

# Planning Committee

## Minutes of the meeting held on 26 April 2024

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## **Present**

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, Tony Grayling, James Harvey, Tim Jickells, Kevin Maguire, Melanie Vigo di Gallidoro and Fran Whymark

## **In attendance**

Jason Brewster – Governance Officer, Callum Sculfor – Planning Assistant, Cally Smith – Head of Planning, Jo Thompson – Waterways and Recreation Officer 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 Martyn Hooton, Leslie Mogford and Vic Thomson

### **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 01 March 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.

## **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.

Fran Whymark left the meeting at 10:07am.

### (1) BA/2024/0052/FUL - Langley with Hardley Parish, land to south-west of Hardley Flood

**Repairs to two foot bridges and provision of access ramps. Use of existing hardstanding as temporary site compound.**

**Applicant: Mr Andrew Middleton - Norfolk County Council.**

The Head of Planning Officer (HoP) provided a detailed presentation of the application that would involve the repair of two footbridges located on the northern riverbank of the River Chet, to the south-west corner of Hardley Flood, approximately 1km to the east of the village of Chedgrave. The footbridges formed part of a public footpath, Loddon Footpath 4, which itself formed part of the Wherryman's Way footpath between Norwich and Great Yarmouth. The application included the use of an existing hardstanding area, approximately 1.5km to the north-east of the subject footbridges, as a temporary site compound. The repair of the two footbridges would enable Loddon Footpath 4 to be re-opened and re-establish access to a bird hide at the eastern end of the footpath.

The two subject footbridges had become unsafe approximately 10 years ago resulting in a number of contiguous public footpaths running along the southern boundary of Hardley Flood being closed. A temporary route had been established that maintained the Wherryman's Way by bypassing Hardley Flood from the west, detouring around the Flood to its north and rejoining the original route to the north-east of the Flood next to the River Chet. This temporary route would not be addressed by this application as work was required on a further two unsafe footbridges located on sequential footpaths further to the east of Loddon Footpath 4.

The HoP indicated that the application was before the committee at the discretion of the Director of Strategic Services as the Authority's Ecologist had been engaged in the production of the Habitat Regulations Assessment (HRA).

The presentation included a location map, more detailed maps showing the two footbridges in relation to Hardley Flood, a map showing the closed footpaths and the associated diversion, a map showing the access to a bird hide facilitated by the repair of the footbridges, a map showing the site compound relative to the footbridges, an aerial photograph of the bird hide relative to the footbridges, various photographs of each bridge, a plan view of bridge one,

plan and side elevation views of bridge one's ramp, plan and side elevation views of proposed works to bridge two and photographs of the proposed site compound.

The repairs to footbridge one, located towards the western end of Loddon Footpath 4, included reinforcing the bridge's substructure, replacing the handrail on the northern side of the bridge and improvements to the access to both ends of the bridge. The HoP indicated that the report at section 1.4 incorrectly stated that ramps would be installed at both ends of the bridge. The proposal was to install a new timber ramp to the eastern end of the bridge and to repair the existing ramped earth approach to the western end of the bridge. The timber fender and pilings on the southern side of the bridge, adjacent to the river, would be replaced.

The repairs to footbridge two, located at the eastern end of Loddon Footpath 4, included repairing the bridge's timber decking and installing timber ramps at either end of the bridge.

The site compound was located beside the River Chet and, given its distance from the subject footbridges, materials would be transported where possible to the site by boat.

The Parish Council were supportive of the repair to these two footbridges although they had raised concerns regarding future repair work to the other remaining unsafe footbridges.

The Environment Agency (EA) had raised no objection subject to flood risk considerations.

The applicant had submitted a HRA and, subject to proposed mitigations being implemented, the Authority's Ecologist had raised no objection.

The principle of the development was considered acceptable as the bridges would enable the reinstatement of a public footpath and facilitate access to a bird hide both contributing to a public benefit and enabling a greater appreciation of Hardley Flood. The addition of the access ramps would improve accessibility to the bridges. The development was deemed acceptable in regard to Local Plan for the Broads Policies SP9 (Recreational Access around the Broads) and DM23 (Transport, highways and access).

Norfolk County Council's Public Rights of Way team had raised no objection to the proposed works. They had indicated that the Public Rights of Way, known as Loddon Footpaths 4 and 5, and Langley-with-Hardley Footpath 5 would require a Temporary Closure Order for the duration of the proposed works. The HoP confirmed that this requirement would be an additional condition to those previously stated in section 8 of the report.

Given the site location within the functional floodplain, the EA had stipulated the production of an Emergency Flood Plan to ensure the safety of users during construction. To protect migratory and coarse fish in the River Chet the EA had proposed that the piling should not be installed during the coarse fish breeding season from 15 March to June 15 (inclusive).

The HoP concluded that the recommendation was for approval subject to conditions detailed in section 8 of the report plus the additional Temporary Closure Order condition detailed above.

In response to a question the HoP explained that ordinarily maintenance work would not require planning permission however the scale of the proposed works constituted engineering works and therefore they did require planning permission.

A Member asked for more information regarding how material that was not transported by boat would be delivered to the site. The Waterways and Recreation Officer confirmed that as much material as possible would be delivered to the site compound and then transported by boat to the site. The remaining material would be walked to the site from Chedgrave.

A Member questioned why timber rather than recycled plastic decking was being used. The HoP responded that as these structures were not being continually submerged by tidal water then timber was expected to prove durable and was deemed a suitable material in this context.

A Member spoke in support of re-establishing the original Wherryman's Way route; however they questioned the validity of this application given the uncertainty regarding granting permission to further repair work to the two outstanding unsafe bridges required to remove the current diversion. A Member responded that the planning system required the committee to consider this application on its own merits.

Members believed the greater access to Hardley Flood and the bird hide were significant benefits that warranted support.

Bill Dickson proposed, seconded by Tony Grayling and

**It was resolved unanimously to approve the application subject to the following conditions:**

- i. Time limit**
- ii. In accordance with plans and supporting documents**
- iii. Details of Emergency Flood Plan for construction phase**
- iv. Details of Work method statement and Pollution Prevention method statement**
- v. Biosecurity Measures for Contractors should be followed.**
- vi. Otter mitigation**
- vii. Piling works outside of coarse fish breeding season (15 March to 15 June inclusive)**
- viii. Checks for nesting/breeding birds for works during the main bird breeding/nesting season**
- ix. Vegetation clearance during reptile active season**
- x. Installation of 2 bat boxes**
- xi. Temporary Closure Order for Loddon Footpaths 4 and 5, and Langley-with-Hardley Footpath 5**

Tony Grayling left the meeting at 10:31am and Fran Whymark rejoined the meeting at 10:32am.

## **(2) BA/2024/0084/FUL – Reedham, land to south-west of River Yare**

**Widening soke dyke and excavating from existing dykes to win material to raise crest and strengthen flood defence embankment.**

**Applicant: Mr Marsden – Environment Agency.**

The Planning Assistant (PA) provided a detailed presentation of the application that would excavate material from existing dykes on the northern bank of the River Yare between Seven Mile House and Reedham village. The excavated material would be used to maintain flood defences adjacent to the dykes.

The presentation included a location map, a map of the site within Reedham Marshes adjacent to the River Yare, a photograph of the flood embankment detailing the associated topographical features, a map of site one relating to the soke dyke and a marsh drain detailing the associated flood defence maintenance work, a map of site two for the second marsh drain detailing its associated flood defence maintenance work and photographs of sites one and two.

The site was located to the east of Reedham village within Reedham Marshes that formed part of the Halvergate Marshes Site of Special Scientific Interest (SSSI) and contributed to the Breydon Water Special Protection Area (SPA) and Breydon Water Ramsar site. The western boundary of the site was approximately 1.3km from Reedham village and the eastern boundary was 780m from Seven Mile House.

The Environment Agency proposed to widen an existing soke dyke by up to 7m across a 322m length and widen two marsh drains by 2m along lengths of approximately 195m and 278m respectively. The PA indicated that the widening of one of the marsh drains would only be undertaken if the excavated material from the soke dyke proved insufficient.

The excavated material would be used to facilitate raising the crest of the flood bank to restore its original height and to repair cracks along the crest.

In assessing the application, the PA addressed the key issues of; principle of the development, flood risk, landscape impact and ecological/biodiversity impact.

The work to strengthen and raise the crest of the flood bank would ensure the structural integrity and efficiency of the flood defence embankment for the future. The widening of the soke dyke and the two marsh dykes close to where the excavated material would be used reduced the distance the material would travel and minimised disturbance. The PA confirmed that the principle of development was considered acceptable.

The site was located within Flood Risk Zone 3. The EA had confirmed that the development would not increase flooding elsewhere as the excavated material was being removed from the site and used to construct new flood defences. The PA considered this application was in full accordance with Local Plan for the Broads policy DM5 (Development and Flood Risk).

There was expected to be some degree of change to the landscape character occurring during and immediately after the works, but these would be temporary in nature and would not have a permanent impact on the local landscape. The widened dykes would not be uncharacteristic to the existing landscape. The proposal was considered to be in accordance with Local Plan policies SP7 (Landscape Character) and DM16 (Development and Landscape).

The PA confirmed that water vole displacement would be required along the soke dyke and the Authority's Ecologist had noted that further water vole surveys would be required. The applicant had submitted an environmental report which detailed mitigations to protect the site's habitat and species and this report had been conditioned. The application was therefore considered acceptable in terms of Local Plan policies SP6 (Biodiversity) and DM13 (Natural Environment).

The Head of Planning (HoP) confirmed that Norfolk County Council's Public Rights of Way team would be consulted to determine if a temporary footpath diversion would be required for the duration of the works and that, if necessary, this would be conditioned.

The PA concluded that the recommendation was for approval subject to conditions detailed in section 8.1 of the report.

A Member noted that the water vole displacement window had passed and asked whether the work would be deferred to the equivalent period next year. The PA believed that the water vole displacement had been performed and completed during the period stipulated.

In response to a question the PA responded that the excavations were not expected to disturb any peat soils as the scrapes would be shallower than the depth of the peat as indicated by the Authority's peat maps. The HoP indicated that the excavation sites had been chosen for the quality of their soils to ensure its suitability for the proposed maintenance work and areas of peat would have been avoided.

Members were concerned with the ongoing water management at the site and the impact of increasing rainfall due to climate change. The PA confirmed that a thorough flood risk assessment had been undertaken for the application.

A Member noted the recent flooding on the northern broads and wondered whether flood defences should be lowered rather than raised to enable flood water to dissipate over a wider area of the functional floodplain to mitigate the likelihood and impact of flooding further upstream. A Member spoke in support of the flood defences at the site and confirmed that overtopping had occurred at this location during the extreme flood event in 2013.

Tim Jickells proposed, seconded by Stephen Bolt and

**It was resolved by 7 votes for and 1 abstention to approve the application subject to the following conditions:**

- i. Development to be commenced within 3 years.**
- ii. Development to be carried out in accordance with submitted plans and documentation. Specifically, the submitted HRA.**

- iii. **Development to be carried out to avoid bird nesting period.**
- iv. **No development to take place other than in accordance with the approved environmental report.**
- v. **Restricted hours of working to be 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturday.**

Tony Grayling rejoined the meeting at 11:02am.

**(3) BA/2024/0103/HOUSEH – Wroxham, Swans Harbour, Beech Road**

**Replacement boathouse**

**Applicant: Mr Daniel Thwaites.**

The Head of Planning (HoP) provided a detailed presentation of the application that would involve the replacement of an existing boathouse with a new boathouse of a larger scale and featuring a first floor area and balcony.

The HoP indicated that the application was before the committee as the applicant was a member of the Navigation Committee.

The presentation included a location map, a site map, the site marked within a map of the Wroxham Conservation Area, an aerial photograph showing the site boundary, a site map highlighting the existing boathouse, a diagram showing each elevation of the new boathouse, a plan of the new boathouse and various photographs of the site and existing boathouse.

The proposed boathouse dimensions were 13.90m x 7.55m, apex height of 7.50m and eaves height of 2.90m. In comparison to the existing boathouse this equated to an increase in length of approximately 3m, an increase in width of approximately 1m, an increase in apex height of approximately 4m and a reduction in the height of the eaves of 20cm.

The HoP moved on to the assessment of the application and highlighted that as this proposal was a replacement to an existing boathouse on the same location the principle of development was considered acceptable.

The existing boathouse's appearance, with its shallow roof and plastic curtain boat door, was not in keeping with other boathouses within the vicinity or the overall appearance of the Conservation Area. The proposed boathouse had a more traditional appearance and detailing that improved the appearance of the site within its local setting and the wider Conservation Area and its impact on the landscape was considered acceptable.

The proposed boathouse would consist of timber weatherboard walls, a cedar shingle roof, timber doors and windows, and a steel roller shutter boat door. Its larger scale, which was noticeably taller than its replacement, was in keeping with other boathouses in the area and was not disproportionate to the size of the site. The first floor area was solely for storage purposes and this had been conditioned. The boathouse's window and balcony were in keeping with other similar structures in the area. The proposed boathouse's design,



appearance and materials were all considered acceptable and in accordance with the Local Plan policies DM11 (Heritage Assets) and DM43 (Design).

The HoP concluded that the recommendation was for approval subject to conditions detailed in section 8.1 of the report.

A Member asked how materials would be transported to the site. The HoP believed that materials would be delivered to the site by boat.

Members questioned the suitability of the proposed Swallow nests and asked for confirmation of their efficacy when sited under overhanging eaves.

Members were supportive of the application and agreed that the proposal was an improvement on the existing boathouse.

Fran Whymark proposed, seconded by Tony Grayling and

**It was resolved unanimously to approve the application subject to the following conditions:**

- i. Time limit**
- ii. In accordance with plans, and email regarding external cladding material**
- iii. First floor to be used for storage only**
- iv. In accordance with mitigation measures, and plan for the control and prevention of pollution and management of COSHH substances**
- v. Provision of 2 Swallow nests**
- vi. If works are planned to take place within the breeding bird season (1st March – 31st August, inclusive) there must first be a breeding bird check by a suitably qualified ecologist. If any signs of nesting activity are found, then all work must stop until an ecologist has confirmed that the nesting attempt has reached a natural conclusion.**

## 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 8 April, had been cancelled by the Court on 5 April due to lack of court time. A new Hearing date had been confirmed for 14 May 2024.

**Blackgate Farm, High Mill Road, Cobholm** – The contractor assigned to undertake the Gypsy and Traveller Accommodation Needs Assessment for this site had failed to meet the agreed requirements and their contract had been terminated. A replacement contractor had been secured and the Authority, in conjunction with Great Yarmouth Borough Council, were awaiting the written assessment.

### **Holly Lodge, Church Loke, Coltishall (Unauthorised replacement windows in listed building)**

– The HoP indicated that discussions between the Authority and the Landowner’s agent were continuing with the intention to resolve this matter without recourse to the serving of an Enforcement Notice.

## **9. Consultation Responses**

The Head of Planning (HoP) introduced the report, which documented responses to consultations on the following Great Yarmouth Borough Council produced documents:

### **Great Yarmouth Local Plan.**

The HoP indicated that the Authority’s previous feedback on the Great Yarmouth Local Plan had been addressed. No in-principle issues and no formal objections had been raised and the proposed response included some detailed policy comments and better referencing to the Broads.

Tim Jickells proposed, seconded by Tony Grayling and

**It was resolved unanimously to endorse the nature of the proposed response to the Great Yarmouth Local Plan.**

### **Great Yarmouth Design Guide**

The response to the Great Yarmouth Design Guide comprised comments regarding lighting and light pollution.

Tim Jickells proposed, seconded by Melanie Vigo di Gallidoro and

**It was resolved unanimously to endorse the nature of the proposed response to the Great Yarmouth Design Guide.**

## **10. Adoption of the Greater Norwich Local Plan**

The Head of Planning (HoP) presented the report which detailed the adoption of the Greater Norwich Local Plan by its constituent councils of Norwich City, South Norfolk and Broadland District. The HoP confirmed that, since the report was written, all the constituent councils had voted to adopt the Greater Norwich Local Plan and the six week judicial review period would complete on the 10 May 2024.

**The report was noted.**

## **11. Consultation by Department for Levelling Up, Housing & Communities: An accelerated planning system**

The Head of Planning (HoP) introduced the report that detailed the Authority’s response to a Department for Levelling Up, Housing & Communities (DLUHC) consultation on an accelerated planning system. The consultation contained four proposals:

1. An accelerated planning service.

2. Planning performance and extension of time agreements.
3. A simplified process for planning written representation appeals.
4. Varying and overlapping planning permissions.

The HoP provided an overview of each proposal and an associated commentary as per section 2 of the report.

Appendix 1 of the report detailed the proposed response to the consultation.

The HoP had determined that the proposed changes to the new performance thresholds for statutory time limits, intended to reduce the use of extension of time agreements, would prove most significant to the Authority. These new performance measures would require a change in behaviour from all users of the planning system and would apply from 1 October 2024.

The HoP intended to include elements of the report's commentary within the final submission to DLUHC.

In response to a question the HoP indicated that she had been party to the responses provided by other National Parks and could confirm that the Authority's response was consistent with them.

A Member requested that the exclusions associated with the accelerated planning system proposals be extended to include applications associated with protected landscapes. The HoP would incorporate this exclusion into the Authority's response.

Members acknowledged the difficulties associated with the proposed speeding up of the planning system and supported the proposed response.

Tim Jickells proposed, seconded by Tony Grayling and

**It was resolved unanimously to endorse the nature of the proposed response to the consultation by Department for Levelling Up, Housing & Communities on an accelerated planning system.**

## 12. Notes of the Heritage Asset Review Group meeting held on 8 March 2024

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 8 March 2024.

The Chair indicated that the next HARG meeting would be on Friday 14 June 2024 at Ludham Village Hall.

### **13. Decisions on Appeals by the Secretary of State between 1 April 2023 and 31 March 2024 and monthly update**

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 19 February 2024 to 12 April 2024 and any Tree Preservation Orders confirmed within this period.

### **15. Date of next meeting**

The next meeting of the Planning Committee would be on Friday 24 May 2024 10.00am at The King's Centre, 63-75 King Street, Norwich.

The meeting ended at 12:00pm.

Signed by

Chair

## Appendix 1 – Declaration of interests Planning Committee, 26 April 2024

| Member        | Agenda/minute | Nature of interest  |
|---------------|---------------|---|
| Fran Whymark  | 7.1           | Norfolk County Councillor - other registerable interest and so left the room for this item.   |
| Tony Grayling | 7.2           | Director, Sustainable Business and Development for the applicant, Environment Agency - Disclosable pecuniary interest and so left the room for this item. |