

Planning Committee

Minutes of the meeting held on 21 May 2021

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andrée Gee, Gail Harris, Tim Jickells and James Knight

In attendance

Natalie Beal – Planning Policy Officer (items 9-11), Kayleigh Judson – Heritage Planning Officer, Cheryl Peel – Senior Planning Officer, Calum Pollock – Planning Assistant, Cally Smith – Head of Planning, Sara Utting – Governance Officer

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Lana Hempsall, Bruce Keith, Leslie Mogford, Vic Thomson and Fran Whymark.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remain the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance team. The minutes remained the record of the meeting

2. Declarations of interest and introductions

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

3. Minutes of last meeting

The minutes of the meeting held on 23 April 2021 were approved as a correct record and would be signed by the Chairman.

4. Matters of urgent business

There were no items of urgent business.

5. Chair'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.

6. Requests to defer applications and/or vary agenda order

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

7. 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 additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

James Knight left the meeting at this point (10.09am).

(1) BA/2021/ 0128/FUL – Norfolk Broads Direct, Wroxham

Replacement quay heading

Applicant: Mr James Knight, Norfolk Broads Direct

The Senior Planning Officer (SPO) provided a detailed presentation on the retrospective application for the replacement of 95m of dilapidated quay heading with new sheet steel piling and associated timber capping and waling at Norfolk Broads Direct, Wroxham. The SPO reported an additional letter of objection which had been received, expressing concerns at the raising of the quay heading in order to raise the level of the car park to prevent additional flooding on Norwich Road. The Highways Engineer had advised that prior to the works on the quay heading commencing, the applicant had contacted them for their highway survey drainage plans in the area. He acknowledged that there had been flooding in that area, including before the recent works, and the system did, on occasion, backup onto the carriageway, but there were no easy or cheap ways to fix this problem and so a feasibility study was currently being undertaken by Norfolk County Council to look at all of the available options and costs. In conclusion, no new material issues had been raised by this additional objection and there remained no objection from Norfolk County Council Highways.

In assessing the application, the SPO addressed the key issues of: the principle of development; design of the proposal and the impacts on the character of the area, flood risk and highways.

In response to a request for an explanation on why the application was retrospective and how the Authority had become aware, the SPO stated that the applicant had advised he believed a previous planning permission applied to this part of the basin when he purchased the site last year. However, as this only included a 20m length into the basin, permission was required for the additional works. The Parish Council had made the planning department aware of the works and contact had been made with the applicant. The works continued while the planning application was submitted and processed.

A member commented that the works were a logical piece of maintenance, as the ground was sinking, and had improved the area. However, he expressed concern at the retrospective nature of the application, particularly as the applicant was an experienced member of the Planning Committee. A number of members expressed similar concerns and it was suggested that guidance should be issued to all members. In response, the HoP advised that very little weight could be afforded to the fact that the application was retrospective and the main concern was the acceptability of the proposal. She advised that, previously, applicants had sometimes been written to advising of the Committee's disappointment in the case of

retrospective applications. A member commented that, whilst he supported the application, he considered that the applicant should be advised of the Committee's concerns and disappointment at the retrospective nature of the application, taking into account his position as a member of the Authority and furthermore, the Planning Committee. Another member commented that it was embarrassing and could be awkward if publicised.

In conclusion, members considered the replacement quay heading was acceptable in this location and accorded with the relevant policies of the Local Plan for the Broads 2019.

Tim Jickells proposed, seconded by Harry Blathwayt and

It was resolved unanimously

To approve the application but to advise the applicant of the Committee's concerns and disappointment that the application had been submitted retrospectively.

James Knight re-joined the meeting at this point (10.26am).

(2) BA/2021/0084/FUL – 123 Bridge Road, Oulton Broad

Sub-divide shop into two units; new shop fronts and one flat to the rear

Applicant: Mr Graham Hawkins

The Planning Assistant (PA) provided a detailed presentation of the application for the sub-division of the shop into two units, new shop front and provision of a one bed residential flat to the rear, at 123 Bridge Road in Oulton Broad.

In assessing the application, the PA addressed the key issues of: the principle of development; design of the alterations to the building; the impact on the Conservation Area, amenity and highways, and other considerations relating to water quality and drainage, and employment.

In response to a question on whether the loss of some retail space and conversion to residential unit had been necessary for the sustainability of the retail units, the PA stated that this had not been made clear in the application but viability could possibly have been a consideration.

A member commented that the unit had been empty for some time since the former supermarket had closed (and prior to the pandemic) and it was important to protect the retail use within the high street, which he considered to be the purpose of the policy. He felt that two smaller retail units would be more viable than one larger unit and, in his opinion, the application complied with the spirit of the policy. Another member supported this view, stating that shops were a valued part of the tourism industry within Oulton Broad and this property had been advertised for a considerable number of months but remained empty. Furthermore, there had previously been a flat in the building, accessed via the side from Everitt Road, albeit a number of years ago.

In conclusion, members considered that the design of the proposed alterations was appropriate and the provision of a residential dwelling acceptable, with the development of the two shops supporting the viability of the district centre.

James Knight proposed, seconded by Andrée Gee and

It was resolved unanimously

To approve the application subject to conditions on time limit; in accordance with approved plans; material samples; biodiversity conditions including enhancements; parking areas to be provided before use commences; refuse and recycling bins to be provided before use commences and no external lighting.

(3) BA/2021/0131/LBC – How Hill House

Internal works to create ensuite bedrooms

Applicant: How Hill Trust

The Heritage Planning Officer (HPO) provided a detailed presentation of the application for the removal and addition of internal stud walls and doors on the first and second floors to create 12 separate ensuite bedrooms at How Hill House, How Hill Road in Ludham. She referred to a minor amendment to paragraph 6.5 of the report so it read “As only modern partitions and only minimum historic walls are proposed to be altered” In addition, the HPO reported that the Parish Council supported the application and, as the required details had been submitted and considered appropriate, conditions (4) and (5) of the recommendation could now be deleted.

In assessing the application, the HPO addressed the key issues of: the impact on the character and integrity of the Listed Building; impact on an existing community and visitor facility and impact on neighbouring amenity.

Tim Jickells left the meeting at this point (10.56am).

In response to a question on whether there would be any external signs of the development, the HPO advised that any small sections of the internal walls which were currently bi-sected by the windows and visible from the outside would no longer be visible.

Members concluded that the proposals would not cause any harm to the significance of the Listed Building and would actually rectify some previous damage, whilst securing the ongoing viability of an existing educational centre.

Andrée Gee proposed, seconded by Harry Blathwayt and

It was resolved unanimously

To approve the application subject to conditions relating to: standard time limit; in accordance with plans and any damage to be made good.

Tim Jickells re-joined the meeting at this point (11.05am).

8. Enforcement update

Members received an update report from the Head of Planning on enforcement matters previously referred to the Committee. Further updates were provided at the meeting as follows:

former Marina Keys, Great Yarmouth: only a very minor amount of material remained onsite. A minor amendment to the approved scheme had been requested which required a Section 106 Agreement and the permission would be granted as soon as the s106 had been signed. Works should then commence on the development.

land at the Beauchamp Arms PH, Carleton St Peter: the landowner had requested a deferral of the Court hearing scheduled for 12 May but this had been refused by the Court. His Barrister subsequently attended the Hearing at Norwich Magistrates' Court and pleaded for an adjournment to enable his client to seek detailed legal advice. This was finally agreed by the Magistrates, following discussion, with a new date of 9 June. However, it was made clear to the landowner that he must appear in person in Court and enter a Plea.

land to east of North End, Thorpe next Haddiscoe: site remained uncleared when visited by officers yesterday. Contact would be made with the landowner to pursue compliance and, if necessary, Committee authorisation sought to take more formal action as appropriate. One option was to take direct action, which might be a more cost effective and simpler approach than a prosecution.

In response to a question on whether this information was all enforcement cases or just those which had been authorised by Committee, the HoP advised that these were just Committee cases and there were approximately 40 cases currently being processed by officers at any one time. Most were confidential and most resolved through negotiation.

9. Residential Moorings Guide – adoption

The Planning Policy Officer (PPO) introduced the report, which proposed the adoption of the Residential Moorings Guide by the Authority. The Guide had previously been considered by the Committee in early 2020 and again in February 2021 when it had been recommended for endorsement by the Authority but the Environment Agency (EA) had subsequently proposed a change to section 3 relating to houseboats. This was a technical change and, as such, officers had decided to present the Guide to committee again for further consideration.

In response to a member query on whether the proposed change by the EA meant that permanent residential houseboats would not be permitted, another member subsequently asked if houseboats could only be used for occasional use and whether this included as tourist accommodation. The PPO drew members' attention to the EA's classification of a body of water as Flood Zone 3b and therefore permanent residential accommodation would be incompatible. Tourist accommodation was also classed as more vulnerable and therefore also incompatible with Flood Zone 3b and should not be permitted. The PPO emphasised that this did not affect residential moorings. However, this did not prevent applications being submitted for houseboats if the applicant disagreed with the assessment, but they would

need to be assessed against the guidance and national policy. One Member asked if there was a role for the Broads Authority in liaising with the Government about such uses being classed as Water Compatible. The PPO said that this could be something investigated through the work on the emerging Local Plan.

In response to a question, the PPO confirmed that this new guide would only relate to new planning applications only, and not existing properties. In addition, she emphasised that it was a guide and not a policy document. Any application would be assessed against the flood risk tables set out in national policy/guidance.

A member commented that as this was a change to the existing pattern of use, all Authority members needed to be clear on what defined a houseboat and the PPO agreed to include this in the report for consideration by the Authority in July.

Stephen Bolt proposed, seconded by Harry Blathwayt and

It was resolved unanimously to endorse the amended Residential Moorings Guide to the Broads Authority for adoption.

10. Marketing & Viability Guide – draft for approval for consultation

The Planning Policy Officer introduced the report, which proposed the endorsement of the Marketing and Viability Guide by the Authority for consultation purposes. The Guide would assist applicants and agents when they were required to carry out a robust marketing campaign and/or viability assessment for development proposals which were in contravention of the adopted policy position. Consultation had first been undertaken in September 2019 and then again in March/April 2020 on the amended version. However, due to the Covid restrictions and their effect on the public consultation process, it was considered beneficial to consult for a third time.

Bill Dickson proposed, seconded by Tim Jickells and

It was resolved unanimously to endorse the Marketing & Viability Guide and recommend it to the full Authority for consultation purposes.

11. Consultation documents – update and proposed responses

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to planning policy consultations recently received. She reminded members that, as previously notified by email, the item relating to Winterton Neighbourhood Plan would be deferred as Great Yarmouth Borough Council had very recently advised the Authority that it did not now intend to start the consultation until Friday 21 May. Officers had therefore rescheduled the response for consideration at the next meeting on 18 June as it was considered premature for the Authority to discuss the item today.

The consultation documents and additional comments were as follows:

Changes to permitted development rights for electronic communications infrastructure:
technical consultation by MHCLG:

A member questioned if consideration had been given to using watermills towers for electronic communications equipment, referring to churches which provided internet access under the WiSpire project. The Heritage Planning Officer responded that she was not aware of any projects but officers could certainly investigate. The PPO added that there might be a need for a power supply and highlighted the remoteness of some of the mills. However, there was benefit in utilising existing structures but it would be up to individual mill owners to agree. Another member commented that the low height of the mills probably meant they were unlikely to be suitable, unlike churches which were tall buildings and often built on an incline. The HoP advised that there was a requirement for telecommunications operators to share equipment where possible and demonstrate why where this was not possible. A similar requirement could be set, so they also had to demonstrate that they had looked at other alternatives in the area, such as tall buildings. The PPO agreed to amend the draft response by including additional wording in line with the HoP's comments.

Worlingham Neighbourhood Plan, Regulation 14 version by Worlingham Parish Council:

The PPO advised that the proposed comments were mainly seeking clarification.

It was resolved by consensus to note the report and endorse the proposed responses.

12. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q1 (1 January to 31 March 2021)

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 31 March 2021. Key figures were in table 2, relating to speed of decision, which showed that just over 65% of applications had been determined within the statutory eight week period and just over 32% within an agreed extension. Just over 97% of applications had been determined either within the statutory period or agreed extension time. Table 4 showed the breakdown of the figures for each application category.

In response to a question on whether the figures for the 13 week period related to just major applications or included those within agreed extension, the HoP confirmed that major applications related to the statutory 13 week period identified in table 2 and table 4 showed that both major applications had an agreed extension of time.

The report was noted.

13. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State for May 2021. The Senior Planning Officer reported that a Hearing had been held remotely for the Coltishall appeal at the end of April and the appeal had been dismissed. Worth noting was that the Inspector was comfortable with the Authority's requirement for a marketing period of

12 months (which the appellant had not complied with). The next Hearing would be for Blackgate Farm in Cobholm, Gt Yarmouth.

14. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 12 April to 7 May 2021 and any Tree Preservation Orders confirmed within this period.

15. Customer Satisfaction Survey 2021

The Head of Planning introduced the report on the results of the annual customer satisfaction survey for the planning service.

Members were pleased to note the positive responses and commended the staff on providing a great service during a very difficult year.

16. Date of next meeting

The next meeting of the Planning Committee would be on Friday 18 June 2021 at 10.00am.

The meeting ended at 11.42am

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 21 May 2021

Member	Agenda/minute	Nature of interest
Tim Jickells	7.3	Appointed by the Broads Authority to the How Hill Trust. Did not speak or vote on the item and left the room.
Andrée Gee	7.2	Ward Member for Oulton Broad
James Knight	7.1	Applicant. Disclosable pecuniary interest and so left the room for this item.