

Planning Committee

Minutes of the meeting held on 21 July 2023

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, Tony Grayling, Tim Jickells, Vic Thomson, Melanie Vigo di Gallidoro and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Estelle Culligan – Deputy Monitoring Officer (for item 9), Stephen Hayden – Tree Officer (for item 12), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

Member of the public

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Leslie Mogford.

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 23 June 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

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. Members were reminded that application BA/2023/0127/FUL - Ormesby - Broadland Nurseries had been withdrawn by the Agent since the agenda papers had been published.

8. Enforcement update

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

The report was noted.

9. Scheme of powers delegated to Chief Executive and other authorised officers –amendment to section 37

The Deputy Monitoring Officer (DMO) joined the meeting remotely.

Members received a report from the Senior Governance Officer (SGO) and DMO on a proposed change to the Scheme of Delegation relating to the call in of planning applications. The SGO explained that the proposed changes related to the implementation of recommendations from an external review as agreed at full Authority 20 January 2023. The changes sought to remove any ambiguity relating to a possible challenge regarding the interpretation of delegated authority when a member or Ward member of a District Council “called in” an application. There had also been a change regarding the wording relating to when a member or Ward member of a District Council could “call in” an application to refer to “material planning considerations” that reflected current terminology within the National Planning Policy Framework (NPPF).

A member noted that representations from parish councils and other persons, Scheme of Delegation 37 (iv) & (v) respectively, made reference to “material planning considerations of significant weight”, while requests from a member of the Authority and a Ward member of the relevant District Council, Scheme of Delegation 37 (vi) & (vii) respectively, only made reference to “material planning considerations”. The member believed the latter two categories should have to meet the same criteria as the first two categories i.e., “material planning considerations of significant weight” be applied to Scheme of Delegation 37 (vi) & (vii).

The Head of Planning (HoP) explained that the Scheme of Delegation was periodically reviewed by the Authority. At the last review in 2021 the Planning Committee had requested that references to “of significant weight” be removed from 37 (vi) & (vii) and this was approved at full Authority (19 March 2021).

The DMO added that given the particular role of Authority members and Ward members to represent their constituents, there was a justification that they should have wider discretion to request a call in. It was also the case that constituents could approach their Ward members to call in applications and therefore benefit from the Ward members' wider discretion.

The HoP clarified that whatever means a representation/request to call in an application was received the officers would perform the same assessment. Firstly, they would determine whether the points raised were in fact a material planning consideration. If they were deemed to meet the first test then secondly, the officer would determine whether they carried significant weight. The HoP explained that a number of representations could be received all referring to the same material planning consideration. However, they might not all have the same level of weight and the extent to which they would be taken into account would depend on the weight.

A member asked whether County Councillors should be granted call-in responsibilities and another member responded that other Local Planning Authorities did not explicitly name this grouping as they could liaise with the Ward member on these matters.

Members were supportive of the changes proposed and were keen to re-establish a level playing field on the matter of call-ins.

It was agreed to support the existing recommendations and in addition update the Scheme of Delegation section 37 items (vi) & (vii) to state: "material planning considerations **of significant weight**".

Tim Jickells proposed, seconded by Stephen Bolt and

It was resolved unanimously to endorse the recommendation:

- i. To amend the Scheme of powers delegated to the Chief Executive and other authorised officers; section 37 items (vi) and (vii) to add "of significant weight" after "material planning considerations".**
- ii. To recommend to the Broads Authority the adoption of the proposed changes to section 37 of the Scheme of powers delegated to the Chief Executive and other authorised officers, and**
- iii. To delegate authority to the Director of Strategic Services to make the necessary changes to the Code of Practice for members of the Planning Committee and officers.**

The Deputy Monitoring Officer left the meeting.

10. Hemsby Neighbourhood Plan - adoption

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

Tony Grayling proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved unanimously to endorse the result of the referendum and recommend to the Broads Authority that the Hemsby Neighbourhood Plan was made/adopted.

11. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to a consultation on the Chet Neighbourhood Plan prepared by Loddon and Chedgrave Councils.

The PPO indicated that along with comments seeking clarification on a number of points she had raised an objection: Policy 1 of the Neighbourhood Plan proposes custom/self-build dwellings outside of the development boundary which would contravene National Planning Policy Framework guidelines and was contrary to the Local Plan for the Broads Policy DM42 (Custom/self-build).

Vic Thomson proposed, seconded by Stephen Bolt and

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

12. Local Plan - Preferred Options (bitesize pieces)

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

Horning policies

The PPO highlighted that any developments within this area of Horning that increased foul water or surface water were not currently supported in both the Broads Authority and North Norfolk District Council planning areas. This was because the Dry Weather Flow permit limit had been exceeded at the Horning Knackers Wood Water Recycling Centre which serves the Horning area. The PPO indicated that an update to the Joint Position Statement issued by Anglian Water and the Environment Agency on this subject was expected and this would be brought to the next Planning Committee.

The PPO indicated the HOR3 Waterside plots and HOR4 Sailing Club policies had been updated to include references to dark skies and the need to ensure no adverse impact on the integrity of any European site. In response to a member question, the PPO indicated that the Dark Skies assessment would resume in the autumn and that this work had been well received by local communities.

There had been no change to HOR5 Crabett's Marsh policy except for a small clarification.

HOR6 Horning boatyards at Ferry Road and Ferry View Road had been updated to include a reference to dark skies and the need for residential moorings to consider recreational impacts (and possible payment of a Recreational impact Avoidance and Mitigation Strategy tariff) and

highlighting the restriction on development due to the constraints of the water recycling centre described earlier.

Trees, woodlands, hedges, scrub and shrubs and development

The PPO explained that this was a new policy that reflected the consultation responses received during the Issues and Options consultation. The Authority's Tree Officer (TO) had been instrumental in creating this policy and he provided an overview of the policy.

The TO explained that with increasing development there was an increased need to preserve trees especially given the integral part they played within the Broads landscape and their importance to biodiversity. Unlike other National Parks, the Broads also had to balance the need for preserving trees with their impacts on the navigation and in some situations a compromise between these competing interests would be required.

The general principle of the policy was that trees would be retained as part of any development unless there were overriding considerations such as the age, condition or safety of the trees.

Where there was the potential loss of trees or trees would be impacted by a development then an assessment would be required as per the BS5837 framework. This required trees to be categorised into 4 distinct groups; A, B C & U. Categories A & B would be deemed material constraints while categories C & U could be removed.

Any loss of trees would require some form of replacement planting. The TO indicated there were various compensatory metrics to equate the lost trees with their replacements, such as loss of canopy area or loss of carbon sequestration. These forms of analysis were difficult to perform, especially for small developments therefore the policy detailed a simple metric that indicated the number of replacement trees based on a simple assessment of the size of trees to be lost; the larger the tree to be lost the greater the number of replacement trees.

The policy sought to protect irreplaceable habitats such as mature wet woodland, ancient woodland and ancient veteran trees and was consistent with the National Planning Policy Framework. The TO added that wet woodland was an important feature within the Broads landscape that historically proved difficult to preserve as it was not deemed visually appealing and this policy would strengthen the case for its protection.

A member asked, in relation to paragraph 1 of the policy, who decided whether it was a "significant hedge and shrub mass". The Tree Officer indicated that under the Hedgerow Regulations 1997 the applicant had to inform the Local Planning Authority (LPA) of any proposal to remove a hedgerow. The LPA would then assess the hedgerow and determine if it was a historic hedgerow and respond accordingly. The Head of Planning indicated that this responsibility was not part of the LPA for the Broads as it was performed by the LPA of the relevant District Council.

The member asked how the control of leylandii hedges would be managed by this policy. The TO responded that this scenario would be considered as a landscape enhancement which incorporated the principle of the right tree in the right place. The TO added that each case

would be considered on its own merits with consideration for priority habitats within the Broads and its landscape characteristics.

Members praised the work involved in defining this new policy and thanked the PPO and TO accordingly.

Members' comments were noted.

13. Broads Local Plan – Local Green Space Topic Paper and proposed policy

The Planning Policy Officer introduced the report, which provided an assessment of Local Green Spaces (LGS) associated with the Local Plan as well as an updated LGS Local Plan Policy.

The PPO explained that as part of the Local Plan Issues and Options consultation a call for new LGS sites was made and no responses were received. In preparing the updated LGS assessment Chedgrave Parish Council were contacted and, as well as reviewing their existing LGS, they offered a new site for consideration. The PPO had visited the site and deemed it suitable for inclusion as an LGS.

Another possible LGS had been suggested by Gillingham Parish Council which proved to already be protected as an Open Space and therefore would not be included as an LGS.

The LGS policy, the PPO indicated, had been amended to strengthen the policy wording and to reference the new Chedgrave LGS.

A member asked if the stated LGSs had other designations, such as Special Site of Scientific Interest or Special Area of Conservation, associated with them. The PPO would investigate this matter and notify members of her findings.

A member asked if any of these LGS's overlapped with those identified within a neighbourhood plan. The PPO responded that the LGSs in the Local Plan were distinct from those identified by neighbourhood plans and there was no overlap of these designated areas between Local Planning Authorities. The PPO added that the intention was to have all LGS's from the Local Plan and neighbourhood plans represented on the interactive map of the Broads planning area and identified as planning constraints.

Melanie Vigo di Gallidoro proposed, seconded by Tim Jickells and

It was resolved unanimously to endorse the Local Green Space topic paper as evidence for the Local Plan and to endorse the proposed Local Green Space policy.

14. Notes of the Heritage Asset Review Group meeting held on 16 June 2023

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 16 June 2023.

The Chair indicated that the next HARG meeting would be on Friday 8 September 2023 at Ranworth Village Hall and following the meeting there would be a tour of nearby St Helen's Church.

15. Appeals to the Secretary of State

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

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 12 June to 7 July 2023 and there were no Tree Preservation Orders confirmed within this period.

17. Date of next meeting

The next meeting of the Planning Committee would be on Friday 18 August 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 11:15am

Signed by

Chair