

Broads Authority

Planning Committee

Minutes of the meeting held on 9 October 2015

Present:

Dr J M Gray– in the Chair

Mr M Barnard	Mrs L Hemsall
Miss S Blane	Mr P Rice
Professor J Burgess	Mr V Thomson
Mr N Dixon	Mr J Timewell
Ms G Harris	

In Attendance:

Ms N Beal – Planning Policy Officer (minute 3/9)
Mrs S A Beckett – Administrative Officer (Governance)
Ms M Hammond – Planning Officer (Minute 3/1 - 3/8)
Mr S Bell – for Solicitor
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS) (Item 3/1 – 3/8)
Ms C Smith – Head of Planning
Ms K Wood – Planning Officer (Compliance and Implementation)

Members of the Public in attendance who spoke:

**BA/2015/ 0223/FULWhitlingham Broad Campsite, Whitlingham Lane,
Trowse with Newton**

Mr F Bootman Applicant

**BA/2015/02/0244/COND Barnes Brinkcraft, Riverside Road,
Wroxham**

Mr A Knights Agent for Applicant

4/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from Mr G W Jermany.

4/2 Declarations of Interest

Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

4/3 Minutes: 11 September 2015

The minutes of the meeting held on 11 September 2015 were agreed as a correct record and signed by the Chairman.

4/4 Points of Information Arising from the Minutes

None reported.

4/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

4/6 Chairman's Announcements and Introduction to Public Speaking

(1) Parish Forum – 26 October 2015 Upper Thurne - Hickling

The Chairman reminded members that the next Parish Forum for the Thurne and Bure group would be held on 26 October 2015 at The Barn, Tate Loke (Off Mallard Way), Hickling with particular focus on the Hickling Broad Enhancement Project. Doors would be opening at 6.30pm to give the public the opportunity to speak to members and officers with the presentation at 7.30pm.

(2) Planning Training

The Chairman reminded members that there would be training following this meeting to cover: Policy including Objectively Assessed Housing Need, Examinations and Duty to Cooperate.

(3) 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. No member of the public indicated that they intended to record or film the proceedings.

4/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

4/8 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/2015/0223/FUL Whitlingham Broad Campsite, Whitlingham Lane, Trowse with Newton**

Application for permanent change of use of land to campsite following existing temporary consent BA/2012/0338/CU which expires in March 2016. Consent to include erection of replacement washroom, managers dwelling, four tree shacks and various camping structures and associated infrastructure

Applicant: Whitlingham Broad Campsite

The Planning Officer explained that the application was brought to Committee as it was a major application of public interest and the applicant had recently been an employee of the Broads Authority. Being within the Whitlingham Country Park it was also linked to the Whitlingham Charitable Trust with which the Authority was associated.

The Planning Officer provided a detailed presentation of the proposals for the permanent change of use of the land to a campsite at the western end of the Whitlingham Country Park following the three year temporary consent granted in March 2013, which was due to expire in March 2016. The application included making permanent those elements which had received temporary permissions and additional elements which included: new tree shacks in the wooded slopes to the south of the main camping fields and a new managers dwelling to replace the temporary static caravan facility but set further back from the main camp site and screened but still near to reception; new cycle store, and a new purpose built washroom to replace the existing temporary washroom. The development was intended to be provided in four phases, although this was not included in the proposed conditions as it was not considered reasonable to do so.

The Planning Officer drew attention to the consultation responses and reported on the further views of the Environment Agency and Historic England received since the report had been written. The applicant had since provided a Heritage Statement and although there were some concerns that the site was in grounds of a previous listed garden and house, it was up to the Broads Authority to weigh this against any harm that might be done. The Planning Officer explained that having examined the heritage aspects, officers were satisfied that the impact would be limited. The area had changed significantly in the last few

years particularly as it had previously been a gravel extraction site and development could allow the public to appreciate the heritage of the area.

The Environment Agency had no objections subject to the provision of foul drainage on the site, which could be dealt with by condition. It was noted that Whitlingham Charitable Trust was supportive of the application.

Having provided a detailed assessment against the Authority's policies taking account of the main concerns and issues relating to continuing suitability for the proposed use, visual impact/design, justification for an on-site dwelling, access and parking, heritage and drainage, the Planning Officer concluded that the application could be recommended for approval. The supporting information demonstrated the campsite use had been successfully established without unacceptable impact on amenity, the nature of the business successfully established justified permanent accommodation linked to the campsite use and in accordance with the detailed criteria and tests on viability set out in Policy DP26; and the scale and design was considered commensurate with the business, modest and appropriate.

Mr Bootman, the applicant confirmed that the site had the necessary licenses for camping from South Norfolk Council and this did not include any seasonal restrictions for the use of the campsite and therefore was operational all year round. The use of the site did not include caravans.

In answer to members' concerns relating to the viability of the business, the Planning Officer confirmed that independent advice had been sought and the significant tests in association with Policy DP26 had provided a considerable level of confidence that the business had a sound financial basis, particularly given the relationship between the applicant and the landowners. In response to a member's concerns relating to access by public transport and to facilities, the Planning Officer confirmed that the reception store provided a basic range of provisions, the site sat within a Sustrans route, was less than a 1km walk from Trowse village and 2^{1/2} km to the Norwich bus and train stations.

The Planning Officer confirmed that the applicant had provided an arboricultural management plan in association with the proposal, which highlighted the need for thinning and removal of trees regardless of the development and any work would not change the overall appearance of the site.

Some concerns were expressed about the potential for development creep, particularly associated with the proposed manager's dwelling. It was explained that there was already a modest scale of outbuildings associated with the management of the site and on officer's advice

Members considered that a condition to remove permitted development rights for the dwelling would be appropriate.

Having received reassurances, Members considered that the application was laudable and worthy of support. It was considered that the manager's dwelling linked with the business would provide a suitable level of security required and this together with the other proposals would provide enhancements. In general they were satisfied that the application had been suitably tested against the criteria within Policy DP26 for sustainability. They were conscious that they needed to be mindful of striking a balance when considering the character of the area, a sustainable business and the development not becoming a blot on the landscape but being contained. They were satisfied with the proposed conditions particularly those suggested by the Environment Agency and concurred with the officer's assessment.

Mr Rice proposed, seconded by Prof Burgess and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report and an additional condition to cover the removal of permitted development rights as the proposal is considered to be acceptable in accordance with the Authority's development plan policies particularly Policies CS1, CS9, CS11 and CS12, CS19 of the adopted Core Strategy (2007), and Policies DP4, DP5, DP11, DP14, DP15, DP26 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

- (2) **BA/2015/0244/COND Barnes Brinkcraft, Riverside Road, Wroxham**
Removal of condition 5 from planning permission BA/2008/0266/FUL to remove the requirement to provide 4 public moorings in Wroxham
Applicant: Barnes Brinkcraft Ltd.

The Planning Officer explained that the application involved the two sites now operated by Barnes Brinkcraft Ltd on the north and south side of the River Bure in Hoveton and Wroxham. She provided a detailed presentation of the application for the removal of a condition that restricted the use of an area of 115feet or a total of four public/visitor moorings on the Wroxham side of the river. The application sought to regularise the actual current situation since private boats had been moored on a long term basis in the area allocated and therefore had not been occupied as visitor moorings in accordance with the condition. The applicant wished to seek permission for an amendment to the original proposal to provide six visitor moorings on the Hoveton site of the business on a flexible basis. The proposal included appropriate signposts to provide visiting boats with the necessary directions.

The Planning Officer drew attention to the consultations received and explained that no further comments had been received since the report had been written.

Having provided a detailed assessment of the application which included replacing existing visitor moorings with private moorings and replacing and increasing the provision of visitor moorings within the boatyard on the opposite bank, the Planning Officer concluded that on balance an approval could be given with the amended condition to take account of the applicant's proposal.

Members concurred with the officer's assessment and were in support of the proposal.

Professor Burgess proposed, seconded by Mr Timewell and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report which took account of the amendments as the proposal is considered to be acceptable in accordance with Policies CS9, CD14 and CS23 of the Core Strategy (2007), Policies DP16, and CP27 of the adopted Development Management Policies (2011) and the National Planning Policy Framework.

4/9 Enforcement of Planning Control: Unauthorised Erection of canopies and Alterations to Shop Front.

The Committee received a report on the unauthorised erection of canopies and alterations to the shop front at Grey's Ices and Confectionary, Norwich Road, Hoveton. As the shop front was physically and visually different from the previous shop front, it was considered that development had occurred without the benefit of planning permission and amendments would have been sought if an application had been submitted, as currently it was considered contrary to Policy. Although negotiations had taken place in order to seek a retrospective planning application none had been forthcoming.

Given the prominence of the amendments and the sensitivities of the area and on the basis that there were concerns over the visual impact on the character of the area, the development being contrary to Policy DP4, as well as concerns over precedent, members considered that it was expedient for the Authority to pursue formal action and that the owner of the business responsible be informed of the Authority's views and intentions.

RESOLVED unanimously

- (i) that authorisation be granted for the issuing of an Enforcement Notice and
- (ii) that authorisation be granted for prosecution (in consultation with the Solicitor) in the event that the Enforcement Notice is not complied with.

4/10 Thorpe Island: Report on Options for Action(s) at Thorpe Island

The Committee received a report on the latest position in relation to Thorpe Island following the decision made at its meeting on 21 August 2015. It was noted that the landowner had submitted a challenge to the High Court decision that introduced both delay and uncertainty. In light of this, Members gave detailed consideration to the options for taking the matter forward in relation to their decision to pursue an Injunction to stop the existing breaches of planning control.

Members agreed that it would not be appropriate at this time to consider direct action in relation to the pontoons and jetties. However members did agree that direct action should be taken against the green metal storage container as the landowner had previously promised to remove the same.

Members noted that following the 21 August Planning Committee meeting, Thorpe Town Council had put in writing their request that the site to be the subject of a Compulsory Purchase Order. Although it was considered that a compulsory purchase order would address the situation in the long term and be beneficial, the process was also likely to take considerable time and could also be subject to challenge from the landowner. They understood that the Authority itself did not have the powers to issue a Compulsory Purchase Order and that it would have to be Broadland District Council to undertake any CPO should they be minded to. However, Members wished to support the Town Council in their efforts to pursue this action.

Members considered that it was important to move matters forward given that so many people's amenity was being affected by so few and in relation to supporting the planning process and both decisions by the Planning courts. They noted the Secretary of State as Respondent's response to the challenge that leave should not be granted to appeal.

RESOLVED

- (i) that the report be noted and endorsed;
- (ii) that an injunction is sought covering all breaches on the site (with the exception of the green storage container) and the adjacent river frontage, with those matters which are the subject of the Court of Appeal challenge suspended pending the outcome of that challenge;
- (iii) that direct action be taken in respect of the green metal storage container; and
- (iv) that the Authority provide a supporting role in any pursuit of a Compulsory Purchase Order.

4/11 The Central Norfolk Strategic Housing Market Assessment

The Committee received a report and presentation from the Planning Policy Officer on the draft Central Norfolk Strategic Housing Market Assessment 2015 and the Objectively Assessed Housing Need identified by it for the Broads Authority. It was noted that this identified 274 dwellings for the Authority's area between 2012 and 2036, the average requirement of affordable housing being 26% across central Norfolk. Members noted that the methods, analysis and Housing Market areas used were considered to be and recognised as being sound and robust and a relevant basis for identification of the objectively assessed housing need. The Authority's needs were included within the Districts OANs and it would be necessary to ensure that there was no double counting. However the Duty to Co-operate would help in this regard when negotiating with the Districts and developing the Authority's Local Plan.

It was noted that residential moorings could not be assessed as part of the OAN but the Authority would need to develop the policies on these in relation to its Local Plan. It was essential that in developing any policies for residential moorings as well as holiday homes/second homes, these would need to be in accordance with the NPPF, fully justified and evidence based.

Although the OAN would be for the period 2012–2036, this would be reviewed every five years within the preparation of the Local Plan. It would also be subject to future demands in relation to the whole area and national policy.

The Authority had not been required to have a housing need or target previously and this being the first time, would require further analysis and understanding as the Local Plan was being developed.

RESOLVED

- (i) that the report be noted;
- (ii) that the Director of Planning and Resources, the Chairman of Planning Committee and the Chair of the Broads Authority be authorised to make any necessary minor amendments arising from the Norfolk Duty to Co-operate Forum and/or from the adoption process of the remaining commissioning bodies and accept this as part of the evidence for the Broads Local Plan.

4/12 Mooring Guide and Riverbank Stabilisation Guide for Consultation Responses

The Committee received a report from the Planning Policy Officer on the results of the consultation on the draft Mooring and Riverbank Stabilisation Guides which took place between 14 July 2015 and 4 September 2015. In light of the comments received a number of changes to the guide were proposed which were given due consideration. Members were informed that Members of the Navigation Committee would also be updated on progress at their next meeting. Although not Supplementary Planning Documents the guides would be used and signposted to those proposing moorings and

riverbank stabilisation and used in giving weight when determining planning applications and potentially any subsequent appeals if required.

RESOLVED

- (i) that the report be noted;
- (ii) that the proposed changes to the Guide be endorsed and that it be
- (iii) RECOMMENDED to the Broads Authority that the Mooring Guide and Riverbank Stabilisation Guide be adopted.

4/13 Enforcement Update

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

RESOLVED

that the report be noted.

4/14 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 March 2015. The Head of Planning reported that with regard to the appeal by Mr Shirley on the appeal against the refusal to vary the condition, this had been allowed. The appeal against the Authority for costs had been dismissed.

RESOLVED

that the report be noted.

4/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 1 September 2015 to 1 October 2015.

RESOLVED

that the report be noted.

4/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 6 November 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.55 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 11 September 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Paul Rice	4/13	Enforcement Issues – Ferry Inn, Horning as currently involved in mediation.
Vic Thomson	4/8(1)	On Whitlingham Board
Gail Harris	4/8(1)	On Whitlingham Board
Jacque Burgess	4/8 and 4/9	Toll Payer; resident of Whitlingham Hall estate