

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 24 June 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard  
Prof J Burgess  
Mr N Dixon  
Ms G Harris

Mrs L Hempsall  
Mr P Rice  
Mr V Thomson  
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 13/10 – 13/11)  
Mr S Bell – for the Solicitor  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr David Harris – Solicitor and Monitoring Officer  
Mr G Papworth – Planning Assistant (Minute 13/1 – 13/8)  
Ms A Long – Director of Planning and Resources  
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

#### **BA/2016/0176/FUL Land north of East End Farm, Aldeby**

Mr Tim Wright	Chairman Aldeby Parish Council
Mr Ben Watts	Objector
Ms Jenny Bailey	Applicant

#### **13/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting.

He welcomed and introduced Mr Haydn Thirtle who had been newly appointed to the Broads Authority by Great Yarmouth Borough Council as well as Mr Bill Dickson as a new Secretary of State appointee.

No Apologies were received.

#### **13/2 Declarations of Interest**

The Chairman declared an interest on behalf of all members in relation to Agenda item 9 concerning Waveney River Centre as the owner was a member of the Authority's Navigation Committee.

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. They explained that they had received a number of emails in relation to the applications and the

enforcement matters on the agenda. Given the late arrival of some of these, not all members had been able to give them due attention.

### **13/3 Minutes: 27 May 2016**

The minutes of the meeting held on 27 May 2016 were agreed as a correct record and signed by the Chairman.

### **13/4 Points of Information Arising from the Minutes**

No further points of information were reported.

### **13/5 To note whether any items have been proposed as matters of urgent business**

No items had been proposed as matters of urgent business.

### **13/6 Chairman's Announcements and Introduction to Public Speaking**

- (1) A member of the public indicated that he intended to record the proceedings.
- (2) **RTPI Planning Conference for Councillors** – to be held in Suffolk Coastal District Council Offices in Woodbridge, Suffolk on Friday 15 July 2016 entitled "Current Planning Issues and Good Practice" This would be useful for all members of the Planning Committee. Anyone interested, and available, was asked to inform the Administrative officer as soon as possible. It was clarified that there was a fee for this conference. Unfortunately the Waste Disposal Workshop was in the morning of the same day.
- (3) **Site Visit for Application BA/2016/0191/FUL Hickling Enhancements**  
The Chairman stated that the Planning Committee site visit date to view the proposals for enhancements to Hickling Broad was now confirmed as 18 August 2016 at 2.00pm prior to the application being considered by the Planning Committee on 19 August 2016. The site visit was to apprise members of the area and the issues involved, particularly as it was the Authority's own application.
- (4) **Public Speaking**  
The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

### **13/7 Requests to Defer Applications and /or Vary the Order of the Agenda**

No requests to defer planning applications had been received. The Chairman stated at this point that, in respect of item 13/9(1) Ferry Inn, Ferry Inn,

Horning, the Authority had received a planning application for the Ferry Inn at Horning which was capable of validation and therefore officers had requested that the item be deferred as it would not be expedient to take further action with a decision on a planning application pending. He was intending to agree this and defer the item.

A member commented that an email had been received regarding Waveney River Centre with a request that the matter be deferred and therefore should this not be considered as an urgent item? The Chairman commented that he did not consider it required to be treated as urgent, as the item was on the agenda and could be dealt with in the usual way.

The Chairman stated that he intended to vary the order of business to take all Enforcement items first including Item 13 Enforcement Update, which included Thorpe Island, before dealing with planning applications and the Broads Local Plan.

### **The Enforcement items 13/9 and 13/13 were considered at this point**

#### **13/8 Applications for Planning Permission**

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2016/0176/FUL Land north of East End Farm, East End Lane, Aldeby**  
Change of use of land to equestrian. New Stables, feed shed, dog run, ménage, fencing and landscaping.  
Applicant: Miss Jennifer Bailey

The Planning Assistant explained that the application was before the Committee as it had been called in by the District Member due to the potential landscape impact of the development, in particular the cumulative effects of such developments both in and adjacent to the Broads Authority area.

The Planning Assistant provided a detailed presentation of the application for the change of use of agricultural land to equestrian involving the location of new stables in the south west part of the site along the southern boundary, with the feed shed and dog run to the west and east elevations of the stable block, and a ménage to the east of the stable block. The application also included fencing and landscaping. He addressed the main issues in the determination of the

application concerning design, impact on landscape, ecology, highways and amenity.

The Planning Assistant concluded that the proposed development was of an appropriate design which would not have any detrimental impact on the local highway network. The proposed landscaping scheme was considered to provide a buffer to the site and ensure that the proposed development would not have a detrimental impact on, or result in the loss of, significant landscape heritage with views from the river protected. The proposed biodiversity enhancements would protect the biodiversity value of the land. It was acknowledged that the nature of the development was likely to result in a marginal increase in traffic movements to the site but the proposal took account of highways advice and would be in accordance with it. With regard to amenity and concerns over noise, it was proposed that the generator to back up the solar powered source of electricity would be housed in a soundproof box within one of the outbuildings and, given that the distance to the nearest neighbour was over 100 metres, it was considered that there would not be any adverse impact on adjacent properties. Therefore the application was recommended for approval subject to conditions including permission being for personal use only as well as those suggested by Highways and additional conditions to those stated within the report relating to materials to be agreed by the Planning Authority, hours of operation of the generator and details on lighting.

It was noted that since the report had been written, further comments had been received from a neighbour Mr Ben Watts, details of which had been circulated to Members.

Mr Tim Wright on behalf of Aldeby Parish Council commented that the application raised several concerns which he outlined. Being in a remote location there was concern that by its very nature the proposed use would cause nuisance and inconvenience. He explained that the gravel tip cited on the plans displayed was now a rich flower meadow and the waste tip site would soon be closing to return the area to being quiet and tranquil. There was considerable concern about the impact on the landscape, the lighting from the ménage, particularly in the winter months before any landscaping scheme was established; Highway access, delivery lorries turning; noise from the site especially that made by the generator and also from the use of the dog run; and pollution from animals and flies from faeces', especially with no running water available on site. It was considered that the proposed plans were ill considered for the protected area of the Broads National Park and could set a precedent for the entire area with no regard to the ESA and Ramsar site nearby.

Mr Ben Watts referred to the correspondence and information he had requested to be circulated to members. This included an email from the previous Planning Officer, Mr Fergus Bootman, in 2014 which referred to the potential detrimental landscape impacts that could be associated

with such a change of use from agriculture to equestrian use and that without the introduction of further landscaping, such an application would not be supported. Mr Watts considered that there had been no changes within the last 2 years which might alter this view. He considered the application was erroneous as the field for the proposed use was in a protected landscape of the Broads National Park. Noise and lighting was of particular concern, permission could set a precedent and construction of a ménage was out of line with policy. If planning permission was given he expressed the fear that another three or four sites would be developed for such purposes in this part of the valley. He considered that the Authority should value the land as a buffer and if encroached upon it would be lost forever.

Members acknowledged the concerns raised by the parish council and local residents relating to the impacts on the landscape, potential noise and impact on amenity, potential light pollution as well as concern about the potential siting of the generator and whether it would be fully sound proofed. They needed to be satisfied that the landscape impact had been properly considered. They did not feel they had sufficient understanding of the site to assess the concerns or the impact of the use on the landscape and therefore determine the application at this stage. Members considered that a site visit would be beneficial.

Nigel Dixon proposed, seconded by Paul Rice and it was

RESOLVED unanimously

that the application be deferred for a site visit on a date to be determined in order to assess the potential landscape impacts of the proposal.

### **13/9 Enforcement Items for consideration**

#### **(1) Ferry Inn, Ferry Inn, Horning**

The Authority had received a planning application for the Ferry Inn at Horning which was capable of validation and therefore officers had requested that the item be deferred as it would not be expedient to take further action with a decision on a planning application pending.

RESOLVED

that this item be deferred.

#### **(2) Waveney Inn and River Centre**

A letter had been received from Mr James Knight's solicitor requesting that the report before Members be withdrawn or deferred on the basis that there appeared to be inconsistencies and inaccuracies within the

report that required addressing and for the Head of Planning to address these. The Chairman stated that the advice from the Authority's solicitor was that the Committee should be in a position to exercise its own judgement and the points could be addressed by the officer verbally. The matter was before the Committee as the landowner was a member of the Navigation Committee and the issues would still need to be considered by the Committee at some stage. It was not an application but related to enforcement matters.

A member expressed concern that as there were two legal views before the Committee, which appeared to provide differing interpretations, he was not comfortable with making a decision without all aspects of Mr Knight's Solicitor's letter being considered and answered fully.

In light of the fact that the emails and letter from Mr Knight's solicitor had come at such a late stage and some members had stated that they had not been able to give them full consideration, Mrs Hempsall proposed that the item be deferred. This was seconded by Mr Rice.

On being put to the vote,

RESOLVED by 6 votes in favour and 2 against

that the report on the Enforcement items for Consideration relating to the Waveney River Centre be deferred to enable officers to advise members in respect of the concerns expressed in the letter from the landowner's solicitor and to enable Members to be fully apprised of all the information.

(3) **Eagles Nest, Ferry Road, Horning: Unauthorised use of boathouse as holiday accommodation**

In order to be consistent with the decision on the previous item, particularly concerning the late arrival of correspondence received from the landowner, it was

RESOLVED by 7 votes to 1

that consideration of the report concerning potential breaches of planning control be deferred.

(4) **No1 and 2, Manor Farm House, Manor Road , Ashby with Oby**

The Committee received a report concerning unauthorised works to a Grade II listed Building that had been the subject of a listed building enforcement. Members noted the report.

RESOLVED

that the report be noted ,including the proposed action of continuing discussions with the applicant to maintain momentum with agreed programme of work.

**13/8 and 9 General Procedures and Protocol on receipt of information prior to Committee**

Members noted that there were procedures in place concerning receipt of additional information in relation to planning applications in accordance with the Code of Conduct and these needed to be adhered to if members are to have sufficient time to consider all relevant information. Members agreed that this should be expanded to include Enforcement matters to ensure that no additional papers or information was provided after a cut off day eg: three days before the Meeting when the item was to be considered. In addition, any correspondence sent to Members of the Authority must be copied to officers in order that professional advice could be provided. A failure to follow this procedure may result in items in the future either being deferred or for late information to be discounted.

RESOLVED

that protocols for dealing with information provided to the Committee in the week before the meeting be reviewed and tightened.

**The Application for Planning Permission Item 13/8 was dealt with at this point**

**13/10 Broads Local Plan – (June) Bite Size Pieces**

The Committee received a report introducing the third set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to draft policies for:

- Appendix A – Amenity
- Appendix B – Open Space at Ditchingham Maltings
- Appendix C – Horning Private Open Space
- Appendix D – Rail Stations
- Appendix E – Future Recreation routes and Recreation Car Parking Areas
- Appendix F – Proposed Amendments to first tranche of Site specifics policies

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being presented to Planning Committee in November 2016.

With regard to the Open Spaces, Members were concerned that the management arrangements for these needed to be very clear especially where there were uncertainties over policies for open spaces and community assets currently being adopted by the Local Planning Authorities. The Head of

Planning explained that the arrangements for the open space for Ditchingham Maltings were very detailed within the Section 106 Agreement relating to the original planning permission, which involved the setting up of a management company to take on the responsibility once the developer had passed this on.

Members welcomed the specific policies being developed. The proposed changes within the Site Specific Policies indicated as track changes were also welcomed.

It was noted that none of the proposed amendments would be in place until the Local Plan was adopted. Therefore any planning applications would be judged against the adopted 2014 Site Specifics Local Plan and not the amended policies until the new policies were adopted.

The Authority was waiting for the regulations in association with the Housing and Planning Act 2016 to be published before it could assess how it would affect the Authority's policies. Once received, Officers would review the policies accordingly.

#### RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

### **13/11 Sustainability Appraisal Objectives: Focussed Consultation Responses**

The Committee received a report on the consultation feedback received on the Sustainability Appraisal.

#### RESOLVED

that the following amended Sustainability Appraisal Objectives are adopted and used:

- ENV10: To achieve the highest quality of design that is innovative, imaginative, and sustainable and reflects local distinctiveness.
- SOC6a: To improve the quality, range and accessibility of community services and facilities
- SOC6b: To ensure new development is sustainably located with good access by means other than a private car to a range of community services and facilities.

### **13/12 Consultation Documents Update and Proposed Responses**

The Committee received a report on the Consultation Documents recently received together with the Authority's proposed responses for:



### **Waveney District Council Local Plan: Issues and Options**

Members welcomed the Waveney document, considering it to be well presented. They were pleased to endorse the comments set out as the proposed response, particularly the reference to dark skies and considering the management of adjacent areas to the Broads area as buffer zones. It would also be useful to make reference to green infrastructure and examine the Habitats Directives within the response and ask for Waveney's policy on this.

### **Salhouse Neighbourhood Plan (Pre-Submission consultation Draft)**

Members welcomed the proposed response. It was noted that Salhouse Parish Council was attempting to prepare its own neighbourhood plan themselves, which was to be commended. However, it was important that the document and policies were clear and justifiable before they could be adopted in order that they could be interpreted and implemented by planning officers when dealing with planning applications.

### **RESOLVED**

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to the relevant Authority – Waveney District Council and Salhouse Parish Council.

### **13/13 Enforcement Update**

The Committee received an updated report on enforcement matters already referred to Committee.

#### **Thorpe Island**

The Authority's Solicitor reported that at the High Court Hearing on 17 June the Authority had been successful in obtaining a substantive injunction concerning Thorpe Island. The Authority was also awarded two thirds of its costs in relation to the application for the Injunction. There was a great deal of scrutiny of the Authority's procedures especially those of the Planning Committee but far from being open to criticism the Judge commented that the Authority had conducted itself 'meticulously and impeccably'. The details of the injunction were that:

- No more than 21 vessels to be moored in the basin
- No vessels should be used for permanent residential occupation
- Mr Roger Wood was required to submit a planning application within three months.
- The application was required to be consistent with the decision by the Planning Inspector dated 20 October 2014. (This included 25 boats)
- If Mr Wood failed to do so within that time scale he was required to remove all boats and pontoons from the basin and cease the use of the basin for mooring

- The green container to be removed within four months unless a planning application had been made in accordance with the Planning Inspector's decision and in the event that such an application was made, remove it within one month following the final determination of the planning application.

It was noted that the judgement could not be clearer. If Mr Wood did not comply, the consequences were clear.

The Authority's Solicitor confirmed that Mr Wood had been represented in Court by his Barrister and was accompanied by a planning agent and adviser and he had been advised accordingly. The Director of Planning and Resources confirmed that Mr Wood had been advised of what he was required to do and was being given every opportunity to do it correctly. She confirmed that a submission from Mr Wood had been received prior to the Hearing but this was not capable of validation. No application had been submitted since the Injunction.

#### **Grey's Ices and Confectionary**

The owner had submitted an application which had been validated.

#### **Hall Common Farm, Hall Common Ludham.**

Since the serving of the Enforcement Notice, the Owner had indicated he would appeal against it, and formal notification of the appeal from the Planning Inspectorate was awaited.

RESOLVED

that the report be noted.

#### **Norfolk Mead Hotel**

Members referred to recent correspondence sent to them concerning the Norfolk Mead Hotel. It was noted that this was the subject of monitoring to ensure that development was in accordance with the planning permission as well as the subject of current investigations by Environmental Health in response to some complaints.

The Head of Planning expressed disappointment as the site had been the subject of considerable negotiations and mediation in 2015, following which it was understood there had been a satisfactory resolution. She was investigating the matters raised and working with colleagues at Broadland District Council. It was agreed that a holding response be provided as investigations were ongoing rather than having piecemeal responses.

### **13/14 Appeals to Secretary of State Update**

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016.

RESOLVED

that the report be noted.

**13/15 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 13 May to 6 June 2016.

RESOLVED

that the report be noted.

**13/16 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 22 July 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 11.45am.

CHAIRMAN

## Code of Conduct for Members

### Declaration of Interests

**Committee:**            **Planning Committee**

**Date of Meeting:**    24 June 2016

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Jacquie Burgess		Toll Payer
Paul Rice	13/9	Involved in mediation for Ferry Inn Horning Trustee of Broads Society NSBA Member, Lobbied by Ferry Inn, Eagles Nest and Waveney River Centre.
Peter Dixon	13/6(3)	BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application)