

Broads Authority

Planning Committee

Minutes of the meeting held on 11 September 2015

Present:

Mrs L Hemsall – in the Chair

Miss S Blane (Minute 3/ 8(2) - 3/8(4))	Mr G W Jernany
Mr N Dixon	Mr P Rice
Ms G Harris	Mr V Thomson

In Attendance:

Ms N Beal – Planning Policy Officer (minute 3/9)
Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (Minute 3/1 - 3/8)
Ms M Hammond – Planning Officer (Minute 3/1 - 3/8)
Mr P Ionta – Solicitor and Monitoring Officer
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer (Minute 3/10)
Ms C Smith – Head of Planning
Ms T Wakelin – Director of Operations (Minute 3/11)

Members of the Public in attendance who spoke:

BA/2015/ 0188/FUL Poplar Farm, Church Lane, Runham, Mautby

Mr Jon Green and Applicants
Ms Clarke

BA/2015/0276/FUL Berney Arms Inn, The Marshes, Reedham,

Mr R Hollocks Applicant

BA/2015/0236/COND Waveney Inn and River Centre, Staithe Road, Burgh St Peter Variation of Condition 2 of BA/2013/0329/FUL

BA/2015/0243/NONMAT Waveney Inn and River Centre, Staithe Road, Burgh St Peter Non material amendment to pp BA/2013/0405/CU
Mr James Knight Applicant

3/1 Apologies for Absence and Welcome

Mrs Lana Hemsall (Vice-Chairman) as Acting Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from Mr M Barnard, Professor J Burgess, Dr J M Gray and Mr J Timewell.

3/2 Declarations of Interest

The Acting Chairman declared a general interest on behalf of all members and staff in relation to Application BA/2015/ 0236/COND and BA/2015/0243/NONMAT as the applicant is a member of the Broads Authority. Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

3/3 Minutes: 21 August 2015

The minutes of the meeting held on 21 August 2015 were agreed as a correct record and signed by the Chairman of the meeting.

3/4 Points of Information Arising from the Minutes

None reported.

3/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

3/6 Chairman's Announcements and Introduction to Public Speaking

(1) Central Norfolk Strategic Housing Market Assessment (SHMA) DTc meeting – 9 September 2015

The Chairman reported that she together with the Head of Planning and the Planning Policy Officer had attended a meeting of the Central Norfolk SHMA part of the joint Norfolk Planning group to consider a preliminary report for consultation. This would be making its way via the constituent authorities in due course and a report was due to be prepared for the October Committee meeting.

(2) 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.

3/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

3/8 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/2015/0188/FUL Poplar Farm, Church Lane, Runham, Mautby**
Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building
Applicant: Mr J Green

The Planning Officer provided a detailed presentation of the proposals, part of which were retrospective, to retain extensions to agricultural barns built on the remnants of previous buildings and for the erection of an additional farm building. The development was intended to support the continued use of the site for agricultural purposes. The site immediately bordered the Halvergate Marshes Conservation Area and was adjacent to a public right of way and a Grade II * Listed Church with two semi-detached cottages 34 metres from the boundary. The buildings would be concentrated on the northern part of the site with a reed bed filtration system to the south bordering the marshes.

The Planning Officer drew attention to the consultation responses with no further consultation responses having been received since the report had been written. However, the objectors were not able to attend the meeting but wished to point out the distance between their properties from the site being 34 metres where Defra guidelines indicated a separation of 400 metres. The Parish Council had considered that the proposal was over development. The Planning Officer considered that the scale was proportionate and appropriate to the site and commented that consolidation of buildings on the north of the site was preferable to them being spread out.

Having provided a detailed assessment against the Authority's policies taking account of the main concerns and issues relating to design, amenity, heritage assets, flood risk and water quality, the Planning Officer concluded that the application would not adversely harm the adjacent Conservation Area or listed church nor the local landscape but could improve it. Subject to conditions providing mitigation measures concerning amenity, flood risk and water quality, the application could be recommended for approval.

The Planning Officer explained that the queries from the Parish Council in relation to the infilling of ditches on the site was the subject of a

separate investigation, not part of this application but with which the applicants were cooperating.

Ms Clark and Mr Green spoke in support of their application explaining that the site had been taken over in a dilapidated state in 2010 and had been a long established working farm. Although they were both working full time elsewhere at present all their efforts were being put into the improvements of the site with the aim of eventually making it provide them with a living. They provided a detailed description of how their business was developing which currently included 50 head of cattle and 35 breeding ewes. The aim of the proposal was to change the layout in order to maximise the capacity of the buildings and make them fit for purpose and economically viable.

Members considered that the application was worthy of support and were satisfied with the proposed conditions particularly those suggested by Environmental Health and the arrangements to ensure that livestock would not be kept in the buildings except in exceptional and necessary circumstances between April and October. They concurred with the officer's assessment.

Mr Dixon proposed, seconded by Mr Jermany and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report as the proposal is considered to be acceptable in accordance with Policies CS1, CS7 and CS20 of the adopted Core Strategy (2007), Policies DP2, DP3, DP4, DP5, DP28 and DP29 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/2015/0276/FUL Berney Arms Inn, The Marshes, Reedham**
Change of use of the Pub Building to a single dwelling
Applicant: Mr Raymond Hollocks

The Planning Officer provided a detailed presentation of the application for a change of use of the Berney Arms Inn to a single residential dwelling. The Inn was in a significant location on the northern bank of the River Yare, near to the confluence with the River Waveney and southwest of Breydon Water, adjacent to the Weavers Way and Wherryman's Way, RSPB nature reserve, part of the SSSI and within the Halvergate Marshes Conservation Area.

The Planning Officer drew attention to the consultations received, a large proportion of which were objections on the grounds of loss of an important tourist facility to the Broads in a prominent significant location, lack of justification on viability grounds including inaccurate information relating to boats on the broads and insufficient information

and absence of a satisfactory flood risk assessment (FRA), concern over loss/uncertainty over a significant length of public moorings, and insufficient weight being given to such an important waiting place for safe passage across Breydon Water.

Having provided a detailed assessment of the main issues to consider, which included the principle of the development, the viability and flood risk, access and the suitability of the site for residential use, the Planning Officer concluded that an approval could not be justified. The loss of the Pub would result in failure to protect an important and vital visitor and community facility which provided an essential asset to the local area, tourists, boats coming to and from Breydon Water and walkers along the Weavers Way and Wherryman's Way; the change of use would result in the loss of a non-designated heritage asset, resulting in significant harm to the special character of the area, the loss to the Conservation Area assets would be substantial and, fundamentally alter the relationship of the pub to the historic and cultural landscape. The viability element of the applicant's assessment was not based on a realistic assessment of the actual situation with regard to hire boat numbers, and the applicant had failed to demonstrate that there had been a significant decline in the numbers of hire boats, or that the pub trade had declined significantly in such a way as to directly affect the trading of the Berney Arms.

In addition, a FRA, particularly in this Flood Zone 3 location was vital if the Authority was to make informed planning decisions. Since the report had been written, a FRA had been submitted but had not yet been assessed by the Environment Agency. Therefore at present, the flood risk resulting from the proposed development was unknown. The absence of an FRA was considered sufficient reason in itself for a refusal of planning permission.

The Planning Officer informed the Committee that since the report had been written, Broadland District Council had nominated the Berney Arms as an Asset of Community Value under the Localism Act. The landowner had 28 days in which to appeal. The order gave the community six months in which to find funds to bid for the property and protect it as a community asset.

Mr Hollocks, the applicant explained that the figures provided in support of his application came from those provided by Hoseasons since the 1980s indicating that the number of hire boats had declined. The boats were not using the facilities especially as many of them were now far more self-sufficient than previously. There had been very good operators of the Berney Arms pub over the last three years with plenty of experience. However, they had not been able to make the premises viable. He cited an example of when there were 30 boats moored, only three customers had used the facilities. A turnover of £200k was required in order to break even. In addition there was no legal right of way over the marshes. Mr Hollocks claimed that landowners would

allow access to the premises but only for a dwelling. In answer to Members' questions relating to claims from objectors that the sale price was unreasonable, Mr Hollocks commented that it had been based on the Estate agent's valuation for such premises which he considered reasonable and he had been open to offers for the entire site. Although he had accepted offers these had not progressed due to questions of viability from funding sources. In answer to the criticism relating to lack of maintenance, he explained that the place was very clean but he acknowledged that investment would be needed and viability and increased trade was required to justify that investment. Mr Hollocks confirmed that he had no current offers on the table for the Berney Arms as a business or as a house. He also explained that he had not provided a FRA when first submitting the application as he did not think this would be necessary on the basis that the Environment Agency had recently undertaken flood defence works, the number of buildings on the premises had not changed and there were fewer people involved on the site.

Members were of the view that the facilities in this location contributed to the special character of the area and the principle of change of use required extremely careful and thorough examination. Therefore the quality of evidence had to be exceptionally high due to the potential loss of such a significant asset. With regard to economic viability, it was considered that the economic case had been inadequately demonstrated. Therefore in general, Members were of the view that the application as submitted did not meet the appropriate tests and the Officer's recommendation should be supported.

Mr Dixon proposed, seconded by Mr Rice and it was

RESOLVED by 6 votes to 1 against

that the application be refused as the proposal is considered to be contrary to Policies CS9, CS18, and CS20 of the Core Strategy (2007), Policies DP6, DP21, DP27, and DP29 of the Development Plan Document (2011), Policy XNS6 of the Site Specific Policies Local Plan (2014), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2015/0236/COND Waveney Inn and River Centre, Staithe Road, Burgh St Peter** Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings -New entrances, external cladding and window alterations; and
- (4) **BA/2015/0243/NONMAT Waveney Inn and River Centre, Staithe Road, Burgh St Peter** Non material amendment to pp BA/2013/0405/CU for minor differences to the external appearance of the apartment building from that approved
Applicant: Waveney River Centre (2003) Ltd.

The Planning Officer explained that both applications were before the Committee because the applicant is a member of the Broads Authority. She provided a detailed presentation of each of the proposals based at the Waveney River Centre, the first of which related to the Waveney Inn public house and the second concerning the original shop and holiday apartment. Application BA/2015/0236/COND involved regularising deviations from the original drawings relating to the application which had been approved in 2013 which included amendments to the entrances, external cladding and windows. As the amendments to the approved scheme were considered to have a significant material effect on the approved scheme, it had been necessary for the applicant to submit amended plans. The development had been completed although the proposed parking spaces in front of the building had not been demarcated. The applicant had demonstrated that the number of parking spaces available on the site was adequate.

With regard to application BA/2015/0236/NONMAT, the application was for the regularisation of a number of minor differences to the external appearance of the apartment from that approved in the planning permission granted in 2014. These included changes to the access by providing ramps and alterations to the location of steps as well as changes to the colour of the windows and doors. However, the changes were considered to be minor and not to have an adverse effect on the approved scheme.

The Planning Officer explained that the main issues to consider were that of design. She concluded that the retention of the amendments was considered acceptable as the completed designs had achieved the sensitive, contemporary renovation of the approved schemes in accordance with Policy and which had been commended by Members previously.

Mr Knight, the applicant explained that in the case of Waveney Inn, due to it being an old property, it became apparent when carrying out the works that it would not be practical to achieve all that had been included in the plans and that amendments, considered minor, were required. Given that the original Licensee had given notice to vacate the premises after 10 years, there was a limited timeframe in which to carry out the works prior to the next holiday season which therefore resulted in evolutionary changes to the overall scheme. He acknowledged that not enough consideration had been given to the detail at the start. He confirmed that the rendering required as part of the original plans would be undertaken within the next few months.

Mr Knight commented that the original application BA/2013/0329/FUL had provided indicative drawings of parking spaces, although he understood that these would not be specific as it became apparent that there was plenty of parking available in the vicinity. He did not intend to draw lines on the block parking as he considered this would detract

from the overall character. He considered that the only way to demarcate parking spaces would be to take up blocks and replace them with different coloured ones, which would be expensive. He would like this condition to be removed.

Concern was expressed that the applicant had not contacted the Authority at the right time in the process of the development when it was clear that amendments to the approved scheme would be required. Although Members expressed disappointment that the applications were retrospective they did consider that the overall scheme and finish was acceptable and they were mindful that they were required to judge the schemes on their merits. Some members were sympathetic to the applicant in relation to the condition concerning the demarcation of parking spaces, but recognised that this was part of the original application and if an amendment was required this would need to be the subject of a separate application. Members concurred with the officer's assessment.

RESOLVED unanimously

- (i) that the planning application **BA/2015/0236/COND** be approved subject to conditions as outlined within the report to include the retention of parking in accordance with plans. The proposal is considered to be acceptable in accordance with Policies DP4 and DP11 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.(NPPF).
- (ii) that the application **BA/2015/0243/NONMAT** be approved. The application is considered to be in accordance with the aims of the development plan policies particularly with PoliciesDP4 of the Development Management Plan DPD (2011), and the National Planning Policy Framework (NPPF).

3/9 Broads Local Plan Issues and Options Update

The Committee received a report on the progress being made on the development of the Broads Local Plan. They noted that the Issues and Options version was on target to meet the consultation stage for early February 2016. The aim of the Issues and Options version of the Local Plan was to explore and identify the issues and three broad options for each issue. Detailed policy wording and alternative options would be produced in the Preferred Options stage.

Members noted the key dates and that it was intended that the Issues and Options version of the Local Plan consultation stage would be aligned with the first consultation stage on the Broads Plan. They noted that a report on the consultation Mooring and Riverbank Stabilisation Guide would be brought to the next Planning Committee, as would a report on the Broads Objectively

Assessed Housing Need. It was intended that a report on the Issues and Options would be brought to the January Planning Committee prior to submission to the full Authority for authority to consult.

RESOLVED

that the report be noted.

3/10 BA2015/0225/FUL Generation Park: An introduction to the Planning Application

Further to Minute1/10(1) of 24 July 2015, the Committee received a report and brief presentation which provided a broad overview of the major planning application recently submitted for the redevelopment of the Utilities site between Hardy Road and Cremorne Lane, Norwich, the development known as Generation Park in order to give Members information prior to the Joint Site Visit with Norwich City Council on 2 October 2015. In the Planning Officer's presentation she identified those areas where permission was being applied for in outline and those elements which were being applied for in full. She also identified those aspects of the development which were the responsibility of the Broads Authority to determine as well as those to be determined by Norwich City Council.

The Planning officer explained the proposed vantage points for the Joint site visit, details of which would be sent out within the next week electronically. The visit would include transport by mini bus and boat. It was intended that plans would be made available for the visit and explained on site.

The Chairman informed the Committee that she considered it important that a representative of the Navigation Committee was included on the site visit. Therefore under Standing Order 6 she gave the Vice-Chairman of the Navigation Committee the opportunity to address the Committee.

The Vice-Chairman of the Navigation Committee raised navigation matters he considered pertinent to be pointed out when visiting the site, such as identification of the proposed moorings, pontoons, slipways and bridges and the potential constraints in relation to the navigable width of the waterways.

The Planning Officer commented that these issues had been the subject of lengthy discussions at pre-application stage and the applicants had submitted a Waterside Management document as part of the application to address many of the issues. She assured members that the issues raised would be brought to the attention of members on the site visit.

RESOLVED

that the report be noted.

3/11 Hickling Broad Enhancement Project Proposals

The Committee received a report and presentation by the Director of Operations relating to the proposals for the enhancement of Hickling Broad and details of the master plan vision for the Project in order to provide a strategic overview and identification of matters for consideration by the Planning Committee in the future. This set out the background and context to the project which had built on the scientific evidence from the Broads Lake Review, and explained the approach that would lead to a series of planning applications which would be required. These included design solutions for bank restoration, spit and refuge creation works as well as proposals for innovative techniques to deliver enhancements.

Members noted the potential impacts and the initial proposals which fell within the Authority's policy framework as well as the consultation responses to date from the Broads Forum and Navigation Committees. The Authority was due to consider the principles of the project at its meeting on 25 September following which further consultation would be undertaken particularly with Hickling Sailing Club and a Parish Forum organised for the area for members of the public and local residents. The project would take place over a number of years, the timescale being dependent on success in securing external funding.

The Vice-Chairman of the Navigation Committee, in being given the opportunity to comment, explained that the Navigation Committee was generally supportive of the project, particularly those areas where banks had been eroded being reinstated. The main concern was to ensure that dredging operations would not be compromised in the interests of the wider project and that urgent dredging works required would not be delayed.

The Director of Operations assured Members that necessary dredging works in the area were due to be carried out this Autumn.

Members welcomed the report, congratulated officers on the work undertaken so far and thanked the officers for providing a useful and interesting overview.

RESOLVED

that the report be noted.

3/12 HARG Heritage Asset Review Group: Notes from 21 August 2015

The Committee received the Notes from the Heritage Asset Review Group meeting on 21 August 2015. In particular Members noted the progress being made on the Conservation Area appraisals.

RESOLVED

that the report be noted.

3/13 Enforcement Item for noting – Nos 1 and 2 Manor Farm House, Oby

The Committee received a report which provided an update on the progress being made in relation to the Grade 2 Listed Building at Manor Farm where an agreement had been entered into for a phased replacement of the windows and doors. This was associated with the Listed Building Consent (LBC) which was granted for the work (BA/2014/0076/LBC) on 1 May 2014 when a period of 10 years was given for completion of the works.

Members welcomed the progress being made with 5 of the 28 apertures having been restored and further work scheduled. They indicated that they would be satisfied with the item being included in the Enforcement Schedule rather than receiving a full report and that this could include more details on the update at 6 monthly intervals.

RESOLVED

that the report be noted and welcomed.

3/14 Enforcement Update

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

Further to Minute 2/9 of 21 August 2015, The Head of Planning reported on the former Jenners site at **Thorpe Island**. The landowner, had submitted an appeal against the decision of the High Court. The decision as to whether he would be granted leave to appeal was not likely to be received until the end of the year and if granted this might not be heard until Summer 2016. Inevitably this caused delays. A report on the options open to the Authority would be provided to a future Planning Committee.

RESOLVED

that the report be noted.

3/15 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.

RESOLVED

that the report be noted.

3/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 10 August 2015 to 1 September 2015

RESOLVED

that the report be noted.

3/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 9 October 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich, following which there would be a Training session.

Members were reminded that prior to this there would be the Joint Site Visit with Norwich City Council on 2 October 2015.

The meeting concluded at 13.02 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 11 September 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members and Staff	3/8(3)	Application BA/2015/0236/COND and BA/2015/0243/MONMAT as the applicant is a member of the Broads Authority
Paul Rice	3/14	Enforcement Issues – Ferry Inn, Horning as currently involved in mediation.
George Jermany	General	Toll Payer