

Broads Authority

Planning Committee

Minutes of the meeting held on 16 September 2016

Present:

Sir Peter Dixon – in the Chair

Prof J Burgess
Mr W Dickson

Ms G Harris
Mr H Thirtle

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 3/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor (Minute 3/1 – Minute 3/8 - Minute 3/11))
Miss M Hammond - Planning Officer (Minute 3/8)
Ms A Long – Director of Planning and Resources
Mr G Papworth – Planning Assistant (Minute 3/8)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0194/CU Hall Farm, Hall Lane, Postwick

Mr Peter Cranness	On behalf of Objectors
Mr Fergus Bootman	The Applicant's agent
Mr Chris Langridge	The Applicant
Mrs Lana Hemsall	On behalf of Local District Member

BA/2016/0228/COND Hoveton Great Broad and Hudson's Bay, Lower Street, Hoveton

Mr Chris Bielby	Natural England	On behalf of the applicant,
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BA/2016/0165/COND The Ice House, The Shoal, Irstead, Barton Turf

Mr Luke Frost	}	On behalf of the applicant,
Mr Kevin Cole	}	
Ms Barbara McGoun		Local District Member

3/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr M Barnard, Mr P Rice, Mr V Thomson and Mr J Timewell.

3/2 Chairman's Announcements and Introduction to Public Speaking

(1) No members of the public indicated that they intended to record proceedings.

(2) **Planning Training**

The Chairman reported that Members were due to receive some training following the next Planning Committee meeting in October. This would include updates on legal issues including the Housing and Planning Act. Members were requested to suggest any other specific topics on which they wished to be briefed.

(3) **Public Speaking**

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

3/3 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes.

3/4 Minutes: 19 August 2016

The minutes of the meeting held on 19 August 2016 were agreed as a correct record and signed by the Chairman.

3/5 Points of Information Arising from the Minutes

None to report

3/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

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

No requests to defer planning applications had been received.

The Chairman stated that he intended to vary the order of business to enable Mrs Hemsall, who was unfortunately delayed, to attend for the discussion on Application BA/2016/0194/CU as she had registered to speak on behalf of the Local Ward member, Mr Proctor.

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/2016/0228/COND Hoveton Great Broad and Hudson's Bay, Haugh Lane, Lower Street Hoveton**

Variation of conditions 2, 3 and 19 and removal of conditions 7, 11, 12, 20 and 24 from permission BA/2014/0248/FUL.

Applicant: Natural England

The Planning Officer provided a detailed presentation of the application involving the variation of conditions relating to planning permission granted for BA/2014/0248/FUL to facilitate the large scale restoration project on Hoveton Great Broad and Hudson's Bay, both of which had multiple conservation designations in part of the Bure marshes National Nature Reserve. The removal of the conditions in effect would remove any work associated with Wroxham Island and the disposal of sediment in this area and therefore amend the phasing schedule for the project. The project had been amended as Natural England had not been able to secure funding for this part of the project and partly due to additional scientific evidence received with the need for the removal of sediment not being as such a high priority as previously considered in achieving biodiversity enhancements in this location.

Since the writing of the report, the Navigation Committee had considered the proposals at its meeting on 8 September 2016. They had expressed extreme disappointment that this part of the original proposals was not now included in the project but did understand that there was no planning rationale to refuse the application. Salhouse Parish Council had no objection and an objection had been reiterated from a private individual objecting to the whole scheme and for public money being spent for a private benefit.

The Planning Officer emphasised that it would not be appropriate to revisit the whole scheme. It was understood that the applicant would be investigating the possibility of protecting Wroxham Island with other partners and by alternative means. Although regrettable that the amendments would mean that the project would not provide the full list of benefits originally planned for, there would not be an adverse impact on ecological benefits to the area or affect the amenity or landscape and therefore there was no justification in planning terms to require the Wroxham Island part of the development to be carried out. In conclusion the Planning Officer recommended approval.

Chris Bielby from Natural England explained that when putting in the initial planning application, the disposal of sediment was considered to be crucial. However, since receiving planning permission the evidence

partly from the findings and new conclusions of the Lake Review Project (2015) carried out over the last thirty years on Broads restoration, was that the maximum removal of sediment would not be as beneficial as expected and some benefits may only be short term. Bio-manipulation was a more crucial element than the sediment removal. In addition the HLF or LIFE would not fund those works for Wroxham Island. Chris Bielby explained that the landowners for Wroxham Island still wished to strengthen it, but if they decided to proceed with the project it would be supported by, but not paid for or lead by Natural England. Much would depend on other priorities. The landowners would also be required to submit a new planning application.

Members recognised that the project had been and was politically very controversial but they were required to make a judgement on the planning merits of what was before them. A member commented that in terms of public interest and on the basis of the scientific evidence, there would be considerable conservation benefits from the proposals especially bearing in mind the important designations of the area – Ramsar, SPA, SAC and SSSI. Members agreed to accept the officer's recommendation.

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report. The proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP3 and DP28 of the adopted Development Management Policies DPD (2011) and Policies CS1, CS2, CS4, CS13 and CS15 of the adopted Core Strategy (2007). The proposal is also considered acceptable in accordance with the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (2) **BA/2016/0194/CU Hall Farm, Hall Lane, Postwick, Norwich**
Change of use of outdoor venue for weddings and celebrations, to include retention of existing outdoor timber seating and wood shack, introduction of new service track and extension to existing turning area, creation of new passing places on public and private roadways and associated parking, access and landscaping.
Applicant: Mr and Mrs C & E Langridge and Fairbank

Members of the Committee had had the benefit of a site visit on 9 September 2016, attended by the Highways Officer and the Environmental Health Officer, a note of which had been circulated. Members had also received videos of access to the site and heard representations from the objectors and parish council at the previous meeting. Members had also received information from the applicant's agent providing further justification for the diversification scheme following the splitting up of the farm as well as an amended Noise Management Plan (NMP). The Head of Planning provided a brief

presentation to remind members of the application for the permanent operation of a rural wedding venue, details of which had been received at the previous meeting.

Since the writing of the report, two further letters of objection had been received relating largely to highways and noise and one letter of support stating that they had not experienced any problems. Following the site visit, comments had also been received from three members of the Committee. One member of the Committee, John Timewell had drawn attention to the requirements for possible site licenses and the Solicitor had provided subsequent correspondence cautioning members to deal with the planning issues, pointing out that licensing came under separate regulations and authorities but that this could be drawn to the attention of the applicant through an informative on any potential permission.

The Head of Planning drew attention to the main issues of concern to members at the previous meeting relating to agricultural diversification, impact on the highways, noise impact and impact on residential amenity. On the question of agricultural diversification, the further information provided by the applicant was considered to be in accordance with Policy DP19 and the NPPF.

The Head of Planning reported that since the last meeting, the Environmental Health Officer (EHO) had examined the updated Noise Management Plan (NMP) and also examined the sound system provided by the owners when in operation. This was to be used exclusively by all clients and to be supervised by the owner's acoustics engineer for all events. The EHO had subsequently reported that he considered the amended NMP to be comprehensive and now that the sound system was to be controlled and operated by a dedicated sound engineer, he no longer had uncertainty associated with band behaviour and inappropriate sound systems. He still recommended that the noise criteria within the NMP be legally binding and the venue be operated in accordance with the NMP.

The Highways Officer had provided further information following examination of the traffic surveys provided. Any increase in traffic under 20% was considered to be acceptable and on the basis of up to 200 guests, (usually 80 - 100), the peak increase being over the summer months, the Officer considered that the percentage increase would be well below this. The Highways officer was therefore very clear that he had no objections. However, he did recommend that a passing place be provided on that part of the access route where the adopted highway met the private road. The Highways Authority had no jurisdiction over the private roads.

The Head of Planning concluded that officers were very mindful of the concerns of local residents. Given that the Highways Authority and EHO now had no objections, on balance, there was no justification for

refusal on these grounds. Officers had examined the applicant's submission that a temporary consent to monitor the operation of the business, was unnecessary and the investment costs would be disproportionate. However, given the concerns expressed, the potential increase in the number of events and the new system not having been in operation long term, on balance, the recommendation was for approval but on the basis of a temporary consent in order to monitor the situation.

Mr Cranness, on behalf of objectors commented that the applicants' impassioned plea was for providing a tranquil setting, yet their proposals would be destroying that tranquil environment. He referred to the loss of amenity of the local residents and the purchase of houses having been halted once potential buyers were aware of the application, as well as the petition signed by 50 villages objecting to the application. He referred to the potential increase in traffic, and considered that the traffic survey did not provide an accurate picture. He referred to comments from a previous Highways officer. Car parking, the access and increase in traffic movements provided residents with severe concerns. He also queried who would monitor and enforce the NMP. He urged members to reject the application or alter the access road to the venue.

Mr Bootman, the agent for the applicants stated that no complaints had been received by the EHO over the two years that the site had been operating under the 28 day rule. The Highways had considered the survey and data submitted, were of the view that there would not be an unacceptable rise in traffic movements and confirmed they had no objections. The applicants had built up a successful environmentally sensitive business with significant economic benefits to the area and the EHO had confirmed that the NMP was a robust document which would be legally binding. Therefore he argued that the proposal did not require a temporary consent. The NPPF supported rural enterprise and the application was in accordance with sustainable development. He was also of the view that a temporary consent would not satisfy the six tests stated by the NPPF and therefore would be inappropriate. .

Mr Langridge provided an outline of the history to the application explaining that they had been restoring the woods and infrastructure of the site since 2011 and had held their first event in 2014. They had then operated under the 28 day rule and once it was considered that the business could be viable wished to regularise it on a permanent basis. He expressed confusion as to the need for a temporary consent given the updated views of the EHO without stating the need for a temporary trial, the mitigation measures now in place and in order to ensure the ongoing viability of a farming business in the special Broads area.

Mrs Lana Hemsall on behalf of Mr Proctor, the local District member stressed that it was important to consider the impact on Highways and

the impact of noise on a destination small rural village of an electorate of 600. The influx of 200 visitors for an event amounted to an additional third of the village and therefore she queried the traffic survey provided and the conclusions of the Highways Authority. The assessment of noise was very difficult to control, even within a brick building let alone a marquee. Although the EHO was apparently supportive, she did not consider that the argument was sufficiently robust. The application for a venue for 200 guests would result in being one of the largest in Norfolk but in an inappropriate location. With regard to diversification, Broadland District Council was very supportive of business ventures but it was considered that this one was inappropriate in this location. Although it might not offend highway safety, the scheme should comply with other policies and she considered that it offended these, it would not be an enhancement but detrimental to the area and urged the Committee to listen to the concerns of the local people.

Members sought clarification on the number events held so far – there had been one private event in 2014, four in 2015 and 12 in 2016, with an average attendance of 120 guests. It was anticipated that there would be no more than 26 events in total, that most would be within the summer months and no more than one a week as this would be detrimental to the ethos of the venue. In relation to car parking there had been no more than 30 cars using the parking area for the events in 2016. Members were also provided with details as to where the survey was carried out but were mindful that the Highways Officer was the responsible expert and he had made a qualified judgement on the data provided and made his own assessment. With regard to the operation of the sound system it was clarified that its control was not based on decibels but would be set up in accordance with the weather conditions and managed by an acoustic engineer and there would be no base speakers.

Members acknowledged and were very mindful of the concerns raised by the Parish Council and local residents and had sympathy with these. They found making a decision on this application very difficult. However, they were obliged to take account of the recommendations from the experts on Highways and the EHO both of whom did not now have objections and were satisfied with the proposals subject to conditions. They welcomed the amended NMP incorporating the services of a sound technician for every event. The operation of the sound system while on the site visit had also provided some reassurances. Members also had some sympathy with the applicant in relation to investment in the business and some members queried whether a temporary consent was reasonable or appropriate. Some members expressed doubt as to the diversification argument and one expressed concern about the potential increase in traffic and movements with the narrowness of the access. Even if there were only 30 cars using the parking area, this did not account for movements of taxis or mini buses.

Having given detailed consideration to the proposal, Prof Burgess proposed that the temporary element of the officer's recommendation be removed. This was seconded by Bill Dickson and agreed by 3 votes to 2.

The Chairman then requested Members to vote on the Officer's recommendation subject to the removal of the temporary consent condition.

On being put to the vote, it was

RESOLVED by 3 votes in favour and 2 against.

that the application be approved subject to conditions as outlined within the report.

The development is considered to be acceptable and in accordance with Policy DP19 of the Development Management Policies and NPPF. The proposal is also considered to be in accordance with Policy DP11 of the Development Management Policies DPD and NPPF.

(3) **BA/2016/0165/COND The Ice House, The Shoal, Irstead, Barton Turf**

Retrospective variation of condition 2 of pp BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations
Applicant: Mr and Mrs Andrew Lodge

The Planning Officer gave a detailed presentation of the application for regularising amendments to a development for a holiday dwelling granted permission in 2014. This was allowed under exceptional circumstances as a departure from the development plan to secure the restoration of a dwelling recognised as a traditional Broads riverside property identified as a non-designated heritage asset and which was now registered on the Local List. The restoration works to the main dwelling as Phase 1 of the schedule associated with the Section 106 Agreement had been completed to a high standard. The application related to the holiday dwelling and included amended plans to retain the use of wood effect UPVC windows in place of the timber windows submitted with the original planning documents and replace fibre cement boarding with timber.

Following careful assessment of the main issues particularly relating to the acceptability of the materials and the impact on the setting on the non-designated asset, on balance the Planning Officer concluded that the proposal to retain the existing windows and doors could be allowed in the interests of securing the complete restoration of the main dwelling. The changes to the elevations were considered minor and acceptable and the applicant's offer to replace the unauthorised boarding with high quality, locally distinct timber cladding was

welcomed. The application was therefore recommended for approval subject to advertisement as a departure from the development plan and a repeat of the other original conditions (minus condition 2) and the inclusion of timber cladding to be replaced within one year, and a section 106 agreement.

Mr Frost on behalf of the applicant explained that the materials used for the windows and doors as well as the boarding of the new property, the subject of the application, had been approved under building regulations. They were of high quality as required under the planning permission although it was accepted that they were not timber. He alleged that this had not been specified in the conditions. Mr Cole, also on behalf of the applicant explained that the consent for the holiday cottage had certainly been an enabling permission and proved its worth as Mr Lodge was able to carry out the work on the Ice House to the standard required. There was still a considerable amount of work to be done on the Ice House and this would be deferred and inhibited if he had to remove the windows and doors already in place on the new dwelling due to the considerable costs to be incurred.

Mrs McGoun, the Local District Members spoke in support of the applicant, Mr Lodge, expressing disappointment about the way in which he had been dealt with, pointing out that there had apparently been misunderstandings with Broads Authority officers, and monitoring had not been thorough. Even although it was acknowledged that there had been misunderstandings, she considered that the results of Mr Lodge's efforts were of a high standard and it would be unreasonable and unfair for him to amend the materials on the new property at this stage, given the considerable costs to be incurred. She urged members to accept the retrospective variation without further cost.

The Planning Officer clarified that the original permission was based on the plans provided, which included the use of timber materials and therefore conditioned as such. The Head of Planning acknowledged that there had been deficiencies in the monitoring process due to lack of resources and changes in staff. She explained that the Authority now had a robust Condition Monitoring Programme in place, which would help to avoid such situations in the future. However, officers had taken a pragmatic approach and hence the recommendation before members.

Members expressed concern that there seemed to be a lack of certainty and clarity as to what the applicant required and what members were being asked to approve.

RESOLVED unanimously

that the application be deferred due to the lack of clarity and uncertainties concerning the intentions of the applicant and the permission required and therefore the potential issues of enforcement.

(4) BA/2016/0287/HOUSEH Ropes Hill House, 4 Lower Street, Horning,

Rear extension and lift enclosure
Applicant: Mr Len Funnell

The Chairman commented that the application was before the Committee as the applicant was related to a previous member of the Authority and member of the Navigation Committee. No objections had been received.

Members were satisfied with the assessment in the report and considered that as no conflicting issues arose, and policies were satisfied, the application could be approved.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the development is considered to be acceptable in respect of Planning Policy and in particular in accordance with policies DP2, DP4 and DP28 of the Development Management Policies (2011)

3/9 The Norfolk Mead

The Committee received a report on the current issues at the Norfolk Mead Hotel following an Open Letter raising a series of complaints about its operation. Members welcomed the report, considered it to be very helpful and expressed disappointment about the problems incurred, but noted the attempts to resolve the situation. It was noted that an application for a revised parking plan would be submitted to the Planning Committee.

RESOLVED

that the report be noted.

3/10 Enforcement Update

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

With reference to Thorpe Island, it was noted that 24 September 2016 was the deadline for receipt of a planning application in accordance with the Planning Inspector's decision and criteria. If an application capable of validation was not forthcoming, the landowner would have one month to clear the site. All Members as well as Norwich City Council, Broadland District Council and Thorpe Town council would be advised once the deadline date had passed.

RESOLVED

that the report be noted.

3/11 Broads Local Plan – Preferred Options (September) Bite Size Pieces

The Committee received a report introducing the fifth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to draft policies for:

Appendix A: Residential Development within Development Boundaries
Appendix B: DM Policies
Appendix C: Economy
Appendix D: Flood Risk
Appendix E: Green Infrastructure
Appendix F: Houseboats and Floating Buildings
Appendix G: Housing Topic Paper
Appendix H: Housing: OAN, affordable housing, housing for older people, second homes, self build
Appendix I: Landscaping (Part of Design Policy (Landscaping Policy)
No Appendix J
Appendix K: Light Pollution and Dark Skies
Appendix L: Local Green Space
Appendix M: Peat
Appendix N: Remaining sites specifics policies: ACL1, ACL2, CAN1, GTY1, TSA3
Appendix O: Residential Mooring Nominations and Assessment and Policy
Appendix P: Residential Moorings Policy
No Appendix Q
Appendix R: Settlement Fringe
Appendix S: Sites from Issues and Options
Appendix T: Soils
Appendix U: Staithes
Appendix V: Strategic Policies
Appendix W: Strategic Sustainable Development Policy
Appendix X: SuDS
Appendix Y: Thorpe Island
Appendix Z: Tourism

They considered each of these in turn. With regard to many policies, including Appendix C, Economy, the Authority would be using data from the Districts, especially as the Broads Authority's was quite unusual. The Tourism Strategy would be part of this.

Likewise in relation to Housing (Appendix G and H) this would need to be addressed in relation to the housing market with Waveney, Great Yarmouth and Central Norfolk. Members accepted the proposed approach.

It was noted that some of the proposed Policy papers were holding papers. It was noted that Appendix U on Staithes may be amended in light of the final version of the report by Professor Williamson, particularly in the context of

rights of access. Members requested that they be provided with the final report on staithes when available.

It was noted that these policies did not necessarily represent the final text or approach but were part of its developments prior to the final version being presented to Planning Committee in November 2016. They would be subject to further consultation prior to the final version being submitted.

Members thanked the Planning Policy Officer and other colleagues for the thorough work being undertaken.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

3/12 Heritage Asset Review Group HARG – 19 August 2016

The Committee received the notes of the meeting of the Heritage Asset Review Group held on 19 August 2016, particularly noting the topic on the Staithes Research Paper referred to in Minute 3/11 above.

RESOLVED

that the report be noted.

3/13 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.

3/14 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 3 August 2016 to 2 September 2016.

RESOLVED

that the report be noted.

3/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 14 October 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by a Members' briefing session.

The meeting concluded at 13.05 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 16 September 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Haydn Thirtle		None
Bill Dickson		Toll Payer, Private owner of property within Broads, Chairman of Local Residents Association.
Jacque Burgess	3/8(1)	Toll Payer and Member of Norfolk Broads Yacht Club
Peter Dixon	3/8(1)	Toll Payer Member of Norfolk Broads Yacht Club, Member of Navigation Committee.
Gail Harris		Director of Whitlingham Charitable Trust