

Authority

Planning Committee

Minutes of the meeting held on 29 April 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard
Prof J Burgess
Miss S Blane
Mr N Dixon

Mrs L Hemsall
Mr G W Jermany
Mr V Thomson
Mr J Timewell (11/9 – 11/17)

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 11/9 – 11/15)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Officer (Minute 11/1 – 11/9)
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0065/FUL Poplar Farm, Church Lane, Runham

Mr Jonathon Green Applicant

BA/2016/0088/COND Waveney River Centre, Staithe Road, Burgh St Peter

Mr J Knight Applicant

11/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Ms Gail Harris and Mr Paul Rice. Mr John Timewell had indicated that he would be arriving at about 11.00am.

11/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. Members made a general declaration of interest in relation to application BA/2016/0088/COND as the applicant was a member of the Navigation Committee.

11/3 Minutes: 1 April 2016

The minutes of the meeting held on 1 April 2016 were agreed as a correct record and signed by the Chairman.

11/4 Points of Information Arising from the Minutes

No further points of information were reported.

11/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

11/6 Chairman's Announcements and Introduction to Public Speaking

- (1) No member of the public indicated that they intended to record the proceedings.
- (2) The **Broads Annual Public Open Day** would be held on Saturday 7 May 2016 at Whitlingham Country Park. The Chairman of the Authority hoped that as many members as possible would attend.
- (3) **Norfolk Water Management Partnership**
With the departure of Dr Murray Gray, it was necessary to nominate a replacement member of Planning Committee to represent the Authority on the Norfolk Water Management Partnership and the sub-group of the Rivers Authority.

The Chairman proposed that Mrs Lana Hemsall be appointed to represent the Authority on the Group and it was

RESOLVED unanimously

that Mrs Lana Hemsall be appointed to represent the Authority on the Norfolk Water Management Partnership.

- (4) It was noted that this meeting would be followed by a meeting of the **Heritage Asset Review Group**.
- (5) **Duty to Cooperate**
The Vice-Chairman, Mrs Lana Hemsall reported that she had attended a Duty to Cooperate meeting on Monday 25 April 2016 that had covered a great deal of ground with the Authority's Planning Policy Officer providing updates on the progress of the Authority's Local Plan, most of which was on the agenda for members' consideration today. In addition to the Norfolk local authorities, Suffolk was also represented on the forum. This was considered a very useful and worthwhile group to be involved with.

(6) **George Jermany's last meeting**

The Chairman paid tribute to George Jermany on his last Planning Committee meeting with the Authority of which he had been and was a very valued member. Although all members are independent, George was more than most and the Authority had greatly benefitted from his wisdom and experience with a tremendous knowledge of the Broads. The Director of Planning and Resources, presented George with a card from all the planning staff, commenting that he would be greatly missed.

In response, George Jermany commented that this had been his third time on the Authority and he had greatly enjoyed working with everyone as colleagues. He thanked everyone, commenting that he would miss the Authority and if anyone wished for more information on the Broads, particularly the northern Broads, he would be very happy to oblige.

(7) **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.

11/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications had been received.

11/8 Applications for Planning Permission

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

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

(1) **BA/2016/0065/FUL Poplar Farm, Church Lane, Runham**

New Dwelling
Applicant: Mr J Green

The Planning Officer provided a detailed presentation of the application for a new dwelling to support an agricultural enterprise on a site next to Church Farm on the edge of, but outside, the Halvergate Marshes Conservation area. Planning permission was granted in 2015 (BA/2015/0188/FUL) for extensions and new buildings to support the raising of sheep, cattle and other livestock which graze on various

sites in the local area. The application site was outside the development boundary and was in Flood Risk Zone 3a. Therefore, the application needed to be assessed in accordance with NPPF para 55 and in particular Policy DP26.

The Planning Officer drew attention to the consultation responses. Since the report was written, a Contamination Phase 1 Survey had been submitted which was satisfactory but the Authority would require a Phase 2 Contamination Survey in order to provide more details, given that the site had previously been used for agricultural storage. This would be in the applicant's best interests and might result in some amendments to the proposal.

In providing the detailed assessment the Planning Officer considered that sufficient information had been provided to justify the need for supervision on site for animal welfare purposes, that a dwelling would have added benefits for health and safety and security, as well as support the functioning and viability of the farm business. On balance, it was considered the information provided satisfied each of the criteria of Policy DP26 and that the proposed dwelling was acceptable in terms of flood risk, amenity, design, landscape, ecology, water quality and amenity.

Subject to the conditions outlined in the report, together with a Phase 2 Contamination Survey and other conditions recommended by the Environmental Health Officer, the application was recommended for approval. The Planning Officer stated that if the Committee accepted the need and the justification for the proposal, construction was not likely to start until Autumn 2017 and therefore for the enterprise to function properly there would be a need for alternative accommodation on the site. At present permitted development rights were being used to enable the seasonal use of a static caravan on the site. This would not be appropriate, particularly in terms of flood risk, in the long term and therefore should be removed. An Enforcement Notice with a long period of compliance was recommended.

The Planning Officer clarified that the condition to remove permitted development rights was in order to cover alterations to the proposed dwelling once built to ensure that it would not be larger than the enterprise warrants. Members were satisfied with the officer's assessment and considered that a robust case had been made. The Chairman proposed and it was

RESOLVED unanimously

- (i) that the application be approved subject to conditions as outlined in the report with the addition of a condition requiring a Phase 2 Contamination Survey and other conditions recommended by the Environmental Health Officer.

The proposal is considered acceptable in accordance with Policies CS1, CS18, CS20 and CS24 and of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP5, DP11, DP22, DP26, DP28 and DP29 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 the application.

- (ii) that authority is given to serve an enforcement notice, in order to prevent establishment of residential touring or static caravans on the site, should it be necessary and subject to negotiation with the Solicitor.

(2) **BA/2016/000 Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

Change of fenestration, variation of condition 2, and removal of conditions 4 and 7 of permission BA/2015/0360/FUL
Applicant: Mr James Knight, Waveney River Centre

The Planning Officer provided a detailed presentation of the application, which was for amending condition 2 of permission BA/2015/0360/FUL concerning the extension of the restaurant at the Waveney River Centre and involved changes to the fenestration and creation of a patio. The application also sought to remove conditions 4 and 7 concerning the requirement for highways mitigation and management of the use of the approved extension. The original proposal had been considered at the Planning Committee meeting on 8 January 2016 Minute 7/8(3). The Planning Officer took each of the proposals and conditions in turn together with the applicant's justification for the proposed removal and assessment against the 6 tests set out in Paragraph 206 of the NPPF and the Planning Practice Guidance. She explained that no further evidence had been submitted to support the removal of condition 4. She explained that the development had commenced and the proposed bi-folding doors to replace those originally approved were now in place.

The Planning Officer concluded that the amendments to the fenestration and creation of a patio were considered acceptable subject to retention of the roadside hedge and additional conditions to mitigate unacceptable impacts on amenity to the neighbouring property involving a restriction on the use of the patio to between 08.00 to 22.00 and on external lighting. In her view, conditions 4 and 7 were considered to satisfy the six tests of the planning practice guidance and were still relevant and appropriate. Therefore the application was recommended for approval subject to conditions differing from those to which planning permission was previously granted [BA/2015/0360/FUL (the variation of former condition 2 but with all the other seven conditions being replicated in the new grant of planning permission

(amended as appropriate and including 4 and 7)] and the two additional conditions.

Mr James Knight wished to clarify that in his view, part of the application was not retrospective as stated by the Planning Officer since the application was submitted prior to work being started. He explained that given that the number of boats on the southern rivers had declined it was important to encourage innovative and evolving businesses and help extend the holiday season. Therefore the application was really important to enable the Waveney River Centre business to become a quality destination. He commented that the Parish Council was positive in its support, particularly for the patio.

With regards to the two conditions 4 and 7 relating to Highways and Use management of the restaurant being restricted to Use Classes A3 and A4, he considered that both conditions were unreasonable in the first place and they should be removed. He did not see the relevance of having the same Highway condition on the application for residential moorings BA/2015/0251/FUL and BA/2016/0064/COND and as discussed on 1 April 2016, imposed on this development. He also considered that its retention placed an unreasonable financial burden on the business and in requiring the cooperation of a third party, was impossible to discharge. He also considered it was not a Grampian condition. He clarified that he had previously discussed the potential location and costs of the signage with Highways.

In relation to the restriction on the Classes use to not allow for functions, Mr Knight further stated it was an unnecessary and unreasonable restriction, especially as the existing restaurant did not have any such restrictions and therefore this condition created confusion. He explained that the business was designed as a holiday destination and not intended to be transformed into a wedding and function venue. The premises were not suitable for wedding functions especially on a regular basis, but he did not wish to turn away potential customers. He requested that the Committee agree to the removal of condition 4 relating to Highways and Condition 7 on the restriction to Use Classes A3 and A4.

Members considered each of the issues in turn.

The Solicitor stated that in considering this application which included removal of conditions on a previous application, it did not permit the Committee to ignore the wider considerations affecting the grant of permission, since a successful section 73 application results in a new permission and it must therefore be determined accordingly to the current development plan and other material conditions.

Proposed amendments to the development for the extension to the restaurant concerning Condition 2 of BA/2015/0360/FUL

Members were satisfied that the proposed amendments were appropriate. Nigel Dixon proposed, seconded by Michael Barnard that the amendments to condition 2 be approved subject to conditions as outlined by the Planning Officer.

This was agreed unanimously.

Retention of Condition 4: Highways

Members noted the comments from the Highways Authority that stated that it continued to raise concerns in relation to the suitability of the highway network serving the site of the Waveney River Centre, and its view that the conditions were necessary and relevant, reasonable and enforceable and in accordance with the requirements of para 206 of NPPF and the Planning Practice Guidance. It was necessary to retain the condition on the two applications, in order for it to be discharged. Two members commented that the imposition of such conditions were usual when considering development in areas where the access network was limited. Members were mindful that the matter had been discussed at some length at the previous meeting and generally considered that the condition should be retained.

On being put to the vote it was agreed by 7 votes to 0 with 1 abstention that condition 4 should be retained.

Removal of Condition 7 concerning Use to be limited to uses specified within Classes A3(food and drink) and A4(drinking establishment)

Members considered that this did appear to be anomalous in that part of the premises of the Centre could be used without such a restriction and accepted that it could be confusing. There were no members of the Committee in favour of retaining this condition.

On being put to the vote it was agreed to remove condition 7 by 6 votes to 0 with 2 abstentions.

RESOLVED

that the application BA/2016/0088/COND be approved subject to the conditions outlined within the report and the deletion of the condition specifying the approved use. (Condition 7 of BA/2015/0360/FUL, and vii of the report).

The proposal is considered acceptable in accordance with Policies CS1 and CS16 of the adopted Core Strategy (2007), Policies DP4, DP11 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 the application.

11/9 Broads Local Plan – Issues and Options Report on Consultations

The Committee received a report providing an update on the consultation procedures and the consultation responses received on the Broads Local Plan Issues and Options report. It was noted that at this stage, there was no policy content as potential policy content was discussed at a high level. It was for the next stage of the Local Plan (Preferred Options) to come up with potential policy wording.

Members welcomed and were encouraged by the comments received, considering that some had raised some very interesting matters to which the Authority needed to take account. They particularly welcomed those comments relating to encouraging the use of the area by schools, the development of a Broads curriculum and getting young people into the Broads, particularly as this was one of the elements of the National Parks 8 Point Plan. A member commented that a gap was often created in providing practical facilities to enable young people to experience the Broads when there were cuts to resources. The comments relating to the encouragement of people having a potential effect on the tranquillity of the area were also considered to be worth noting. Members anticipated that the Landscape Partnership Project would help to address the gap in local awareness of the tremendous special qualities of the Broads area on the doorstep.

Members also welcomed the innovative means of consultation involving young people and wished to thank Richardsons Boatyard for providing a boat for one of the consultation exercises.

RESOLVED

that the report and the comments received with the officers' response be received, welcomed and noted.

11/10 Broads Local Plan – Update and Way Forward: Preparing the Preferred Options

The Committee received a report providing an update on the process in the the development of the Local Plan and the progress being made in preparing the Preferred Options following from the consultation on the Issues and Options Report. Members considered the proposed updated Local Development Scheme (LDS)/ timeline to be adopted. They also gave consideration to the proposed improvements to the two Sustainability Appraisal (SA) objectives.

Members noted that various evidence based studies were required to support the policies within the Local Plan, including those concerning housing, employment and flood risk and these were progressing. As part of the process it was intended to provide the Committee with “bite sized” pieces of the Preferred Options for consideration as the Local Plan was progressing. It was intended to submit the final version of the Preferred Options to the November 2016 Planning Committee.

Although it was still intended to have the final Broads Local Plan ready for adoption in early 2018, it was proposed to move the Preferred Options consultation back from August to November 2016 and therefore amendments were required to the LDS (3) to account for this.

It was noted that the two SA objectives to be amended were:

- SOC6: To improve the quality, range and accessibility of community services and facilities.
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.

RESOLVED

- (i) that the report's contents are noted and that the version 3 Local Development Scheme be adopted; and
- (ii) that changes to the Sustainability Appraisal Objectives be approved for consultation – this to include the Environment Agency, Historic England, Natural England, District and County Councils, RSPB, New Anglia LEP, Wild Anglia and Marine Management Organisation .

11/11 Broads Local Plan – Bite Size Pieces

The Committee received a report introducing the first of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to Dark Skies and light pollution, Major Hazards and Safety by the Water.

Members noted that the Authority undertook surveys within the Authority's area between October 2015 and March 2016 to assess darkness quality. From this it was concluded that the Broads has areas of intrinsic dark skies with two particularly dark areas - an area on the Waveney around Geldeston and an area to the north of the system around Hickling Broad. Therefore Members supported the proposal that the Preferred Options should include a strong light pollution policy that sought to protect the intrinsically dark skies of the Broads and in particular the two zones of particular darkness.

Members noted that one of the major issues relating to Major Hazards concerned new pipelines and also potential new cable runs, particularly with the development of offshore energy installations. However, the Authority could not be absolutely certain that the infrastructure from the off shore sites would impinge on the Broads area. Therefore the "Duty to Cooperate" arrangements would be beneficial to the Authority in that it would enable the Authority to be made aware of any potential impacts.

Members noted that the Authority was working on providing guidance for Safety by Water. Including a policy in the Local Plan would help to make those measures already adopted provide very clear guidance. Matters would then become material considerations when considering new planning applications.

A member expressed concern that changes in regulations could overtake the policies within the Local Plan and therefore the policies might not be able to keep up. However, Officers gave assurances that the policies would be able to set a minimum standard which could be prescriptive but also enable there to be flexibility for appropriate judgement to be made.

RESOLVED

- (i) that the report be noted;
- (ii) that the Preferred Options include a strong light pollution policy to protect the intrinsically dark skies of the Broads and in particular the two zones of particular darkness;
- (iii) that in accordance with the NPPF, the preferred options should include information on the location of major hazard installations and Major accident hazard pipelines and on the mitigation of the consequences of major accidents'; and
- (iv) that the Preferred Options include a section on Safety by the Water based on the draft text at the Appendix of the report.

11/12 Self Build Register

The Committee received a report explaining the terms self build and Custom build and the requirements set on Local Planning Authorities by Government Legislation and Regulations as set out in the Self Build and Custom Housebuilding (Register) Regulations 2016¹ that came into effect on 1 April 2016 .This required Local Planning Authorities to start to keep the registers The report provided a description of the Authority's approach to understanding interest in Self Build in the Broads Executive Area and the proposed Questionnaire. It was noted that the Questionnaire was being produced and administered by King's Lynn and West Norfolk Borough on behalf of all the Norfolk Local Planning Authorities at a cost (to the Authority) of £1,000 over three years.

RESOLVED

that the report be noted including the requirement set upon Local Planning Authorities to produce a register.

11/13 Changes to the Planning System

The Committee received a report from the Head of Planning and a presentation based on that provided by the Planning Officer from South Norfolk Council which he had provided to the Duty to Co-operate group meeting. These gave an outline of the Department of Communities and Local

¹ http://www.legislation.gov.uk/uksi/2016/105/pdfs/ukxi_20160105_en.pdf

Government (CLG) consultation document on the proposed changes to the planning system arising from the Housing and Planning Bill. It was noted that the changes related to 12 separate areas and the National Parks England had provided a response to these on behalf of the English National Parks, and to which the Broads Authority had contributed to and fully supported, details of which were contained in Appendix 1 to the report.

Members fully supported the response provided by National Parks England, noting that there had been considerable input from Authority officers. However, it was felt that it would have also been appropriate for the Planning Committee to have had the opportunity to provide a considered response in the first instance. A member considered that the National Parks response had not provided comments on equality or development regarding schools.

The Head of Planning emphasised that it was important that in providing any response, it had to be based on the Authority's own experiences in order to provide justification and evidence for that response. It would not be appropriate to provide responses on matters for which it did not have evidence or experience, in this case the schools issue.

A member emphasised that the Authority was different from other Local Planning Authorities and was required to be so given its role within the family of National Parks and the nature of its area. It was disappointing that the nature of some of the proposals did not take this into account.

Members endorsed the comments within the report particularly noting those relating to brownfield sites and the fact that this could include boatyards. It was important to ensure that boatyards remained viable as these provided important employment sites as well as being important to the overall economy of the area.

It was noted that the consultation period was over, but that Authority officers could provide a further response through the government's Chief Planning Officer.

RESOLVED

that the report be noted and the comments contained in the report be endorsed.

11/14 Enforcement Update

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

Thorpe Island

A date for the substantive injunction hearing had not yet been received. Monitoring of the site would continue.

Wherry Hotel Oulton Broad

A planning application had now been received.

Ferry Inn Horning

Following negotiations, some agreement had been reached. However, no further information had been received within the timescale given and this had been extended.

Hall Common Farm, Ludham

Unauthorised installation of metal roller shutter door: Approval for a lattice work door had been granted on 4 April 2016. However, a letter had since been received from the owner stating that he did not intend to implement the permission.

RESOLVED

that the report be noted.

11/15 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 April 2016.

RESOLVED

that the report be noted.

11/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 March 2016 to 15 April 2016.

RESOLVED

that the report be noted.

11/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 27 May 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.20 pm.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 29 April 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	11/8(2)	Application BA/2016/0088/COND Applicant a Member of the Navigation Committee
Jacquie Burgess		Toll Payer
George Jermany	General	Toll Payer
Peter Dixon		Member of Navigation Committee