

Planning Committee

Minutes of the meeting held on 19 July 2019

Contents

1.	Apologies and welcome	2
	Openness of Local Government Bodies Regulations 2014	2
2.	Declarations of interest and introductions	2
3.	Minutes of Planning Committee meeting held on 28 June 2019	2
4.	Points of information arising from the minutes	2
5.	To note whether any items have been proposed as matters of urgent business	3
6.	Chairman's announcements and introduction to public speaking	3
7.	Requests to defer applications and/or vary the order of the agenda	3
8.	Applications for planning permission	3
	(1) BA/2019/0118/FUL Former Marina Quays, Port of Yarmouth Marina, Caister Road, Great Yarmouth, NR30 4DL	3
	(2) BA/2018/0149/FUL Broadlands Marina, Marsh Lane, Oulton Broad	6
9.	Enforcement Update	9
10.	Local Development Scheme	9
11.	Consultation Documents and Proposed Response: Beccles Neighbourhood Area	9
12.	Appeals to the Secretary of State	9
13.	Decisions made by officers under delegated powers	10
14.	Date of next meeting	10
	Appendix 1	11
	Declaration of interests Planning Committee, 19 July 2019	11

Present

Melanie Vigo di Gallidoro – in the Chair, Jacquie Burgess, Bill Dickson, Bruce Keith, Lana Hemsall, Haydn Thirtle, Vic Thomson.

In attendance

Sandra Beckett – Administrative Officer (Governance), Natalie Beal – Planning Policy Officer (For minute 8(1) 10 and 11), Steven Bell – Solicitor, Ben Hogg – Historic Environment Manager (Minute 8(1)), Rob Rogers – Director of Operations (for Minute 8(2)), Cally Smith – Head of Planning, and Marie-Pierre Tighe – Director of Strategic Services.

Members of the public in attendance who spoke

Mr Ian Newman – the Applicant for BA/2019/0118/FUL Marina Quays, Great Yarmouth.

Mr Ben Falat – on behalf of Oulton Broad Parish Council, Margaret Shelley – on behalf of applicant, Paul Spriggins – the Applicant, Edward Back – Councillor on behalf of Ward members for application BA/2019/0149/FUL Broadlands Marina, Marsh Lane, Oulton Broad.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Apologies: No apologies received.

Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

2. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered. The Chairman declared an interest on behalf of all members at Minute 12/8(i) relating to BA/2019/0118/FUL as the Authority had been offered a mooring in association with the planning application.

3. Minutes of Planning Committee meeting held on 28 June 2019

The minutes of the meeting held on 28 June 2019 were approved as a correct record and signed by the Chairman.

4. Points of information arising from the minutes

There were no points arising from the minutes.

5. To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

6. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wished to speak were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented.

7. Requests to defer applications and/or vary the order of the agenda

No requests to defer or vary the order of the agenda had been received.

8. 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 further matters of information, or detailed matters of policy not already covered in the officer's report, and which were given additional attention.

(1) BA/2019/0118/FUL Former Marina Quays, Port of Yarmouth Marina, Caister Road, Great Yarmouth, NR30 4DL

Erection of 7 residential dwellings, 12 permanent residential moorings, 9 resident moorings, 10 visitor moorings, 1 mooring for Broads Authority, the redevelopment of the Marina building as offices & storage with associated landscaping & parking

Applicant: Mr Ian Newman

The Head of Planning stated that the application was before members as it was a major application and there had been objections. She reminded members that the site had been the subject of a Section 215 notice following complaints about its blighted and derelict condition.

The Head of Planning gave a detailed presentation and assessment of the revised application for the installation of 12 new permanent residential moorings, 200m visitor moorings nearer to Great Yarmouth and seven residential units with nine associated moorings. The site was situated on a long thin transitional site along the River Bure between open marshes on the other side of the river to the west and a more urban character of Great Yarmouth on the east. To the east of the site was the residential road River Walk. The seven residential units proposed were within the central area of the application site where the vehicular access

entered the site. Four would be along the riverside, two would be single storey and two 2-storey designed to take account of flood risk, whilst three 2-storey houses would be adjacent to River Walk with a more traditional design in keeping with the properties in this location. A parking space would be available for each of the permanent residential moorings and each dwelling had two parking spaces allocated to it. The derelict marina building was proposed to be restored and refurbished for use as a manager's office and storage space for the 12 residential moorings. The original toilet block would be demolished. A 35m length area was identified for Broads Authority use and had been offered to the Authority. This could be used as a de-masting mooring and would require further discussion with the landowner.

The Head of Planning detailed further consultations which had been received since the writing of the report, including an agreement in principle from Great Yarmouth Borough Council about the details of the provision of affordable housing. No further representations had been received from neighbours.

The Head of Planning also updated the Committee on the issue of access which had been of considerable concern to residents. There was a footpath adjacent to the river parallel to Marl Heap Road, and whilst it was well used, it currently had no formal status. The local residents had put in an application to Norfolk County Council to make this a public right of way, but the landowner was content to agree to formally dedicate it and processes were underway to dedicate the footpath so as it would become a public right of way.

Additionally, instead of using River Walk as the access a new access would be created off the A149 and this would be shared with Bure Park. The Highways Authority considered the new access to be satisfactory. Marl Heap Road, the subject of considerable concern from local residents, was subject to a Traffic Regulation Order which prevented vehicles using it.

The Head of Planning assessed the application particularly in relation to the principle of the development, the provision of affordable housing, location and design, visual appearance in terms of the wider landscape, impact on the neighbouring amenity, impact on public rights of way and highway safety, flood risk and impact on navigation.

In concluding the assessment, the Head of Planning commented that in principle there was strong support for redevelopment of the site bearing mind that the potential uses were limited due to its constrained nature. The mixed uses proposed would maximise the land and water opportunities adjacent to the development boundary and the design and layout of the proposed residential use addressed the issues of concern raised on the previous application. It was noted that discussions concerning affordable housing in relation to the requirement for a commuted sum had been ongoing with Great Yarmouth Borough Council and the applicant. A commuted sum for the affordable housing had been agreed in principle and this would be tied into a Section 106 Agreement. The mixture of proposed moorings appeared to be positive with the number provided for visitors complementing the use of the Yacht station. The river was wide enough in this location so as not to impede navigation but conditions could be imposed to restrict the beam width and double mooring. Safety measures would be also required. The management of the site and the potential reduction in vandalism was also considered to be acceptable and welcome. There would be some impact on neighbouring

amenity as there would be additional activity on the site but it was in public use and on a stretch of river already well used. With reference to flood risk, the Environment Agency had set out some conditions required particularly in relation to the flood wall. Officers were satisfied that the flood risk measures could provide satisfactory mitigation.

The revised application had gone a long way to address the concerns raised. It was considered to be a welcome, well thought out and positive scheme for the redevelopment of a poor quality, derelict site in an important and prominent location seen as a gateway to Yarmouth and the Broads, which was in accordance with the Broads Local Plan policies. The Head of Planning therefore recommended approval subject to the conditions set out in the report with an additional 7 to cover: sewage and surface water management, a construction management plan, the marina building to be in use prior to commencement of the use residential moorings to ensure storage was available, no boat hiring from the site, removal of permitted development rights from the marina building and work around water vole mitigation. In addition, a Section 106 agreement relating to the affordable housing, plus two additional informatives relating to Environment Agency licences and a Broads Authority licence.

The Head of Planning explained that the proposed condition concerning acoustic fencing was for a temporary period only so as to protect wildlife species during the construction works.

Ian Newman, the applicant stated that he had purchased the site five years previously. He acknowledged that in preparing the first application, this had not been detailed enough or taken sufficient account of the views and concerns of the local residents. Following the public meeting, another architect had been employed and careful consideration given to the concerns raised particularly about the access, the design and layout and technical issues which were discussed fully with Broads Authority officers. He considered that a great deal of effort had been made to overcome the concerns and he thanked the officers for their help and advice. He assured members that safety management would be given more detailed consideration and a user package provided but planning permission was being sought in the first instance. He hoped that the scheme before members was now acceptable.

Members thanked the officers for the comprehensive and thorough report and presentation. Although having raised some concerns over the traffic and access, they were assured that the Highways Authority had examined the site and was satisfied with the access arrangements, that a construction traffic management plan would be in place and there was a turning bay at the north end of this site as confirmed by the applicant. They were also assured by the Director of Operations that the navigation channel in this area would not be impeded. Members were also mindful of the safety measures required and were hopeful that robust safety mechanisms would be in place. Members were also grateful to the applicant for providing a brief explanation of how the development had evolved, how the concerns expressed had been listened to and addressed and the good working relationship and cooperation achieved with officers from the Broads Authority and Great Yarmouth Borough. Members welcomed the proposals considering them to provide an excellent opportunity of improving and bringing a derelict site into good use.

Lana Hemsall proposed, seconded by Jacquie Burgess and it was **resolved**

To approve the application subject to the prior completion of a Section 106 Agreement relating to the requirement for affordable housing provision and subject to the conditions outlined within the report plus 7 additional conditions referred to above and the specification of 5 Informatives.

The details of the revised proposal are considered to be a significant improvement on the originally submitted scheme and take into account all the concerns raised. It is considered to be in accordance with the adopted Broads Local Plan 2019.

(2) BA/2018/0149/FUL Broadlands Marina, Marsh Lane, Oulton Broad

Mooring pontoons to provide 54 private moorings as an extension to the existing Broadlands Marina on the southern side of Oulton Broad; provision of 4 new visitor moorings, removal of 30 private moorings and a section of jetty; creation of additional reedbed, and reinstatement of slipway and pump out facilities (revised scheme).

Applicant: Mr Paul Spriggins

The Head of Planning provided a detailed presentation of the amended scheme, explaining the changes to the layout of the extension to the existing marina and that it now included a total provision of 54 private moorings as opposed to 70. In total the scheme allowed for an additional 16 vessels. The scheme was located on the southwestern edge of Oulton Broad which had a strong boating character, was at the less industrial end of the Broad and adjacent and accessible to sites of high-level designation. The site marked the end of boating activity in this area of Oulton Broad, and was associated with a caravan and holiday park which had been the subject of a number of applications to improve and refurbish buildings on the site as part of the existing leisure and recreational use. The proposals were therefore in the context of renewed investment in the local area.

Since the report had been written there had been no additional comments received. It was pointed out that the Navigation Committee had considered the revised application and raised no objection. Neither had the Environment Agency, Natural England or the Highways Authority. The Highways Authority acknowledged the difficulties in the access to the site, but whilst there was potential increase in traffic it had considered that it would not have an unacceptable impact on the area. This was referred to later in the meeting and the details of the response set out in paragraph 6.37 of the report. "The additional moorings were not likely to intensify the use of the junction to any level that would be likely to have an unacceptable impact on highway safety."

In providing the assessment the Head of Planning concentrated attention on the principle, the impact on navigation and the impact on the character of Oulton Broad. She explained that the Local Plan Policy DM33 and its various criteria were particularly relevant. Although there would inevitably be an encroachment into the Broad, the expansion and improvement of the moorings was to be welcomed with it being designed close to the existing and therefore complement them. The amended proposals had reduced the length of the replacement jetty

and reduced the encroachment into the Broad. There had been concerns raised about there not being sufficient separation from the powerboat racing exclusion zone and this had now been amended from the original minimum separation of 11.2 metres to a minimum separation of 28.7 metres. It was considered that the overall use of the navigable area would remain unchanged and the reduced area of navigation would not present a hazard to users.

There would be some impact on the landscape but in terms of character, it would be in keeping with the boating character of the area and seen in the context of the existing recreational and leisure facilities of the caravan park and existing moorings. It was considered that given the overall size of the Broad the impact of the additional moorings would not be sufficient to justify a landscape objection and on balance not unacceptable in landscape terms. The scheme would not be detrimental to the adjacent designated sites. The Head of Planning concluded that the applicant had sought to address the various concerns and although it was recognised that there were still some objections, on balance it was considered that the development was appropriate and could be recommended for approval subject to conditions.

The Head of Planning clarified that the swing moorings to the north and east of the site were well established and therefore it would be difficult for the Authority to have control in planning terms. It would be more of an issue for the navigation function. The applicant supported by Mr Falat commented that the moorings were removed and serviced annually and replaced in as near as possible to their existing location. They were managed and maintained by Sentinel Leisure Trust on behalf of East Suffolk Council.

Ben Falat on behalf of Oulton Broad Parish Council referred to the comments submitted by the Parish Council on 16 May 2019. These had been circulated to the Committee before the meeting. Mr Falat commented that much in the assessment appeared to be subjective opinion. He referred to the 1929 Deed of Gift of Nicolas Everitt Park and considered that since the Authority itself was a successor in having taken over some of the planning duties to protect the area, as well as its own statutory duties it should object to the application and “stop the development creep”. With Oulton Broad being a well-loved accessible Broad it deserved the highest level of protection and any further development should be halted. In particular he referred to the visual impact of the development. In essence, he considered that the application was incompatible with the Authority’s statutory duties and the Authority was required to object and refuse the application.

The Solicitor commented that the Authority did have a statutory duty to cooperate but as the Local Planning Authority it could only consider and determine the application on that basis and on its merits, mindful of course, of the consultations and objections received from all parties.

Margaret Shelley on behalf of the applicants commented that the proposals were well explained by the Head of Planning. She emphasised that the site already existed as a marina and the proposals were an extension to that, thus providing additional moorings integral to the current site and also to the wider public. The proposals also provided enhancement of much needed additional facilities. The additional reed bed was also integral to the application

and would provide a significant buffer for the SPA (Special Protection Area) and SSSI. The concerns of the Navigation Committee had been thoroughly examined and adjustments made to the application as a result. There were no objections from Natural England, the Environment Agency or Suffolk County Council Highways Authority. All were supportive. The applicants had worked very closely with the officers to achieve what was before members and it was considered that the proposals would enhance the facilities provided. She hoped that the Committee would be supportive.

Edward Back on behalf of the 5 Ward members from East Suffolk spoke against the application, citing the severe visual impact of the proposal on the character of Oulton Broad, particularly from Nicholas Everitt Park, the objections from the Authority's own Landscape Architect, referring to paragraphs 6.8, 6.14, 6.17 and 6.18 in the report in particular. It was considered that a more suitable site could be found at the eastern side of the Broad along Caldecott Road. He explained that there was a great deal of opposition from local residents and Councillors as demonstrated in a local petition. He also expressed serious concerns about the access with the dangerous entrance to the site from Marsh Road and the increase in its use, especially from the additional private moorings, resulting in increased risks of accidents. Given the objections from residents, Oulton Broad Parish Council, the District and County Councillors representing the two wards, and the Authority's own landscape architect he urged the Committee to refuse the application.

Members thanked the Officers and the representatives for the clear and comprehensive attention to the application. One Member who had been on the site visit commented that they had been struck how recessive the vessels in the bay were and therefore considered that the proposal would be less intrusive in the landscape than the plans indicated, and a number of other members agreed. In general members considered that the proposals were within an area where boating was the principal activity and were not persuaded that the extension would have such a negative impact on the character of the Broad or impede into the navigation. It was considered that there would be some economic benefits given the improvements to the facilities being provided and it was important that economic development remained vibrant and was supported in an area which was a centre for recreation. They were satisfied that the relevant statutory bodies responsible for the environmental designations of the area had no objections. On balance they considered the benefits outweighed the objections.

Although agreeing with most of these points, a member considered that the redevelopment of the marina could have been carried out within the current envelope and did not consider that all the reasons given justified the expansion of the marina to the extent proposed. The member agreed with the points made by the Landscape Architect and therefore could not support the application.

Jacque Burgess proposed, seconded by Bill Dickson and it was **resolved by 6 votes in favour and 1 against**

To approve the application subject to the conditions outlined in the report together with the 2 Informatives. The proposal is considered to be in accordance with Policies SP6, SP7, SP11,

SP13, SP14, DM16, DM23, DM31, and DM33 of the Local Plan for the Broads (2019) and the National Planning Policy Framework, which is a material consideration in the determination of the application.

9. Enforcement Update

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

It was resolved to note the report.

10. Local Development Scheme

The Committee received a report on the Local Development Scheme (LDS) relating to the Broads Local Plan, noting that this provided a timetable for developing planning policy and related documents. The timetable has been amended to the one sent to members to enable feedback from Navigation Committee on relevant guides, and to include additional work on reviewing the sustainability guide. The production of the Local Plan was aligned with that of the Broads Plan, the review of the Local Plan was scheduled to commence in 18 months' time which was slightly before the Broads Plan being reviewed.

It was noted that the LDS would be updated following various decisions and discussions.

It was resolved unanimously to note and endorse the Local Development Scheme.

11. Consultation Documents and Proposed Response: Beccles Neighbourhood Area

The Committee received a report on the consultation for the draft Neighbourhood Plan together with the proposed response. In particular this referred to updates in the Broads Local Plan.

Members were appreciative of the attention to detail in the response and fully supported it.

It was resolved to endorse the proposed response on the Draft Beccles Neighbourhood Plan and for this to be submitted.

12. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since 1 January 2019, of which there were four. It was noted that one site visit by the Inspector had been held on 15 July 2019 but the other site visit had to be rescheduled. A further appeal had been received relating to the refusal of an application and this would appear on the next schedule.

It was resolved to note the report.

13. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 14 June to 5 July 2019. A member commented that it would be useful to have the grounds for refusal included on the schedule. The Head of Planning explained that although the report format was automatically generated with decision, these adjustments could be made manually.

It was resolved to note the report.

14. Date of next meeting

The next meeting of the Planning Committee would be held on Friday 16 August 2019 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

This would be the first meeting following the annual meeting of the Authority and would include a number of new members. It would also include the appointment of the Chair and Vice-Chair. An email asking for nominations would be sent out immediately after the Annual meeting with a very short deadline.

The Chair announced that this would be the last Planning Committee meeting attended by Haydn Thirtle as a member of the Authority. On behalf of all members she thanked him for all he had done and for his contribution to the Committee. He would be much missed.

The meeting ended at 12.50 pm

Signed by

Chairman

Appendix 1

Declaration of interests Planning Committee, 19 July 2019

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all Members	8(1)	Application BA/2019/118/FUL Marina Quays, Port of Yarmouth Marina, Caister Road, Great Yarmouth – Broads Authority offered a mooring associated with the application.
Haydn Thirtle	8(1)	BA/2019/0118/FUL (as above) Attended meetings, spoke with residents and visited the site. Spoken with developers.