

Planning Committee

Minutes of the remote meeting held on 29 May 2020

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andree Gee, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Leslie Mogford, Vic Thomson, Fran Whymark.

In attendance

Sandra Beckett – Administrative Officer (Governance) (Minutes), Steven Bell – Solicitor and Monitoring Officer, Nigel Catherall – Planning Officer, Essie Guds – Moderator (Governance) Stephen Hayden – Arboricultural Consultant, Kate Knights– Historic Environment Manager, Sarah Mullarney (Administrative officer (Governance) (Moderator), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services.

Members of the public in attendance who spoke

Member of the public: Mr Edward Wharton for BA/2019/0451/FUL Manor Farm, Mautby (Applicant)

1. Welcome and Introduction

The Chairman welcomed everyone to the meeting. The meeting would be held remotely in accordance with the government's COVID-19 regulations and the Authority's amended standing orders approved on 22 May 2020. This was the first of the formal public meetings held remotely since Lockdown and the last Planning Committee meeting on 6 March 2020.

Openness of Local Government Bodies Regulations 2014/ COVID -19 regulations

The Chair gave notice that the meeting would be livestreamed and recorded in accordance with the standing orders, with the Authority retaining the copyright. The minutes remained the record of the meeting.

2. Apologies

Apologies were received from Julie Brociek-Coulton. The Chairman commented that on behalf of members, she would like to thank Julie for her contribution as this would have been her last meeting of the Authority.

3. Declarations of interest and introductions

The Chair welcomed Stephen Bolt as the new member on the Planning Committee to his first meeting of the Committee.

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

A general interest was declared by most members as they had received an email from the agents on behalf of application BA/2020/0002/FUL Land at Redbeck, adjacent restricted byway 11, Dilham.

4. Minutes of Planning Committee meeting held on 6 March 2020

A member commented that he did not consider that the beginning of paragraph 4 within the Minute 8(1) BA/2019/0013/FUL Gays Staithe, Irstead, correctly reflected the points he raised concerning the planning issues at the site. He wished to provide some additional wording. Officers would listen to the recording and provide appropriate amendments to the minutes if required.

Members agreed that the minutes of the meeting held on 6 March 2020 be deferred for clarification regarding Minute 8(1) para 4.

5. Points of information arising from the minutes

There were no points of information to be raised.

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

There were no items of urgent business

7. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee and the new Government regulations and standing orders. Those who wished to speak and had been registered were invited to do so following the presentation on the application on which they wished to comment.

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

No requests to defer or vary the order of the agenda had been received. However, the application at Agenda item 9.2 BA/2020/0002/FUL has been withdrawn by the applicant since the agenda had been published and therefore would not be considered.

In addition, the Chairman had received a request from Fran Whymark that Item 13 be removed from the group of items to be considered as a block. There were two reasons; i) by doing so it could preclude a member (James Knight) from participating in the other items, due to his interest in Item 13 and ii) he considered that there should be discussion about why the application had not been put before the Planning Committee on 1 May, when Coronavirus Regulations were enacted on 4 April.

9. Applications for planning permission

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

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

(1) BA/2019/0451/FUL Manor Farm, Mautby Demolition of 2 poultry buildings and concrete drainage store and replace with single poultry building.

Applicant: Mr Edward Wharton

The Senior Planning Officer explained that the southern part of the application site came within the Great Yarmouth Borough area and the northern part within the Broads Authority area. As was common practice in such situations of a split site, agreement had been reached as to which Authority would determine the application. Great Yarmouth Borough Council had agreed to delegate authority to the Broads Authority to determine the application on behalf of both planning authorities.

The Senior Planning Officer provided a detailed presentation of the application for the demolition of 2 poultry buildings and a concrete drainage store to be replaced with a single poultry building. This would be of a similar design, materials and scale as the existing as well as the other modern units on the site. The proposal was on a well-established mixed farming practice with the purpose of modernising the agricultural business, increasing its viability and improving the welfare of the poultry.

In assessing the application, the Senior Planning Officer addressed the main issues of the principle of the development, the impact on the character and appearance of the area, biodiversity, residential amenity, highways access and flood risk. The application had been accompanied by an Ecology report, a Flood Risk Assessment as well as an Environmental report, all of which had been thoroughly assessed and were acceptable. The Senior Planning Officer concluded that the principle of the development was in accordance with the relevant planning policies, there were no highway objections or issues with regard to contamination, the visual impact in the context of the existing agricultural building was limited and could be further mitigated through landscaping and there was no impact on the residential amenities of those in the area. The Planning Officer therefore recommended approval subject to conditions.

Mr Wharton, the applicant provided a statement in support of the application explaining that his family had farmed poultry on the premises for the past 55 years. The birds produced eggs for hatching and were able to free roam within the building with constant access to water and nest-boxes. He explained that the building was to replace 2 outdated buildings in order to achieve compliance with standards required by customers. The grain store was also outdated and unused. The concrete from the two demolished poultry buildings and the grain building would form the new shed base and concrete roadways,

thereby reducing the need to bring in materials from elsewhere. The current site produced negligible levels of noise and smell and the ventilation system of a modern poultry building was designed to be even more efficient therefore reducing further any impact on the surrounding area. The removal of all asbestos from the old buildings would benefit all who worked and lived at Manor Farm and would be carried out in line with current legislation. The overall footprint of the site would be significantly smaller than the existing site but would maintain the current level of employment. Gaining consent for this proposal would mean the retention of two staff. He therefore hoped that the Committee would support the application.

In response to a member's question, Mr Wharton explained that the height of the building was similar to other buildings on site and in accordance with welfare standards so as to maintain appropriate temperatures for the birds.

Members were in favour of the proposed development, considering it was an appropriate development involving modernisation of an existing enterprise, which was encouraging. It was considered important that agricultural buildings moved with the times and pleasing that appropriate reference was being made to the health and welfare of the poultry. There was no change of use, and the scale and design was in keeping with the surroundings. Members considered the condition regarding landscaping was important and were assured that the provisions within the Flood Risk assessment included raising of the floor levels.

Bruce Keith proposed, seconded by Tim Jickells and

It was resolved unanimously to approve the application subject to conditions outlined in the report as the application is considered to be in accordance with Policies SP1, SP6, SP7, SP10, DM5, DM21, DM23, DM26 & DM43 of the adopted Broads Local Plan 2019.

(2) BA/2020/0002/FUL Land at Redbeck, Adjacent restricted byway 11, Dilham Site description. Applicant: Luke Paterson WITHDRAWN

The application had been withdrawn.

(3) BA/2020/ 0047/FUL The Secretary Moorings opposite Thurne Dyke Windpump Dyke: New Clubhouse and Storage shed

Applicant: East Anglian Sailing Club

Cally Smith left the meeting for this item as she was a member of the sailing club making the application.

The Planning Officer gave a detailed presentation of the application from the East Anglian Cruising Club for the erection of a new clubhouse and storage shed to be situated on the west bank of the river Thurne on the opposite side to the Grade II listed Thurne Dyke Windpump. The site was one of 4 plots of a domesticated appearance of a chalet or day hut. The proposed clubhouse would resemble a day hut or summerhouse and the storage shed would be of similar materials – black featheredged timber boarding walls, green speeddeck profile steel sheets for the roof. A flood risk assessment had been submitted

with the application and following comments from the Environment Agency, it was confirmed to the EA's satisfaction that all the construction materials and equipment would be delivered to the site by the river.

Following a detailed assessment, the Planning Officer concluded that the principle of the proposed development was acceptable as it took into account the character of the location. The buildings were of an acceptable design and siting and of suitable materials. They would not have a detrimental impact on the landscape either locally or from the wider area and there would be no adverse impact on the adjacent designated site, heritage assets, ecology and biodiversity, flood risk or amenity of neighbouring residents. He therefore recommended approval of the application subject to conditions with additional provision for materials for decking to be subject to agreement within proposed condition 3.

The Planning Officer further confirmed that no trees would need to be removed, and additional sewage facilities would not be required as there would be a compost toilet.

A member queried whether it would be possible to control further development of chalets or storage sheds along this stretch of the river between this site and Thurne Dyke mouth by a condition. The Solicitor confirmed that it would not be possible to impose such a condition on this application to restrict further development outside of the site of this application and along this stretch of the river. The Committee was required to consider each application on its merits as and when it was submitted, in accordance with planning legislation.

Members concurred with the Officer's recommendation considering it to be an appropriate and sympathetic development in this area which would help to tidy up the existing site.

Leslie Mogford proposed, seconded by Bill Dickson and

It was resolved by 11 votes 0 against and 1 abstention (due to the member having lost connection for part of the presentation and debate)

to approve the application subject to the conditions outlined within the report. The proposal is considered to be in accordance with Policies DM5, DM11, DM13, DM16, DM21, DM22, DM43, and DM46 of the Local Plan for the Broads, and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Livestreaming was disabled for a 10 minute break at this point in the meeting.

10. Enforcement update

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

Ditchingham Maltings: Due to the COVID-19 it had not been possible to engage contractors to work on the landscaping scheme for the site. New contractors had now been appointed and it was hoped that with the easing of the lockdown guidelines, work could be progressed in the near future.

The Committee noted the report.

11. Two Tree Preservation Orders: Station Road, Hoveton and Nicholas Everitt Park, Oulton Broad

The Committee received a report from the Historic Environment Manager explaining that provisional Tree Preservation Orders (TPOs) had been served at two sites, one in Hoveton and another in Oulton Broad. These had to be confirmed within 6 months of having been served. Objections had been raised for both sites and in such circumstances, it was the Authority's practice, for members to undertake a site visit prior to that confirmation. Due to the Coronavirus -19 and government lockdown restrictions, and the practicalities of holding a physical site visit, members were provided with slide presentations in lieu of a site visit. The Historic Environment Manager emphasised that no decisions would be taken on the TPOs at item 11 at this meeting. A full report together with recommendation would be brought to the next Planning Committee meeting.

(1) BA/2020/0002/TPO Two trees: Norway maple and alder at Waterside Rooms, Hoveton.

The Arboricultural adviser provided the Committee with a series of "walk through" slides showing the subject of the provisional TPO, a Norway maple and the smaller alder, from various views in Station Road, explaining their significance in the street scene and the reasons for the TPO being served. He showed the base of the trees and the adjacent wall to the alder tree, pointing out the slight evidence of a crack in the wall. There was no apparent deformation of the footpath. It was noted that the grounds of objection were that the trees were not of amenity value, and were not under threat as the leaseholder of the site did not intend to remove them.

(2) BA/2020/0001/TPO Two trees: Corsican Pines at Nicholas Everitt Park, Bridge Road, Oulton Broad, Lowestoft

The Arboricultural Adviser provided the Committee with a series of "walk through" slides showing the subject of the TPO, two Corsican pines from various views in and around Nicholas Everitt Park starting at Bridge road, moving around the existing play area and old pool, pointing out the drain and the trees close proximity to buildings and wall, walking through the boulevard, over to Mutford Lock and across to view the site from the Wherry Hotel car park. The trees were within the Oulton Broad Conservation Area. The Arboricultural Adviser commented that the trees were considered to be an integral part of the skyline. It was noted that the grounds of objection included the size of the trees and the constrained area in which they sat, concerns over their future stability and potential damage as a result, and the effect of the pine needle litter on the ground conditions.

It was noted that a full report would be brought to the next Planning Committee meeting for decision.

12. Tree Preservation Order – The Firs, Brimbelow Road, Hoveton

The Committee received a report from the Historic Environment Manager explaining that a provisional Tree Preservation Order had been served on a Scots pine tree at The Firs Brimbelow Road. At its meeting on 6 March 2020, due to objections being received, the Committee had agreed to hold a site visit. Unfortunately, due to the COVID-19 restrictions and guidelines the practicalities of having a physical site visit was not possible and the visit scheduled for 26 March 2020 was cancelled. The Authority was required to confirm the order within 6 months of it having been served and a decision was required by the end of June. Members were provided with slide presentations in lieu of a site visit. A decision would be taken on this TPO at today's meeting.

The Arboricultural Adviser provided a series of "walk through" slides to illustrate the visual amenity and landscape value of a Scots Pine tree. He explained that since the initial site visit and serving of the provisional TPO, there had been changes in the ground conditions; there were significant cracks which had widened and caused further deformity of the roadway. (subsequently confirmed not to be part of the highway). The integrity of the root plate was now compromised and there was concern about the stability of the tree which presented considerable risk of further damage and falling, especially in high winds. Members were able to note the close proximity of the tree to the boundary of the site and the raised tarmac adjacent to the fence of the property. It was also pointed out that the site was on a very narrow strip of land between two inlets from the river, which had been subject of particularly high water during the winter months. The Arboricultural Adviser commented that in light of the additional evidence, it was not considered expedient to confirm the TPO with such potential risk.

In response to questions, it was explained that the tree had come to the attention of officers when the landowner had put in for planning permission for re-development of the site with a two-bedroom holiday chalet. A landscaping condition was placed on the permission which included the retention of the tree. Members considered whether there would be benefits of confirming the TPO recognising that the landowner could still put in for permission to remove the planning condition and carry out future work as well as there being uncertainty as to the life of the tree. The Arboricultural Adviser considered that the Authority could be put in a difficult position and be faced with potential reputational damage if it confirmed the TPO in light of the new evidence.

Some members, familiar with the area, commented that the whole area had been under water in the recent winter months and with the ground being of peat, were doubtful about the stability of the ground conditions. It was noted that by not confirming the TPO, the planning condition on the tree was still relevant and the landowner would need to apply for

removal of the condition, should he wish the tree to be removed. There had been no breach of the condition.

Bill Dickson proposed, seconded by Leslie Mogford and

It was resolved by 8 votes in favour, 3 against and 1 abstention that the provisional Tree Preservation Order at the Firs, Brimbelow Road, Hoveton (BA/2019/0002/TPO) is not confirmed.

13. Prior Approval application BA/2020/0042/CUPA Norfolk Broads Direct Ltd, First Floor 3 Church Road, Hoveton.

Having declared an interest, James knight did not take part in discussion of this item.

The Committee received a report on the prior approval application relating to the site at Broads Direct Ltd. The Head of Planning explained that the report was for information to explain the processes required for prior approval and that these had been adhered to. The report was before members and on the website as a matter of public record of the timelines involved and the decisions made. The report set out the dates the prior approval application was made, the procedures involved, the reasons for requests for extension and subsequent removal of the agreed extension by the applicant. The Solicitor confirmed that the High Court had recently ruled that prior approval time limits for permitted development could be extended by agreement.

A member queried why the matter had not been brought to the scheduled Planning Committee on 1 May which was after the COVID- 19 regulations had come into place on 4 April 2020.

The Director of Strategic Services clarified that the meetings of the Planning Committee on 3 April and 1 May had been cancelled due to the lockdown regulations. One of the provisions of the guidelines was that it was necessary to have revised standing orders and procedures for dealing with remote meetings approved by the Broads Authority and in place before they could take place. These were not yet in place. The Authority had been able to approve these but not until its meeting on 22 May 2020.

In response to a member's question, the Head of Planning confirmed that there had been no objections and the application would have been approved.

A Member expressed the view that there was no benefit in spending more time on minutiae when it is demonstrated that the correct procedures had to be followed and had been taken, and the matter was resolved.

The report was noted.

Lana Hemsall gave apologies and left the meeting at this point.

Matters for Information and to Note

The following items were taken as a block as they were for information. No questions or comments had been received from members prior to the meeting. The Chairman stated that if members were content she would take it that, unless there were any further comments, each of the recommendations would be accepted. There was general assent and no objections were received. The reports were received.

14. Customer Satisfaction Survey

It was resolved to receive and note the report

15. Heritage Asset Review Group – notes from meeting on 6 March 2020

It was resolved to receive and note the report subject to a correction to the date of the next meeting of HARG to being after the Planning Committee meeting on 26 June 2020.

16. Schedule of Decisions on Appeals to the Secretary of State between 1 April 2019 and 31 March 2020 and outstanding appeals from January 2020.

It was resolved to receive and note the schedule of decisions on appeals to the Secretary of State for the year 1 April to 31 March 2019 and a schedule of the 4 outstanding appeals upon which decisions were awaited from January 2020 to date.

17. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 February 2020 to 14 May 2020.

It was resolved to note the report.

18. Date of next meeting

The next meeting of the Planning Committee would be held remotely on Friday 26 June 2020 10.00am. This was due to be followed by the member meeting of the Heritage Asset Review Group.

Members were encouraged to let officers have comments in good time before the meeting.

The meeting ended at 13.00

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 29 May 2020

Member	Agenda/minute	Nature of interest
Most Members	9.2 Application BA/2020/0002/FUL Land at Redbeck, Dilham.	Email from applicant's agent to inform the Committee the application has been withdrawn.
Andree Gee	11 TPO at Nicholas Everitt Park	Ward member for Oulton Broad
Tim Jickells	Item 17: Delegated Decision	Trustee How Hill Trust.
James Knight	In addition to Item 9.2 above Item 13 Prior Approval BA/2020/0042/CUPA	Applicant spoke to JK but he declined to engage being a member of the Planning Committee. Director of Company making the prior approval request.