

Planning Committee

Minutes of the meeting held on 04 February 2022

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Gail Harris, Paul Hayden, Tim Jickells, James Knight, Leslie Mogford, Vic Thomson and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer (items 9-11), Lucy Burchnall – Head of Ranger Services (item 10), Nigel Catherall – Planning Officer (item 7.1), Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Senior Governance Officer

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

Members of the public in attendance who spoke

Mr Gepp (applicant) for item 7.1

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Michael Scott

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. She added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

Members provided their declarations of interest as set out in Appendix 1 to these minutes and in addition to those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 7 January 2022 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

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.

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/2021/0211/FUL – Broadgate, Horsefen Road, Ludham

Change of use to dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension

Applicant: Mr Alan Gepp

The Planning Officer (PO) provided a detailed presentation on the application for the change of use to a dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension at Broadgate on Horsefen Road in Ludham. The lawful use of the property was as holiday accommodation, restricted by planning condition (approved 1997). The application was before the committee as there were material considerations of significant weight raised by consultees and the District Councillor. The PO updated the committee with the views of the Highways Authority on the recently submitted Transport Report, who remained of the view that Horsefen Road was unsuitable to serve the proposed development, for the reasons given in the committee report.

In assessing the application, the PO addressed the key issues of: the principle of development and the suitability of the site for the proposed commercial use; design and landscape; impact on amenity of neighbouring residents; and parking provision and highways.

The Head of Planning (HoP) read out a statement by the District Councillor who was unable to attend the meeting.

Members asked a number of questions concerning the chalets in the immediate vicinity, including whether any enforcement action had been taken to ensure compliance with occupancy conditions. However, the solicitor for the Authority confirmed that this was not relevant to the application under consideration and before the committee, which was for a change of use to dwelling and bakery. The HoP provided a brief outline of the various ways holiday lets could be controlled, one of which was through planning conditions (ie restrict to holiday let only and with limited occupation) which was monitored annually. Older

permissions treated holiday lets differently and did not necessarily specify holiday let only but included a break clause in the middle when the property should not be occupied. However, this did not preclude people from living there fulltime and moving out for that period or using it as a second home. A description of “holiday let” did not restrict the use to that only as that would need to be controlled by the imposition of a specific condition and giving dates when it should not be occupied. In terms of the application property, the HoP referred to the correspondence provided by the applicant which he had had with the monitoring officer in August 2017 when he had been contacted for information on the use of the property and whether it was being used in accordance with the occupancy restrictions. The applicant had confirmed he used the property for full residential, although there was an occupancy restriction from 8 January to 20 March (10 week period). The officer had subsequently replied that if it had been occupied fulltime for more than four years, he might want to apply for a Certificate of Lawful Use as it was likely to be immune from enforcement action. In response to a question on whether, in granting planning permission today, the holiday use restriction would be removed, the PO advised that the application was for a change of use to dwelling and retail bakery and so this would regularise the position. The HoP added that, if refused, officers would review the position given the issues raised but it was likely to be immune from enforcement action, as was the case in 2017. The solicitor for the Authority further confirmed that, whilst planning permission would regularise the position in terms of the occupancy restriction, this would only relate to this particular site. In response to a question on whether this would set a precedent, the PO advised that the other owners would be entitled to apply for planning permission and each case would be taken on its own merits and individual circumstances.

Mr Gepp provided a statement in support of the application, commenting that he did not consider the application ready for a decision and would rather not have to follow the officer’s advice of going through the appeal process. He considered there were three outstanding issues – relating to Policies DM21, DM23 and DM44. In terms of amenity, a noise and odour report was to follow and would provide clarity on the proposed mitigation measures. In terms of the disabled access, a comprehensive professional transport statement had been submitted. There would not be a huge increase in vehicles on Horsefen Road as suggested by the Highways Authority – baking industry data indicated that 97% of sales were from large retailers and sales from an artisan baker comprised only 3%. As artisan bakery products were up to four times more expensive, they had little appeal to local inhabitants. His customer base was only a few local inhabitants who visited regularly (about once a week) and a small number of other visitors who visited occasionally via car (fewer than 10). Approximately 60 locals who had originally visited, never made a return visit. His preference was for a seasonal model eg holiday makers, which would enable him to take an out of season break. He considered the Local Planning Authority’s case on Policy DM44 (location/visitor and community facilities and services) to be extremely suspect. In conclusion, he urged the committee to defer a decision pending a report on noise/odour (allowing say six weeks for this) and request any other information they required, as well as offering any enlightenment to resolve the objections raised by the Highways Authority.

In response to questions, the applicant confirmed that he had registered his food business with the Local Authority when he first started and had been operating for two short seasons during 2020 and 2021 but had not been operating since the end of October 2021. He considered that the application was before the committee too early and it would be premature to make a decision, having been told by the officers that there was information which was still outstanding, despite providing a transport assessment on 17 January and a commitment to provide a noise/odour report. When asked if he had requested the application be deferred, he responded "several times it had been deferred". On 21 December, he had been told that it was to be taken to committee and had asked that it be the March and not the February meeting to allow time for the noise/odour report to be submitted. The PO advised that officers had requested reports on ecology, transport and noise/odour back in July so a significant amount of time had passed. He confirmed that the required information on trees and ecology had been received and this could be dealt with via a planning condition. However, the other information remained outstanding and this had been made clear to the applicant in July and again in September. Furthermore, at an on-site meeting between officers from the Environmental Protection Team of North Norfolk District Council, the Planning Officer and the applicant, the applicant had been reminded again but the information was still not forthcoming. The application was originally scheduled for the December Planning Committee, with the applicant given more time to provide the requested information and ultimately, as no further information was forthcoming, it was deemed necessary to draw the matter to a conclusion and brought to committee for a decision.

In moving on to the debate, members were supportive of the business but considered that this was not the right location for such a business, and the fundamental objection raised by the Highways Authority could not be overcome. In addition, there was a lack of information to reasonably demonstrate that the proposal would not have an adverse impact on the amenity of neighbouring residents in relation to noise and odour from the operation of the proposed bakery.

In conclusion, therefore, it was considered that the proposal was contrary to Policies DM21, DM23, DM44, and DM51 of the Local Plan for the Broads and the National Planning Policy Framework (2021) which was a material consideration in the determination of this application.

Tim Jickells moved, seconded by Andrée Gee and

It was resolved by 12 votes for and 1 against to refuse the application for the following reasons:

1. The proposed bakery with retail sales is not considered to be sustainably located, is poorly linked to the village of Ludham, and not accessible by a range of transport modes, contrary to Policies DM44 and DM51 of the Local Plan for the Broads, and the NPPF.
2. The proposed bakery with retail sales would result in a type of use and intensification of use which is out of keeping and character with the predominantly residential

surrounding area, to the detriment of the amenity enjoyed by neighbouring residents, contrary to Policy DM21 of the Local Plan for the Broads.

3. Insufficient information has been provided to ensure that impact from the function of the proposed bakery in terms of noise and odour would be at an acceptable level, contrary to Policy DM21 of the Local Plan for the Broads.
4. The site of the proposed bakery is not accessible by footpath and the access road is a single carriageway with blind bends and areas with poor pedestrian refuge. The proposed development does not adequately provide for pedestrians and people with disabilities (those confined to a wheelchair or others with mobility difficulties), contrary to Policy DM23 of the Local Plan for the Broads.
5. Horsefen Road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Policy DM23 of the Local Plan for the Broads and the NPPF.

(2) BA/2021/0472/FUL – land at How Hill, Ludham

Replacement of wooden boardwalk with recycled plastic and replacement of arched wooden bridge with horizontal wooden alternative

Applicant: Broads Authority

The Head of Planning Officer (HoP) provided a detailed presentation on the application for the replacement of the wooden boardwalk with recycled plastic and the replacement of an arched wooden bridge with a horizontal wooden alternative at How Hill nature reserve in Ludham. The application was before the committee as the Broads Authority was the applicant.

In assessing the application, the HoP addressed the key issues of: the principle of development; design and impact upon the landscape, and biodiversity.

In response to a concern about possible contamination of the waterway from the plastic being cut on-site, the HoP advised that this could be covered by amending one of the proposed conditions to include methodology of construction being agreed to ensure any sawing was carried out off-site.

Disappointment was expressed at the loss of what was considered to be an attractive bridge but members acknowledged the importance of accessibility for all, particularly in the Authority's duty as a public body to promote access to the countryside etc, and the bridge's poor condition. It was also recognised that its replacement with a simpler flat design would not impact river users as this particular area was not a navigation channel. In terms of the materials to be used for the boardwalk, it was noted that the overall quality of plastic / recycled materials had improved in recent years with some of the products achieving a relatively natural finish and also not requiring the addition of chicken wire to provide a non-slip surface.

In conclusion, it was considered that the proposals would allow for better access for all along the nature trail around How Hill and, in particular, the new bridge would allow for wheelchair users to also use the trail. The proposed change in materials was not considered to be unacceptable in terms of the impact on the character of the area. Therefore, the application was considered to be in accordance with Policies DM11, DM13, DM16 and DMN43 of the Local Plan for the Broads 2019.

Gail Harris moved, seconded by Bill Dickson and

It was resolved by 12 votes for and 1 against to approve the application subject to the following conditions:

- Time limit
- In accordance with submitted documents and plans and
- Constructed in accordance with the agreed material schedule or requirement to submit details of material if they differ due to supply issues, and methodology of construction.

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:

Blackgate Farm, Cobholm: officers would visit the site in late February to check compliance.

Land to east of North End, Thorpe next Haddiscoe: progress remained very slow and some materials remaining on the site. A report would be presented at the April meeting with a recommendation on how to conclude.

Land east of Brograve Mill, Waxham: officers had contacted the Planning Inspectorate for the outstanding decision on the appeal.

9. Loddon and Chedgrave Neighbourhood Plan – designating the Neighbourhood Area

The Planning Policy Officer (PPO) introduced the report, which sought agreement for Loddon and Chedgrave to become a Neighbourhood Area to produce a Neighbourhood Plan.

Andrée Gee moved, seconded by Tim Jickells and

It was resolved unanimously to agree to Loddon and Chedgrave becoming a Neighbourhood Area to produce a Neighbourhood Plan.

10. Issues and Options bite size pieces

The Planning Policy Officer (PPO) introduced the report, which provided members with sections of the emerging draft Issues and Options stage of the Local Plan, as part of the review of the Local Plan, and inviting members' thoughts and comments. The areas covered were:

introductory sessions to the Issues and Options; existing housing stock – flood resilience; water efficiency of new dwellings; wind power and quay heading in front of quay heading.

Flood resilience for existing housing stock

At the meeting in December, when the section on energy efficiency/performance of the existing housing stock had been discussed, members had requested a similar approach be taken in relation to flood resilience and so this section sought to address that.

A member referred to a report published by Defra in 2016 entitled “Improving property level flood resilience: Bonfield 2016 action plan”. The PPO responded that she would look at the report and include reference to it, if applicable.

Water efficiency of new dwellings

The current adopted Local Plan Policy, DM4, set a water use standard of 110 litres per day per household (l/h/d) which was beyond the current Building Regulations requirement of 125 l/h/d. This was in line with all the Norfolk Local Planning Authorities, acknowledging Norfolk as an area of serious water stress. Various options were proposed including reducing water use and the potential to require water neutrality.

A member commented that the Broads Authority figure should reflect the specifics of its area and not seek to go further than the Building Regulations requirement. This should also apply to other issues, such as energy efficiency because if the Building Regulations kept changing, and the Local Plan referenced the figure in the Regulations, then the Local Plan would consequently need updating. As the Broads Authority had limited resources, it should only apply different rules if the particular local circumstances required, such as drainage and abstraction levels but this should not extend to water consumption etc. Another member commented that the region was water-stressed and the Broads Authority should be an exemplar, and so he considered the figure of 110 l/h/d should remain as an option. The Director of Strategic Services advised that the Broads Authority was a partner in Water Resources East and it was currently carrying out a consultation on its emerging water resource regional plan, and climate change had been identified as a further challenge to meeting the area’s water needs, for the Eastern England region which is already a water stressed area. Members agreed to include all of the proposed options.

Wind power

There was current National Planning Policy Guidance on suitable areas for wind energy development, which required Local or Neighbourhood Plans to identify suitable areas. This related to one or more wind turbines and no distinction was made between commercial and domestic turbines. The current Local Plan did not currently allocate suitable areas for wind turbines. The paper sought consultees’ views on what should be the Authority’s approach. Members agreed to the wind power section.

Quay heading in front of quay heading

It was noted this section was yet to be considered by the Navigation Committee (scheduled for 14 April).

One of the statutory purposes of the Broads Authority was to protect the interests of navigation and the Local Plan had a strategy policy (Policy SP13) to protect and enhance the navigable water space. The paper included a number of options ranging from no specific policy, a geographic based approach, through to a policy applicable to all of the Broads, regardless of river width.

Members recognised this was becoming more of an issue, with a measurable decrease in navigation, but a blanket policy approach was not recommended and each application should be looked at as an individual case. There were areas where it was more necessary to control than others, such as pinch points. A member commented that the policy should not be too specific as there were wide areas such as the River Yare which would not be detrimentally affected and also private waterways where it would be the owner's decision to choose whether or not to narrow their waterways. He considered the issue to be one of navigation and not planning, and often it was more the case of trees or scrub which affected the width of navigation.

The Head of Planning reminded members that their views were not being sought on the actual policy at this stage but what options should be included as part of the consultation. Once the policy was ready for discussion, as part of the Preferred Options stage, that would be the stage when members could discuss in detail. Members agreed to include all of the proposed options.

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

11. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to three policy consultations recently received from: Oulton and Worlingham Parish Councils on their Neighbourhood Plans and Transport East on its Transport Strategy.

A member commented that there was very little reference to "green tourism" in the Transport Strategy insofar as it related to the Broads. There would need to be a big investment in transport infrastructure to support greener modes of transport to access tourist areas and accommodation. The PPO agreed to include this as part of the response.

A member referred to car use and the issue of anti-car use or anti-pollution making cars. In terms of green tourism, it would never be possible to use public transport to reach holiday homes etc in the Broads area due to the remote nature. Therefore, the Authority should adapt its thinking to reflect the availability of electric cars to address the reliance on cars to access tourism areas with limited or no public transport.

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

12. Minutes of the Heritage Asset Review Group meeting held on 17 December 2021

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 17 December 2021.

The Head of Planning advised that, in view of the member workshop taking place on 11 March, the date of the next HARG meeting had subsequently been moved to 25 March, with the agreement of the Chair.

13. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – 1 September to 31 December 2021

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter end 31 December 2021. Key figures were in table 3 of the report, which showed that the Authority had met all of the national targets.

The HoP corrected an error in appendix 2 (table 3 – other applications) which only identified the timescale for 34 of the 36 decisions; the remaining two (householder applications) had been granted an extension of time but this had subsequently been missed. In future, the table would include a column “not met extension of time”. Consequently, in paragraph 1.2 of the report, this should state that of the 17 applications, 15 had been determined within the extension of time but two had missed the agreed extension.

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 20 December 2021 to 21 January 2022 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 4 March 2022 at 10.00am.

The meeting ended at 12:20pm

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 04 February 2022

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all members	7.1	Had been lobbied by the applicant through the receipt of correspondence.
Melanie Vigo di Gallidoro on behalf of all members	7.2	Applicant is the Broads Authority.
Harry Blathwayt	7.1	North Norfolk District Councillor – other registerable interest. Lived in the village. Non-disclosable non-pecuniary interest.