

Planning Committee

Minutes of the meeting held on 11 October 2024

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Present

Tim Jickells – in the Chair, Harry Blathwayt, Stephen Bolt, Andrée Gee, Tony Grayling, James Harvey, Martyn Hooton, Leslie Mogford, Matthew Shardlow (from item 11), Vic Thomson, Melanie Vigo di Gallidoro and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Stephen Hayden – the Authority’s Arboricultural Consultant, Steve Kenny – Development Manager, Kate Knights – Historic Environment Manager and Ruth Sainsbury – Head of Planning

Members of the public in attendance who spoke

Member of the public

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

There were no apologies.

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 13 September 2024 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.

The Chair thanked the Authority for organising the recent Planning Design Quality Tour, the participants had found this training event to be beneficial. There would a virtual tour for those unable to attend September's event and the Chair asked Members to indicate their availability when requested to do so by the Governance Team.

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

The Chair had received a question from a Member relating to a delegated decision associated with Land at the former Bridge Hotel, The Causeway, Repps with Bastwick. As this site was the subject of item 9, it was agreed to bring forward the delegated decisions item 14 to before item 8 (Enforcement update).

7. Applications for planning permission

There were no applications for consideration.

As indicated in item 6, item 14 was taken at this point.

8. Enforcement update

Members received an update report from the Development Manager on enforcement matters previously referred to the Committee. No further updates were provided at the meeting.

9. BA/2024/0012/TPO Land at former Bridge Hotel, Repps With Bastwick

The Chair thanked Tony Grayling for chairing the site visit on Friday 6 September and reminded Members that participation in this item was open to all irrespective of whether they attended the site visit or not.

The Historic Environment Manager (HEM) presented the report recommending confirmation of a provisional Tree Preservation Order (TPO) on a group of White Willows, two Crack Willows and a single White Willow on Land at the former Bridge Hotel, The Causeway, Repps with Bastwick.

The HEM indicated that application BA/2021/0490/FUL had proposed the erection of twelve flats for holiday use with restaurant and covered carpark on this site. This application had been refused by the Planning Committee (4 March 2022) and the applicant had subsequently appealed the decision. The Planning Inspector dismissed this appeal and in their decision, issued 16 May 2024, had noted a group of willows on the north-west and north-eastern boundary of the site for their "role in the landscape when looking from the river and also when on the footpath to the east, as it softens the built form and infuses it with trees so characteristic of the area" and added that by removing this "group of trees the scheme would fail to conserve a key characteristic of the Broads". The Authority's Arboricultural Consultant (AAC) had subsequently performed a tree assessment of the site using the Tree Evaluation Method for Preservation Orders (TEMPO). This assessment identified that the group of White

Willows (G1) plus two Crack Willows (T1 and T2) and a single White Willow (T3) all contributed to the amenity value of the area and all warranted a TPO. A provisional TPO (BA/2024/0012/TPO) had been served on 13 June 2024 and the HEM indicated that this would need to be confirmed by 13 December 2024.

An objection had been received on the 18 June 2024 stating that the trees did not contribute to the amenity value of the site and surrounding area, that the willow trees aggressive root system could cause damage to the land and waterways and that the TPO should not be confirmed so that the site could be developed and made presentable for both residents and visitors. The objection had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee.

The HEM presented a location map, a site map and various photographs of the trees associated with the provisional TPO as taken on the site visit held on 6 September 2024. The images were taken from the A149 road bridge looking south over the river towards Potter Heigham bridge, at various points along the recreation area on the north-western bank of the river opposite the site, from both approaches to Potter Heigham bridge, from The Causeway along the south-west boundary of the site and from the public footpath leading to Repps with Bastwick located to the south-east of the site.

The HEM explained the Authority's response to the objection taking each of the three points raised in turn:

- With respect to the amenity value of the trees the Authority considered the trees to be an integral part of the riparian character of the site and the surrounding area. The trees are all mature to veteran specimens that had been managed to date and had not caused undue concern.
- Willows could be vigorous trees although this growth could be managed with appropriate ongoing maintenance to avoid potential risks.
- The TPO would not, and was not intended to, preclude development or tidying up of the site. It was aimed at securing the necessary protection for the existing tree cover on the site as part of any future development.

The HEM added that the trees played an important role in the biodiversity of the site and its surrounds and that the recommendation was to confirm the provisional TPO.

A Member asked what the impact of the site's extant permission, as discussed in item 14, would be on the trees associated with the provisional TPO. The HEM presented a site map of the extant permission that showed the two Crack Willows (T1 and T2) adjacent to the proposed development. The HEM indicated that the group of White Willows (G1) and the single White Willow (T3) had grown since the application had been submitted in 1993. The HEM noted that the location of the single White Willow (T3) was not included in the proposed development and that the location of the group of White Willows (G1) would be in a rear yard within the proposed development, so there could be scope to retain them. She confirmed

that as per any TPO, any works to these trees would need to be approved by the Authority beforehand and this work could, in appropriate circumstances, entail the removal of a tree.

A Member believed there was a sewage pipe running under the site and concerns had been raised that the trees' roots could damage this piece of infrastructure. The HEM explained that this matter had not been raised by the objector and that there was some confusion as to whether the sewage pipe was capable of functioning or not.

Members were keen to see the trees maintained and in particular for them to be pollarded. The AAC confirmed that the trees had been pollarded in the past and the Authority would be supportive of this form of ongoing maintenance work. In response to a question the AAC confirmed that the TPO could not be conditioned however the TPO confirmation letter would encourage the owner to manage the trees appropriately by prior agreement from the Authority.

Members supported the recommendation acknowledging the value of the trees to the amenity of the site and surrounding area.

Andrée Gee proposed, seconded by Stephen Bolt

It was resolved unanimously to confirm Tree Preservation Order BA/2024/0012/TPO Land at former Bridge Hotel, The Causeway, Repps With Bastwick.

10. BA/2024/0013/TPO Nicholas Everitt Park, Lowestoft - Site visit

The Historic Environment Manager (HEM) presented the report to determine whether a site visit was required in relation to a Tree Preservation Order (TPO) for an oak tree at Nicholas Everitt Park, Bridge Road, Lowestoft. The applicant had submitted a tree works application for six trees in the park and the proposed works on five trees had been approved. The proposed work on the remaining tree, an oak, to reduce its height to a standing stem of 4-5m from ground level was deemed to be inappropriate. A provisional TPO had been served and the HEM indicated that this would need to be confirmed by 18 January 2024.

The applicant had objected to the provisional TPO stating the tree posed a significant risk, that its rooting was eroding over time and that, if it were to fall, given its location adjacent to a public car park, it could cause significant harm/injury to persons or damage to property.

The objection had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee. In preparation for this determination the HEM explained that Members could undertake a site visit however, in this instance, a detailed photographic survey of the tree and its surrounds, in conjunction with information provided by the Authority's Arboricultural Consultant, would be adequate to determine the provisional TPO and the recommendation was not to undertake a site visit.

Members acknowledged the need for site visits under certain circumstances however, given the technical nature of the objection, Members agreed that there was no value in this instance.

Stephen Bolt proposed, seconded by Fran Whymark

It was resolved unanimously to not undertake a site visit before the provisional TPO BA/2024/0013/TPO was considered at a future Planning Committee meeting.

Matthew Shardlow joined the meeting.

11. Reedham Neighbourhood Plan – adoption

The Planning Policy Officer introduced the report on the adoption of the Reedham Neighbourhood Plan. The PPO confirmed that the plan had successfully completed its referendum and was ready to be made (adopted).

In response to a question the PPO agreed to confirm the referendum result via an email to Members.

Leslie Mogford proposed, seconded by Martyn Hooton

It was resolved unanimously to recommend to the Broads Authority that the Reedham Neighbourhood Plan was made/adopted.

12. Local Plan - Preparing the Publication Version

The Planning Policy Officer (PPO) presented the report which included a topic paper proposing a minimum Biodiversity Net Gain (BNG) greater than 10% and amendments to the Pubs Local Plan policy. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

BNG greater than 10%

The PPO had investigated the possibility of the Authority setting a BNG target greater than the statutory minimum of 10% and concluded that a higher value could be justified. The topic paper at Appendix 1 of the report detailed this justification and included the resulting assessment of the impact and viability of increasing the minimum BNG to 20%. The PPO indicated that the BNG policy and the Authority's Local Validation Checklist would be updated to reflect this new minimum BNG of 20%.

In response to a question the PPO confirmed that other Local Planning Authorities (LPAs) across England and Wales had adopted minimum BNGs greater than 10% although she was not aware whether any neighbouring LPAs or National Park LPAs had done so. The PPO explained that, if other LPAs intended to change their BNG minimum percentage, it was expedient to do so when updating their Local Plan; the only neighbouring LPA in the process of updating their Local Plan was North Norfolk District Council. The PPO would review North Norfolk's Local Plan and notify the Planning Committee of their chosen BNG minimum percentage.

A Member asked whether the Authority had the capacity to support the extra monitoring required for BNG. The Head of Planning responded that monitoring was important to the Authority and was undertaken not just with respect to planning conditions but also the ecology of the Broads as a protected landscape. The Development Manager added that the Authority did not expect significant extra work to be required for monitoring BNG as the number of anticipated BNG applicable applications were low. The HoP indicated that the Authority had received just four such applications, since BNG requirements were mandated on 12 February 2024, of which one had been approved.

Members welcomed the increase to the BNG minimum percentage which was considered to better reflect the importance of biodiversity to the Broads.

Tony Grayling proposed, seconded by Stephen Bolt

It was resolved unanimously to endorse:

- **A minimum Biodiversity Net Gain of 20% for inclusion in the Local Plan**
- **The More than 10% Biodiversity Net Gain Topic Paper as evidence for the Local Plan.**

Pubs network policy

Policy SSPUBS (Pubs network) had been amended to include considerations for local flood risk, guidance regarding change of use, diversification and Assets of Community Value and some improvements/clarifications to the supporting text.

Andrée Gee proposed, seconded by Melanie Vigo di Gallidoro

It was resolved unanimously to endorse the amendments to the Pubs network policy.

The PPO provided an overview of the next meeting's Local Plan related agenda explaining that, along with the Regulation 19 version of the Local Plan for the Broads, there would be a new policy, Viability Assessment, an updated Great Yarmouth and Broads Authority Gypsy, Traveller & Residential Caravans Accommodation Assessment, Habitats Regulations Assessment and Sustainability Appraisal. The Chair reminded Members that they had overseen the Local Plan for two previous consultations and that this final iteration would be the culmination of this process. The PPO indicated that the most recent changes associated with the publication version of the Local Plan would be marked.

The PPO confirmed the intention to submit the Local Plan for examination in June 2025 and, given the uncertainty of when the proposed changes to the National Planning Policy Framework (NPPF) would be published and the associated transitional arrangements, there were a number of permutations required to achieve this submission date. The PPO had mapped out a number of scenarios, based on differing assumptions of when the NPPF changes would be delivered, and these would form the basis for a number of recommendations to ensure the June 2025 submission date was achieved. The intention was to avoid the need to re-consult the Planning Committee on this matter although the PPO acknowledged that if none of the assumptions proved correct then she would have no choice but to bring the Local Plan back to the Planning Committee.

The Head of Planning noted the urgency of endorsing the Local Plan at the next meeting and asked that if Members had any questions arising from Local Plan related material to please email them to the report authors in advance of the meeting to ensure that officers had time to prepare the responses.

13. Appeals to the Secretary of State

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

14. Decisions made by officers under delegated powers

As indicated in item 6, this item was taken before item 8.

The Committee received a schedule of decisions made by officers under delegated powers from 3 September 2024 to 27 September 2024 and there were no Tree Preservation Orders confirmed within this period.

A Member noted that application BA/2021/0490/FUL for 12 flats for holiday use at Land at former Bridge Hotel, Repps with Bastwick had been refused and asked why the extant permission raised by application BA/2024/0283/CPLUD had not been identified previously. The Head of Planning (HoP) indicated that the appeal associated with application BA/2021/0490/FUL had been dismissed on 16 May 2024. Subsequently the applicant had submitted evidence to demonstrate that application BA/1993/0165/HISTAP for the reinstatement of fire damaged Bridge Hotel and provision of additional dining and toilet facilities, site and demolition works had commenced in 1994 and, following legal advice, this application was confirmed to be extant (application BA/2024/0283/CPLUD). The HoP confirmed it was not the Authority's responsibility to monitor extant permissions and that the burden of proof for an extant permission fell to the applicant. The 1993 permission referred to the demolition of the fire damaged Bridge Hotel and this, in conjunction with a Section 215 Notice issued 30 December 1994 requesting the clearance of the site, had been determining factors in the granting of the Certificate of Lawfulness of Proposed Use or Development associated with BA/2024/0283/CPLUD. In response to a question the HoP confirmed that this decision was a legal matter and there were no consultees.

15. Date of next meeting

The next meeting of the Planning Committee would be on Friday 08 November 2024 10.00am at The King's Centre, 63-75 King Street, Norwich.

The meeting ended at 11:10am.

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 11 October 2024

Member	Agenda/minute	Nature of interest
Andrée Gee	10	East Suffolk Councillor - other registerable interest
Leslie Mogford	9	Great Yarmouth Borough Councillor – other registerable interest