

Planning Committee

Minutes of the meeting held on 15 September 2023

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, Tony Grayling, James Harvey, Martyn Hooton, Tim Jickells and Leslie Mogford

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Kate Knights– Historic Environment Manager, Kayleigh Judson – Heritage Planning Officer, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

No members of the public in attendance.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Kevin Maguire, Keith Patience, 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 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 18 August 2023 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

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/enforcement control

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.

Enforcement – Ludham - Broadgate Bakery, Horsefen Road

Unauthorised bakery

The Head of Planning (HoP) introduced her report seeking authority to serve an Enforcement Notice (EN) requiring the cessation of the unauthorised bakery at Broadgate Bakery, Horsefen Road, Ludham. The HoP provided a detailed presentation, including photographs of the site and various points along Horsefen Road in the direction from Ludham to the site.

The HoP indicated that a part retrospective application for an extension to facilitate an existing bakery on this site had been refused by the Planning Committee on 4 February 2022, with the decision being upheld on appeal by the Planning Inspectorate in July 2023. The Planning Inspectorate had concluded that access was unsuitable and the impact on amenity of neighbouring residents was unacceptable.

The Authority had notified the operator of the appeal decision and allowed them 4 weeks until 21 August 2023 in which to cease operating. The operator had not complied and they had indicated their intention to continue operating until the end of October 2023. The HoP had received anecdotal evidence to suggest that the bakery would resume operation in Spring 2024, although the operator had not confirmed that.

The HoP set out the planning issues making particular reference to the Authority's Enforcement Plan and emphasising the consideration to be given to whether the unauthorised development was capable of being made acceptable and, if unacceptable, the expediency of taking enforcement action.

The HoP provided a reminder of the detailed assessment of the development to convert a dwelling to mixed use (dwelling and a commercial unit) undertaken at the meeting on 4 February 2022 when it was concluded that it was unacceptable as it conflicted with policies that support highway safety (Policy DM23 of the Local Plan for the Broads), protect local amenity (Policy DM21) and that this was an inappropriate location for a commercial activity (Policies DM44 and DM51). This refusal had been supported on appeal and the development could not be made acceptable.

The expediency of taking action was given detailed consideration relating to the harm resulting from the development, the impact of the development, the impacts and costs of

taking action, as well as proportionality and consistency. In considering the harm caused by this breach, in addition to the direct harms regarding highway safety, local amenity and inappropriate location, the HoP indicated the harm to the integrity of the planning system itself was a valid consideration as supported by paragraph 59 of the National Planning Policy Framework (NPPF) that states “Effective enforcement is important to maintain public confidence in the planning system”.

The HoP recommended that an EN was served requiring the cessation of the unauthorised bakery. The HoP indicated that once served, the EN would take 28 days to come into effect which, at the earliest, would be the middle of October. The operator could appeal the EN within the 28 day compliance period which would put the EN in abeyance, meaning the operator could continue to operate pending the outcome of the appeal process. In response to a question the HoP indicated that the appeal process could take weeks to complete although the Local Planning Authority for the Broads would make representations to the Planning Inspectorate, given the previous appeal outcome, in an effort to achieve a more timely response.

If Members were minded to consider the urgency of enforcement action, the HoP indicated that one option would be to serve a Temporary Stop Notice (TSN) which would require the immediate cessation of the unauthorised operation, would be valid for 28 days and there was no right of appeal. The other option would be to serve a Stop Notice (SN) that would take 3 days to come into effect and would persist until it was formally removed. The HoP confirmed that, unlike a TSN, the SN could not be served as a standalone action and would need to be served in conjunction with the EN.

Members indicated their support for new businesses but not if their location failed to comply with planning regulations. Members believed enforcement action was required to protect highway safety and the integrity of the planning system.

Tim Jickells proposed, seconded by Stephen Bolt, and

It was resolved unanimously to authorise the serving of an Enforcement Notice for the cessation of the unauthorised use.

Members were keen to ensure the unauthorised use ceased as soon as possible and to prevent its resumption at a later date. The HoP indicated that the timing of the various actions to facilitate the desired outcome was a nuanced consideration and suggested consulting with the Authority’s Solicitor to agree the most effective means of applying the EN, SN and/or TSN. Members were supportive of a consultation with the Solicitor. A couple of members commented that they were keen for the Planning Committee to demonstrate that it had taken the decision rather than relying on the use of delegated powers. It was proposed to take action to cease the unauthorised use at the earliest opportunity and then delegate authority to the HoP, in consultation with the Authority’s Solicitor, to undertake the most effective means of preventing a resumption of this unauthorised use.

Leslie Mogford proposed, seconded by Martyn Hooton, and

It was resolved unanimously to authorise:

- i. **The serving of a Temporary Stop Notice for the immediate cessation of the unauthorised use and**
- ii. **To delegate authority to the Head of Planning to seek legal advice on the most effective means to prevent the resumption of the unauthorised use and to undertake the identified action(s).**

8. Enforcement update

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

Land at the Beauchamp Arms Public House (Unauthorised static caravans) – The operator was not available for the original Court date and the Hearing at Norwich Crown Court had been adjourned until 22 September 2023.

Land east of Brograve Mill – Following a site visit, the HoP confirmed that compliance work would be undertaken and completed by the end of September ahead of the 9 October 2023 deadline.

9. Halvergate and Tunstall Conservation Area Appraisal

The Historic Environment Manager (HEM) presented the report seeking approval of the Halvergate and Tunstall Conservation Area (CA) appraisal and the addition of a number of buildings, identified during the appraisal, to the Broads Authority's Local List.

This appraisal was part of a wider ongoing review of CAs, as recommended by government guidance, and factored in changes within the area itself and the latest Historic England (HE) guidance since this CA was adopted in 2007. The Halvergate and Tunstall CA lay within Broadland District Council's and the Broads Authority's Executive areas. It had been agreed that the Broads Authority should lead on this re-appraisal, with input from colleagues at Broadland District Council (BDC). As part of the re-appraisal process the existing conservation area boundary had been reviewed and, after consideration, no change to the boundary had been proposed.

The CA appraisal was intended to describe the general character of an area and provide an assessment of its historic interest. The document was intended to help owners, residents, developers, architects, planners and planning inspectors when considering new development to ensure it related well to the established context of the settlement. The CA provided a summary of the architectural interest and built form and included a spatial analysis looking at the spaces between the building, landscape features (such as trees) and important views.

The initial CA appraisal had been taken to public consultation between 14 April and 9 June 2023 and included a well-attended drop-in event at the village hall and resulted in plenty of positive and constructive feedback. The Historic Environment Team had reviewed these

comments and amended the document accordingly and then engaged colleagues at BDC to review the updated version.

The HEM explained that the inclusion of proposals for the management and enhancement of the area was a requirement within an appraisal. This section generated a number of feedback items resulting from a misperception that these proposals were being assigned to property owners thus burdening them with extra responsibilities and potential costs. This section had been updated to indicate that owners were not liable to undertake the works associated with any improvement proposals and this content was intended to help identify/target future funding/project opportunities and to encourage repairs or enhancements.

The HEM provided details of the some of the proposed areas for improvement:

- Stone Cottage, a GII listed building which had suffered fire damage including the loss of its thatched roof a couple of years ago. The owner was working with BDC to repair and restore this structure.
- Red Lion pub, a GII listed building, required a replacement thatched roof and improvements to the surfacing of the car park. The proposals for improving the car park had received mixed feedback responses, however it was deemed an appropriate area for enhancement.
- The railings to the paddock were in parts in poor condition and in need of repair. The inclusion of this area demonstrated the importance of public consultation as people had interpreted the proposal for repair as the wholesale replacement of sections of railing and consequently had voiced their disapproval in the feedback. As a consequence of this feedback this entry had been updated to reflect the need for sensitive repair to this structure.
- The area around the coronation bench needed to be maintained and enhanced. As with the railings this area proved to have sentimental value to a number of respondents. This came to light when it was originally proposed to remove a protective galvanised steel bar located in front of the bench and the feedback indicated that people valued this structure and wanted it to remain, and the entry was amended accordingly.

The HEM indicated that, unlike BDC, the Authority maintained a Local List of buildings that were considered to positively contribute to the character of the Authority's Executive Area but may not qualify for national listing. During the appraisal, several buildings had been identified that were deemed to meet the criteria for Local Listing including a group of outbuildings associated with the Manor House, a K6 telephone kiosk, a barn adjacent to Tunstall Hall that bore a date stamp and plaque relating this barn to the Hall and a couple of World War II structures. These buildings had previously been flagged as important to the CA and as such were included in appendix 2 of the previous appraisal document which listed all buildings considered to positively contribute to the character of the CA. Their inclusion in the Local List was a means in which to formalise their importance to the CA.

The HEM confirmed that a couple of buildings deemed no longer worthy of this form of protection had been removed from the Local List. The feedback for this section of the appraisal and the addition of some buildings to the Local List had attracted negative feedback in much the same way that the Management and Enhancement section had; one person in particular believed that this list imposed too many restrictions and extra financial obligations on owners. This was not the case as evidenced by their inclusion in the previously adopted appraisal and discussions had allayed their concerns. Some feedback had perceived these lists to be a precursor to statutory listing. The HEM confirmed that these buildings were not appropriate for statutory listing and they would fail to meet the associated criteria and this information had been communicated to the respondents.

A member thanked the HEM for bringing this work to the Heritage Asset Review Group meeting on 8 September 2023 and noted the need, raised at that meeting, to protect thatched properties within the Broads that were not protected by listing. The HEM confirmed that research into methods to protect and maintain thatched properties within the Broads was ongoing.

James Harvey proposed, Tony Grayling seconded and

It was resolved unanimously to approve the Halvergate and Tunstall Conservation Area Appraisal and additions to the Local List.

10. Tree Preservation Order - Tealby, 78 Lower Street, Horning

The Historic Environment Manager (HEM) presented the report recommending a site visit in relation to a Tree Preservation Order (TPO) for a Scots Pine at Tealby, 78 Lower Street, Horning. The applicant had submitted an application for Works to Trees in a Conservation Area relating to eight trees on the site within the Horning Conservation Area. The proposed works to seven of the trees had been deemed acceptable but the proposal to remove the Scots Pine was not. A provisional TPO had been served and the HEM indicated that this would need to be confirmed by 25 November 2023.

The applicant had objected to the provisional TPO stating that the tree presented a danger to the neighbouring property and attempting to make it safe without felling it would place an unreasonable burden on the owners. The objection had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee. In preparation for this determination the HEM recommended that Members of the Planning Committee undertake a site visit on 29 September 2023 and that the provisional TPO be presented to the next Planning Committee on 13 October 2023 for consideration.

Members acknowledged the need for site visits under certain circumstances; however given the technical nature of the objection Members did not see the value in this instance. It was proposed not to undertake a site visit prior to the determination of the TPO at the next meeting.

Stephen Bolt proposed, seconded by Bill Dickson, and

It was resolved unanimously to not undertake a site visit before the provisional TPO was considered at the next Planning Committee meeting.

The Committee adjourned at 11.34am and reconvened at 11.38am.

11. Local Plan - Local Development Scheme

The Planning Policy Officer (PPO) presented the report, which sought approval for the Local Development Scheme which was the timeline for producing the Local Plan. The PPO highlighted the proposed changes to the planning system to be discussed at item 14 on the agenda and, to avoid possible delay and rework required to conform to any potential planning system changes, stressed the need to meet the planned June 2025 submission to the Examiner.

Tim Jickells proposed, seconded by Stephen Bolt, and

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

12. Housing and Economic Land Availability Assessment

The Planning Policy Officer (PPO) introduced the report detailing the Authority's Housing and Economic Land Availability Assessment (HELAA) which included the results from the 2022 call for sites. This document was not intended to be Local Plan policies but rather to be used as a piece of evidence to inform the Local Plan.

Given recent government announcements and votes within the House of Lords, the PPO confirmed that at this time there had been no confirmed change in government policy regarding Nutrient Neutrality. The HELAA included references to nutrient enrichment and, as per current government policy, it was assumed that this could be mitigated and as such was a consideration not a showstopper. The HELAA may be updated later in the Preferred Options phase of the Local Plan to reflect any finalised changes regarding Nutrient Neutrality.

The PPO proposed to discuss each section of the HELAA in turn providing slides showing a summary of each site, photographs of each site where possible and a summary of the assessment.

Broadland Nurseries, Main Road, Ormesby St Michael - campsite or 25 dwellings

The proposal was to convert part of the existing site into a campsite or 25 dwellings and downsize the nursery business to the western half of the site. An aerial photograph showing the demarcation of the site was presented as well as a map showing the site in the wider location and various photographs of the site. The PPO confirmed that an application for a campsite had been withdrawn by the agent on 20 July 2023. Following the HELAA methodology the proposed residential dwellings rated red on access to services and the impact on landscape and townscape and the conclusion was this site was not suitable for development. The proposed campsite attracted the same red rating for access to services and

was also rated red for tourism accommodation and was deemed not suitable for development.

Members supported the assessment.

Brundall Gardens Marina – Brundall Broad - 10 holiday homes

The proposal was for 10 holiday homes to be placed around the Broad with an access track through wet woodland and the provision of golf buggies to access the homes. A map of the site was shown indicating that the holiday homes would be situated along the western edge of the Broad. The assessment resulted in red ratings for impacts on Biodiversity and Geodiversity (habitat) and Nationally and Locally Significant Landscapes due to the loss of wet woodland and a red rating for the loss of green infrastructure (Open Space) and an amber rating for Flood Risk. The assessment concluded that the site was not deemed suitable for development.

Members supported the assessment.

Brundall Gardens Marina off West Lane, east of main Marina - 12 holiday homes

The proposal was for 12 holiday homes and a potential restaurant on land to the east of the main marina as shown on a site map. The assessment flagged similar red ratings as per the previous proposal, namely Landscape, Biodiversity and Geodiversity and Open Space and as such the site was not deemed suitable for development.

Members supported the assessment.

Station Road, Hoveton – tourist accommodation

This area was currently allocated within the Local Plan for mixed use and, coincidentally, the various parcels of land (as shown on a site map) that constituted the site were now under the same ownership. The owners were not supportive of residential use given the proximity of the site to a busy pub and associated pub garden. The proposal was to replace the existing buildings (photographs presented), which included locally identified heritage assets, with hotel accommodation. The assessment conclusion supported development of this site.

The PPO added that the Authority was supportive of tourism on this site and would seek to encourage a mix of appropriate uses and the re-use of the buildings considered locally identified heritage assets in the associated Local Plan policy.

Members supported the assessment.

Land near Pye’s Mill, Loddon - 10 residential dwellings

The proposal was for 10 dwellings on land to the south-east of Pye’s Mill. Access would be via a new road from the direction of Loddon Marina to the west across existing fields, part of which was deemed indicative flood zone 3b. Maps of the site and its location relative to Loddon were presented as well as photographs of the site. There was peat in the area and the site would require an associated survey.

The assessment provided red ratings due to the site’s greenfield location, the impact on landscape within the existing isolated area, the access to services, habitat loss and

unsuitability of existing road infrastructure and the new road idea would not likely be supported by the Highways Authority. The site was concluded to be not suitable for development.

Members supported the assessment.

Land off Mill Road, Stokesby - 2 self-build dwellings

The proposal was for two self-build dwellings on existing farmland as shown on a site map and via photographs of the site. The PPO indicated that there was a village shop attached to the pub in Stokesby however it was closed in January and part of February 2023. and, failing to receive a response from the shop owners to indicate whether this was part of the normal pattern of business or not, it was therefore considered not to be a key service for the village for the purposes of this assessment.

The assessment provided red ratings for the impacts to the Landscape, Townscape and Open Space and an amber rating for access to local services. The assessment concluded that the site was not deemed suitable for development.

A Member asked whether a proposal for holiday accommodation on this site would escape the need for local services. The PPO indicated that this would alter the assessment criteria with the location assessed against the criteria for tourist accommodation however, as demonstrated by the Broadland Nurseries assessment, access to local services would still be a consideration and it was not clear what the tourist attraction would be that related to tourist accommodation in this area.

The PPO reminded Members that there was an allocation and subsequent planning permission for Land at Tiedam, Stokesby for 4 dwellings. That site was bordered on three sides by dwellings and was on the edge of the Broads and was permitted at a time when there was another village shop. As such, it was considered that the assessment of this new site as not suitable for development was consistent with the existing allocation (Local Plan policy STO1 (Stokesby)).

Members supported the assessment.

Bill Dickson left the meeting at 12pm.

Brundall Gardens Marina – small marina - 2 residential moorings

The proposal was to replace two existing moorings with residential moorings within an existing marina with pedestrian access to Brundall facilitated via the railway bridge and existing road network. The site was marked on an aerial photograph and a map showing the location relative to Brundall and various photographs of the marina were presented.

The assessment concluded that this site was deemed suitable for development although a concern had been raised regarding the access rights to the railway bridge and the roads to the north of the railway, given that they were not classed as public highways.

A Member believed there was a Public Right of Way (PRoW) across the railway bridge associated with a former hotel at Brundall Gardens Marina dating from the Victorian period.

The PPO indicated that she expected this type of evidence to be offered up by the promoter of the site as part of any application, but would nevertheless investigate this PRow.

Members supported the assessment.

Brundall Gardens Marina – large marina - 6 residential moorings

The proposal was to replace six existing moorings with six residential moorings within an existing marina with pedestrian access to Brundall as per the allocation in the current Local Plan. The site was marked on an aerial photograph and a map showing the location relative to Brundall and various photographs of the marina were presented.

The assessment concluded that this site was deemed suitable for development although with the same concern regarding the access rights to the railway as per the previous site.

Members supported the assessment.

Greenway Marine, Chedgrave

This site and the associated 5 residential moorings had been allocated in the existing Local Plan policy CHE1 (Chedgrave). The presentation showed the site marked on Policy Map 5 Chedgrave & Loddon, a map showing the site in relation to Loddon/Chedgrave and their surrounding area and various photographs of Greenway Marine. The Highways Authority had previously raised concerns regarding the access visibility to the site and these concerns had been confirmed to remain.

The assessment concluded that this site was deemed suitable for development subject to the concern of the Highways Authority.

Members supported the assessment.

Hipperson's Boatyard, Gillingham - 5 residential moorings

This site and the associated 5 residential moorings had been allocated in the existing Local Plan Policy BEC2 (Beccles residential moorings). The presentation showed a site map, a map showing the site in relation to the Beccles and Gillingham and various photographs of Hipperson's Boatyard. The location of the site on the western/Gillingham bank of the river Waveney and the proposal was to rename this policy to reflect the Gillingham location.

The assessment concluded that this site was deemed suitable for development.

A Member referenced the historic houseboats moored on the river Waveney at Beccles and asked for clarification on what constituted a residential mooring. The PPO responded that residential moorings were intended for boats capable of navigation and could be lived on. They were not intended for use by buildings on pontoons that were not capable of navigation. The boats must also comply with National Flood Risk Policy and the associated flood related criteria for residential moorings was set out in policy DM37 (New residential moorings).

Members supported the assessment.

Ropes Hill, Horning - 6 residential moorings

This site and the associated 6 residential moorings had been allocated in the existing Local Plan policy HOR9 (Horning Residential Moorings). The presentation showed the site marked on Policy Map 10 (Horning), a map showing the site in relation to Horning and the surrounding area and various photographs of the site.

Four of the proposed residential moorings would be met by replacing existing moorings and two would require further excavation resulting in the removal of peat. The Highways Authority had raised concerns regarding access to the site and, without some form of mitigation, deemed the access inadequate to serve the scale of development proposed. The site's location within Horning meant that any development that resulted in an increase in foul water was prohibited as stated by the Horning Knackers Wood Water Recycling Centre - Joint Position Statement.

A Member believed that boats did not need to utilise flush toilets citing cassette and composting toilets as suitable alternatives and therefore an increase in foul water could be eliminated. The PPO indicated that unfortunately the planning system could not condition the design of boats to mandate non-flush toilets and therefore could not eliminate an increase in foul water at this site.

The assessment concluded that this site was not suitable for development.

Members supported the assessment.

Land next to Loddon Marina – 10 residential moorings

The proposal was for 10 residential moorings situated within a dyke to the east of Loddon Marina. The presentation showed a site map, an aerial photograph of the same with the dyke marked and various photographs of the site. There was no quay heading on the dyke and the dyke would require widening to facilitate the proposed number of residential moorings with a resulting excavation of peat and possible impacts on the established tree along the dyke.

The assessment provided red ratings for the impacts to the Landscape, Townscape and Biodiversity and Geodiversity (Habitat) and an amber rating for Historic Environment given the sites location within a Conservation Area. The assessment concluded that the site was not deemed suitable for development.

Members supported the assessment.

Loddon Marina - 10 residential mooring

This site and the associated 10 residential moorings had been allocated in the existing Local Plan policy LOD1 (Loddon Marina Residential Moorings). The presentation showed the site marked on Policy Map 5 Chedgrave & Loddon, an aerial photograph of Loddon with the marina marked and various photographs of the site.

The assessment concluded that this site was deemed suitable for development.

Members supported the assessment.

Somerleyton Marina - 15 residential moorings

This site and 10 of the 15 proposed residential moorings had been allocated in the existing Local Plan policy SOM1 (Somerleyton Marina Residential Mooring). The presentation showed the site marked on Policy Map 16 Somerleyton, a location map of Somerleyton with the site highlighted and various photographs of the site. The proposal was to replace a further 5 existing moorings with 5 residential moorings totalling 15 residential moorings. There was a train station nearby, the local pub was considering provision of a shop and the site was adjacent to a Development Boundary, as set out in the Waveney (East Suffolk) Local Plan (one of the criteria for assessing a residential mooring).

The assessment concluded that this site was deemed suitable for development.

Members noted the excellent transport links and supported the assessment.

Richardson's Boatyard, Stalham Staithe - 10 residential moorings

This site was referenced as a possible location for residential moorings in the existing Local Plan Policy STA1 (Land at Stalham Staithe). The proposal was to replace 10 existing moorings with 10 residential moorings. The presentation showed a site map, a location map showing the site in relation to Stalham and various photographs of the site.

The assessment concluded that this site was deemed suitable for development.

Members supported the assessment.

Cantley Sugar Beet Factory – extension of area to which policy applies

This proposal was to extend the area covered by the existing Local Plan Policy CAN1 (Cantley Sugar Factory) to include an area of hard standing currently used as a car park. The presentation showed a site map with the extended area marked and various photographs of the extended site.

The assessment concluded that this site was deemed suitable for development (i.e. extension of the CAN1 policy area).

The PPO highlighted the need for the updated policy to consider impacts to the pub and the nearby staithe and encourage the retention of existing vegetation and trees.

Members supported the assessment.

Whitlingham Lane, Trowse – Class E uses

The proposal was to extend the permitted uses for an existing boatyard and former rowing club to include Class E - Commercial businesses and services. The presentation showed a site map, a location map showing the site in the wider context of the western extent of Whitlingham Country Park and various photographs of the site.

The assessment concluded that this site was deemed suitable for development although it was noted that not all commercial businesses and services within the Class E definition would be suitable or appropriate on this site.

Members supported the assessment.

Whitlingham Area – extension to area covered by Policy WHI1

This proposal was to extend the area covered by the existing Local Policy WHI1 (Whitlingham Country Park) to include an area of agricultural land. The presentation showed a site map with the various extended areas delineated to indicate their control by the Whitlingham Charitable Trust or the Crown Point Estate, an inset map showing an enlarged view of the extended areas associated with the Whitlingham Charitable Trust and various photographs of the extended site.

The assessment concluded that this site was deemed suitable for development (i.e. extension of the WHI1 policy area) with guidance that the existing character of the area should not be impacted and that buildings may not be suitable in some areas.

Members supported the assessment.

Utilities Site

This site was not assessed within this version of the HELAA. The PPO intended to use the associated Supplementary Planning Document (SPD) that was being produced and that would be adopted by the Broads Authority, Norwich City Council, South Norfolk Council and Broadland District Council and use that as the evidence required to then allocate this site. This site might be assessed in a future version of the HELAA.

Windfall

These sites are ones that come forward, that are not allocated in the Local Plan. However, in the Broads, windfall was erratic in nature; less than 20 dwellings and even fewer residential moorings in a typical year. Therefore, it was proposed to not include any windfall predictions in the Local Plan. However, any windfall sites permitted since 2021 would be counted towards the overall housing and residential moorings need.

Larger sites with planning permission

There were a number of sites where planning permission had already been granted and in fact development might have commenced on some of them. These sites would not be assessed in the HELAA although they were covered by relevant Local Plan policies as they had not yet been completed.

If Members were minded to support the HELAA then this document would be published on the Authority's website as part of the evidence required to create the Local Plan.

Tim Jickells proposed, Tony Grayling seconded and

It was resolved unanimously to endorse the Housing and Economic Land Availability Assessment as evidence for the Local Plan.

13. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed five new or amended policy areas that were proposed to form part of the Preferred Options version of the Local Plan. The PPO proposed to discuss each section of the report in turn and welcomed Members' feedback.

Broads Economy – DM25, DM26, DM27

Policy DM25 (New employment development) had been updated to reflect the correct current land use classes and include Class E (indicating the prospect of imposing restrictions given the wide definition of this land use class). The PPO had added clarifications to ensure a development was commensurate with the site, promote water efficiency and to consider possible impacts of climate change.

Policy DM26 (Protecting general employment) had been updated in a similar fashion to DM25 with the inclusion of Use Class E (and the possible imposition of similar restrictions as referenced above). A section had been included relating to business diversification; this content had been transferred from Policy DM27 (Business and farm diversification). The PPO explained that DM27 would be updated to deal solely with farm diversification and would be included at the next meeting.

Broads Economy – SP10, SP11 and DM28

Policy SP10 (A prosperous local economy) had been updated to include extra criteria relating to the rural and local economy, reflect correct current use classes and reference to Class E and its associated caveats.

Policy SP11 (Waterside sites) had been updated to include some clarifications and a reference to the provision of high-quality environment and green infrastructure.

In response to a question the PPO indicated that the focus on angling tourism in this policy was appropriate given the proximity of these sites to the water.

Policy DM28 (Development on waterside sites in employment or commercial use, including boatyards) had been updated to include references to the Design Guide, climate change and dark skies.

Main Road Network

Policies SSROADS and DM23 and SP8 (included in the following Transport section) had been produced in conjunction with the Highways Authorities associated with Norfolk and Suffolk County Councils.

Policy SSROADS (Main road network) had been tidied up. The need for a transport assessment had been removed from this policy as this requirement was considered more appropriate within those Development Management policies where possible increases in traffic on the road network was a consideration.

Transport section

Policy SP8 had been renamed Accessibility and Transport and updated to include consideration for sustainable forms of transport and promote accessibility for all users.

Policy SP9 (Recreational access around the Broads) had been updated to include canoe launch pontoons.

A Member questioned the naming of SP9 and believed that the reference to “Broads” in this context could be interpreted as relating solely to the Broads as bodies of water rather than

the Broads as an area. It was agreed to update the name of this policy to include a reference to the “...Broads area”.

Policy DM23 (Transport, highways and access) had been updated to include a reference to a transport assessment, to promote modes of transport other than cars, to promote active travel and to consider the benefits to the wider community.

Potter Heigham

Policy POT2 (Waterside plots) had been tidied up and a reference to the Design Guide added in the context of proposals to replace chalets.

Policy POT3 (Green Bank Zones) had been updated to ensure the associated policy maps accurately reflected the locations. The corrections reflected the accurate mapping to the physical boundaries of these areas, corrections to ensure areas were attributed to the correct POT2/POT3 classification and the inclusion of areas previously not classified.

A Member asked whether there was a discrete classification for the boatyard at Maycraft, located downstream of Potter Heigham bridge on the northern bank of the river. The PPO was unfamiliar with this site and would investigate and provide an update accordingly.

A Member indicated that the meaning of “snapping correction” stated on the policy maps key was unclear and wondered whether this could be expressed in a non-technical fashion before publication.

It was also noted that these policies included locations on the south of the river and therefore related to Repps with Bastwick and the PPO agreed to update the policy names accordingly.

Members’ comments were noted.

14. Changes to the Planning System for Local Plans - Government Consultation

The Planning Policy Officer (PPO) introduced the report that detailed the Authority’s response to a government consultation on proposed wide-ranging changes to the planning system for Local Plans for inclusion in the Levelling Up and Regeneration Bill (LURB). The report considered the various proposals and provided the detailed responses to the consultation questions as set out in Appendix 1 of the report.

The PPO had attended a workshop where she had been able to raise the comments relating to the failure to include the Broads when referencing National Parks and the cost of software packages associated with the proposed digitisation of the Local Plan process (the inference on the latter point was that the Department for Levelling Up, Housing and Communities would provide the relevant products with no extra costs imposed on Local Planning Authorities).

The proposal was to define national Development Management (DM) policies that would underpin the Local Plan thereby streamlining the process. The PPO was sceptical that the implied “one size fits all” DM policies were achievable, and more information was required to better understand the practicality and efficacy of these national DM policies.

The proposed 30-month end-to-end timeframe seemed unrealistic based on the PPO's recent experience where the last examination alone took 18 months to complete instead of the proposed 6 months under this new system. Similarly, the proposed Local Plan adoption within a month was unrealistic given that Broads Authority meetings were scheduled 6 times a year.

Members agreed that the proposed timescales were unrealistic and highlighted that they were not always under the control of the Authority.

Stephen Bolt proposed, Tony Grayling seconded and

It was resolved unanimously to endorse the nature of the proposed response to the consultation on implementation of plan-making reforms (Levelling-up and Regeneration Bill).

15. Department of Levelling Up, Houses and Communities - Consultation on proposed changes to permitted development rights

The Head of Planning (HoP) introduced the report that detailed the Authority's response to a consultation issued by the Department of Levelling Up, Housing and Communities (DLUHC) on proposed changes to permitted development rights for additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons. The HoP provided a presentation of the report by summarising the proposed permitted development right changes and the Authority's proposed response for each discrete category of permitted development rights covered by the consultation.

Class E (commercial, business and services) to dwellinghouses

This proposal would extend this permitted development right (to convert Class E premises) to dwellings to include the Broads and National Parks, and make other changes.

The HoP believed that the impact of these proposals could be significant within the Broads and could result in the widespread loss of commercial, community and visitor facilities, thereby undermining rural communities. The current planning system did not prohibit this change of use, but required a planning application so a justification needed to be made and impacts considered.

There was no justification offered in the consultation for the proposed extension to permitted development rights and it was recommended to strongly object to this proposal.

Class Q (agricultural buildings) to dwellinghouses – part 1

This proposal would extend this permitted development right (to convert agricultural buildings to dwellings) to include the Broads and National Parks, as well as make other changes.

Stephen Bolt left the meeting at 1pm.

The HoP believed this proposed change would undermine the plan-led system, locate housing in remote rural locations which did not meet sustainability requirements and have impacts on the landscape and the character of the countryside.

It was recommended to strongly object to this proposal.

Martyn Hooton left the meeting at 1:03pm.

Class Q (agricultural buildings) to dwellinghouses – part 2

This proposal would extend this permitted development right to include other rural buildings and extend it to the Broads and National Parks .

The HoP explained that this proposed extension to Class Q would grant permitted development rights to a wide range of buildings in the countryside, including part-agricultural, past agricultural, forestry, equestrian, telecoms and pumping station buildings.

This would have similar impacts as the previous Class Q proposal and, for the same reasons, it was recommended to strongly object to the proposal.

Class R (agricultural buildings) to flexible commercial use

This proposal would extend permitted development rights to include other rural use buildings, extend the range of flexible commercial uses to include outdoor sport and recreation (Class F2) and general industrial (Class B2), would be applicable within the Broads and National Parks and make them subject to a Prior Approval process when change of use relates to an area over 150m².

As per the previous Class Q proposals this would undermine plan-led system, conflicted with sustainability principles and would impact on landscape and character of countryside. It was recommended to strongly object to the proposal.

Part 6 - agricultural development

This proposal would extend existing permitted development rights to increase the size of new agricultural buildings by 25% - 50%.

The HoP explained that the potential increase in the size of agricultural buildings would have an impact on the landscape and character of the countryside and it was recommended to object to this proposal.

There were a number of other changes proposed in the consultation (and detailed in the report) that were not likely to affect the Broads area and it was recommended not to object to them.

The HoP summarised that these proposed changes to permitted development rights where applicable to the Broads area would not be supported for the following reasons:

- Impact on the fundamental principles of the planning system
- Undermined Local Plan policies that had been produced in accordance with national planning policy and been agreed via public consultation

- Excluded local communities from decisions relating to their local area
- Avoided proper consideration of the impacts of these developments
- Eroded the distinction between protected and non-protected landscapes
- Impact on the protected landscape

Members agreed with the judgements made on these proposals and were taken aback at their pernicious impact on the planning system and the wider implications not just within the Broads.

Tim Jickells proposed, Tony Grayling seconded and

It was resolved unanimously to endorse the proposed response to the consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons issued by the Department of Levelling Up, Housing & Communities.

16. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to a consultation on the Great Yarmouth Borough Council Design Guide Supplementary Planning Document (SPD) prepared by Great Yarmouth Borough Council.

The PPO had provided feedback recommending the consideration of light pollution and dark skies when considering lighting. The SPD made reference to “detering birds” and the PPO had suggested promoting wildlife where possible. The document also referenced out of town retail and commercial units and the PPO had queried this with respect to the Local Plan and the National Planning Policy Framework.

James Harvey proposed, Tim Jickells seconded and

It was resolved unanimously to endorse the nature of the proposed response.

Tony Grayling left the meeting at 1:14pm.

17. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q2 (1 April to 30 June 2023)

The Senior Planning Officer (SPO) introduced the report, which provided the development control statistics for the quarter ending 30 June 2023. The SPO highlighted that all major and minor applications had been completed within statutory timescales or within an agreed extension of time as shown in table 2 (of the report) and exceeded the national performance indicators as shown in table 3 (of the report). The SPO concluded that the figures were good and were consistent with past performance.

The report was noted.

18. Appeals to the Secretary of State

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

19. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 07 August 2023 to 04 September 2023 and three Tree Preservation Orders confirmed within this period.

20. Date of next meeting

The next meeting of the Planning Committee would be on Friday 13 October 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 1:16pm.

Signed by

Chair