

Planning Committee

Minutes of the meeting held on 08 November 2024

Contents

1.	Apologies and welcome	2
	Openness of Local Government Bodies Regulations 2014	2
2.	Declarations of interest and introductions	2
3.	Minutes of last meeting	2
4.	Matters of urgent business	2
5.	Chair's announcements and introduction to public speaking	3
6.	Requests to defer applications and/or vary agenda order	3
7.	Applications for planning permission	3
	(1) BA/2023/0315/FUL - Silsden, Ropes Hill, Horning	3
8.	Enforcement update	6
9.	Consultation Responses	6
10.	Local Plan - Preparing the Publication Version	7
	Great Yarmouth Gypsy and Traveller Accommodation Assessment Addendum	7
	Whole Local Plan Viability Appraisal	7
11.	Local Plan for the Broads Publication Version - Agreeing to consult	8
	Updated policy DM21 (Renewable and low carbon energy)	8
	Habitats Regulations Assessment and Sustainability Appraisal.	9
	Timeline	9
12.	Broads Authority Design Guide and Code	10
13.	Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q3 (1 July to 30 September 2024)	11
14.	Appeals to the Secretary of State	11
15.	Decisions made by officers under delegated powers	11
16.	Date of next meeting	11

Present

Tim Jickells – in the Chair, Harry Blathwayt, Stephen Bolt, Andrée Gee, Tony Grayling, James Harvey, Martyn Hooton, Leslie Mogford (from item 8), Gurpreet Padda, Matthew Shardlow, Vic Thomson and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer (items 9-12), Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer (item 7), Steve Kenny – Development Manager, Kate Knights – Historic Environment Manager (item 12), Ruth Sainsbury – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

Members of the public Mrs Dawn Yates and Mr Callum Yates, as applicants for item 7.1, BA/2023/0315/FUL - Silsden, Ropes Hill, Horning.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from 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 indicated that they had no further declarations of interest other than those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 11 October 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 Gurpreet Padda, Norwich City Council appointee, to the Planning Committee.

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.

(1) BA/2023/0315/FUL - Silsden, Ropes Hill, Horning

Proposed replacement dwelling

Applicant: Mr & Mrs C Yates

The Planning Officer (PO) provided a detailed presentation of the application that would replace the existing single storey dwelling at Silsden, Ropes Hill, Horning with a 1.5 storey dwelling on the same location within the site although with an extended footprint. In addition, the proposal sought to replace the existing metal piling and timber quayheading on a like-for-like basis, a widening of the mooring cut by 90cm and the removal of the slipway at the far end of the cut.

The PO indicated that the application was before the committee as the Ward member of the District Council had "called in" this application.

The presentation included location maps, a site map, two aerial photographs with the site marked, a view of the site as viewed from a vantage point Horning, photographs of the site from various vantage points in the neighbouring area, photographs of the neighbouring properties, the proposed site plan, a diagram depicting the proposed floor plans and a diagram depicting the proposed elevations.

The PO confirmed that no further consultations had been received since the report had been prepared.

In assessing the application, the PO addressed the key issues of the principle of development; the design and impact on the landscape; neighbour amenity; waste water flows to Horning Knackers Wood Water Recycling Centre (WRC) and flood risk.

In response to a question the PO confirmed that the application had been reviewed by the Authority's ecologist and that a Habitat Regulations Assessment was not applicable for this application.

A Member noted the reasons for the application being called in and the objection raised by the parish council and asked if these matters had been addressed. The PO confirmed that the design and scale of the building were consistent with Local Plan policy DM40 (Replacement Dwellings). In relation to overshadowing of neighbouring properties, the development sought to minimise this and there would be no overshadowing for most of the day and no objections had been received from neighbouring property owners.

Members were concerned about the proposed change of use from a holiday home or secondary home to a primary home and the resulting impacts to waste water flows to Horning Knackers Wood WRC. The PO indicated that the proposal was to replace a 1 bed unit with a 1 bed unit, confirmed that the 2003 Certificate of Lawful Use permitted the existing property to be occupied throughout the year, that there were no water efficiencies imposed on the existing use and that the conditioned water efficiencies for the replacement dwelling would, on balance, be an improvement.

Members were worried about enforcing the conditions relating to a one bed unit and water efficiencies. The PO confirmed that site inspections could be undertaken at any time with no prior warning, this monitoring would occur at least every four years and monitoring of similar conditions at other sites was undertaken by the Authority. The Development Manager (DM) indicated that the frequency of monitoring could be increased to annually or biennially. The DM added that any discrepancies from the agreed water measures would need to be rectified and explained the possible steps available to the Authority to address a breach of condition. To aid monitoring of the site it was agreed to condition the installation of a water meter.

Mrs Dawn Yates, the applicant, provided a statement referring to the design of the replacement dwelling being in character with the surrounding area adding that materials had been chosen to be consistent with other properties in the vicinity and consideration had been given to avoid overshadowing of neighbouring properties. Mrs Yates highlighted that none of the neighbours had objected to the application and that the proposed water usage was consistent with the 110 litres/person/day stipulated by the Broads Local Plan.

A Member asked for further detail regarding the water efficiency measures. The PO responded that the submitted measures totalled 108.9 litres/person/day and were conformant with Building Regulations. The Member asked if the water efficiency condition would apply to future owners of the property and the PO confirmed that this condition would apply in perpetuity.

A Member asked if the applicants had any historical information relating to the occupancy of the property. Mr Callum Yates, the applicant, responded that the property had been

unoccupied in recent years although there was anecdotal evidence to indicate that it had previously been occupied extensively during the summer and more generally throughout the year.

A Member asked if the application had included consideration for climate change mitigation and adaptation. Mr Yates responded that the materials had been chosen for their sustainability and steps had been taken to improve the energy and thermal efficiencies of the property.

Members believed the development was an enhancement to the area, however there were reservations regarding the resulting impacts to wastewater flows to the Horning Knackers Wood WRC. A Member believed the proposed change of use would result in an increase in waste water flows to the WRC and therefore they could not support the application. Other Members believed that the conditioned water efficiency measures would, on balance, result in an improvement to the existing situation.

Tony Grayling proposed, seconded by Martyn Hooton

It was resolved by 9 votes for, 1 against and 1 abstention that planning permission be granted subject to the following conditions:

- **Time limit**
- **In accordance with plans and documents**
- **In accordance with FRA, including Appendix A - Void Maintenance Plan**
- **Details of materials and large scale details of joinery**
- **Details of solar panels**
- **Provision of water measures**
- **Water consumption rate of no more than 110 litres/person/day**
- **Reuse of peat within 7 days and to be kept wet**
- **Sign up to Flood Warnings**
- **No additional sleeping accommodation (e.g. office)**
- **No external lighting without prior written permission**
- **Provision of two Summer Roost/ Nursery Bat boxes**
- **Provision of three Woodcrete Swallow nesting cups**
- **Removal of Permitted Development rights (Part 1 all relevant, and Part 2 Class A)**
- **Installation of a water meter**

Leslie Mogford joined the meeting.

8. Enforcement update

Members received an update report from the Development Manager (DM) 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 DM confirmed that the enforcement notice would be served imminently.

The meeting adjourned at 11:05am and reconvened at 11:10am.

9. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to the Brownfield Passport: Making the Most of Urban Land issued by the Ministry of Housing, Communities and Local Government and the Broadland & South Norfolk Design Code produced by Broadland and South Norfolk Councils.

The PPO explained that the Brownfield Passport paper proposed to define criteria for brownfield development that would simplify the associated decision making process, discussed the wider use of Local Development Orders and the need to retain appropriate local oversight for these developments. The PPO acknowledged the aims of the criteria based approach, however these criteria could potentially conflict with the Broads Local Plan. Appendix 1 of the report detailed responses to the consultation questions and the PPO highlighted one facet of her response relating to the biodiversity of brownfield sites and the implications for Biodiversity Net Gain associated with their development.

Members supported the proposed response and asked if the response could be updated as follows:

- Request clarification regarding the terminology used in the paper and in particular what constitutes an urban area.
- Ask whether the proposals would take precedence over existing legal requirements such as Nutrient Neutrality.
- Clarify how these proposals would relate to protected landscapes
- Request a further consultation on a later iteration of this paper to enable a full assessment of potential impacts on the Broads Local Plan.

The PPO agreed to incorporate these items into the response and, given the consultation deadline, proposed updating the recommendation to enable the subsequent amendments to the Brownfield Passport consultation responses to be agreed by the Head of Planning and the Chair of the Planning Committee.

The PPO explained that the response to the Broadland & South Norfolk Design Code as well as seeking some clarifications had requested the inclusion of lighting.

Stephen Bolt proposed, seconded by Matthew Shardlow

It was resolved unanimously to endorse the nature of the proposed response to the Broadland & South Norfolk Design Code and, subject to subsequent changes being agreed by the Head of Planning and the Chair of the Planning Committee, the nature of the proposed response to the Brownfield Passport paper.

10. Local Plan - Preparing the Publication Version

The Planning Policy Officer (PPO) presented the report which included the Great Yarmouth Gypsy and Traveller Accommodation Assessment Addendum and Whole Local Plan Viability Appraisal. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

Great Yarmouth Gypsy and Traveller Accommodation Assessment Addendum

The Great Yarmouth Gypsy and Traveller Accommodation Assessment (GTAA) incorporated two Local Planning Authority (LPA) areas, Great Yarmouth Borough and the Broads, and the outcomes of the GTAA had been delineated between these two discrete LPA areas. The PPO provided an overview of the report's findings in relation to the Broads.

Within the Broads area of Great Yarmouth, the current need was determined to be 22 pitches and the future need was 4 pitches. The PPO explained that to meet the current need the Authority was assessing aerial imagery of the Cobholm Island site and meeting with representatives on site. This work was ongoing and the Authority were continuing to work with Great Yarmouth Borough Council (GYBC). The future need would be addressed by the criteria stated in Local Plan policy DM45 (Gypsy, Traveller and Travelling Show People).

The PPO proposed to repeat the call for sites as part of the consultation on the Publication Version of the Local Plan.

In response to a question, the PPO confirmed that she was reviewing the situation with the help of consultants.

There was a discussion regarding the suitability of the Cobholm Island site in terms of relationship to different nearby land uses and the PPO reminded Members that this was not a permitted site and people had chosen to use this location.

Members were supportive of this work and thanked officers for their time and patience in this matter.

Leslie Mogford proposed, seconded by Gurpreet Padda

It was resolved unanimously to endorse the Great Yarmouth Gypsy and Traveller Accommodation Assessment Addendum as evidence for the Local Plan.

Whole Local Plan Viability Appraisal

The PPO explained that consultants had been engaged to ensure that Local Plan policies do not impact the viability of development within the Broads. The PPO explained some proposed changes to the Local Plan, detailed in section 3 of the report, which had resulted from the

viability assessment. The assessment had concluded that, even with the inclusion of Building Regulations standards for accessible and adaptable dwellings when site constraints allow and a 10% of affordable homes to be designed to be wheelchair accessible plus lower thresholds for off-site affordable housing schemes, there was remaining headroom to mitigate nutrient enrichment.

In response to a question the PPO confirmed that the thresholds for off-site affordable housing schemes was a monetary amount that reflected the policies and thresholds and standards of the relevant district council as Housing Authority. The Broads Authority was not a housing authority and as such would liaise with neighbouring Local Planning Authorities to achieve the resulting contributions.

Harry Blathwayt proposed, seconded by Andrée Gee

It was resolved unanimously to endorse the Whole Local Plan Viability Appraisal as evidence for the Local Plan.

Harry Blathwayt proposed, seconded by Andrée Gee

It was resolved unanimously to endorse:

- **the amendment to the Local Plan to include the lower thresholds for off-site affordable housing schemes: Brownfield schemes located on the waterfront: 3-9 dwellings, Other brownfield schemes: 5-9 dwellings and Greenfield schemes: 3-9 dwellings.**
- **the amendment to the Local Plan to include Building Regulations M4(2) standard (accessible and adaptable dwellings) when site constraints allow**
- **the amendment to the Local Plan to include Building Regulations M4(3) standard (10% of affordable housing designed to be wheelchair accessible)**

11. Local Plan for the Broads Publication Version - Agreeing to consult

The Planning Policy Officer (PPO) presented the report which contained the Publication version of the Local Plan ready for consultation, the supporting consultation material (Sustainability Appraisal and Habitats Regulation Assessment), the proposed consultation approach and, acknowledging that a revised National Planning Policy Framework (NPPF) may be published before the Local Plan consultation, some likely scenarios to clarify the circumstances under which the consultation could or could not proceed. Since the report was published the PPO had updated the policy DM21 (Renewable and low carbon energy). The PPO proposed to discuss updated policy DM21 and each section of the report.

Updated policy DM21 (Renewable and low carbon energy)

The PPO presented a summary of the changes made to the Renewable and low carbon energy policy and indicated that the draft policy would be circulated to Members for comment. The updates included:

- The satisfactory decommissioning of renewable energy infrastructure when it had ceased operation
- The possible impacts of renewable energy infrastructure on birds and bats and to take action to avoid or mitigate these impacts
- The inclusion of micro wind turbines (0-15m in height) and associated references to the relevant Local Plan policies to avoid or reduce their impact on the landscape and nature.

A Member asked if the impact on peat soils when locating renewable energy infrastructure had been considered. The Member added that pale coloured turbines attracted moths which in turn attracted other species that preyed on moths which were then in danger of being harmed by the turbine. The PPO acknowledged that the policy had no reference to these topics and she agreed to liaise with the Authority's Environment Policy Adviser to determine how to include them in the policy.

Habitats Regulations Assessment and Sustainability Appraisal.

The PPO indicated that the Habitats Regulation Assessment (HRA) was an assessment of the Local Plan policies with respect to their potential impacts on protected habitat sites which concluded that the Local Plan was acceptable.

The Sustainability Appraisal (SA) was a form of assessment that considered the social, environmental and economic effects of implementing a particular plan or planning policy document and was broadly supportive of the Local Plan.

The PPO indicated that the HRA consultants had attempted to clarify Natural England's feedback, during the Preferred Options consultation, regarding increased traffic and air pollution however Natural England had not provided a response. The PPO confirmed that air pollution was addressed in the Local Plan through a specific policy (Pollution and Hazards in Development and Protecting Environmental Quality policy) and in general through the promotion of sustainable transport.

Timeline

The PPO provided an overview of the delivery of a new version of the NPPF, its possible impacts on the previously agreed plan-making system transitional arrangements (as detailed in the Levelling-up and Regeneration Act 2023) and three possible scenarios for progressing the Local Plan depending on the timing of the new NPPF and the scale and complexity of the changes (as per section 6 of the report).

The PPO confirmed the intention was, if possible, to submit the Local Plan for examination before the end of June 2025 to meet previously agreed new plan-making system transitional arrangements. To meet this deadline there would be an 8 week consultation period from 14 February 2025 which then provided a six week period to review and respond to the consultation responses.

A Member asked what would happen if the new NPPF was delivered while the Local Plan was being examined and it proved to be substantially different. The PPO believed that it was very unlikely that the new NPPF would be significantly different especially in relation to protected landscapes. The Authority had previous experience of this situation as the current Local Plan was being assessed when a new version of the NPPF was delivered in 2019. There was no reason to believe that the quality of the Local Plan would be compromised under these circumstances and the PPO pointed to the Authority's recent history of appeals being dismissed as indicative of this quality.

The PPO indicated that officers were proposing that the recommendations in the report be rationalised by combining the three NPPF scenarios into one recommendation and then replacing the final catch-all recommendation to the Broads Authority by incorporating a discrete "recommend to the Broads Authority" element into each of the remaining recommendations.

Members supported the report and thanked the PPO for her hard work in preparing the Publication version of the Local Plan.

Harry Blathwayt proposed, seconded by Leslie Mogford

It was resolved unanimously to endorse:

- **The Local Plan for the Broads, Habitats Regulations Assessment and Sustainability Appraisal for consultation and recommend to the Broads Authority to do the same.**
- **The consultation approach and recommend to the Broads Authority to do the same.**
- **To endorse the three proposed NPPF scenarios and recommend to the Broads Authority to do the same.**

12. Broads Authority Design Guide and Code

The Historic Environment Manager (HEM) presented the report on the Broads Authority's Design Guide and Code. The HEM provided the background of the Design Guide (section 1 of the report) and outlined the progress made on this document since it was brought to Planning Committee on 24 June 2022 (section 2 of the report).

Since the report was published the HEM explained that more information had become available that implied the Design Guide and Code could be treated as a Supplementary Planning Document (SPD) rather than within the Local Plan (as stated in section 3 of the report). The use of an SPD would be beneficial for a number of reasons: firstly, it bypassed the need to be included in the Local Plan examination and therefore would be available for use in a timely fashion (six months rather than upwards of 18 months). Secondly, the ongoing maintenance of an SPD was more flexible. Finally, a standalone SPD would be easier to use and its exclusion from the Local Plan would reduce the size of that document.

A Member asked whether the use of an SPD for the Design Guide rather than its inclusion within the Local Plan would impact its importance and whether SPDs were still to be

decommissioned as part of ongoing planning system changes. The HEM confirmed that the SPD would carry the same weight as the Local Plan. Regarding the discontinuation of SPDs, the HEM confirmed this was still intended to occur however the deadline had been extended and their use would be permitted for a good number of years.

In response to a question the HEM confirmed that the consultation on the Design Guide was no longer tied to the Local Plan consultation and it might be preferable to consult separately.

Fran Whymark proposed, seconded by Martyn Hooton

It was resolved unanimously to endorse and recommend the Design Guide and Code to the Broads Authority for public consultation.

13. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q3 (1 July to 30 September 2024)

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 30 June 2024. The HoP highlighted paragraph 1.2 which demonstrated that the department achieved 100% in relation to targets met and was performing well.

The report was noted.

14. Appeals to the Secretary of State

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

15. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 30 September 2024 to 25 October 2024 and any Tree Preservation Orders confirmed within this period.

16. Date of next meeting

The next meeting of the Planning Committee would be on Friday 06 December 2024 10.00am at The King's Centre, 63-75 King Street, Norwich.

The meeting ended at 12:30pm.

Signed by

Chair