

Planning Committee

Minutes of the meeting held on 02 February 2024

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Please note these are draft minutes and will not be confirmed until the next meeting.

Present

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

In attendance

Natalie Beal – Planning Policy Officer (items 12-15), Jason Brewster – Governance Officer, Stephen Hayden – the Authority’s Arboricultural Adviser (items 10-11), Kate Knights– Historic Environment Manager (items 10-11), Harry Mach – Carbon Reduction Projects Manager (item 14), Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

David Lilley and Tim Morton, as objectors, for item 10 – Tree Preservation Order BA/2023/0022/TPO - An area of woodland on the northern bank of the river Waveney, south of Dunburgh

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from James Harvey, Kevin Maguire, Keith Patience, Melanie Vigo di Gallidoro 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 05 January 2024 were approved as a correct record and signed by the Chair.

4. Matters of urgent business

There were no items of urgent business

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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. Those who wished to speak were invited to come to the Public Speaking desk when the Tree Preservation Order they wished to comment on was being presented.

6. Requests to defer applications and/or vary agenda order

No requests to defer or vary the order of the agenda had been received.

7. Applications for planning permission

There were no applications for consideration.

8. Enforcement - Holly Lodge, Coltishall - replacement windows in Listed Building

UPVc replacement windows have been installed in a listed building without listed building consent. 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 a Listed Building Enforcement Notice (EN) requiring the removal and replacement of the existing UPVc windows which had been installed in a listed building at Holly Lodge in Coltishall without listed building consent. The HoP provided a detailed presentation, including location maps, a site map and various photographs of the site.

The HoP advised that it was regrettable that this matter had to be brought to the committee; officers had sought to find a solution to the issue but without success.

The expediency of taking action was given detailed consideration relating to the acceptability of the development, the harm of the development, the impact and costs of taking action, as well as proportionality and consistency.

It was noted that the removal of the historic timber windows had resulted in a degree of harm to the listed building. Whilst the windows had been replaced many years ago, there was no immunity from enforcement action for listed buildings and, therefore, this was not a planning consideration in this case. The installation of modern UPVc windows had resulted in the loss of historic fabric impacted adversely on its significance.

There was some discussion on other aspects to the works completed on the property, but the HoP and the Historic Environment Manager (HEM) confirmed that these were not intended to be part of the enforcement notice. The HEM added that it would be difficult to determine what had been undertaken inside the property as there was no evidence to show what was in situ before any works began.

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Members acknowledged that the impact on the owner would be significant in cost and inconvenience and therefore considered that a long period for compliance would be appropriate.

The HoP recommended that the period for compliance should be 15 years.

Leslie Mogford proposed, seconded by Tim Jickells with the additional requirement to remove the shutters and a compliance period of 15 years.

It was resolved by seven votes in favour and one against to serve a Listed Building Enforcement Notice requiring the removal and replacement of the existing UPVc windows and shutters with a compliance period of fifteen years.

The HoP confirmed that a further attempt to resolve this matter with the owner would be undertaken before the Listed Building Enforcement Notice was served.

9. 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 Hearing at Norwich Crown Court had been rescheduled for 15 March 2024 when the Court would hear the defendant's case to dismiss the prosecution.

10. BA/2023/0022/TPO - An area of woodland on the northern bank of the river Waveney, south of Dunburgh

The Historic Environment Manager (HEM) presented the report recommending confirmation of a provisional Woodland Tree Preservation Order (TPO) for an area of woodland on the northern bank of the river Waveney, south of Dunburgh. The woodland was located in a strip of land, approximately 670m in length, between the river and the raised floodbank with the width varying from 12m to 28m. The provisional Woodland TPO was originally served on 29 September 2023 due to a perceived threat to the trees from planning application BA/2023/0290/FUL which proposed wooden angling platforms within the proximity of trees. The Local Planning Authority for the Broads had an obligation to serve TPOs on trees that were under threat and considered of amenity value. The trees were primarily ash, willow and alder and were of mixed ages, ranging from young to veteran trees. The trees formed an impressive riparian linear feature in the landscape. A Woodland TPO was chosen due to the number of trees within the site and their group value. A Woodland TPO would protect both the trees and saplings and would safeguard the future of the woodland as a whole.

Two objections to the TPO had been received. These largely related to planning application BA/2023/0290/FUL and stated:

- The number of angling platforms proposed had been reduced from 25 to 18.

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- The siting of the platforms had been agreed to avoid areas of riverbank where tree coverage was at its greatest and precise locations were to be determined by selecting areas of riverbank where platform provision could be undertaken without causing harm to trees. This approach had been detailed within the Ecological Impact Assessment (EIA) submitted by the applicant.
- The final siting of the platforms would be based on observations by a qualified Ecological Clerk of Works.
- The installation of the angling platforms would only require minor works to the existing trees, such as minor reduction of limbs and/or coppicing.

The HEM confirmed that both objectors have offered to withdraw their objections if the Authority agreed to let the TPO lapse once the works approved under the planning application had been completed, but added that there was no mechanism for this to be considered, and because the threat was perceived to be ongoing and not relating to the platforms themselves, the decision for the committee was either to confirm or not confirm the TPO. The HEM noted that four letters of support had been received in relation to the provisional TPO, which were related to the significance of the wet woodland and its importance as a whole for numerous birds, mammals and invertebrates which made the woodland their habitat, as well as the importance of the willows and the stabilisation of the riverbank. Officers considered this area to be an important tree belt with significant amenity benefit across a wide area and because of its size and scale, it was visible across the landscape.

Mr Tim Morton spoke as an objector to the TPO and said that he was somewhat disappointed that the Authority had been somewhat hoodwinked by one or two members of the public into believing that the trees were ever in danger of being felled or cut down in the process of installing the fishing platform. He added that it was never the intention that any of the trees would be felled. He believed that it was unfortunate that more consultation did not take place with the fishing club or with himself as the landowner, especially as he had no knowledge of the TPO until it arrived. Mr Morton said that his family had farmed that area and owned the riverbank since 1963 and in that time, at no point, had any trees been felled except where they had already fallen. The shallow-rooted alders were prone, in windy weather, to fall over on a regular basis, and said that the trees were not in danger of being felled and saw no reason for the TPO.

Mr David Lilley spoke as an objector to the TPO and said that the TPO was issued on the basis that Bungay Cherry Tree Angling Club's planning application for fishing platforms posed a threat to trees. He stated that he had not been asked to submit further details with regard to the trees and the associated impact. Mr Lilley said that the position of the platforms had been submitted as part of the ecological survey with platform positions show on a map, plus the locations detailed using what3words. He added that the proposed platforms had been marked by small stakes on the ground, suggested by the Authority's planning department, however these had been removed by persons unknown. Mr Lilley said that they had queried with a planning officer whether a tree survey/Arboricultural Impact Assessment was still required as

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the result of the reduction in the number of proposed platforms in the revised application, which meant that none of the platforms would be in the area of the large, mature trees. He said that the response from the Authority was to wait until the revised application went out for consultation and monitor the public access portal for any comments or requirements from the Authority's Arboricultural Adviser (AAA), however, there were no comments uploaded. On receipt of the TPO, Mr Lilley contacted the Authority, and it was acknowledged that there had been a misunderstanding and that although the AAA had commented, the comments had not been uploaded to the public access portal, which meant that Mr Lilley was unable to see them or act upon them. Had he seen the comments, he would have actioned a tree survey/ Arboricultural Impact Assessment and the TPO avoided. A tree survey had since been conducted and report submitted as part of the revised planning application and Mr Lilley said that it did not highlight any concerns.

The AAA had visited the site and had seen the proposed platform locations, and Mr Lilley believed that if the serving of the TPO had been followed correctly and communication improved, the TPO would not have been issued as a tree survey would have been provided. He added that the AAA's comments in response to the objectors did not highlight the need for a TPO, and the required works had been discussed with the AAA which included coppicing and one limb being removed from a small alder – detailed in the independent survey. Mr Lilley said that it should be noted that condition 3 of the planning approval advised for compliance with the tree survey/Arboricultural Impact Assessment and failing to do so would mean that they would be subject to an enforcement action. Bearing in mind the time and money spent to achieve planning approval, they would not risk any additional work without seeking the appropriate permissions and guidance. Mr Lilley concluded that these were the reasons why he did not think that the TPO should be made permanent.

A Member asked for clarification on whether the landowner would need to seek permission to carry out any work to trees under the TPO. The HEM confirmed that this was the case unless a tree was dead or dying and following a question from a Member about how much work it would cause the Authority to monitor the trees at the site, added that it would be up to the landowner to tell the Authority when any works needed to be carried out and confirmed that it should not be a lot of additional work for the Authority. A Member asked how onerous it would be to get permission to carry out routine maintenance and was there any cost. The HEM said that there was no cost and that there were instances where the Authority agreed a regular maintenance plan with blanket permission for certain ongoing works. The AAA added that the TPO was not in place to prevent the management of the woodland but was there to make sure that unauthorised and inappropriate works were not undertaken, and as with every TPO implemented, the Authority would work with the owners in full consultation. There would be no barrier to future work as long as it was appropriate, and the removal of dead and dangerous trees could be done without permission but would be advisable that records were made should there be any complaints by third parties.

A Member noted that the complaint was about the procedure rather than the TPO itself. A Member asked the AAA what value a TPO added to this area. The AAA replied that it offered protection of that area of woodland and stops indiscriminate removal of branches and trees

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without permission but did not think that there would be any major change at all but controlled the potential work from the increased footfall through fishing.

Tim Jickells proposed, seconded by Stephen Bolt.

It was resolved by six votes in favour and two against to confirm Woodland Tree Preservation Order BA/2023/0022/TPO for an area of woodland on the northern bank of the river Waveney, south of Dunburgh.

11. Tree Preservation Order - Proposed site visit to Crabbett's Marsh (BA/2023/0027/TPO)

The Historic Environment Manager (HEM) presented the report recommending that Members undertake a site visit in relation to a Woodland Tree Preservation Order (TPO) for a large area of wet woodland at Crabbett's Marsh, Horning.

The HEM presented a location map, a site map and various photographs of the site associated with provisional Woodland TPO BA/2023/0027/TPO whose subject trees were a part of a large area of wet woodland consisting primarily of alder, willow and birch trees. This provisional TPO had been served as part of the Authority's ongoing review of its existing portfolio of TPOs and replaced a previous TPO dating from 2009 with no change to the area covered or restrictions applied. The provisional TPO would need to be confirmed before it lapsed on 24 April 2024.

The large area of wet woodland covered by the TPO was located to the west of Horning, with Hoveton Little Broad forming its western boundary with the A1062 Horning Road forming the northern boundary and providing access to the site via South Quays Lane. South Quays Lane and Woodlands Way Road formed the eastern boundary of the site, with the southern boundary being to the rear of the riverside chalets at Bureside Estate.

The woodland had been divided into plots and consequently there were a number of different owners. An unsurfaced track ran from South Quays Lane, providing vehicular and pedestrian access to the woodland plots and riverside chalets. There was considered to be a threat to the woodland due to the incremental clearance by landowners, in particular from plot owners.

The HEM indicated that the Authority had received 14 representations including 2 objections in relation to this provisional TPO.

The first objector had cited a number of reasons for their objection:

- As there was no public access to the site there could be no amenity value and therefore no justification for a TPO.
- In relation to para 82 of the Woodland TPO guidance the objector believed they could remove any tree encroaching on their property.
- The guidance indicates that it would be unlikely for a garden to be covered by a Woodland TPO.

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- The objector did not believe that the Local Planning Authority for the Broads had the authority to serve a TPO.
- The TPO would not improve the navigation and therefore was contrary to the Broads Authority's statutory role to maintain navigation within the Broads.
- The objector raised some other points that were not pertinent to the TPO.

The second objector believed there was an 8 week wait for applications to carry out works to dead, fallen or falling trees and this delay would be a safety concern to plot holders and residents using the roadway through Crabbett's Marsh.

These objections 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, it was recommended that Members of the Planning Committee undertake a site visit prior to the provisional TPO being presented for consideration at the next Planning Committee meeting.

Members considered a site visit would be beneficial so that they could view all of the issues raised.

Stephen Bolt proposed, seconded by Martyn Hooton.

It was resolved unanimously to undertake a site visit before the provisional TPO was considered at the next Planning Committee meeting.

Members, having been presented with several options for when to undertake a site visit, selected Thursday 15 February 2024 at 10am.

The meeting adjourned at 12:05pm and reconvened at 12:15pm.

12. Thorpe St Andrew Neighbourhood Plan - Proceeding to referendum

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

Tony Grayling proposed, seconded by Bill Dickson.

It was resolved unanimously to support the Examiner's report and support the Thorpe St Andrew Neighbourhood Plan proceeding to referendum.

13. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to two consultations:

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The Future Homes and Buildings Standards

The Future Homes and Buildings Standards 2023 issued by the Department of Levelling Up, Housing and Communities. The PPO explained that this document detailed the Government's proposals to improve the energy efficiency of new build homes. The PPO indicated that she had liaised with the Authority's Carbon Reduction Projects Manager (CRPM) in drafting the proposed consultation response. The CRPM explained that the draft responses had, where possible, sought to push for higher standards and to disagree with the proposed separation of embedded emissions from usage emissions.

Tim Jickells proposed, seconded by Tony Grayling and

It was resolved unanimously to endorse the proposed consultation responses to the Future Homes and Buildings Standards.

Belton with Browston, Burgh Castle and Fritton with St Olaves Neighbourhood Plan

The consultation was for the regulation 14 version of the Belton with Browston, Burgh Castle and Fritton with St Olaves Neighbourhood Plan produced by the Parish Councils. The PPO explained that, along with seeking some clarifications, the response highlighted a policy statement regarding the location of development that was contrary to the National Planning Policy Framework.

Stephen Bolt proposed, seconded by Leslie Mogford and

It was resolved unanimously to endorse the proposed consultation responses to the Belton with Browston, Burgh Castle and Fritton with St Olaves Neighbourhood Plan.

14. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed nineteen 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.

Elderly and specialist needs housing

The PPO stated that the comments which had been received were from an elderly and specialist needs housing provider. No significant changes were proposed to the policy or supporting text as a result of the comments received. The policy had been shared with Norfolk and Suffolk County Council Officers relevant to this type of housing.

A Member referred to the importance of having a reliable internet signal with this type of housing, for example in relation to personal emergency alarm systems, once all analogue telephone systems had been replaced by digital. The PPO responded that this type of accommodation would be sited within the development boundary and therefore, the assumption was that the internet signal should be better due to being in a town or urban area. In addition, another policy on the agenda (fibre to premises) dealt with this issue. The Member responded that he was aware of particular areas around Brundall where there was no signal and he considered the policy should refer to developments having access to a

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reliable internet digital signal to facilitate the use of personal alarm systems. Members concurred with this suggestion.

Road schemes on the Acle Straight (A47T)

The PPO advised that this policy had been adopted in early 2019 and this latest version proposed some slight amendments relating to peat and ensuring that any proposal was resilient to a change in climate. This policy would form the basis of any consultation response on a planning application for the Acle Straight road scheme as the Broads Authority would not determine the application as it is likely to be a Nationally Significant Infrastructure Project.

Fibre to premises

The PPO explained that the purpose of this policy was to ensure that the infrastructure would be in place to support the provision and quality of digital communications across the Broads.

Utilities site, Norwich

The PPO explained that this policy covered that part of the Utilities site which was within the Broads Authority area. An estimated 271 dwellings would be provided. Only minor changes were being proposed, including greater emphasis on the requirement to provide self-build plots.

Your part of the Broads

Local communities were asked a few questions about their area, such as what made their town or village a good place to live; what could be done to protect or improve it. The responses received indicated no requirement for specific additional policies. In terms of the sites put forward for the local planning authority to consider, the landowner would need to put their site forward as part of the Call for Sites that will be run during the Preferred Options consultation.

Embodied Carbon

The PPO advised that embodied carbon policies were becoming commonplace in Local Plans. This was a new policy in the Broads Local Plan which sought to ensure that the supply chain for materials used in developments were as efficient as possible for example, as well as the actual choice of materials. It also referred to the demolition of existing buildings and the creation of embodied carbon through demolition and proposed a presumption in favour of utilising the existing structure over demolition.

Strategic climate change policy

This had been reviewed in consultation with the Carbon Reduction Projects Manager (CRPM) and strengthened the policy since it was first written back in 2017.

Climate change adaptation and resilience checklist

One of the approaches to adapting to climate change, set out in the current Local Plan, was the requirement for applicants for some types of development to fill out a climate change checklist to show how they have considered and addressed the risks that climate change poses to their proposed development. It was intended to roll forward the climate change checklist approach, with some amendments such as making the questions clearer. The policy itself had not changed.

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Energy demand and performance

The PPO explained that setting standards for new buildings in Local Plans in terms of energy performance was complicated and unclear. The policy has changed a little, however, with answers to some of the issues still pending, the policy is work-in-progress. Over the next few months some topic papers would be produced to look at options.

A Member commented that the Authority should push as far as possible and was in favour of the approach taken.

Non-residential development and BREEAM

The PPO explained that in the last Local Plan it contained a water standard for non-residential development, and it was not possible to use BREEAM in its individual elements. It was important to emphasise that water efficiency should be a key way of meeting BREEAM.

Heat resilient design

The PPO explained that this was a new policy that looked to minimise the impact of overheating in the built environment as the UK climate warms.

Renewable energy topic paper and policy

The PPO said that this policy had been updated since the last Local Plan and it included the various types of renewable energy options that could be available in the Broads area.

A Member asked what 'sensitivity to solar panels' meant in paragraph 4.1. The PPO explained that this was in relation to the Landscape Sensitivity Study which looked at large scale developments such as solar farms and wind power and the effect on the landscape of schemes of various sizes using a rating system – the redder the area marked, the less suitable the development in that landscape would be.

Tim Jickells proposed, seconded by Stephen Bolt.

It was resolved unanimously to endorse the Renewable energy topic paper and policy as evidence for the Local Plan.

Wind energy topic paper

The PPO explained that for any wind energy development, no matter what size and how many turbines, it needed to be in an area identified suitable by a Local Plan and any concerns by members of the community need to be addressed. This topic paper was produced to support the last Local Plan, and it had been updated slightly, however, the recommendation remained the same and that wind turbines in the Broads would not be appropriate.

A Member commented that although was in agreement about not allowing large-scale development of wind farms, there was a case to be made for small-scale wind pumps. The PPO said that the Local Plan was required to identify suitable areas for any wind turbine. The Member asked whether a caveat could be added to the Local Plan in regard to small-scale installations and there was some discussion as to what size should be allowed. The PPO said that the approach within the plan could be changed but it would need to state what size to allow and identify what areas would be suitable.

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The PPO proposed that the wind energy topic paper was not taken forward and the renewable energy policy be amended in line with this. The Chair agreed that the paper should be reviewed and brought back to committee at a later date.

Floating buildings topic paper

The PPO explained that she had completed a lot of research on this topic and had categorised the various types of floating buildings. The paper was about buildings that could or did float and was not about buildings on floating platoons. The PPO's conclusion was that the Authority could not take this forward as an idea due to National flood risk policy and this was the recommendation put to the committee. During the study, the PPO identified various buildings, most of which were situated on floating platoons or in lakes where flood risk was seen as less of an issue.

A Member suggested that the PPO look at Eel Pie Island on the Thames as there were many floating buildings in that area. It was agreed that consideration of the paper be suspended whilst the PPO looked further at this topic.

Local infrastructure study

The PPO introduced the Local infrastructure report and said that it was important to look at the local infrastructure when developing a Local Plan, especially in relation to utilities.

Tim Jickells proposed, seconded by Tony Grayling.

It was resolved unanimously to endorse the Local infrastructure study as evidence for the Local Plan.

Employment and Economy topic paper

The PPO explained that this was a literature review and that there were no targets identified for the Local Plan.

Tim Jickells proposed, seconded by Leslie Mogford.

It was resolved unanimously to endorse the Employment and Economy topic paper as evidence for the Local Plan.

Quay heading and boardwalks materials

The PPO explained that this paper was concerned with the various materials used for quay heading and boardwalks and the suitability for their location and purpose. She added that there was a section on recycled plastic and advice on using this material.

A Member commented that during any planning application for quay heading or boardwalks using recycled plastic, there should be a requirement for any installation to follow manufacturers' guidelines.

Gypsy, traveller and travelling show people

The PPO explained that this was a general policy that provided for any applications that may come forward and added that the evidence identifying the need was not in place as yet, however. The Authority was reviewing some evidence from Great Yarmouth Borough Council, but it was currently considering changing consultants.

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Strategic housing needs policy

The PPO provided an overview of the policy and said that it set out the housing need of the area. Although there were quite a lot of changes, the policy had just been updated.

Members thanked the PPO for her efforts in producing this report.

Members' comments were noted.

15. Levelling Up and Regeneration Act

The Head of Planning (HoP) presented the report which provided a summary of the Levelling Up and Regeneration Act and highlighted key items within the report. The HoP said that this Act came into effect just before Christmas 2023 and would be subject to secondary legislation and a lot of regulations before much of it would come into effect.

The report was noted.

16. Notes of the Heritage Asset Review Group meeting held on 15 December 2023

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 15 December 2023.

The Chair indicated that the next HARG meeting would be held online on Friday 08 March 2024.

17. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q4 (1 October to 31 December 2023)

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 31 December 2023. The HoP 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). Members commended the planning team on their performance.

The report was noted.

Martyn Hooton left the meeting at 1:31pm.

18. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting. The Head of Planning (HoP) provided an update to this report and confirmed that the inspectorate had informed the Authority that in relation to the Potter Heigham appeal, they wanted to convert the process to a hearing which was due to take place in early March 2024.

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19. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 December 2023 to 19 January 2024 and no Tree Preservation Orders were confirmed within this period.

20. Date of next meeting

The next meeting of the Planning Committee would be on Friday 01 March 2024 10.00am at The King's Centre, 63-75 King Street, Norwich, NR1 1PH.

The meeting ended at 1:33pm

Signed by

Chair

DRAFT