

Planning Committee

Minutes of the meeting held on 03 December 2021

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Present

Tim Jickells – in the Chair, Harry Blathwayt, Stephen Bolt, Nigel Brennan, Bill Dickson, Gail Harris, Paul Hayden, Leslie Mogford (for items 1- 11), Michael Scott (for items 1-10) and Vic Thomson (for items 1-11)

In attendance

Natalie Beal – Planning Policy Officer (items 9-14), Cheryl Peel – Senior Planning Officer, Calum Pollock – Planning Officer (items 7.1 & 7.2), Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Steven Bell (solicitor) of Birketts attended for items 1-8

Members of the public in attendance who spoke

None

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Andrée Gee, James Knight, 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. 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 5 November 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/2021/0233/FUL – land to the rear of Staithe Cottages, Stalham Staithe, Stalham

Three bedroom detached bungalow

Applicant: Mr John Stares

The Planning Officer (PO) provided a detailed presentation on the application for the erection of a three bedroom detached bungalow on the land to the rear of the new terrace of properties known as Staithe Cottages in Stalham. The application was before the committee as it was a departure from Local Plan policies as the site was outside of a defined development boundary.

In assessing the application, the PO addressed the key issues of: the principle of development; design and the impact on the historic environment; amenity; the impact on the natural environment and trees. Also assessed were: the impact on highways; water efficiency and foul drainage; surface water run-off and energy performance.

In response to a question on the access road to the proposed bungalow, the PO advised that the builder for the proposed development was the landowner and owned the land for the access, shown edged in blue on the plan.

A member questioned if the principle of development on this plot had been established when the cottages had been built two years ago. The PO confirmed this could be assumed and the concerns expressed by the Planning Officer at that time and the Historic Environment Manager related to the design of the proposed bungalow. Following discussions, it had been decided to remove that element of the application and continue with the terrace of properties only.

Regarding a question on the proposed landscaping and whether there was any green space available, the PO advised that a detailed Landscaping Plan had not yet been submitted but this was proposed as one of the conditions. He had been advised that there would be a lawn /

garden area to the east associated with the plot, and a gravelled parking area would also be provided.

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

“I would like to thank Calum for his assistance on this application. I apologise for not attending in person however I am required to isolate. The only comment I would like to add to the officer’s comprehensive report is that I hope the committee members will note the quality of the new builds in the terrace and how they enhance the conservation area. The application is by the same builder and I can assure the committee that the bungalow will be built and finished to the same high standards. Thank you members and officers for your time.”

It was considered that, whilst outside of a defined development boundary, the proposed development was within a sustainable location/settlement for residential development. Members noted that permission had previously been sought for a bungalow on this site, as part of an application for 4 new dwellings (3 terraced houses and a detached bungalow) in 2018, but this had been withdrawn following concerns relating to the bungalow element, based on lack of amenity for the bungalow, poor design and the impact on the Conservation Area. A subsequent application for the 3 terraced houses only was submitted and approved in 2019. Members considered that this new application overcame the concerns previously raised in the 2018 application. It was considered the bungalow would be a high quality modern design, utilising sustainable building practices which would result in an energy efficient building, in accordance with Policy DM43. It was noted that no objections had been received to the scheme and the proposal was also considered to comply with all other relevant policies. Finally, the proposal was considered to preserve the character and appearance of the Conservation Area, having regard to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1991.

In conclusion, it was considered that the proposal represented an acceptable form of development, subject to the imposition of appropriate conditions.

Harry Blathwayt proposed, seconded by Leslie Mogford, and

It was resolved unanimously

To approve the application subject to the following conditions:

- i Standard time limit
- ii In accordance with approved plans
- iii Details of soft landscaping
- iv Works in accordance with the Arboricultural Assessment
- v Soft felling of any tree branches with bat roost potential
- vi Vehicular and pedestrian access, parking/turning area shall be laid out, demarcated, levelled, surfaced and drained
- vii Ecological condition for works outside the breeding bird season
- viii Ecology mitigation and enhancement set out in ecology report

- ix Remove permitted development rights, Part 1 – Development within the curtilage of a dwelling house

(2) BA/2021/0372/FUL – Somerton Holmes Farm, Horsey Road, West Somerton

Lean-to extension to both sides of existing grain store. Cattle yard cover.

Applicant: Mr Agnew

The Planning Officer (PO) provided a detailed presentation on the application for the erection of a lean-to extension on both sides of the main grain store located to the south east of the site, and a lean-to extension on both internal sides of the cattle yard located to the north west of the site at Somerton Holmes Farm, Horsey Road in West Somerton.

In assessing the application, the PO addressed the key issues of: the principle of development; flood risk and surface water run-off; design of the proposed structures; impact on landscape and dark skies, and the impacts on residential amenity and the natural environment.

In response to a question on whether the proposal was to increase the herd size, with more arable land turned to grazing to accommodate the increased herd size, or just to provide storage, the PO advised that the application did not go into the particulars of the use of the building. However, additional grain and machinery storage was required (likely to be the extensions to the grain store) and the cover to the straw year would reduce the amount of spoilage due to rain and reduce dirty water run-off. His understanding, therefore, was to improve the wellbeing of the cattle, as opposed to increasing numbers.

A member questioned if the residential property was associated with the farm. The PO confirmed that it was separate, with the applicant owning all of the land identified by the blue line on the location plan, with the exception of the house. No representations had been received from the occupiers of that property.

The comments of the Authority's Landscape Architect were acknowledged but members noted that the proposed conditions included a requirement for the submission and implementation of a planting scheme, to provide effective mitigation for the additional development as well as creating a green natural wall more congruent to the landscape than the existing concrete and steel buildings.

It was considered that the principle of the development was supported and the development would not have a detrimental impact on flood risk and surface water run-off, amenity or the natural environment. In addition, the development would support the farm operation and protect the existing levels of employment at the farm. Furthermore, the proposed development would improve the quality of the area and wellbeing for the cattle, as well as reducing feed spoilage and therefore cost.

In conclusion, it was considered that the proposal represented an acceptable form of development, subject to the imposition of appropriate conditions.

Vic Thomson proposed, seconded by Harry Blathwayt, and

It was resolved unanimously

To approve the application subject to the following conditions:

- i Standard time limit
- ii In accordance with approved plans
- iii Landscaping scheme
- iv No additional external lighting
- v General wildlife protection
- vi Biodiversity enhancement

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:

former Marina Quays, Gt Yarmouth: At the August meeting, members had requested an update in four months' time. The HoP reported there had been no real change on site for the last 12 months and it was unlikely this situation would change until the planning permission was implemented. The site was not completely cleared but its condition did not justify taking enforcement action, if the site was looked at afresh. The intention therefore was to close the case.

The HoP provided a detailed presentation of the background to the case, including photographs of the site. The site had fallen into disrepair over a number of years, not having operated as a commercial site for over 20 years. It had first been presented to the committee in 2017 for the serving a Section 215 Notice (untidy land). A lot of the required work was completed but unfortunately the site was subject to neglect and vandalism within two years. A planning application was then submitted for the whole site but the applicant was reluctant to remove the buildings as he was concerned this could negatively affect the planning status of the land. Planning permission was granted and a discussion on the demolition of the buildings took place and, by September 2020, work to demolish the buildings had commenced. Actions had been delayed by the pandemic but by November 2020, almost all of the materials had been removed from the site and as at November this year, the hoardings were down but the heras fencing remained in situ. It was anticipated works under the planning permission would commence soon and officers would continue to monitor the site. In response to a question, the Senior Planning Officer (SPO) advised that the planning permission expired in 2022 but all of the pre-commencement conditions had been discharged which meant that the permission had been implemented and no further works had to be carried out. A member referred to the black plastic fencing and the HoP advised that this was mainly to prevent newts from entering the site. An engineering operation was required to ensure implementation of the planning permission prior to its expiry in 2022. The SPO advised that the permission was for three houses, eight holiday lets and 12 residential moorings. A member commented that the current state of the site created an eyesore at the entrance to Gt Yarmouth and he was reluctant to close the file, with the item removed from the enforcement update report. Members concurred with this view, acknowledging that it was

not considered expedient to take further enforcement action. However, the committee should be kept informed of progress with this site.

It was agreed by consensus to receive a six-monthly update report on progress with this site.

land at The Beauchamp Arms PH, Carleton St Peter: Enforcement Notices had been served on 30 November in respect of the two caravans to the rear of the plot which were being occupied for residential purposes. The Notices come into effect on 29 December and any appeal needed to be submitted before this date. The period of compliance would be three months after that date to cease the residential use and four months to clear the site. There was sufficient evidence from Council Tax records to prove the caravans were occupied on Assured Shorthold Tenancies.

Blackgate Farm, Cobholm: Officers would liaise with Gt Yarmouth Borough Council to pursue compliance with the Enforcement Notice by the landowner for the removal of the caravans.

Land to east of North End, Thorpe next Haddiscoe: The decking, gazebo etc had been taken down but remained on site and needed to be removed completely.

The report was noted.

9. Local Development Scheme – adoption

The Planning Policy Officer presented the report, which sought approval for the Local Development Scheme which was the timeline for producing the Local Plan. It was noted that the potential date for the examination and adoption were estimates and were likely to change, particularly as a number of the actions were outside of the Authority's control. The timetable was also likely to change over the next couple of years as a result of a number of factors, including potential changes to the planning system etc.

Stephen Bolt proposed, seconded by Bill Dickson, and

It was resolved unanimously to endorse and adopt the Local Development Scheme.

10. Statement of Community Involvement – adoption

The Planning Policy Officer presented the report, which set out how the Authority would engage and consult with stakeholders and the community when preparing the Local Plan, the Broads Plan and when determining planning applications. The current Statement of Community Involvement (SCI) was last adopted in July 2020, to reflect the access and social distancing restrictions imposed by COVID19, when local planning authorities had to rethink how to public consultations and the Government's requirement to amend SCIs. As COVID levels had significantly reduced and restrictions were no longer in place (at the time of writing the report), it was considered prudent to review and amend the SCI. The timing of this review also fitted in well with the production of the new Local Plan for the Broads and with the review of the Broads Plan.

Gail Harris proposed, seconded by Harry Blathwayt, and

It was resolved unanimously to endorse and adopt the Local Development Statement of Community Involvement (SCI).

11. December Issues and Options bite size pieces

The Planning Policy Officer (PPO) 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 areas covered were: approach to consultation, existing housing stock, and peat.

Approach to consultation

This related to the proposed approach to consulting on the Issues and Options and reflected the Statement of Community Involvement. It was anticipated the consultation would commence in May 2022.

Members acknowledged there needed to be flexibility due to the impacts of Covid19 and were pleased to note the proposals to engage with younger people.

The existing housing stock

The PPO emphasised that this section related specifically to the energy efficiency of existing stock, by possibly placing requirements on extensions to existing dwellings. She reminded members that, at the July meeting, the section on climate change had been presented and once all the topics were seen together, this should make it clearer to see the whole picture.

A member referred to buildings which were originally built for holiday purposes but were subsequently being used as permanent living accommodation, for which they were not intended and therefore were classed as sub-standard living accommodation. He questioned if this section of the Local Plan would be applicable in this instance. The PPO replied that the first consideration was the permitted use. The issue in the topic paper was about the energy efficiency of those buildings, eg with an application for an extension could this result in improved energy efficiency for the existing dwelling, regardless of its use, ie market or holiday dwelling. This paper did not cover the other considerations which could make holiday homes sub-standard, such as its design, layout, facilities and storage space etc. The Head of Planning advised that this situation was not just a problem in the Broads: many older houses did not have modern levels of comfort. This policy was to improve energy efficiency standards in all properties. She added that the new NPPF required local planning authorities to have a Design Guide for their area and this would include many of these types of issues, such as climate change, wider sustainability and retro-fitting of properties.

The comment was made that the proposals could result in extra costs for home owners and whether it would be appropriate for the Broads Authority to impact on existing buildings. The PPO replied that this was a valid question and could well be the type of response the Authority received as part of the consultation. Another member advised that Energy Performance Certificates (EPCs) were covered under other legislation as well through the

selling and letting process and, in most cases, work was carried out to improve the property's rating. The PPO commented that the EPC included a list of recommendations which could be implemented to go up a level and questioned whether the Authority should make that a requirement or consider other ways of achieving an increased rating.

It was generally accepted that the challenge would be who paid for the cost of the works, as there was no certainty of Government funding. Retrofitting was expensive and it would be difficult to enforce homeowners to upgrade – the only option might be to encourage and advise.

The PPO reminded members that the wording of the policy was not being discussed at this stage; just raising the issue and questions for consultation purposes. A member suggested additional wording in section A, adding whether the Broads Authority, as the local planning authority for its area, should use the planning system to address energy efficiency of the existing housing stock, taking account the fact that it was already covered by other legislation.

(Leslie Mogford and Vic Thomson left the meeting at this point)

Peat

This section related to the policy on reducing the amount of peat being excavated and to ensure that any peat which was excavated and/or disposed was treated in a way that addressed its special qualities. Reference was made to the existing guide on relating to the excavation of peat. The issue was whether the Authority wished to introduce a stricter approach, such as stronger requirements to ensure peat was prevented from drying out or to change the emphasis, a reduction in the amount of peat permitted to be excavated.

A member commented that potentially the options could include reducing the requirements and another member referred to the possibility that the impact of saving peat could actually create more CO₂. Therefore, the outcome was just as important and not solely the preservation of peat. The PPO responded that the carbon emissions associated with moving peat was addressed in the Authority's peat policy and she agreed to circulate this for members' information. She informed members that she would amend the wording of the document to ensure it reflected the balance of arguments and include options, but the overall direction of the policy must be consistent with legislation and the national policy etc. At the preferred options stage, consideration would be given to whether it was reasonable or not to take forward all of the proposed options and the reasons why.

The Committee's response on the various sections of the Issues and Options was noted.

12. Three Neighbourhood Plans proceeding to referendum

The Planning Policy Officer (PPO) introduced the report, which advised that the three Neighbourhood Plans which had been prepared for Filby, Rollesby and Winterton on Sea, and the representations received on the submitted Plan during the publication stage, had been subject to an independent examination. The examiner had endorsed the three Plans, with some changes, for referendum. The PPO stated that, in terms of the comments made by the

Broads Authority on the Plans, not all of them had been addressed and/or supported by the Examiner. Whilst this was disappointing, the changes proposed by the Examiner seemed reasonable and were considered to be useful.

Gail Harris proposed, seconded by Stephen Bolt and

It was resolved unanimously to endorse the Examiner's Reports and agree that the Neighbourhood Plans for Filby, Rollesby and Winterton on Sea proceed to referendum.

13. Annual Monitoring Report 2021

The Planning Policy Officer (PPO) introduced the report, which set out planning related data from 1 April 2020 to 31 March 2021, as well as the annual check of exemptions related to self-build. The PPO explained that the Authority could only demonstrate a five year land supply using the Liverpool method, but not the Sedgfield method. However, after working through the NPPF and NPPG, the presumption in favour of sustainable development in the NPPF did not apply to the Broads. She added that the Authority was one of only two local planning authorities which applied to the Secretary of State for the exemption relating to self-build requirements. If the calculation was above 20% for demand against land availability, then the Authority no longer had to apply.

To note the report and endorse its findings.

14. December consultation responses

The Planning Policy Officer introduced the report, which provided a proposed response to three consultation documents: Sustainable Construction Supplementary Planning Document, Affordable Housing Supplementary Planning Document and Cycling and Walking Strategy, all by East Suffolk Council.

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

15. Appeals to the Secretary of State

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

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 25 October to 18 November 2021 and the Tree Preservation Orders confirmed within this period.

17. Date of next meeting

The next meeting of the Planning Committee would be on Friday 7 January 2022 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting ended at 12.22pm

Signed by

Chairman