no resolution and the Local Planning Authority for the Broads was awaiting legal advice on this matter.

9. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which documented the proposed responses to the Regional Energy Strategic Plan policy framework produced by Ofgem and Village Clusters Housing Allocation Plan (VCHAP) issued by South Norfolk Council.

The PPO explained that the Regional Energy Strategic Plan policy framework contained different terminology that appeared to describe the same concept and she had requested the use of consistent terms throughout the document. The framework did not account for protected landscapes and national parks or acknowledge there was a Local Planning Authority of the Broads and there was no consideration for peat or light pollution and the PPO had requested that these omissions/inaccuracies be resolved.

The VCHAP consultation related to an addendum that contained the alternative and amended sites following a consultation on some alternative site options earlier this year. The PPO had reviewed these new/amended sites, especially those that were adjacent to the Broads executive area, and her feedback related to strengthening wordings to promote a desired planning outcome, rather than encourage it, and to improve consideration of lighting schemes.

Matthew Shardlow proposed, seconded by Stephen Bolt and

It was resolved unanimously to endorse the nature of the proposed responses to the Regional Energy Strategic Plan policy framework produced by Ofgem and South Norfolk Council's Village Clusters Housing Allocation Plan.

10. Local Plan - Preparing the Publication Version

The Planning Policy Officer (PPO) presented the report which included a new Energy Performance in Local Plans Topic Paper and updates to the associated energy policy, the Sequential Test associated with the Local Plan, a Development Boundaries topic paper and

proposed consultation for a possible development boundary at Filby, amendments to renewable and low carbon energy policy and updates to the utilities site policy. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

Energy Efficiency Topic Paper and updated Energy demand and performance of new buildings policy

The Energy Performance in Local Plans topic paper (appendix 1 of the report) provided a summary of the Planning and Energy Act of 2008, subsequent written ministerial statements and the outcome of legal challenges related to what a Local Plan can require in terms of energy efficiency of buildings. The topic paper incorporated standards such as the Future Homes Standard (FHS) and Passivhaus as well as considering related activities from other Local Planning Authorities. The topic paper formed the basis of the draft amendments to policy DM18 (Energy demand and performance of new buildings). The policy supported a "fabric first" approach to reducing energy demand followed by the use of energy efficiencies and energy conservation measures.

The PPO indicated that the change in government might provoke further related changes, for example to the FHS, and given this uncertainty, the PPO proposed to resolve/debate these changes if they arose during the examination of the Local Plan for the Broads.

A Member asked whether the draft policy at point 7 could be strengthened to ensure the reduction of energy consumption was considered for developments relating to existing buildings. The PPO confirmed that the Local Plan could not mandate a review of energy consumption for existing buildings; it could only encourage it. The Carbon Reduction Projects Manager indicated that the drive to replace gas boilers with heat pumps might prove to be the most likely catalyst for mandating a review of the energy efficiency of existing housing stock.

Harry Blathwayt proposed, seconded by Kevin Maguire

It was resolved unanimously to endorse the Energy Performance in Local Plans Topic Paper as evidence for the Local Plan and amendments to the Energy demand and performance of new buildings (including extensions) policy.

Melanie Vigo di Gallidoro left the meeting.

Local Plan Sequential Test

The production of a Sequential Test (appendix 2 of the report) was mandated by the National Planning Policy Framework (NPPF) where flood risk was a consideration, which included large areas of the Broads executive area. The Environment Agency and Norfolk and Suffolk Lead Local Flood Authorities had been extensively consulted during the production of the Authority's Sequential Test and their feedback had been incorporated into the version included in this report.

A Member raised a series of queries including whether the Strategic Flood Risk Assessment had incorporated climate change, inconsistent references to Flood Response Plans in the context of car parks and the omission of tidal flooding as a classification. The Member would

email these questions to the PPO and she agreed to investigate these areas and make further changes to the Sequential Test as required.

Andrée Gee proposed, seconded by Stephen Bolt

It was resolved unanimously to endorse the Sequential Test as evidence for the production of the Local Plan and to delegate approval of any further significant changes to the Head of Planning in consultation with the Chair of the Planning Committee.

Development Boundaries Topic Paper and consultation on Filby Development Boundary

The Development Boundaries topic paper (appendix 3 of the report) had been updated to incorporate feedback from the Issues and Options and Preferred Options consultations. The most significant change, proposed by Great Yarmouth Borough Council (GYBC), was to include a development boundary in that part of Filby within the Broads to mirror the development boundary already defined within the part of Filby inside GYBC's local planning area.

The proposal was deemed acceptable and there was general support from the parish council and the Authority's heritage, landscape and ecology officers. The investigation into this matter had highlighted another new area (described as area Y in the topic paper) that may be suitable for inclusion in the development boundary.

The recommendation was to consult on the inclusion of a development boundary for Filby and ask whether it should include the newly identified area during the consultation of the publication version of the Broads Local Plan.

A Member asked whether the development boundaries for Wroxham and newly proposed Filby should be redrawn to exclude areas within Flood Zone 3. The PPO explained that development boundaries were relevant to residential moorings and flood risk was a known factor within the Local Plan therefore developments within these areas would be assessed accordingly.

Matthew Shardlow proposed, seconded by Andrée Gee

It was resolved unanimously to endorse:

- **The Development Boundaries Topic Paper as evidence for the Local Plan**
- **A public consultation on whether there should be a development boundary for Filby and whether it should include the new area specified**

Renewable and low carbon energy policy

Policy DM21 (Renewable and low carbon energy) had been updated to reflect responses from the Preferred Options consultation and to include a change by the new government to remove the requirement for local plans to identify suitable areas for onshore wind power. The criteria required to assess the impact of onshore wind power included impacts on birds, Ministry of Defence assets and local amenity.

Members welcomed these changes.

Martyn Hooton proposed, seconded by Kevin Maguire

It was resolved unanimously to endorse to amendments to the Renewable and low carbon energy policy.

Policy NOR1 – Utilities Site

The PPO explained that this policy (appendix 5 of the report) covered that part of the Utilities site which was within the Broads Authority area. The amendments related to the adoption of the Greater Norwich Local Plan in 2024 and changes proposed by Norwich City Council to the proposed policy that covers the East Norwich area that is within the Broads (part of the Utilities site).

A Member noted the use of the river for water sourced heating and suggested there was a risk that the accumulative impact of this could have a deleterious impact on water temperatures which in turn could impact the river ecosystem. The PPO agreed to update the policy to caveat the use of water sourced heating to avoid adverse impacts to the river ecosystem.

Martyn Hooton proposed, seconded by Andrée Gee

It was resolved unanimously to endorse to amendments to the Utilities site policy.

The PPO confirmed that the plan to deliver the publication version of the Local Plan to the Planning Committee meeting on the 8 November 2024 was on target.

Members thanked the PPO for her efforts on the latest changes to the Local Plan.

11. Proposed new National Planning Policy Framework - briefing and consultation response

The Planning Policy Officer (PPO) presented the report which included a commentary on the proposed changes to the National Planning Policy Framework (NPPF) and draft responses to the associated consultation issued by the Ministry of Housing, Communities & Local Government. The PPO welcomed members' feedback on the proposed consultation responses.

The key change to the NPPF was to the standard method for assessing local housing need and the PPO confirmed that, due to the nuances of the Broads executive area, this methodology did not apply to the Broads. The PPO had been informed that NPPF guidance would indicate that the standard methodology was not applicable to the Broads. The PPO suggested that including this information in the NPPF itself might be more appropriate and this would be included in the consultation response.

The change to the standard method for assessing local housing need would apply to the Authority's neighbouring districts and as a result, their housing needs had all been significantly increased. The PPO indicated this could have implications for sites, within the neighbouring districts, close to the boundary with the Broads; sites, that had previously been excluded from development, could now be considered suitable for development.

The PPO highlighted the response to question 19 of the consultation regarding the assessment of housing need and the lack of activity to address historic permissions granted that had not been built out. The consultation referred to habitats with peat soils and the Authority had taken this opportunity to highlight the importance of this material within environments where it was prevalent and, given the long time required to regenerate, questioned the validity of any compensatory mechanism.

The new NPPF had defined a complicated set of transitional arrangements to govern when local plans were expected to comply with the new NPPF once it was published. The consultation on the new NPPF proposed delaying the deadline to submit local plans produced under the current local plan system from 25 June 2025 until no later than December 2026. As this deadline was defined within a consultation it was unclear to the PPO if this was a fixed milestone or whether it could vary depending on the outcome of the consultation.

Under these circumstances the PPO, Head of Planning (HoP) and the Director of Strategic Services were all agreed it was prudent to maintain the timescales previously specified in the Local Development Scheme (endorsed by the committee on 24 May 2024). There would be a series of recommendations when the Local Plan was brought to both Planning Committee and Broads Authority in November that would reflect the various scenarios in terms of when the new NPPF would be published including associated transitional arrangements.

A Member noted that the Authority had disagreed with the scale of the proposed increase in planning fees and asked whether the proposed lower alternative fee reflected the lower level required to recover the costs of the Authority's planning function. The HoP responded that the fee level at which the planning function covered its costs was part of the justification for this consultation response. The other was that planning fees had been increased relatively recently and that the proposed 107% uplift seemed excessive in the current economic climate.

The Member asked if the Authority had any information regarding how our neighbouring Local Planning Authorities had responded to this consultation question. The HoP was not aware of this information as they would be responding independently.

Andrée Gee proposed, seconded by Matthew Shardlow

It was resolved unanimously to endorse the nature of the proposed response to the new NPPF consultation and to delegate approval of any further changes to the Head of Planning in consultation with the Chair of the Planning Committee.

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 6 August to 2 September 2024 and there were no Tree Preservation Orders confirmed within this period.

14. Date of next meeting

The next meeting of the Planning Committee would be on Friday 11 October 2024 10.00am at The King's Centre, 63-75 King Street, Norwich.

The meeting ended at 12:05pm.

Signed by

Chair

DRAFT

Appendix 1 – Declaration of interests Planning Committee, 13 September 2024

Member	Agenda/minute	Nature of interest
Tony Grayling	7	Director, Sustainable Business and Development for the consultee, Environment Agency (EA). As the EA had submitted a strong objection, he decided not to participate in this item and so left the room after the presentation and public speaking.

DRAFT