

Planning Committee

Minutes of the meeting held on 26 May 2023

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Present

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

In attendance

Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer, Kayleigh Judson – Heritage Planning Officer, Kate Knights– Historic Environment Manager, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning and Lorraine Taylor – 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.

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 28 April 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

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/2023/0125/FUL Wroxham – Swans Harbour, Beech Road – replacement quay heading

Replace 173m of timber quayheading with galvanised steel piling, and extension to existing composite/plastic grid type decking

Applicant: Mr Daniel Thwaites

The Planning Officer (PO) provided a detailed presentation of the application that would involve the replacing areas of timber quayheading with steel piling featuring timber capping and timber waling board. The section fronting the River Bure would have a double timber waling board. In addition, the existing timber decking would be replaced with a composite plastic grid type decking matching that already on site.

The PO indicated that the application was before the committee as the applicant was a member of the Navigation Committee. The PO also indicated that work had commenced on this application as evidenced by some of the photographs in the presentation.

The presentation included a location map, the site marked within a map of the Wroxham Conservation Area, an aerial photograph showing the site boundary, a site map highlighting the replacement steel piling, various photographs of the dyke, the existing decking and the quayheading on the river front, a diagram showing a cross section of piling and various photographs of existing steel and timber pilings in the locale of the site.

The PO indicated that one further representation had been received since this report was issued extolling the virtues of recycled plastic as an alternative piling material.

The Authority's Heritage Planning Officer (HPO) had objected to the use of the steel piling and composite decking material as they were not in keeping with the character and appearance of the Wroxham Conservation Area. The HPO had recommended that the quayheading was replaced like for like in timber and that the decking be restored to timber or high quality composite decking boards.

The PO moved on to the assessment of the application and highlighted that as there was no new areas of piling or decking proposed the principle of development was considered acceptable. In effect the proposal was for a change of materials and concerns had been raised about the proposed materials, citing the potential for the erosion of the character of the Conservation Area. Taking into consideration that there was already steel piling in the area, the somewhat developed and urban setting of the site, located on a section of river which

had hard engineered banks on both sides, the majority of the steel piling was not visible from public vantage points and the river frontage the piling would be finished with double waling boards concealing the top 0.45m of the piling these factors were deemed to significantly mitigate the visual impact of the use of the steel.

Whilst in planning terms there remained a preference for timber quayheading here, in order to protect the Conservation Area, it was considered that, on balance, the use of steel in this instance was not unacceptable due to its limited visibility and the mitigation proposed, particularly on the most prominent areas.

There are a number of locally listed chalets along this part of the river and planning policies sought to protect their setting, however they were 70m downstream and the impact on them was not significant.

Given the existing use of composite/plastic grid type decking along the river frontage and for the initial 13 metres of the dyke, the use of the same material for the extended area would ensure visual continuity which was considered to have a less detrimental impact than that which would have resulted if contrasting materials had been used.

The proposed use of steel piling with timber capping and waling and the use of composite/plastic grid type decking was considered to be supportable with regard to policies DM11, DM13, DM16, DM32, and DM43 of the Local Plan.

As work had commenced the PO explained that the condition regarding the time limit would no longer be applicable and confirmed the recommendation for approval.

A member questioned whether the steel piling visible above the water line could be hidden by a wooden façade. The PO explained that given the tidal range at this location it would be impractical to cover all the steel exposed above the water line. And that the wood would quickly deteriorate and detract from the overall appearance.

A member asked for clarification regarding when the encroachment of new pilings into the navigation channel was deemed unacceptable. The PO explained that the Authority's River Engineer and Rangers were consulted on these matters and in certain parts of the Broads the 300mm encroachment proposed on this application would be deemed too impactful on the existing navigation channel and in those cases the applicant would have to maintain the existing line of the quayheading.

Members were supportive of the application and while acknowledging the undesirable appearance of the steel piling in its new state, agreed that it would tarnish with age. Members agreed that the double waling was a good compromise given its location. A member commended the composite decking material for its reduced maintenance costs and improved grip even when wet.

Bill Dickson proposed, seconded by Leslie Mogford and

It was resolved unanimously to approve subject to conditions:

- i. In accordance with approved plans**

ii. Timber preservatives

(2) BA/2023/0158/LBC Halvergate – Mutton’s Mill, Stone Road - lightning conductors

Site description: The installation of lightning protection

Applicant: Andrew Farrell (Broads Authority Programme Manager- Water, Mills and Marshes project)

The Heritage Planning Officer (HPO) provided a detailed presentation of the application for the installation of lightning protection to the Grade II* listed mill. This would require strike plates to be fitted to the ends of each of the four sails and corresponding 8mm aluminium cable down to the windshaft. An electrical transmission network would be created between the windshaft, bearing carriage and the perimeter cap that would ultimately lead to 2 down conductor cables fixed to the exterior of the mill tower with each terminating in an earth electrode driven into the subsoil close to the building.

The HPO indicated that the application was before the committee as the applicant was a partner of the Broads Authority on the Water, Mills and Marshes (WMM) project.

The presentation included a location map, a site map, photographs of Mutton’s Mill, a diagram showing the strike plates and their location on the sails and associated cabling to the windshaft, a diagram showing the cabling from the windshaft, bearing carriage and perimeter cap and the fixture points to the 2 down conductors.

Mutton’s Mill sits on the Halvergate Marshes and was one of the most carefully preserved and mechanically complete drainage mills in Broadland.

Set within a very flat and open landscape and standing 30m high (to sail tip) it was vulnerable to lightning strikes and the risk of lightning strikes was predicted to increase due to climate change. There had been significant investment in the repair and restoration of this structure through the WMM project. Given these factors the proposal to install lightning protection was considered reasonable and justified subject to the impacts on heritage and design (detailed in sections 6.5 to 6.7 of the report).

The HPO summarised these impacts; lightning protection would be a modern addition to the mill and once installed would be visible on close inspection. However, it was noted that the proposal had been designed to minimise the visual impact and damage to the fabric of the mill. It was therefore considered there would be a less than substantial harm to the significance of the mill and no adverse impact on the character of the wider conservation area.

The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. In this instance the public benefit deriving from the installation of lightning protection would be to reduce the risk of significant damage or potential loss through lightning strikes of the designated heritage asset and this was considered to outweigh any small harm arising from the works themselves.

The proposal was therefore considered acceptable and was recommended for approval subject to the stated conditions.

Members were impressed by the ingeniousness of the proposed solution.

Nigel Brennan proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved unanimously to approve subject to conditions:

- iii. **Time limit**
- iv. **In accordance with plans submitted**
- v. **Any damage to the building undertaken during installation shall be made good**

8. 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 (Two unauthorised static caravans): Hearing date set for 9 August 2023 at 12pm at Norwich Magistrates' Court.

Blackgate Farm, High Mill Road, Cobholm: The Authority had contacted the landowner's agent regarding the one remaining caravan. The Authority, in conjunction with Great Yarmouth Borough Council, were undertaking a Gypsy and Traveller Accommodation Needs Assessment (GTANA) for the location and surrounding sites. The landowner had questioned the compliance of adjacent sites and the Authority would need to review the findings of the GTANA before considering if any further action was required at the adjacent locations.

Land at the Berney Arms, Reedham: The Authority had received an appeal, against the Enforcement Notice, on 25 May 2023.

9. Thorpe St Andrew Neighbourhood Plan - agreeing to consult

The Head of Planning introduced the report, which sought to endorse the Regulation 16 version of the Thorpe St Andrew Neighbourhood Plan for public consultation.

Leslie Mogford proposed, seconded by Andrée Gee and

It was resolved unanimously to endorse the Regulation 16 version of the Thorpe St Andrew Neighbourhood Plan for consultation.

10. Tree Preservation Orders - Update on review and re-serving of TPOs

The Historic Environment Manager (HEM) provided an update on the ongoing Tree Preservation Order (TPO) review exercise. The HEM explained that this exercise was required to ensure the consistency of all TPOs since the Local Planning Authority for the Broads came

into being in 2007. Some of these inconsistencies derived from the TPOs inherited from other LPAs in 2007 and some from changing standards/requirements during this time.

This was a time consuming exercise to ensure that there was evidence that each TPO had been confirmed, had a signed and sealed formal order and a map identifying the locations of the tree(s) and that there was evidence of a proper consultation being made when the TPO was served.

This effort would ensure that all the TPOs were compliant with current standards and avoided the risk (and costs) of a legal challenge resulting from any inconsistencies they may have had.

In order to address an issue with a TPO the process may require the existing TPO to be revoked and then re-served with the corrected version. There were two scenarios when a TPO would be revoked and not be re-served; when the TPO was deemed no longer required and when the TPO applied to a tree within a Conservation Area where no specific threat had been identified.

The process of revoking and re-serving TPOs would be performed on a district by district basis. This activity had commenced with the Broadland District Council area recently completed and next would be the North Norfolk District Council area.

This activity would be included in the decisions made by officers under delegated powers report. The HEM confirmed that any objections received within 28 days of a re-served TPO would result in this matter being brought to committee.

In response to a member's question the HEM indicated that a couple of hundred TPOs had been reviewed during this exercise and approximately 40-50 had been identified as needing to be re-served or revoked.

A member enquired as to how TPOs are instigated. The HEM explained that there are various mechanisms for raising a TPO:

- Within a Conservation Area a landowner would have to submit a Section 211 Notice to the LPA before carrying out any work to a tree. If the Authority believed the proposed work was a threat to the tree that warranted protection, then it would issue a TPO to prevent the proposed work being performed. There would then follow a discussion with the landowner on what works might be appropriate. This was a common source of TPOs within the Broads.
- Another source was via a planning application where the applicant had indicated the removal of a tree or the development itself posed a threat to a tree (e.g. by being in close proximity to tree roots) that warranted protection, then the Authority might raise a TPO to prevent the removal or threat.
- Members of the public could report possible threats to trees and in this situation the Authority would ask the Tree Consultant to perform a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. This assessment might warrant a TPO being issued.

A member asked about the impact of diseases such as Ash dieback on TPOs. The HEM responded that a diseased tree would be a legitimate reason for removal of the tree despite a TPO being in place. In this circumstance, the HEM added, the Authority would expect the landowner to provide evidence that the tree was dead or dying.

The report was noted.

11. Consultations from DLUHC on holiday and second homes and from DCMS on a register of short term lets

The Head of Planning (HoP) introduced the report that detailed the Authority's responses to two consultations:

1. Issued by the Department of Levelling Up, Housing and Communities (DLUHC) on their proposals to introduce a new use class for short term lets and associated permitted development rights.
2. Issued by the Department for Culture, Media and Sport (DCMS) on a registration scheme for short-term lets in England.

The HoP provided an overview of the proposals contained in both consultations as per section 2 of the report. The HoP then explained the rationale behind the Authority's proposed responses to both consultations as detailed in section 3 of the report.

In summary, the Authority welcomed the creation of a new Use Class for short term lets and had proposed that this Use Class be extended to include second homes. There were concerns regarding the proposed permitted development right to allow a change to a short term let without planning permission; this effectively undermined the introduction of the new Use Class and put the onus on the Local Planning Authorities (LPAs) to make an Article 4 Direction to remove this permitted development right. This was a costly, non-trivial exercise for an LPA to perform to resolve a problem that was not of their making.

The Authority welcomed the proposed short term lets registration scheme for the simplification it would provide and the critical role it would play in ongoing identification and monitoring of the housing stock.

The HoP referred members to appendix 1 of the report for detailed responses to the consultation's questions and asked if there were any questions or comments.

A member asked what the criteria was regarding renting out your home between it being deemed as Airbnb or a full B&B. The HoP explained that it would be considered on a case-by-case basis, however a rule of thumb was if the development was less than 50% of the dwelling it would be considered as a B&B (which includes the Airbnb model) and would not require planning permission.

A member was supportive of the proposed responses and asked what the rationale was for selecting the 60 night threshold in response to question 12, regarding the flexibility for letting out C3 dwellinghouses for 30, 60 or 90 nights in a calendar year. The HoP responded that 30

nights seemed too restrictive and disproportionate relative to the effort required by the applicant.

The member then asked how members would be able to judge approval for a short-term let especially given the representations from neighbours most likely objecting. The HoP explained that the Authority would have to establish an associated planning policy and once approved, this would provide the basis for assessment of relevant applications.

A member pointed out that it was not uncommon for people to travel abroad for 90 days. The HoP clarified that by setting the threshold for permitted development right at 60 nights, it did not preclude people applying for permission for more than 60 nights.

A member commended the HoP on a thorough set of responses and agreed that the proposal to enable moves from usage class C3 to C5 was counter-productive. They agreed with the use of exemptions for differing areas reflecting the differing impacts from second homes and holiday lets.

Tim Jickells proposed, seconded by Bill Dickson and

It was resolved by 8 votes in favour, 3 against to endorse the proposed responses to:

- **The consultation from DLUHC on holiday and second homes.**
- **The consultation from DCMS on a register of short term lets.**

12. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications Q1 (1 January to 31 March 2023)

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 31 March 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). The HoP concluded that the figures were good and were consistent with past performance.

Members congratulated the Planning team on their successful performance.

The report was noted.

13. Customer Satisfaction Survey 2023

The Head of Planning (HoP) introduced the report on the results of the annual customer satisfaction survey for the planning service. The HoP confirmed that everyone who received a planning decision in the first quarter of 2023 would have been invited to complete an online questionnaire. The HoP indicated that one respondent was very unhappy although their application did not receive a refusal.

The response rate of 28% was significantly above the 10% benchmark for this type of survey. 13 out of the 17 respondents had rated the advice and help provided when submitting their application as very good (a maximum score of 5). The HoP believed this scoring was a positive endorsement of the free pre-application advice provided by the Authority. This early advice improved the quality of applications, improved the end-to-end efficiency of the process and helped avoid enforcement action.

A member wondered why the clarity of decision question had elicited the most varied range of scores. The HoP would investigate this matter further.

The report was noted.

14. Decisions on Appeals by the Secretary of State between 1 April 2022 and 31 March 2023 and monthly update

The Committee received a schedule of decisions on appeals made by the Secretary of State between 1 April 2022 and 31 March 2023; three decisions had been received during this period all of which were dismissed.

The report also detailed the latest appeals for which decisions had not yet been received; all 12 were awaiting start dates.

Since the last committee meeting 4 decisions had been received, all of which were dismissed.

15. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 17 April 2023 to 12 May 2023 and there were no Tree Preservation Orders confirmed within this period.

16. Date of next meeting

The next meeting of the Planning Committee would be on Friday 23 June 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 11:40am.

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 26 May 2023

Member	Agenda/minute	Nature of interest
Harry Blathwayt on behalf of all members	7.2	Broads Authority is a partner of the applicant on Water, Mills and Marshes project.

DRAFT