

Planning Committee

Minutes of the meeting held on 05 January 2024

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, James Harvey, Martyn Hooton, Tim Jickells, Kevin Maguire and Keith Patience.

In attendance

Natalie Beal – Planning Policy Officer (items 10-12), Jason Brewster – Governance Officer, Kate Knights– Historic Environment Manager (item 9), 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 Tony Grayling, Leslie Mogford, Vic Thomson and Fran Whymark.

Openness of Local Government Bodies Regulations 2014

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

2. Declarations of interest and introductions

Members indicated that they had no further declarations of interest other than those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 08 December 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.

The Chair raised a point of information regarding application BA/2023/0290/FUL – Geldeston - Angling platforms on river. Following the meeting on 8 December 2023, officers became aware of three references in the assessment section of the report which mistakenly used the word “acceptable” when it should have been “unacceptable”. This error related to paragraphs 6.21, 6.25 and 6.30 and the correct statements should have read “... would not result in an **unacceptable** impact...”. The officer apologised for this oversight but assured Members that the assessments for navigation, ecology and trees were correct and it was only the concluding paragraph for each which used the incorrect wording. Members had been fully apprised of the issues in the comprehensive report and this unfortunate oversight did not affect the decision taken.

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 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:

Land at the Beauchamp Arms Public House (Unauthorised static caravans) – The Hearing at Norwich Crown Court scheduled for 22 December 2023, had been cancelled by the Court on 21 December due to lack of court time. The HoP was waiting to hear from the Court when the rescheduled Hearing would take place and had been informed this would not be until 9 February 2024 at the earliest.

9. Tree Preservation Orders (proposed site visits) – Horsefen Road, Ludham and Dunburgh, Geldeston

The Historic Environment Manager (HEM) presented the report seeking Members’ views on whether to undertake site visits in relation to two Tree Preservation Orders (TPOs).

BA/2023/0020/TPO - Land at The Acorns, The Pines, Broadgate and Fen Hollow, Horsefen Road, Ludham

The HEM presented a location map, a site map and various photographs of some of the trees associated with provisional TPO BA/2023/0020/TPO that included a number of oak, alder and willow trees at land at The Acorns, The Pines, Broadgate and Fen Hollow, Horsefen Road, Ludham. This provisional TPO had been served as part of the Authority’s ongoing review of its existing portfolio of TPOs and, for efficacy, this provisional TPO had replaced three previous TPOs. The provisional TPO covered an area that included a mix of residential and holiday let chalets with individual trees dotted across a number of discrete properties and one group of

five oak trees at The Acorns, adjacent to Horsefen Road. The provisional TPO would need to be confirmed before it lapsed on 20 March 2024.

An objection had been received from the owners of The Acorns stating that one of the oak trees, which sits to the right hand side of the entrance to their driveway, restricted vehicular access to the drive. Given the growth of the tree and increased traffic on Horsefen Road, since the tree was first protected by a TPO, it was harder to gain entry and leave the property and the objector would like to remove the tree.

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 Members of the Planning Committee could choose to undertake a site visit prior to the provisional TPO being presented for consideration at the next Planning Committee meeting.

Members sought clarity regarding the basis of the objection. The HEM indicated that the objection related to safe vehicular ingress to and exit from the property.

Members saw little or no benefit to a site visit and therefore the costs associated with a visit were not justifiable. Members believed that photographs of the site, a diagram of the site (including measurements) in conjunction with the report would be sufficient to determine the TPO.

Tim Jickells proposed, seconded by Stephen Bolt, and

It was resolved unanimously to not undertake a site visit before the provisional TPO BA/2023/0020/TPO was considered at the next Planning Committee meeting.

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

The HEM presented a location map, a site map and a couple of photographs of the woodland associated with provisional TPO BA/2023/0022/TPO that included an area of woodland comprising mainly willow, ash and alder on the northern bank of the river Waveney, south of Dunburgh. This provisional Woodland TPO had been served in response to the recently approved planning application BA/2023/0290/FUL for the installation of angling platforms on the river Waveney, south of Dunburgh, in relation to the work associated with the application and the ongoing use of the site thereafter by the applicant, Bungay Cherry Tree Angling Club (BCTAC). The provisional TPO covered trees of mixed ages, ranging from young to veteran trees and the woodland formed an impressive riparian linear feature in the landscape. The provisional TPO would need to be confirmed before 29 March 2024.

The HEM explained that a number of objections had been received during the consultation period. The applicant, BCTAC, had raised an objection stating that:

- The club had no intention of starting work until planning permission had been granted.

- The number of platforms had been reduced to 18 (from the 25 stated on a previous withdrawn application).
- Having detailed tree locations in the Ecology report submitted with application BA/2023/0290/FUL the club were not aware that further information regarding tree works was required.
- The club queried why the TPO covered the whole woodland rather than discrete large and/or mature trees.
- The club would have preferred to have been informed of on-site meetings with other interested parties so that they could have attended.

An objection had been received from one of the site's landowners stating that they had not been consulted prior to the serving of the provisional TPO. The landowner added that a number of trees were in a poor state of growth or were growing at an angle that could cause them to fall. They believed that the location of the willow trees, between the river and the floodbank, meant that their root systems were shallow at best and there was an increased likelihood of them falling during high winds.

Both objectors had offered to withdraw their objections, subject to the Authority agreeing to let the provisional TPO lapse on 29 March 2024. As both objections were valid, having been received within the 28-day consultation period (and had not been withdrawn) and a decision needed to be reached on the TPO before the provisional TPO lapsed, then there was no mechanism to consider this offer. The HEM explained, that in accordance with the scheme of delegation the provisional TPO would need to be determined by the Planning Committee.

In preparation for this determination, Members of the Planning Committee could choose to undertake a site visit prior to the provisional TPO being presented for consideration at the next Planning Committee meeting.

A Member asked whether the TPO would include new saplings within the site. The HEM explained that it was usual for trees to reach a certain size (minimum girth of 75mm and minimum height of 1m) before they would be protected by a TPO. [Please note: Government guidance actually states that woodland orders protect the trees and saplings of whatever size within the identified area.]

In response to a question the HEM confirmed that the use of a Woodland TPO was a practical measure given the extent of the site and the number of trees within it.

Members believed the objections were of a procedural nature and therefore they could see no value to a site visit on this occasion as the relevant factors could be adequately illustrated by way of a presentation.

Bill Dickson proposed, seconded by Martyn Hooton, and

It was resolved unanimously to not undertake a site visit before the provisional TPO BA/2023/0022/TPO was considered at the next Planning Committee meeting.

The Head of Planning (HoP) explained that the recent increase in TPO reports had provided an opportunity to review the TPO process and, in particular, the recent decisions taken for site visits for TPOs. Given the Authority's ongoing review of its TPO portfolio, the HoP believed it was prudent to revise the TPO process to reflect this new knowledge. Having discussed this matter with the Chair and Vice-Chair of the Planning Committee, the HoP confirmed it had been agreed to include an officer recommendation in future TPO site visit reports indicating whether or not officers considered it necessary for the Committee to undertake a site visit, or whether the relevant factors could be illustrated by a presentation. These recommendations would be predicated on similar grounds to those for other site visits (as per Appendix 3 of the [Code of Practice for members of the Planning Committee and officers \(broads-authority.gov.uk\)](https://www.broads-authority.gov.uk)). Members were supportive of this change and asked that these reports ensured that the reasoning behind a given recommendation was clearly stated.

10. Trowse with Newton Neighbourhood Plan – agreeing to consult update

The Planning Policy Officer (PPO) introduced the report, which sought endorsement of the updated regulation 16 version of the Trowse with Newton Neighbourhood Plan. The PPO explained that since Members had endorsed the Trowse with Newton Neighbourhood Plan Regulation 16 version for consultation in August 2023 it had been updated to accommodate feedback from South Norfolk Council. These changes had been detailed in section 2 of the report.

Tim Jickells proposed, seconded by Martyn Hooton, and

It was resolved unanimously to endorse the updated version of the Trowse with Newton Neighbourhood Plan Regulation 16 version for consultation.

11. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to two Supplementary Planning Documents (SPDs) produced by East Suffolk Council. The PPO provided an overview of the proposed responses:

Draft Healthy Environments SPD

The PPO explained that the Authority would need to endorse the final Healthy Environments SPD as it included standards for open space and play and that the Authority deferred to/had regard to the open space policies of our districts.

The PPO indicated the proposed response comments related to light pollution, water stress and all types of alternative forms of transport.

Draft Rural Development SPD

The PPO indicated that the comments regarding the Rural Development SPD mainly related to the omission of references to the Broads.

Tim Jickells proposed, seconded by Martyn Hooton, and

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

12. Local Plan - Preferred Options (bitesize pieces)

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

Flood risk section

The PPO explained that much of the Flood Risk guidance had previously been covered within a Supplementary Planning Document (SPD). Given Government proposals to replace SPDs with Supplementary Plans, which were akin to the Local Plan, the PPO thought it expedient to transfer the SPD content into equivalent sections of Local Plan Policy.

The PPO had attempted to engage the Environment Agency (EA) in a review of this updated Local Plan Policy content, however she had desisted with this review when the EA indicated that they would charge the Authority for this activity. The PPO indicated that the EA had not previously requested a charge for this type of ad-hoc review. She reminded Members that the EA were a statutory consultee of the Local Plan and therefore their expertise would be sought during the Local Plan Preferred Options consultation. A Member expressed their disappointment about the EA's charge for a review of this content especially given the importance of this content to the Broads Authority and the EA.

The PPO indicated that the Strategic Flood Risk (SP2) policy had been updated to strengthen its reasoned justification.

Policy DM5 (Development and flood risk) had been updated to include content from the Flood Risk SPD. For example, the Local Flood Risk Assessment tick sheet was now an appendix and the Sequential Test requirements would also be included in this policy/supporting text (as per line 134 of Appendix 1 of the report). Appendices had been added to capture the Flood Response Plan guidance and Checklist previously associated with the Flood Risk SPD.

A Member asked, in relation to the predicted flood level rises as stated at line 366 of Appendix 1 of the report, whether a timescale for the predicted increase could be included.

Policy DM6 (Surface water run-off) had been updated to include an appendix detailing the relevant principles to follow when designing a Sustainable drainage systems (SuDS) scheme.

A Member asked whether the Authority could influence the need for SuDS in developments within the neighbouring districts to the Broads Executive Area. The PPO believed that the requirement for SuDS might be strengthened or even mandated nationally in future but was unsure of the detail and she would clarify this matter via an email to Members. In the meantime, the Authority would provide feedback in this regard to the neighbouring Local Planning Authorities via consultation responses and she believed the EA and Lead Local Flood Authority, as statutory consultees, would also encourage the adoption of SuDS when and where appropriate.

A Member asked whether surface water run-off was a consideration for Nutrient Neutrality (NN). The PPO could not recall how surface water run-off was factored into the assessment of NN and would investigate this matter further.

Members supported the transfer of the Flood Risk SPD content to the Local Plan.

Brundall policies – BRU1 and BRU2

Policy BRU1 (Riverside chalets and mooring plots) had been updated to include references to the Design Guide, biodiversity enhancements, dark skies, climate change adaptation and resilience, flood risk resilience and energy and water efficiency.

Policy BRU2 (Riverside Estate Boatyards, etc., including land adjacent to railway line) had been updated to reflect a possible regeneration of a site contained within and included references to a master plan for substantial developments and to promote considerations for slipways and public access.

Potter Heigham Bridge area

Policy POT1 (Bridge Area) had been updated to include considerations for surface water and fluvial flooding, biodiversity enhancements and, in light of its closure to vehicular traffic in 2023, encourage a review of the bridge's role in traffic management.

Dark skies topic paper

The PPO indicated that the Dark skies topic paper incorporated sample survey data performed since the whole of the Broads had originally been surveyed between October 2015 and March 2016. These sample surveys had been performed in 2021 and 2023 and the more recent readings were found to be consistent with the 2015/16 results and confirmed that the Broads still had intrinsically dark skies. The paper also included an updated map to correct a mistake made relating to the classification of an area near Great Yarmouth.

Light pollution policy

The PPO indicated that policy DM22 (Light pollution and dark skies) had been reviewed by the UK Dark Skies Group and changes to this policy reflected their feedback as well as lessons learnt from other areas and improvements to strengthen this policy to better protect the dark skies of the Broads.

Agricultural development

The PPO and the Senior Planning Officer had reviewed the comments received during the Issues and Options consultation on the need for a dedicated policy for agricultural development. They had concluded that the Authority's existing general topic-based policies were adequate to cover proposals for agricultural development.

A Member noted that one of the comments received during the consultation referred to water reservoirs and, in light of the recent permission granted for a water reservoir at Ludham and ongoing changes to water abstraction licences, wondered whether this form of development warranted a dedicated policy. The PPO agreed that this type of development warranted further investigation and once she had a better understanding of what these

developments entailed, she could evaluate whether there was a need for a dedicated water reservoir policy.

Energy efficiency of the existing housing stock

The PPO had reviewed the comments received during the Issues and Options consultation relating to energy efficiency of the existing housing stock. It was clear, given the scale of existing housing stock in comparison to the number of new houses being built in the Broads, that this was an important consideration and the comments received were generally supportive of this position. However, the PPO was unsure whether the Local Plan was best suited to address the energy efficiency of the existing housing stock and there were no clear exemplars to follow in this regard. In the absence of national and local approaches the PPO proposed to encourage energy efficiency in existing dwellings using existing Local Plan policies where appropriate.

Members welcomed the stance taken on energy efficiency of the existing housing stock in the absence of national guidance.

Members' comments were noted.

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

The Committee received a schedule of decisions made by officers under delegated powers from 27 November 2023 to 15 December 2023 and there were no Tree Preservation Orders confirmed within this period.

15. Date of next meeting

The next meeting of the Planning Committee would be on Friday 02 February 2024 10.00am at King's Centre, 63-75 King Street, Norwich, NR1 1PH.

The meeting ended at 11:12am.

Signed by

Chair