

# Planning Committee

## Minutes of the meeting held on 31 March 2023

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## **Present**

Harry Blathwayt – in the Chair, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Tony Grayling, Tim Jickells, James Knight, Leslie Mogford, Melanie Vigo di Gallidoro and Fran Whymark

## **In attendance**

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer, Kate Knights– Historic Environment Manager, 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 Gail Harris.

### **Openness of Local Government Bodies Regulations 2014**

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

## **2. Declarations of interest and introductions**

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

## **3. Minutes of last meeting**

The minutes of the meeting held on 03 March 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

The Head of Planning had requested that item 7.1 (BA/2023/0015/FUL Brundall - Boat storage and hardstanding at Brundall Gardens Marina) be withdrawn from the agenda. A consultation response from Natural England required the applicant to respond to a number of issues, and while these issues were outstanding this application could not be determined.

## 7. Applications for planning permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decisions.

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

### (1) BA/2023/0015/FUL Brundall - Boat storage and hardstanding at Brundall Gardens Marina

As explained in minute 6 above, this item was deferred.

### (2) BA/2023/0083/FUL Strumpshaw - Works to former pumping station culvert

#### **The repair of the existing drainage channel and extension to outflow pipe**

#### **Applicant: Andrew Farrell on behalf of Broads Authority**

The Planning Officer (PO) provided a detailed presentation of the application that would involve the repair of the existing drainage channel associated with a historic steam engine house.

The presentation included a location map, the site marked within a map of the RSPB reserve, a site map, various photographs of the steam engine house, the drainage channel and the site within the surrounding fen marshland beside the river Yare.

The PO explained that the site was located within Strumpshaw Fen RSPB Reserve, to the south-east of Brundall on the north-east bank of the river Yare. Strumpshaw Fen forms part of a Site Special Scientific Interest (SSSI), RAMSAR Site, Special area of Conservation (SAC), Special Protection Area (SPA) and is a National Nature Reserve (NNR). The site can be accessed via a private track from Station Road.

The PO explained that the proposed repair would restore the brickwork, damaged by flood water in January 2022, that lined the drainage channel leading from the engine house to the river Yare. The height of this brick wall would be extended by 1 or 2 brick courses to match the existing floodboards. Water leaving the engine house would be directed through a new pipe that would extend along the full course of the drainage channel. This pipe which would

be buried up to ground level within the channel. The channel would have a headwall installed, in-line with the flood defences, and the outflow pipe would extend up and over the headwall.

This repair would maintain the operation of the drainage mill, remove the risk of people or wildlife falling in the drainage channel and reduce the risk to the Locally Listed engine house and surrounding area posed by tidal flooding.

The application was considered to be in accordance with Policies DM5 (Development and Flood Risk), DM11 (Heritage Assets), DM16 (Development and Landscape), and DM23 (Design) of the Local Plan for the Broads, along with the National Planning Policy Framework.

The PO concluded that the works are reasonably low key and in keeping with the overall appearance of the drainage channel and would not have an adverse impact on the heritage assets or landscape and river scene. The proposal was considered acceptable and the recommendation was to approve this application subject to the conditions specified.

A member enquired about the ownership of this site and for the reason why this work was not attributed to them. The Historic Environment Manager (HEM) explained that the site was owned by the Strumpshaw Hall Estate and was leased to the RSPB on a long-term basis. The repair to the drainage channel had been planned for phase 1 of the National Lottery funded Water, Mills and Marshes (WMM) project. The scale of the repair though was deemed too large (and therefore expensive) for that phase of WMM. This issue was compounded by the flood damage sustained in January 2022, although this increased the urgency of this work as the restored engine house and chimney were at risk from further extreme flooding events. At this time, it was hoped that funding could be found to complete this work as a 'legacy project' and fortunately the Authority's bid for additional capital funding for WMM from Defra was successful in autumn 2022.

The HEM confirmed that the electric pump, housed within the engine house, was maintained by the RSPB and was in full working order although it was considered more of a museum piece than an integral part of the drainage system (it was not part of the Broads Internal Drainage Board network).

A member asked whether this work would have an impact on ground nesting birds. The HEM confirmed that the Habitat Regulations Assessment had not reported any impacts and there were no associated conditions specified.

Members spoke in favour of this work that would preserve the heritage of site and the associated Victorian steam engine house.

Andrée Gee proposed, seconded by Melanie Vigo di Gallidoro and

**It was resolved unanimously, provided there were no issues raised by consultees, to approve with the following conditions:**

- i. Standard time limit.**
- ii. In accordance with approved plans.**

- iii. **Details of alternative materials**
- iv. **Submission of photographic survey.**
- v. **Construction Traffic Access Route.**
- vi. **Any damage created as a result of the work will be repaired as agreed by the Local Planning Authority.**
- vii. **The works compound will cease 1 month following completion of the works.**
- viii. **The land at the works compound will be put back to original condition within 3 months following completion of the works.**

**(3) BA/2023/0032/FUL Reedham – Replacement Ranger hut at quay**

**Replacement of 2.85m x 2.2m timber ranger hut with a 2.85m x 3.2m timber hut. Raise supporting brick plinth by 0.3m to raise it above the flood level.**

**Applicant: Sam Bates on behalf of Broads Authority**

The Senior Planning Officer (SPO) provided a detailed presentation of the application that sought a replacement for an existing Ranger hut with a larger building, with the inclusion of a veranda to allow for more room for staff members when on duty.

The presentation included location maps, a site map, photographs of the approach road to the site, photographs of the existing shed and elevation diagrams of the replacement building.

The site is situated on the north bank of the river Yare inside the floodwall on Riverside, Reedham. On the opposite side of the road there is a mix of residential and commercial properties including a café, Post Office and Public House. The new structure will sit on a red brick plinth that, along with a larger footprint, will be 30cm higher to reduce the risk of tidal flooding.

The proposal was for a replacement building to be used by Broads Authority staff, typically between April and October, to allow for shelter while aiding with mooring, and to provide an information service for visitors to Reedham Quay. The existing building had been in place for some time and its replacement was considered to be acceptable.

The proposed building was to be constructed out of feather edge timber, to be painted black, a cedar wood tiled roof and timber windows and door, also to be painted black. This structure, based on the proposed design and materials, was not considered to have an adverse impact on the character of the area.

The site was located within Flood Zone 3 and was susceptible to flooding. The proposed higher brick plinth would reduce the likelihood of the new hut being flooded during a flood event. As a non-habitable room, this proposal was deemed to be a water-compatible development and therefore it was not considered to adversely affect flood risk. There was no objection from the Environment Agency.

The SPO confirmed the recommendation to approve the application subject to the conditions specified.

In response to a question the SPO confirmed that this development, if approved, would be undertaken as soon as practically possible and was expected to be completed in a matter of days.

Tim Jickells proposed, seconded by Nigel Brennan and

**It was resolved unanimously, to approve subject to the following conditions:**

- i. Three-year time frame for commencement**
- ii. In accordance with the approved plans and material details**

**(4) BA/2022/0357/FUL Ludham - Water storage reservoir for agriculture**

**A balanced cut and fill earth moving operation to create an irrigation reservoir for the storing of winter abstractions.**

**Applicant: Nicholas Collier**

The Senior Planning Officer (SPO) provided a presentation detailing a location map and a site map and recommending a site visit to the field 500m west of, Limes Farm, Blind Lane, Ludham.

The SPO explained that the application was for the creation of a water irrigation reservoir for the storing of winter abstractions from the river Ant (to the west of the site). The site itself was situated to the north of Ludham Bridge and to the south of How Hill and was accessed from Clint Street leading to Blind Lane, Ludham.

The site had a footpath running along its southern boundary which was itself bordered by a wooded slope leading down to fen marsh and then to the eastern bank of the river Ant. The site's northern boundary was adjacent to another area of woodland. There were open fields to the east and west of the site, with the eastern field sloping away to fen marsh and the river Ant.

The SPO explained that given the site's location on a hill and the wooded boundaries to the north and south it would be difficult to convey the impacts on the wider landscape through photographs alone. The recommendation was for members to visit the site before considering this application at a future Planning Committee.

A member asked whether the site could be video recorded using a drone. The HoP explained that permission would need to be secured from various landowners and it might not be possible to secure this in a timely fashion. The resulting footage, the HoP added, would not be a replacement for viewing the site in person and being able to fully consider the site within the wider landscape.

Bill Dickson proposed, seconded by Tim Jickells and

**It was resolved unanimously, to visit the site before the application was determined. The date for the site visit would be confirmed with members in the next few days.**

#### **(4) Enforcement – Berney Arms, Halvergate**

**Two caravans and one wooden outbuilding are being used for residential purposes on land to the rear of Berney Arms. There is no planning permission for this use, the development is contrary to planning policy and permission could not be granted.**

The Head of Planning (HoP) introduced her report seeking authority to serve an Enforcement Notice (EN) requiring the cessation of the unauthorised use of two static caravans and an outbuilding at the Berney Arms. The HoP provided a detailed presentation, including location maps, a site map and various photographs of the site.

The Berney Arms was situated on the northern bank of the River Yare at the western end of Breydon Water. It was a remote location with few buildings nearby; the Grade 1 listed Berney Arms Drainage Mill is located to the west, and beyond this are the buildings of Ashtree Farm, now owned by the RSPB.

Access to the site was limited. The site could be accessed from the A47 across a series of privately-owned farm tracks. There was no public right of way for vehicles via this route although permission had been given to the operators of the site. As the site directly fronts the river Yare there is good access from the water, as well as extensive mooring provision. The site can be accessed by rail; the Berney Arms halt, on the Norwich to Great Yarmouth railway line, is located 650m to the west of the site. The site is also intersected by the Wherryman's Way long distance footpath.

The Berney Arms was located within a substantial curtilage which stretches both north and south of the main building. The main pub building was unused, having been damaged by fire a number of years ago. There was a separate building to the south which was previously operated as a shop and café and was now registered as a bistro, although it serves only cold drinks and packaged snacks and there was no provision for potable water or toilets. There are a number of outbuildings and sheds to the rear of the site and two dilapidated static caravans. The buildings and structures on the site are in relatively poor condition as demonstrated by the accompanying photographs. There were also three touring caravans located to the south of the site.

The two static caravans and one of the outbuildings to the rear of the property were being used for residential purposes. There was no planning permission for this use.

Planning Contravention Notices (PCNs) served in February 2023 had identified that the first static caravan had been rented out on an Assured Shorthold Tenancy arrangement since 1 September 2019. The second static caravan had been rented out more recently on the same basis. The outbuilding was also being rented out for residential use and the Assured Shorthold Tenancy for this unit commenced on 15 August 2021. The PCN responses stated that the services provided are bottled gas, electricity (direct or from extension lead) and bottled water. The outbuilding was connected to the on-site septic tank.

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 detailed assessment of the development and concluded that it was unacceptable as it conflicted with Adopted Local Plan Policy SP15 (Residential Development), Adopted Policy DM35 (Residential Development within Defined Development Boundaries), Adopted Policy DM21 (Amenity), Adopted Policy DM5 (Development and Flood Risk) and Adopted Policy DM43 (Design) and 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. The preferred approach was always to seek to negotiate a solution. Given the continued non-compliance associated with existing ENs on other sites associated with this operator, it would be very unlikely that compliance could be achieved by negotiation and the Local Planning Authority (LPA) had not sought to engage with the operator on this matter. The HoP recommended that an EN was served requiring the cessation of the unauthorised use and requesting the removal of the two static and three touring caravans. The HoP indicated that a compliance period of four months would be appropriate.

A member asked, given the historic nature of the Berney Arms pub, what steps could be taken to protect this building. The HoP did not believe the pub would qualify for statutory listing given its condition and the amount of intervention that had been undertaken. The HoP explained that this pub, like all pubs within the Broads, was protected by the local planning policy associated with pubs.

A member enquired, given that residency appeared to have commenced in 2019, why the LPA were only pursuing this matter now and what contact had been undertaken with the relevant housing authority. The HoP explained that residency may have been fluid over this time as previous site visits had not identified people living there. Given that the PCN had revealed the Shorthold Tenancy Agreements then we must take them on face value. The HoP confirmed that the LPA had been in contact with the Broadland District Council (BDC) and their housing team and the LPA had visited the site with the BDC's Environmental Protection team.

Members felt that this was an unsuitable location for residential accommodation and that the conditions these residents were living in was unacceptable.

A couple of members believed that enforcement action was futile and wrong-headed. The action would prove costly, the caravans would eventually be unoccupied for a matter of months only for them to be re-occupied and for the cycle to begin again. Both members felt that the site could host a viable business enterprise and the Authority should attempt to work with the operator to find a workable solution.

Other members acknowledged that this site could host a viable ongoing business and in fact they would welcome this situation; however this was not a planning matter. Not enforcing



this planning breach would undermine the integrity of and cause reputational harm to the Local Planning Authority for the Broads.

Tim Jickells proposed, seconded by Bill Dickson and

**It was resolved by 9 votes for and 2 against to authorise the serving of an Enforcement Notice requiring the cessation of the unauthorised use with a compliance period of four months.**

James Knight left the meeting.

## 8. Enforcement update

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

**Blackgate Farm, High Mill Road, Cobholm:** The HoP confirmed that as of 29 March 2023 all but one of the caravans had been removed from this site.

James Knight re-joined the meeting at 11:22am.

The HoP provided a potted history of the site from November 2019 until March 2023 using photographs to illustrate the site over this time period. The HoP concluded by showing the one remaining caravan as of March 2023 and summarising that considerable progress had been achieved since this matter was first raised. The HoP would contact the Landowner's agent to request the removal of the final caravan.

## 9. Hemsby Neighbourhood Plan – proceeding to referendum

The Planning Policy Officer introduced the report, which sought approval for the Hemsby Neighbourhood Plan proceeding to referendum. The Plan had been subject to an independent examination and endorsed, with some changes, for referendum.

Fran Whymark proposed, seconded by Stephen Bolt and

**It was resolved unanimously to support the Examiner's report and support the Hemsby Neighbourhood Plan proceeding to referendum.**

## 10. Local Plan - Issues and Options - representations

The Planning Policy Officer (PPO) introduced the report, which collated all the comments received from the Local Plan – Issues and Options consultations and detailed the Authority's proposed responses. The PPO indicated that the comments received would also be included with the relevant bite size pieces when they are brought before Planning Committee during the ongoing development of the Local Plan.

Members were pleased to see so many comments resulting from the consultation and thanked the PPO for her efforts on this exercise.

Melanie Vigo di Gallidoro proposed, seconded by Leslie Mogford and

**It was resolved unanimously to endorse the responses.**

## **11. Local Plan – Preferred Options (bitesize pieces)**

The Planning Policy Officer (PPO) presented the report which detailed nine new or amended policies 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.

### **Draft Ditchingham Dam policies**

Policy PODIT1 (Maltings Meadow Sports Ground, Ditchingham) had been tidied up and some clarifications made to the criteria.

No proposed changes to Policy PODIT2, Ditchingham Maltings Open Space, Habitat Area and Alma Beck.

### **Draft Recreation Facilities Parking Areas policy**

Policy DM24 had been updated to include the provision of litter bins and adequate number of disabled parking spots and reference the policy on biodiversity enhancements.

### **Draft Ormesby St Michael policy**

The criterion associated with policy ORM1, Ormesby waterworks, had been clarified.

### **Draft Fleggburgh policy**

Policy FLE1, Broadland Sports Club, updated to promote walking and cycling to the venue and the need for new lighting proposals to consider the policy on light pollution. In response to a member's question, the PPO confirmed that the light pollution policy did not preclude the use of floodlights on sports parks, moreover it encouraged lights to be designed for the task required, for their usage to be restricted to when appropriate and minimising light pollution.

### **Draft Thurne policy**

Policy POTHU1 (Tourism development at Hedera House, Thurne) related to a site that had received planning permission although development had yet to be undertaken. This policy had been updated to reference the Authority's Design Guide, Biodiversity Net Gains and Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy. The PPO had identified the Water Recycling Centre associated with this location and it was outside the Nutrient Neutrality (NN) catchment area. This document would be issued for consultation and Natural England would be able to clarify the situation if the site's NN assessment was deemed to be incorrect.

### **Draft Horning Car Parking policy**

Policy HOR1, Horning Car Parking, had been updated to reference the policy on light pollution and include appropriate provision of disabled parking.

#### Draft Horning Open Space policy

Policy POHOR2, Horning Open Space, covered two areas of public open space and one area of private open space. The PPO had updated the policy to clarify the scope of the policy and clarify some of the criteria.

#### Draft St Olaves policy

Policy SOL1, Riverside area moorings, had been updated to clarify the scope of the policy.

#### Draft Hoveton Station Road Car Park policy

Policy HOV2, Station Road car park, had been updated to include cycle parking, surface water and provision of disabled parking spaces.

A member commended the inclusion of Electric Vehicle charging points in this policy and wondered whether the policy should also prescribe the type of charging point (currently 7 variants of charging points that provided charging at various “speeds”). There was a brief discussion amongst members as to the appropriateness of various charging point specifications and their location/purpose. Given the complexity of this matter it was deemed acceptable for the policy to advocate EV charging points but not to be prescriptive regarding their charging capability.

**Members’ comments were noted.**

## 12. Adopting the Revised Planning in Health Protocol – Norfolk and Waveney area

The Planning Policy Officer (PPO) presented the report which provided an updated version of the Planning in Health Protocol that incorporated new structures and policy within both health and spatial planning.

The PPO reminded members that this protocol was appropriate in the following circumstances:

- A housing development of 50 dwellings or more
- A development of less than 50 dwellings but which is still deemed to potentially impact on health services significantly
- A development that includes care homes, housing for the elderly or student accommodation
- A development that involves the significant loss of public open space
- Any other type of development that could have significant health implications

The above scenarios did not constitute routine development in the Broads, however the protocol was there if the above circumstances arose.

A member sought clarification on the following points:

- Page 20 of the protocol, under the heading Accountability, states “Public Health will report to the Health and Wellbeing Board annually, on a ‘need to know basis’”. The member was aware of the annual reporting to the Health and Wellbeing Board but was confused by the ‘need to know basis’ statement. A member suggested that this might be a typographical error and it should read “Public Health will report to the Health and Wellbeing Board annually *and* on a ‘need to know basis’”.
- The checklist on page 23 of the protocol highlighted six planning themes of which 4 were present on The Health and Wellbeing Strategy. Could a future version of the protocol be updated to cross reference to this strategy?
- This version of the protocol was dated May 2022, why had it taken so long for this document to be circulated for endorsement?

The PPO would seek answers to these questions and respond to members accordingly.

The Head of Planning clarified that this document had been endorsed by Norfolk’s Health and Wellbeing Board District Council sub-committee and by Norfolk’s Members’ Planning Forum.

Stephen Bolt proposed, seconded by Andrée Gee and

**It was resolved unanimously to adopt the revised Planning in Health Protocol – Norfolk and Waveney Area.**

### 13. Halvergate and Tunstall Conservation Area Appraisal - consultation

The Historic Environment Manager (HEM) introduced the report that contained a draft appraisal of the Halvergate and Tunstall Conservation Area and outlined the public consultation of this appraisal and the associated proposals contained within, including additions to the Broads Authority Local List.

The HEM explained that the Authority had a duty to maintain up-to-date appraisals of Conservation Areas and publish proposals for their management. This work was part of an ongoing series of re-appraisals previously agreed by members.

The Halvergate and Tunstall Conservation Area lies within Broadland District Council’s and the Broads Authority Executive area. It had been agreed that the Broads Authority should lead on this re-appraisal, with input from colleagues at Broadland District Council.

As part of the re-appraisal process the existing split boundary had been reviewed and, after consideration, no change to the boundary had been proposed. The format of the appraisal had been updated to comply with the latest Historic England guidance and contained:

- A description of the general character of the area and location
- An assessment of the historic interest
- A summary of the architectural interest and built form

- A spatial analysis looking at the spaces between the building, landscape features and important views
- Proposals for the management and enhancement of the area. This included some improvements to the setting of the Public House and the renewal of its thatched roof.

The HEM presented photographs of buildings within the Conservation Area and photographs demonstrating the prominence of trees within the area and the notable views from the east of the area overlooking the Halvergate Marshes.

The HEM indicated that a number of buildings within Tunstall were proposed to be added to the Broads Authority Local List and these would be included in the public consultation.

The consultation would run from 14 April to 9 June 2023. The documentation would be available via the Authority’s website for people to comment on. Leaflets regarding the consultation would be distributed to all houses within the Conservation Area. Owners of the homes proposed for Local Listing would receive written notification. There would also be a drop-in event at the village hall on Saturday 13 May 2023.

Fran Whymark proposed, seconded by Tony Grayling and

**It was resolved unanimously to approve the commencement of the public consultation process for Halvergate and Tunstall Conservation Area Appraisal.**

## 14. Department of Levelling Up, Housing and Communities - Increasing planning fees and performance - technical consultation

The Head of Planning (HoP) introduced the report that detailed the Authority’s response to a technical consultation issued by the Department of Levelling Up, Housing and Communities (DLUHC) on their proposals to increase planning fees by 25 – 35% to support Local Planning Authorities (LPAs) and increase capacity and capability.

The HoP provided slides summarising the financial and performance changes proposed by DLUHC with the intention of improving efficiency, speeding up the process, increasing people and skills within planning and ultimately contributing to economic growth.

The HoP summarised the proposed financial changes and indicated the LPA’s proposed response:

Proposed financial change	Proposed LPA response
35% fee increase for major applications 25% fee increase for all other applications	The LPA would support the fee increases to better reflect the costs associated with running a development management service
Annual increase of fees on an index linked basis	The LPA would support this change; provided certainty and could be planned for

<b>Proposed financial change</b>	<b>Proposed LPA response</b>
	and would avoid the need for larger one off changes (due to a catch up, when no change had been made over a number of years).
Ring-fence the additional fee income to ensure it was spent within the planning teams	The LPA would support this.
More paid for services	The LPA welcomed the flexibility this provided but there was scope to produce the wrong outcome e.g. the basic standard of service may fall as resource is diverted in order to ensure the premium fast track service levels were met.
200% fee for commercial retrospectives	The LPA supported this change as it provided recompense for the associated additional costs. The LPA questioned exempting householder retrospectives; given the extensive online planning information available there appeared little justification to restrict to commercial applicants.
Remove 'free go' for re-submissions	Given the additional costs associated with a resubmission the LPA would support a 50% fee for resubmission.

The HoP summarised the proposed performance changes and indicated the LPA's proposed response:

<b>Proposed performance change</b>	<b>Proposed LPA response</b>
Reduce planning guarantee from 26 to 16 weeks	The LPA did not believe the proposed reduction to be unreasonable.
Extensions of Time (EoT) excluded from performance monitoring	The LPA was not supportive of eliminating the use of EoTs, as in the correct circumstances they were useful. There was a benefit to measuring EoTs separately rather than removing them completely from monitoring. Perhaps a more nuanced approach could be adopted with the introduction of a fixed maximum EoT.

Proposed performance change	Proposed LPA response
Additional performance criteria	The LPA already reported appeal decisions, EoTs and the percentage of delegated/committee decisions to Planning Committee. Enforcement cases (when less than 6 months old) were currently reported to the Management Team. Cases over 6 months usually denoted they had gone to appeal or an appeal decision had been given and compliance was being sought. The reporting of these cases would have to be carefully managed to reflect the reliance on external factors. The adoption of backlog reporting would help those LPAs, where a backlog was a more regular occurrence, identify underlying bottlenecks in the process.
Measuring customer experience	The LPA was supportive although measurement was not straight forward and ensuring a significant response from customers might prove difficult for larger LPAs.

A member supported the proposed response regarding the application of a 200% fee to all retrospective applications, not just those from commercial applicants. The member was aware of an increasing number of retrospective applications from householders that could have been avoided, maybe these increased fees would provide the required incentive for applicants to be better informed earlier in the planning process.

A member asked whether the proposed increase in application fees and the resulting increased revenue would enable the Authority's planning function to break even. The HoP believed there would still be a deficit, albeit a smaller one.

A member welcomed the note of caution in the response relating to monitoring performance especially as a delay could be outside the control of the LPA such as a late response from a consultee.

Stephen Bolt proposed, seconded by Andrée Gee and

**It was resolved unanimously to endorse the proposed response to DLUHC's technical consultation on increasing planning fees and performance.**

## 15. Department of Levelling Up, Houses and Communities - Permitted development rights - consultation

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 supporting temporary recreational campsites, renewable energy, film-making and enabling the execution of local authority rights to be performed by an outside body. These changes were intended to improve the efficiency, effectiveness and the responsiveness of the planning system.

The HoP provided slides summarising the changes to the 4 permitted development rights areas proposed by DLUHC and highlighting key issues associated with them. The HoP then provided a commentary of the proposed responses for each area on behalf of the Local Planning Authority (LPA) for the Broads.

### Temporary campsites

The government proposed a new Permitted Development right (PD Right) which would allow the temporary use of land for recreational campsites. This new right would be subject to limitations and conditions of which the key ones were:

- 30 tents and related moveable structures
- Provide washing, toilet and waste facilities
- Must notify the LPA
- Exemptions for Sites of Special Scientific Interest, Scheduled Monuments and sites within Flood Risk Zones 2 & 3

The HoP then highlighted the key elements of the proposed LPA response:

- There was no reference in the exemptions to areas covered by Nutrient Neutrality; following Natural England guidance on this matter (March 2022) no new developments deemed to adversely affect nutrient levels could proceed within the Broads and Wensum SAC catchments until suitable mitigation(s) had been determined. As no mitigations had been forthcoming this had effectively halted the development of new overnight accommodation including new pitches on campsites.
- Campsites can have significant and adverse impacts on landscape, local amenity and wildlife interests.

### Solar equipment

The government proposed updating existing PD Rights that allowed for the installation of solar equipment on and within the curtilages of domestic and non-domestic buildings. These updated rights would entail:

- Increase height from 0.2m to 0.6m on domestic flat roof



- Allow on non-domestic roof (1MW) and wall (50KW) facing highway in Broads and Conservation Areas
- Allow domestic stand-alone solar in front of property in Conservation Areas
- Allow non-domestic standalone solar in front of property in Broads and Conservation Areas
- Allow solar canopies up to 4m in height at ground level in off-street car parks
- Exemptions: Prior approval would be required in Broads and Conservation Areas

The HoP indicated that the proposed LPA response was to highlight the need for a balance to be struck between encouraging solar and other renewables and protecting the natural landscape and built environment that was integral to the Broads

#### Further flexibility to allow local authorities to undertake development

The HoP explained that the LPA was supportive of this proposed change that would enable development rights associated with Local Authorities to be transferred to third parties.

#### Support for film-making

The HoP explained that the proposal was to update an existing PD Right relating to temporary structures for film-making purposes. These updates would enable taller structures to be used and for these structures to remain for longer periods of time. These updates were sensible and the LPA would respond accordingly.

A member felt the list of exemptions with regard to temporary campsites was not very comprehensive and would welcome the inclusion of Protected Landscapes. Another member agreed with widening the list of exemptions and proposed the inclusion of nutrient sensitive zones.

Some members supported the principle behind the new PD Right for temporary campsites and, with the inclusion of the condition to provide appropriate facilities, saw this as an improvement when compared with existing PD Rights associated with 28 day temporary campsites. However, a member did not share the proposed reservations regarding nutrient neutrality; they believed that this would be resolved by the time this new PD Right came into being. Another member agreed and believed that as NN would be resolved it was not a valid justification for not supporting the PD Right for temporary campsites and could not endorse the proposed response (Question 1 of Appendix 1 of the report).

A member suggested a note of caution with regard to changes for solar equipment as they did not want the conditions to become too draconian and for the Authority to be out of step with government policy and ultimately public opinion.

A member welcomed the proposed changes for solar equipment for enabling solar power to be used to power the water pumps associated with the Broad's Internal Drainage Board.

Given the difference of opinions expressed it was proposed that alternative responses relating to temporary campsites (Questions 1 to 11) be drafted and circulated for approval by members in time for the consultation deadline and that the remaining proposed responses be endorsed.

Fran Whymark proposed, seconded by Leslie Mogford and

**It was resolved unanimously to endorse the proposed responses to DLUHC's consultation on changing permitted development except for responses to questions 1 to 11 where alternative responses would be drafted and circulated for member agreement before the consultation deadline.**

Fran Whymark and James Knight left the meeting.

## 16. Appeals to the Secretary of State

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

## 17. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 20 February 2023 to 17 March 2023 and including two Tree Preservation Orders confirmed within this period.

Harry Blathwayt left the meeting and Tim Jickells took the chair for remainder of the meeting.

## 18. Date of next meeting

The next meeting of the Planning Committee would be on Friday 26 May 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 12:55pm.

Signed by

Chair

## Appendix 1 – Declaration of interests Planning Committee, 31 March 2023

<b>Member</b>	<b>Agenda/minute</b>	<b>Nature of interest</b>
Harry Blathwayt on behalf of all members	7.2, 7.3	Applicant is the Broads Authority
Leslie Mogford	9	Member of the Hemsby Parish Council - other registerable interest
Fran Whymark	12	Member of Norfolk's Health & Wellbeing Board - other registerable interest
Andrée Gee	12	East Suffolk Councillor - other registerable interest