

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 18 August 2017

Present:

Mr M Barnard  
Prof J A Burgess  
Sir Peter Dixon  
Mr W A Dickson  
Ms G Harris

Mr P Rice  
Mr H Thirtle  
Mr V Thomson  
Mrs M Vigo di Gallidoro

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 1/10 – 1/11)  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – for the Solicitor  
Mr N Catherall – Planning Officer (Minutes 1/10)  
Ms A Cornish – Planning Officer (Minute 1/10)  
Ms M Hammond – Planning Officer (Minute 1/10)  
Mr B Hogg – Historic Environment Manager  
Mr G Papworth – Planning Assistant (Minute 1/10)  
Mr R Rogers – Director of Operations  
Ms C Smith – Head of Planning  
Ms K Wood – Planning Officer (Compliance and Implementation)  
(Minute 1/11 and 1/16)

Members of the Public in attendance who spoke:

#### **BA/2017-0103FUL Hedera House The Street Thurne Report back from pc180817**

|               |                              |
|---------------|------------------------------|
| Mr M Duffield | Agent on behalf of applicant |
| Mr Delf       | The applicant                |

#### **BA/2017/0224/FUL Land to north of cemetery, Pyebush Lane, Acle , Upton with Fishley**

|                   |   |
|-------------------|---|
| Mr Alan Irvine    | Agent for the applicant                               |
| Mrs Pauline James | Clerk to Acle Parish Council (On Behalf of Applicant) |

#### **BA/2017/0179/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael**

|                      |                                  |
|----------------------|----------------------------------|
| Mr Matthew Hollowell | Agent on behalf of The applicant |
|----------------------|----------------------------------|

## **1/1 Appointment of Chairman**

The Head of Planning welcomed everyone to the meeting. She invited nominations for the Chairman of the Planning Committee for the following year 2017/18.

Paul Rice proposed, seconded by Bill Dickson the nomination of Sir Peter Dixon.

There being no other nominations, it was

RESOLVED unanimously

that Sir Peter Dixon be appointed as Chairman of the Planning Committee for the following year until August 2018.

### **Sir Peter Dixon in the Chair**

The Chairman thanked the Committee for re-appointing him and commented that he was delighted to have the support of such an engaged and well prepared Committee. It was hoped that the Committee would achieve the results required for such an important area.

## **1/2 Appointment of Vice-Chairman**

The Chairman proposed the nomination of Mr Paul Rice as the Vice-Chairman of the Planning Committee. This was seconded by Jacquie Burgess. There being no other nominations, it was

RESOLVED unanimously

that Mr Paul Rice be appointed as Vice-Chairman of the Planning Committee for the forthcoming year until August 2018.

## **1/3 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting.

In particular he formally welcomed Mrs Vigo di Gallidoro, to her first official meeting of the Planning Committee.

Apologies were received from Mr B Iles.

## **1/4 Chairman's Announcements and Introduction to Public Speaking**

### **(1) Proposal for an Award:**

The Chairman reported that although it was not a planning matter he wished to take the opportunity to publicly acclaim a member of staff who had saved the life of a young child earlier in the week. Without

such swift action there could have been a real tragedy. The family involved did not wish to be exposed to publicity and their wishes should be respected. The incident highlighted the need for safety in the Broads as well as the stark reminder that it was essential for people on the water to wear life jackets. Members agreed that the response from the staff was worthy of an award and the Chairman of the Authority had nominated him for the National Parks UK Hero Award. It was suggested that a nomination for a local award would also be appropriate and this would be put forward.

**(2) The Openness of Local Government Bodies Regulations**

The Press correspondent indicated that he intended to record proceedings.

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January 2017 to record all its public meetings on a trial basis. The copyright remained with the Authority and the recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The minutes would remain as a matter of record. If a member of the public wished to have access to the recording they should contact the Monitoring Officer.

**(3) Housing White Paper: Planning Fees.**

The Chairman reminded members that at the Authority meeting on 24 March 2017 the Government's proposal as part of the Housing White Paper to increase planning fees by 20% was discussed and the Authority indicated that it would accept this, subject to the increase being spent specifically on Planning and with special reference to enforcement. The increase was intended to come into effect in July 2017. However, this had been deferred due to the election. The Government was proposing to look at this after the summer recess. The Authority expects to hear more in the Autumn and Members would be updated in due course.

**(4) Code of Conduct for Planning Committee Members and Officers (Revised)**

The Chairman reminded members that the Authority had adopted a revised Code of Conduct for Planning Committee Members and Officers at its meeting on 28 July 2017 and this was now in effect. All Committee Members will have received a copy and provided their signature in agreement to abide by the code.

**(5) 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.)

**1/5 Declarations of Interest**

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared an interest on behalf of all members in relation to Application BA/2017/0193/HOUSEH as the applicant was a member of the Authority.

**1/6 Minutes: 21 July 2017**

The minutes of the meeting held on 21 July 2017 were agreed as a correct record and signed by the Chairman.

**1/7 Points of Information Arising from the Minutes**

No points of information to report..

**1/8 To note whether any items have been proposed as matters of urgent business**

No items had been proposed as matters of urgent business.

**1/9 Requests to Defer Applications and /or Vary the Order of the Agenda**

No requests to defer planning applications had been received.

**1/10 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/2017/0103/OUT Hedera House The Street Thurne Report back pc180817** Demolition of existing buildings and redevelopment of Hedera House to form 6 residential dwellings and ten new holiday units.  
Applicant: Burlington Hotel (Great Yarmouth) Ltd.

Members of the Committee had had the opportunity to visit the site on 4 August 2017, a note of which was attached to the report at Appendix C. The Planning Officer provided a summary presentation of the outline proposal for planning permission to demolish existing buildings and

provide a comprehensive redevelopment of the site to provide a mixture of replacement holiday accommodation comprised of 10 new holiday cottages of different building designs and six new residential dwelling houses as enabling development. The Planning Officer referred to the detailed assessment and reviewed the proposed scheme against the eight criteria in Site Specific Policy THU1 that related to Thurne and specifically the Hedera House site.

The Planning Officer reported that an independent assessor had examined the viability assessment and considered that the proposed development provided an acceptable and proportionate split of holiday accommodation and residential development and suitable enabling development. The scheme was also considered to meet the other provisions within the policies including the scale and design thought to be in keeping with various aspects of the village; the landscaping ensured that the proposal would be well screened and views of the site from outside would be minimal and only glimpses. Although there had been concerns about the loss of Hedera House itself, it was not protected and was in need of significant works and therefore its loss would not be unacceptable. The proposal would improve the appearance of the whole site and therefore it was considered that the proposal would not adversely impact on the surrounding landscape or affect the neighbouring amenity. The IDB had also confirmed that they considered there would be sufficient sewerage capacity and no adverse impact on surface or ground water quality or quantity. The highways would require plans and a 24 hour survey as part of the conditions and indicated that it might be possible to reduce the visibility splays from their original requirements. The Ecologist raised no objections subject to conditions. It was noted that there would be no adverse effects on the SSSI. In conclusion the Planning Officer considered that the scheme was policy compliant, all the concerns raised were adequately addressed and therefore recommended approval subject to conditions.

Mr Duffield the agent for the application provided assurances in relation to the business credentials of the applicants as well as their long association with the village and their hands on approach. The applicants wished to upgrade the site not only for economic benefits to the business but also to benefit the village. His clients were of the view that the development was fully in association with planning criteria in the policies and fully accepted the Planning Officer's report and recommendation.

Members considered that the site visit had been very valuable and welcomed the development. They were given assurance that details relating to the timings of the development would be secured by conditions in order to have safeguards in place to ensure the full scheme was carried out. They also required that there would be sufficient and appropriate parking facilities available as well as emergency vehicle access especially in connection with the disabled

friendly accommodation. They were also concerned that the landscaping for the site was carefully designed to ensure maximum screening.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The proposal is considered to be in accordance with Policy THU1 of the Site Specific Policies Local Plan, Policies CS1, CS9, CS18 and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP11, DP28, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application, along with National Planning Practice Guidance.

**(2) BA/2017/0224/FUL Land to north of cemetery, Pyebush Lane, Upton with Fishley**

Change of use from agricultural land to cemetery and playing fields

Applicant: Acle Parish Council

The Planning Officer gave a detailed presentation of the application that proposed change of use of land within the parish of Upton with Fishley from agricultural land to extensions to the existing cemetery and playing fields in Acle. The site had been allocated in two adopted Site Specific policies and planning permission had been previously been granted in 2014. The permission had expired in March 2017 before the development could be implemented as it had not been possible to obtain the landowner's permission and all other options had been exhausted. The applicants were currently attempting to acquire part of the land through a Compulsory Purchase Order (CPO) which was being considered by the Department for Communities and Local Government. The area covered 3.2 acres of the landowner's 350 acre landholding. It was explained that the existing cemetery site had only 2 to 3 years capacity left and extension would provide a further 60 years capacity. The current application was similar to that which had been granted permission in 2014.

Since the writing of the report, further representations had been received from:

- the Environment Agency who had no objections with regard to ground water discharge and
- two further letters in support of the proposal.

Having provided a detailed assessment of the proposals the Planning Officer concluded that the proposal was acceptable. The proposal would provide the additional space necessary to retain the village cemetery in its current location and enable it to be used by those who would have been living in the vicinity. It was considered that it would be

beneficial to the Broads landscape by providing a buffer between the settlement and open agricultural landscape to the north. Therefore the application was recommended for approval subject to conditions.

Mr Irvine, the agent for the applicants explained that the loss of agricultural land would be regrettable but exhaustive attempts had been made to provide sites elsewhere. It was regrettable that the applicants were having to seek a CPO.

A member who was also on the local IDB commented that the IDB was satisfied with the proposals and considered that if there were any issues, these could be resolved easily.

Members concurred with the Planning Officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the proposal is considered to be in accordance with Policies DP1, DP2, DP3, DP5, DP11, DP14, DP27 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1, CS6, CS7 and CS11 of the adopted Core Strategy (2007), Policies ACL1 and ACL2 of the adopted Site Specific Policies (2014) and the National Planning Policy Framework which is a material consideration in the determination of this application.

**(3) BA/2017/0179/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael**

Change of use of agricultural land to wildlife garden  
Applicant: Mr D Tucker and Miss S Burton

The Planning Officer provided a detailed presentation of the application for change of use of agricultural land to wildlife garden which was the same land that was the subject of an Enforcement Notice. The Enforcement Notice was currently the subject of appeal. The Planning Officer provided the history of the site and noted the recent decision by the Committee in March 2017 which had followed a site visit. The application sought to retain the land as a wildlife garden as well as retain the existing path and gazebo. The application involved the existing lawn being partly replaced with three different planting specifications and with climbing plants over the gazebo. The grass meadow was designed to enhance biodiversity.

Since the writing of the report, Natural England had provided their response which was one of no objections, since they did not consider there would be a significant effect on the SSSI or the SAC.

The Planning Officer provided a detailed assessment and concluded that the development would change the overall balance of the landscape character, result in loss of the buffer of agricultural land

between the Trinity Broads and the village of Ormesby, the conversion to residential curtilage would result in an erosion of the rural landscape character and provide a more domestic and suburban effect that would have an adverse impact on the landscape. It would also have an impact on the tranquillity, a defining characteristic of the Trinity Broads. It was not considered that the planting proposal throughout the site would be sufficient mitigation or enhancement to outweigh the adverse landscape impact. The application was therefore recommended for refusal as being contrary to Policy CS1 of the Core Strategy, Policy DP2, and Policy XNS1 Trinity Broads and the NPPF. It was also recommended that as the subject of the application was also the subject of an outstanding enforcement appeal, any decision notice should not be issued until after the target date on the application, or, if the appeal decision was received in the meantime, the position be reviewed depending on the outcome of the appeal and a further report be brought to the Planning Committee if necessary.

Mr Hollowell, the agent for the applicant confirmed that the land was in the ownership of the applicant. He acknowledged that the area had been grassed and was currently subject to the Enforcement Notice. However, he explained that other areas in the vicinity of Ormesby village which had previously been used for agriculture had now been given approval for alternative uses, although these fell mainly within the executive area of Great Yarmouth Borough. He referred to the advice provided by the ecologist, and that of Dr Jo Parmenter, who had also been employed by Essex and Suffolk Water and been involved in a number of schemes in the area with the aim of improving biodiversity. He emphasised that Natural England had not objected to the application. It was considered that the use as agricultural land would be more damaging to the SSSI, due to nitrate run-off, than the planting scheme proposed, which would provide more biodiversity and be more beneficial to wildlife. Jo Parmenter had been impressed with the work already carried out to the north of the site and considered that this proposal would enable an extension of that work. It was noted that the principle objection related to the Broads landscape, however, it was considered that this scheme if carried out in strict accordance with the details submitted would not damage the Trinity Broads SSSI or the landscape. He quoted from the Authority's own Ecologist's comments which supported the proposal and emphasised the benefits as well as referring to the changes in attitude and the way in which support was given to farming practices. In view of this, he expressed surprise at the recommendation from the Officers and in conclusion hoped that the Committee would support the views of the Ecologists and accept the proposal as an extension to the good work already carried out on the site.

The Planning Officer was able to read out the views of the Authority's Ecologist to members, a summary of which had been provided within the report in the usual way.



Members noted that the main issue related to the domestication of the plot and the changes in the landscape. Although the biodiversity benefits of including a wildflower meadow were recognised, some members considered that the area was still a vast extension of the curtilage of a private residence. Some Members considered that the proposals were designed simply to soften of the area and were uncomfortable with the proposals, feeling that they should go further to remove the gazebo and the paths. In addition, the area was still the subject of an appeal and therefore they would have wished to have a fuller account of the Ecologists report especially in light of this. Members considered the various scenarios associated with timings and the outcome of the appeal decision. In view of the uncertainties

Paul Rice proposed, seconded by Gail Harris, and it was

RESOLVED by 6 votes in favour and 2 against and 1 abstention

that the application be deferred to await the decision on the pending appeal against the Enforcement Notice in relation to the same site. (BA/2015/0026/UNAUP2 – BA/2017/0001/ENF).

The Head of Planning explained that it was unlikely that a report could be brought back for the September meeting due to the deadline for reports but that Officers would provide a verbal update at that meeting.

- (4) BA/2017/0193/HOUSEH Freshfields, Priory Road, St Olaves**  
External cladding, replace garage doors with full height windows and replace windows on the front elevation  
Applicant: Greg Munford

The Planning Officer provided a detailed presentation on the proposal for renovations to a 1980s dwelling in order to modernise the front elevation by replacement of the double garage doors, replacing the wooden windows with upvc windows and adding cladding and render to the existing brickwork. She commented that the Authority would encourage applicants to seek the best possible sustainable quality materials to ensure a high standard within the Broads special area. It was also important to be aware of the recent appeal decisions, the need to be pragmatic in approach and to examine applications in the context of the local environment and the architectural quality of the original dwelling. On this basis and on balance and following a full assessment, it was considered that the application could be recommended for approval.

Members concurred with the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions outlined within the report as on balance the proposed replacement windows and

cladding whilst not being strictly in accordance with the NPPF guidance and Policy CS4 of the Core Strategy and Policy DP4 of the DMD Policies DPD are not considered to be unacceptable.

**1/11 Enforcement of Planning Control: Item for Noting  
No 1 and 2 Manor Farm House Oby**

The Committee received a report providing an update on the on-going works relating to the unauthorised development to the Grade II Listed Building of Manor House Farm, Ashby with Oby.

Members noted the sensitivities of the situation and the outstanding work required. They endorsed the approach being taken and considered that it would be more appropriate to report any progress to the Heritage Asset Review Group than directly to the Planning Committee.

RESOLVED

that the continued sensitive dialogue with the applicant in order to maintain momentum with the replacement windows and doors be endorsed and the report noted and to amend the scheduling of this to once per annum.

**1/12 Enforcement Update**

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

With regard to Marina Quays, officers were in discussions with the landowners about developing the whole of the site including the demolition of part of the buildings in the interim in order to try and reduce vandalism. An update would be provided at the next meeting.

RESOLVED

that the report be noted.

**1/13 Broads Local Plan – (August) Bite Size Pieces**

The Committee received a report introducing a set of the topics/ Bite Size pieces for the Publication version of the Broads Local Plan. These included

Appendix A: Local Development Scheme  
Appendix B: Consultation Plan  
Appendix C: Housing Section  
Appendix D: Duty to Cooperate

Members noted that the text within the proposed policies was the development of the final text as other considerations could come to light between this and the final version to be presented to the Committee.

With reference to **Appendix A the Local Development Scheme** it was noted that this was the fourth timeline for producing the Local Plan as required in order to keep its development up to date. Members considered that the process was progressing well.

**RESOLVED:**

That the fourth version of the Local Development Scheme be adopted.

With reference to **Appendix B Consultation Plan**, Members noted the guidance provided and the representations form. They particularly welcomed the adaptation of a tried and tested form to receive more formal responses. It was noted that stakeholders including all parish councillors, relevant district councillors, District authorities and other organisations would all receive notification of the public consultation document. They had already had notification in May and July of the proposed consultation period of the publication version. A Parish Forum meeting had also been arranged for 20 September 2017 specifically to launch and discuss the Broads Plan 2017, but this would also be an opportunity to refer to the Local Plan.

Members noted that the links within the document would contain the necessary documents once they had been approved.

With reference to **Appendix C concerning the Housing Section**, it was noted that this reflected the contents of the Housing Topic Paper and SHMA considered and agreed at previous meetings as well as including new policies. Mindful that the Broads Authority was not a housing authority, a full assessment of the objectively assessed housing need had been approved with the Broads Authority's adjoining District authorities. The final Local Plan would include a section on Gypsy Travellers, Travelling Show People, Caravans and Houseboats. With regard to the section on Affordable Housing Policy PUBDM32, and delivering this, it was noted that the Authority would rely on the Districts and defer to them, but also go further than the NPPG to apply commuted sums to schemes for 6-10 dwellings. This would be subject to viability. It was noted that with regard to the Hedera House scheme considered earlier in the meeting, Great Yarmouth Borough had advised that it was not an area where they would support affordable housing.

**Appendix D Duty to Cooperate Statement** set out how the Authority had cooperated during the production of the Local Plan and how it met the requirements of the draft Norfolk Strategic Framework which was currently out for consultation. It was noted that the document was still regarded as Draft as it reflected the current situation and it was an ongoing and developing process. It was noted that the outcomes were important, not just the mechanisms. A member expressed dissatisfaction about the change in the contents of paragraph 2.2 on the Cooperation Mechanisms from the 2016 document. The paragraph reflected the current situation as agreed by the full Authority. The final document for submission would be approved as part of the whole by the Authority.

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.

**1/14 Winterton on Sea neighbourhood Plan: Designating Winterton on Seas as a Neighbourhood Area**

The Committee received a report introducing the Winterton on Sea Neighbourhood Plan and the proposed area to carry this out.

RESOLVED

That the Winterton on Sea Neighbourhood Area be approved in order to produce a Neighbourhood Plan.

**1/15 Consultation Documents Update and Proposed Responses**

The Committee received a report on the Consultation Documents recently received together with the Authority's proposed responses for:

**Waveney District Council First Draft Local Plan.**

Members welcomed the document together with the proposed responses.

RESOLVED

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to Waveney District Council.

**1/16 Enforcement of Planning Control: Condition Monitoring**

The Committee received a report and presentation highlighting the process and outcomes of Condition Monitoring following the adoption of the Local Enforcement Plan and in order to help prevent planning breaches. It was intended in future to have a themed approach for example relating to Holiday Accommodation, Annexe accommodation and Landscaping.

Members commended the excellent programme of work and the proactive approach being taken and the open dialogue to ensure successful development.

Members also agreed that appropriate conditions were important at the very outset and officers were mindful of the need for conditions to be necessary and proportionate. This was especially relevant when dealing with

applications for the conversion of buildings and the need to demonstrate that a building, the subject of an application, was capable of being converted.

RESOLVED

that the report be noted and welcomed and the work being undertaken endorsed.

#### **1/17 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 2017. Members had received a copy of the decision letter relating to the appeal concerning the change of use of an outbuilding at **The Workshop, Yarmouth Road, Ludham** which had been dismissed on 4 August 2017. Members welcomed the decision and were assured that officers would engage with the owner to progress matters. There was the possibility of the building being included in the Local List and general discussions on a themed approach for the Local List would be considered at the next meeting of HARG (The Heritage Asset Review Group) to which all members were welcome to attend.

RESOLVED

that the report be noted.

#### **1/18 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 4 July 2017 to 2 August 2017. It was noted that only two applications had resulted from Condition Monitoring for this last month, a definite improvement from when the monitoring programme was first introduced.

RESOLVED

that the report be noted.

#### **1/19 Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications**

The Committee received and welcomed the report setting out the development control statistics for the quarter ending 30 June 2016.

RESOLVED

that the report be noted.

#### **1/20 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 15 September 2017 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:**    18 August 2017

| <b>Name</b>               | <b>Agenda/<br/>Minute No(s)</b> | <b>Nature of Interest<br/>(Please describe the nature of the<br/>interest)</b>              |
|---------------------------|---------------------------------|---|
| All Members               | 1/10(4)                         | BA/2017/0193/HOUSEH Freshfields, Priory Road, St Olaves Applicant a Member of the Authority |
| Paul Rice                 |                                 | Chair of Broads Society. NSBA   |
| Bill Dickson              | -                               | None.   |
| Haydn Thirtle             | 1/10(1)                         | BA/2017/0103/OUT Hedera House, The Street. NCC Councillor, West Flegg. Known to applicant   |
|                           | 1/10(2)                         | BA/2017/0224/FUL Upton with Fishley Member of Broad IDB                                     |
|                           | 1/10(3)                         | BA/2017/0179/FUL Burghwood Barns Lobbied previously by applicant                            |
| Mike Barnard              | 1/15                            | Member of Waveney District Local Plan Working Group   |
| Melanie Vigo di Gallidoro | -                               | None  |