

Broads Authority

Planning Committee

Minutes of the meeting held on 8 January 2016

Present:

Dr J M Gray – in the Chair

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

Mrs L Hempsall
Mr G W Jermany
Mr P Rice
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 7/10 -7/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor and Monitoring Officer
Ms S Evans – Planning Officer (Compliance and Implementation)
Ms M Hammond – Planning Officer (Minute 7/1 - 7/8)
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer (Minute 7/9)
Mr A Scales – Planning Officer (NPS) (Minute 7/8)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

**BA/2015/ 0371/FUL Waveney Inn and River Centre, Staithe Road,
Burgh St Peter and**

**BA/2015/0360/FL Waveney Inn and River Centre, Staithe Road,
Burgh St Peter**

Mr J Knight Applicant

7/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. In particular he welcomed Sophie Evans as Planning Officer (Compliance and Implementation) who would be covering for Kayleigh Wood's maternity leave.

Apologies were received from Miss Sholeh Blane.

7/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members and staff in relation to Application BA/2015/ 0371/FUL and BA/2015/0360/FUL 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.

7/3 Minutes: 4 December 2015

The minutes of the meeting held on 4 December 2015 were agreed as a correct record and signed by the Chairman of the meeting subject to the amendment to Minute 6/8(2) within the resolution to delete “re” from “re-advertisement”. (For clarification, this relates only to advertisement in a newspaper).

7/4 Points of Information Arising from the Minutes

Minute 6/4: (Minute 3/10) Generation Park

The Head of Planning reported that it was understood that a company had expressed an interest in taking on the proposed scheme for the Generation Park and was at present going through a due diligent process. Officers would keep members updated.

7/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

7/6 Chairman’s Announcements and Introduction to Public Speaking

(1) 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.

(2) A member of the public indicated that he intended to record some of the proceedings of the meeting with specific reference to Thorpe Island.

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

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

7/8 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/2015/0364/FUL Compartment 37 South side of Upton Boat Dyke**

Driving/removal of piling along the southern bank of Upton Dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank

Applicant: Environment Agency

The Planning Officer provided an outline presentation to provide the context for the application for the removal of piling through a form of pile driving (subject to ground conditions requiring extraction) on the southern bank of Upton Dyke. The piling to be removed was identified in the 2008 BESL application and had been approved in principle at that time subject to permitted development rights being removed. This was so that the details of the techniques to be used would be submitted to the Authority to ensure there would be no adverse impacts. The application was part of the proposal to deliver a more sustainable form of flood defences. The current piling, some of which was in a poor condition was now no longer required for flood protection. The application also involved the re-grading of the dyke edge and the original bank and crest raising of the existing bank with the material from the old bank.

The Planning Officer explained that the key elements for the differing treatment techniques being proposed related to the varying ground conditions of the site and the need for increased stability to reflect these. Similar techniques to those used elsewhere in the Broads were being adopted and there were a number of safeguards that would be undertaken to insure mitigation action would be undertaken where necessary. The Planning Officer emphasised that there would be no changes to the provision of moorings on the north bank of Upton Dyke or at Upton Parish Staithe.

In drawing attention to the significant concerns raised from a number of consultees, the Planning Officer reported that since the report had been written thirteen additional letters had been received including correspondence from Whelptons Yard and the Broads Hire Boat Federation. These largely reflected the concerns already documented. The Planning Officer referred to the concerns expressed by the Navigation Committee and its request that an alternative to pile removal be explored further with BESL. He explained that further discussions had and were taking place with BESL and therefore the contents of para 6.2 of the report did not accurately reflect the current position. Officers were also investigating with a number of people in the area about the possibility of them taking on the responsibility for piling. In view of the concerns expressed, the recommendation was for

a site visit and it was proposed that if accepted, BESL be invited to attend to provide clarification on issues raised.

Mr Rice proposed, seconded by Prof Burgess and it was

RESOLVED

that, prior to determination, the application be deferred for a site visit on Friday 29 January 2016 starting at 10.00am, in view of the concerns and objections raised. It was considered that it would be beneficial for Members to visit the site to fully appreciate and understand the location and features of the application site as well as the various considerations.

(2) **BA/2015/0371/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

Replace barn with administration centre
Applicant: Waveney River Centre (2003) Ltd.

The Planning Officer explained that the two applications concerning the Waveney River Centre were before the Committee as the applicant was a Member of the Authority.

She provided a detailed presentation of the first proposal, to demolish an existing barn near to the entrance of the recreational complex and replace it with a building to provide a purpose built space to concentrate the administration functions, staff facilities, workshops and storage, which were currently distributed across the site. She explained that there had been some amendments to the elevation figures since the report had been written. In 2011, planning permission had been given for 5 holiday accommodation units but this permission had now lapsed when the original elevations had been agreed.

The Planning Officer drew attention to the consultation responses particularly the further consultation responses received since the report had been written from the Parish Council and Historic Environment Officer (Planning and Countryside). These had been circulated to Members. The Parish Council considered that the application should be approved provided the highways stipulation that the buildings be prevented from being converted into holiday or residential accommodation in the future, be included as a condition.

The comments from the Historic Environment Service, having received further information from the applicant, were satisfied that the structure of the existing building was of limited historic significance and therefore they wished to withdraw their previous recommendation for a condition for historic building survey. They still wished their recommendation for a programme of archaeological works on the ground disturbance should remain. The Authority's Ecologist had suggested a condition relating to provision for swallows nesting and facilities for bats.

Having provided a detailed assessment against the Authority's policies taking account of the main concerns and issues relating to the principle, design, heritage assets, highways, ecology and amenity, the Planning Officer concluded that the proposal would provide a purpose-built facility for the existing business' administrative and operational functions and would support the efficient functioning of this established tourist site. The nature of the use was not considered likely to result in any additional traffic movements to the site and the proposal was considered acceptable subject to conditions outlined within the report amended to exclude the need for Historic building recording and contract for construction and an additional condition to provide for swallows nesting.

Mr Knight the applicant explained that the reason for the application was that the business had expanded quite considerably especially in terms of the numbers of visitors particularly for short stays and there was not enough storage space or appropriate reception and administrative facilities to provide for efficient customer service. The current barn was the worst building in terms of condition on the site and unfortunately the first one on entering it. The aim was to increase the efficiency and operation of the whole site.

Members considered that the application was worthy of support and were satisfied with the proposed conditions particularly those suggested including the use of the building being ancillary to the main site and used for office/administration/storage only. The Committee considered that it was welcome to see such a tourist facility being successful in the southern Broads area. They concurred with the Officer's assessment.

Mr Rice proposed, seconded by Mr Barnard and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report with the removal of the condition for Historic building recording and contract for construction and the addition of a condition to provide for nesting swallows. The proposal is considered to be acceptable in accordance with Policies CS1, CS6 and CS9 of the adopted Core Strategy (2007), Policies DP1, DP4, DP6, DP11, DP14 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

- (3) **BA/2015/0360/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**
Restaurant Extension
Applicant: Waveney River Centre (2003) Ltd

The Planning Officer provided a detailed presentation of the second application from Waveney River Centre for an extension to the existing restaurant by 7.5 metres to the rear (north) to mirror the form of the existing building, with a third pitched roof at the same height, but with a gabled roof. The extension would be set into the slope to the rear of the building and would provide space for approximately 70 additional covers. The aim was to provide increased capacity and flexibility to meet demand, and potentially encourage visitors to stay on site.

The Planning Officer drew attention to the consultations received, particularly those of the Parish Council and Highways with reference to the concern that they would not wish the venue to be used for functions such as weddings or conferences.

Having provided a detailed assessment of the main issues to consider, which included the principle of the development, design, heritage assets, amenity and highways, the Planning Officer concluded that the application could be approved subject to conditions. It was not considered that the proposal would result in any severe residual traffic impacts subject to the provision of signage to the passing places along Burgh Road and conditions managing the use of the venue, restricting it to Class Use A3 and A4.

Mr Knight explained that the reason for the extension was to accommodate those 20 or more bookings (accommodating 40 to 60 people) which previously had to be turned away especially within the April to October season. He considered that it would have the benefit of limiting the frequency of traffic movements on and off the site. He explained that the winter season was quieter although could still be busy at weekends. He did express concern about the possible imposition of a condition to restrict the use so as he would not be able to accommodate wedding parties if requested. Occasionally he had group bookings for a wedding group but not specifically for a wedding reception. He explained that he would not be advertising the site as a wedding venue and it would not be feasible to provide one on a regular basis given the existing facilities. He would also be restricted by Health and Safety issues. The site was operating as a pub/restaurant.

The Director of Planning and Resources confirmed that in terms of the actual application and the proposed conditions, these would not prevent the occasional use of the site for weddings. It was a matter of fact and degree and a judgment would need to be made as to whether there was a material change of use of the site. She explained that officers were satisfied that the condition to be imposed would meet six tests and that it was reasonably required.

The Planning Officer added that one of the reasons for the planning condition was to prevent Mr Knight from changing the use from A3/A4 to another lawful use. Mr Knight could change the use to certain uses without having to apply for planning permission.

Members were in favour of the application considering that the extension would provide increased capacity and flexibility to meet demand.

Mr Jermamy proposed, seconded by Mr Thomson that the application be accepted without the condition stating that "Development to be used for Class A3 (food and Drink) and A4 (drinking establishment) uses only".

The motion was lost by 5 votes in favour with 6 against.

The Chairman proposed to accept the officer's recommendation and it was

RESOLVED by 9 votes in favour, 1 against and 1 abstention

that the application be approved subject to detailed conditions as outlined within the report. The proposal is considered acceptable in accordance with Policies CS1, CS6, CS9, CS11 and CS16 of the adopted Core Strategy (2007), Policies DP4, DP5, DP11, DP14 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

7/9 Application for Consultation: to be considered by South Norfolk Council BA/2015/0387/NEIGHB Land North of Hill Farm, Yarmouth Road, Gillingham

To supply and install 2 x 60kw wind turbines
Applicant: Robin Bramley

Dr Gray and Mr Thomson, as members of South Norfolk Council had declared an interest in this item and took no part in the discussion or voting.

The Planning Officer provided a detailed presentation on the proposal to be considered by South Norfolk council for the supply and installation of 2 x 60kw wind turbines outside but adjacent to the Authority's boundary. The pertinent issues for the Broads Authority and for which comments from the Authority were centred were the impact on the landscape of the Broads, the impact on the historic environment and the impact on the area's ecology.

The Planning Officer drew attention to the fact that the detailed Landscape and Visual Impact Assessment (LVIA) submitted with the application had been thoroughly reviewed by the Authority's Landscape Architect and although the highly sensitive nature of the Broads Landscape was

acknowledged, the conclusions of the Broads Landscape Architect differed significantly from those of the applicant's LVIA. (Details included in the appendix to the report).

Members endorsed the conclusions that the proposed development would have a significant adverse impact on the landscape of the Broads and that this impact had been underestimated in the LVIA submitted in support of the application. It was also considered that the proposed development would have an unacceptable impact on the historic environment of the area in the vicinity of the site. It would particularly have a negative impact on the listed buildings closest to the site as the development was considered to be inappropriate for the setting of these listed buildings. There was the potential for the proposal to adversely impact on bats and birds in the area and this impact has not been adequately addressed in the application. They therefore considered that a formal strong objection to the scheme be submitted to South Norfolk Council.

RESOLVED by 7 votes to 0 with 4 abstentions (including Dr Gray and Mr Thomson as members of South Norfolk Council, and two others)

that the comments contained in the report be endorsed and a strong formal objection be submitted to South Norfolk Council and the report and appendices be forwarded to South Norfolk Council as the Authority's considered formal consultation response on the planning application.

7/10 Broads Local Plan Issues and Options Update

The Committee received a report and presentation on the first stage in the development of the Broads Local Plan, this being the Issues and Options version presented for members to recommend to Full Authority to approve the document for consultation between February 2016 and April 2016. The aim of the Issues and Options version of the Local Plan was to highlight the key topics that future planning policies would be required to cover and outline some options for each issue that would suggest the direction planning policy would take. Detailed policy wording and alternative options would be further worked up in the Preferred Options stage (likely to be in Autumn 2016). It was noted that until the new Local Plan was adopted, likely to be in 2018, the existing adopted and saved policies of the Core Strategy, Development Management Document and Sites Specifics Local Plan were in place and would be used in determining planning applications.

Members noted that the Interim Sustainability Appraisal to accompany the Issues and Options paper had been reviewed and improved from that which had been circulated following discussions with the Districts and comments from Historic England. This would be circulated for the Broads Authority meeting.

With regard to the Duty to Cooperate, work was continuing in Norfolk, this was through the Norfolk Strategic Framework as well as regular meetings with the Authority's constituent districts. In Suffolk, regular meetings with Waveney

were held and all Suffolk Authorities were starting to work together. More information on the Suffolk process would be brought to Planning Committee when finer details have been worked up.

Having provided an outline of the processes including the methods of consultation, the Planning Policy Officer provided members with a presentation of some of the key issues for consideration. These included, Housing where the new calculation for the Broads was for the provision of 320 dwellings between 2012 and 2036, Residential Moorings/Floating buildings, Economy, the A47 Acle Straight, Climate Change, Tranquillity and Light Pollution, Retail, Safety by the water. It was explained that not all the options were mutually exclusive but could be viewed in conjunction. Within the paper there was a call for suggested new sites appropriate for certain uses such as residential moorings, local green spaces and areas of tranquillity.

It was clarified that the Broads Plan, where consultation would be undertaken in parallel, would provide the basis for a vision for the Broads Local Plan. At present the Broads Local Plan was at a very open stage and the narrative within it would evolve as the plan progressed. A member raised the issue of residential buildings being converted to holiday lets as well as vice versa as it was considered that this could have an impact on the local housing needs. There was also concern that distinction needed to be made between second homes and holiday homes. It was clarified that a considerable amount of work had been undertaken in this area and officers would review this in detail to make sure policies were appropriate. The issue of appropriate width of the navigable channel, which had been raised in relation to an application at St Olaves would also be given attention possibly at the Preferred Option stage of the Local Plan.

Members considered that the document provided some very challenging issues for consideration and congratulated officers on the detailed work undertaken. All members were invited to look carefully through the document and provide the Planning Policy Officer with further comments as soon as possible.

Members requested that they be given advance warning of the venues for Open Days and consultation in order to advertise to their ward members.

It was noted that there would be a training session on current legislation (eg; Housing and Planning Bill) and the implications for the Authority following the Planning Committee meeting in March 2016.

RESOLVED

- (i) that the Chairman, Chairman and Vice- Chairman of the Planning Committee be delegated to work with the Planning Policy Officer to improve the readability of the document; and

- (ii) to RECOMMEND to the Broads Authority that the Broads Local Plan Issues and Options document be approved for consultation in February 2016.

7/11 Brundall Neighbourhood Plan – Proceeding to Referendum

The Committee received a report on the findings of the Examiner's report on the Brundall Neighbourhood Plan following the representations received on the submitted Plan during the publication stage. The Examiner had concluded that, subject to certain specified modifications, the Neighbourhood Plan should proceed to a referendum within the neighbourhood area (ie the civil parish of Brundall). The recommended modifications were included as Appendix 1 to the report. Broadland District Council had deferred a decision on the plan for confirmation from Brundall Parish Council that it was content with the Examiner's conclusion.

RESOLVED

that the examiner's recommendations, as detailed within Appendix 1 of the report be approved to allow the Neighbourhood Plan to proceed to a referendum within the Neighbourhood Area (the civil parish of Brundall).

7/12 Enforcement of Planning Control: Staithe n Willow, Horning

The Committee received a report on the erection of fencing without the benefit of the required planning approval at Staithe 'n Willow, Horning. Members were reminded that this had been the subject of various reports to Committee since November 2013 and following a report in 2014, members had agreed to a compromise solution involving the retention of some of the fence (at a reduced height) and the replacement planting of a hedge and the ultimate removal of the remainder of the fence. Unfortunately, not all had been achieved. Members noted that the Parish Council had informed the Authority that following further consideration they were happy with the fence as it now stood and considered that it should be treated as permitted development.

Members considered that the fence was intrinsically detrimental to the Conservation Area and its retention would set an undesirable precedent. The fence was contrary to Policies DP4, DP5 and DP28 of the adopted Development Management Policies DPD and paragraphs 131 - 134 of the National Planning Policy Framework (NPPF) which sought to protect Conservation Areas as designated heritage assets. They therefore considered that enforcement action to protect the Conservation Area was justified. Members also expressed concerns about the highway safety issues of the fence in this location particularly regarding the visibility required from the Staithe.

Members considered that a one metre high fence of suitable material would be acceptable. They agreed that the removal of the fence would also include the removal of the concrete posts. A member considered that the aesthetics

of the concrete could be concealed with the use of soft landscaping and concrete gravel boards would be more durable.

Mr Rice proposed, seconded by Mr Timewell and it was

RESOLVED by 9 votes to 2 against

- (i) that authority is given for officers to serve an Enforcement Notice to secure the removal of the fence with a required compliance period of two months and to pursue prosecution (in consultation with the solicitor) in the event that compliance is not achieved; and
- (ii) that the landowner be requested to replace the fence with a one metre high fence of suitable materials (to include wooden posts).

7/13 HARG Heritage Asset Review Group: Notes from 21 August 2015

The Committee received the Notes from the Heritage Asset Review Group meeting on 4 December 2015. In particular Members noted the progress being made on the Conservation Area appraisals.

The Director of Planning and Resources, the Historic Environment Manager as well as the Chairman of the Authority and Local Member would be attending a meeting of Stalham Town Council on Monday 11 January 2016 to introduce the Conservation Area re-appraisal for consultation.

As agreed by HARG, the draft text for the Somerton Conservation Area Re-appraisal had been sent to Somerton Parish Council prior to official publication and being brought to Planning Committee for approval for formal consultation.

RESOLVED

that the report be noted.

7/14 Enforcement Update

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

Thorpe Island

Members noted that there had been press coverage concerning Thorpe Island and there were no further changes to report to that which was contained in the schedule. In accordance with the Planning Committee's decision, Officers were in the process of making an application to the High Court for Planning Injunctions to cover all breaches in due course.

In response to a member's question, it was stated that a complaint lodged by the lobbying group was being investigated.

J B Boat Sales

Compliance had been achieved and therefore this would be removed from the schedule.

Wherry Hotel, Bridge Road, Oulton Broad

The local member reported that compliance had been achieved. The site would be finally checked.

Grey's Ices and Confectionary, Norwich Road, Hoveton

An Enforcement Notice had been served.

Hall Common Farm, Hall Common, Ludham

Mitigation measures, that were satisfactory to the Historic Environment Manager, had now been proposed.

RESOLVED

that the report be noted.

7/15 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 October 2015.

RESOLVED

that the report be noted.

7/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 23 November to 17 December 2015

RESOLVED

that the report be noted.

7/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 5 February 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.47 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 8 January 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members and Staff	7/8 (2) and (3)	Applications BA/2015/0371/FUL and BA/2015/0360/FUL Waveney Inn and River Centre - the applicant is a member of the Broads Authority
Paul Rice	7/14 7/8(2) and 8(3)	Enforcement Issues – Ferry Inn, Horning as involved in mediation Lobbied re Item 8(2) and (3) Waveney River Centre Trustee of Broads Society Member of NSBA
Vic Thomson	7/9	Member of South Norfolk Council App referred to BA for Consultation: BA/2015/0387NEIGHB To be decided by South Norfolk Council
Murray Gray	7/9	Member of South Norfolk Council – decision making body Application referred to BA for consultation BA/2015/0387/NIEGHB – to be decided by South Norfolk Council
George Jermany	General	Toll Payer