

Broads Authority
Planning Committee

Minutes of the meeting held on 2 March 2018

Present:

Mr Paul Rice – in the Chair

Prof J Burgess
Mr W A Dickson
Ms G Harris
Mr H Thirtle

Mr V Thomson
Mr J Timewell (Minutes 1 – 8(1)
and Minutes (11 and 13)

In Attendance:

Ms N Beal – Planning Policy Officer (Minutes 8/10 – 8/13)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor (Minutes 8/1 – 8/9 and 8/14, 8/15 and 8/16)
Mr N Catherall – Planning Officer
Mr B Hogg – Historic Environment Manager (Minute 8/2))
Mr R Rogers – Director of Operations
Ms C Smith – Head of Planning (Minutes 8/1 – 8/9 and 8/14, 8/15 and 8/16)

Members of the Public were in attendance but none spoke.

8/1 Apologies for Absence and Welcome

Mr Paul Rice, Vice Chairman and Acting Chairman of the Committee welcomed everyone to the meeting.

Apologies had been received from Sir Peter Dixon, Mr Mike Barnard and Mrs Melanie Vigo di Gallidoro. The Director of Strategic Services had also sent apologies.

8/2 Declarations of Interest

Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered. A general declaration of interest was made on behalf of all the Committee in relation to Minute 8/8(4) BA/2018/0050/NONMAT as a member of the Navigation Committee was a director of the company making the application.

8/3 Minutes: 2 February 2018

The minutes of the meeting held on 2 February 2018 were agreed as a correct record and signed by the Chairman.

8/4 Points of Information Arising from the Minutes

No further points of information were reported.

8/5 To note whether any items have been proposed as matters of urgent business

No items of urgent business had been proposed.

8/6 Chairman's Announcements and Introduction to Public Speaking

(1) The Openness of Local Government Bodies Regulations

The Press reporter indicated that he would be recording the meeting.

The Chairman gave notice that the Authority would be recording the meeting. 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 the matter of record.

(2) Solicitor – Steven Bell

The Chairman announced that this would be Steven Bell's last Planning Committee meeting for the Authority on behalf of NPLaw as he would be leaving Norfolk County Council to work for Birketts Solicitors. The Chairman complimented Steven on the clarity of advice he had provided to the Authority. The Committee was very grateful for all he had done for the Authority and wished him all the very best for the future.

(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.)

8/7 Requests to Defer Applications and /or Vary the Order of the Agenda

The Chairman commented that he did not intend to vary the order of the agenda or defer consideration of the applications.

8/8 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 the 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/2017/0487/COND Hedera House, The Street, Thurne** Variation of Conditions: Condition 3 - Materials; 5 - Occupational restrictions and 6 - Holiday restrictions.
Removal of conditions 4 - construction/completion timescales, 7 - disabled friendly accommodation, 10 - obscure glazing, 12 - driveway details; 13 - visibility splay; 17 – amenity grassland; 22 – flood resilient construction; 23 – flood evacuation plan; 24 – EA flood warnings, and 25 – restriction of permitted development rights of BA/2017/0130/OUT
Applicant: Mr Delf

The Planning Officer provided a detailed presentation and assessment of the proposals to vary three conditions as well as remove ten of the twenty-five conditions on previously approved outline planning permission BA/2017/0103/OUT for redevelopment of the site at Hedera House in the village of Thurne. The outline permission provided for construction of 6 residential dwellings as enabling development and 10 new holiday cottages. The principle of the development had been established and therefore the Authority was required to only consider the question of the conditions. The Planning Officer set out the applicant's justification for the variation and removal of the conditions and in line with their interpretation of the 6 tests as stated in the NPPF and set out in the report. ie: necessary, relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

The Committee was provided with the comments expressing concerns about the application received from Thurne Parish Council, the residents of the Red House located opposite the application site, resident of the Thatched House Thurne, the Thurne Community Archive Group as well as the comments in support of the application from the applicant's agent. The Planning Officer read these out as the representatives were unable to attend the meeting due to the adverse weather conditions.

In his assessment the Planning Officer outlined each of the conditions in turn in detail, explaining their content and what was proposed in the application, providing justification for their inclusion and also taking account of the comments received.

In conclusion the Planning Officer stated that the retention of conditions 3, 4, 5, 6, 7, 12, 13, 22, 23, 24 and 25 satisfied the six tests at paragraph 206 of the NPPF and the removal or suggested variation of these conditions would be contrary to Site Specific Policy THU1. In respect of condition 10 this was recommended for removal, in respect

of Condition 17, the use of an Informative would be acceptable. Therefore it was concluded that all other conditions should be restated as originally imposed, so in effect the recommendation was to refuse the application to vary or remove them.

Members were aware of the details of the site having visited it prior to granting the original permission in August 2017 and given the application particularly careful consideration at that time. With reference to Condition 3 concerning the wording "in perpetuity" they were satisfied that this would not restrict changes in the future, but that the condition would ensure that any changes would be in keeping with the overall development and the special qualities of the Broads landscape. With regard to the proposed removal of Condition 4 whereby a time limit of 12 months was provided, following discussion, the Committee was satisfied that this was to ensure a satisfactory and timely redevelopment of the site and to ensure enabling development would provide the necessary new replacement holiday accommodation and ensure the full scheme was carried out. Members considered that there had not been sufficient time from the granting of the original permission for the applicant to provide any evidence to justify the removal of this condition at this stage.

Members fully supported the Officer's assessment that the conditions passed the six tests as stated within paragraph 206 of the NPPF and that they should be retained. They also considered that this should include the retention of Condition 10 relating to obscured glazing in order to protect the privacy of the neighbouring residents, noting that they wished to take the opportunity to improve to improve the situation on the site in this regard. The Authority was charged with looking after and protecting a National Park landscape; Thurne was a very small village where it was important that the tourism facilities were retained, the access arrangements complied with highway safety and flood protection was ensured in accordance with the site being in Flood risk zones 1, 2 and 3.

Jacquie Burgess proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application in respect of moving Condition 17 to Informatives, be approved, with all other conditions, including Condition 10, being restated as originally imposed as they are considered to be in accordance with the six tests of the NPPF.

The proposed variation of conditions 3: materials, 5: occupational restrictions and 6: holiday use restrictions, and removal of conditions 4: construction/completion timescales, 7: disabled friendly accommodation, 10: obscured glazing, 12: driveway details, 13: visibility splay, 22: flood resilient construction, 23: flood evacuation plan, 24: EA flood warnings, and 25: restriction of permitted

development rights of BA/2017/0103/OUT are considered contrary to Policy THU1 of the Site Specific Policies Local Plan (2014), Policies CS1, CS4, CS9, CS20 and CS24 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP11, 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/2017/0389/FUL and BA/2017/0390/LBC Common Farm, Silver Street, Fleggburgh** Demolition of workshop building, renovation of farmhouse and construction of single story link extensions to farm buildings, convert to domestic use. Replacement cattle shed and farm storage buildings.
Applicant: Mr Peter Flowerdew

The Planning Officer provided a detailed presentation and assessment of the proposals for the restoration of a Grade II Listed building in a very poor state of repair, the reinstatement of the historic horseshoe layout of the farm buildings through the removal of the central workshop building; and as part of the restoration of the farmhouse provision of updated accommodation through conversion of an existing hay barn and single storey glazed element to link the two. Members of the Planning Committee had had the benefit of a site visit on 19 January 2018. The proposals also included a replacement farm building for a cattle shed and storage. It was noted that it was already a working farm.

The Planning Officer explained that the existing Grade II Listed farmhouse was included on the Broads Authority Heritage at Risk Register and had been the subject of updates and concern at the HARG meetings. The proposed works would result in the property being removed from the register and help to secure the long term future of the asset. The proposals in total were considered acceptable and would not harm the character and setting of the site. He concluded that the proposals could be recommended for approval subject to conditions.

Members were assured that that there would be no adverse impact on the landscape, given the siting of the extension and replacement buildings which would be well screened and appropriate to a functional farming enterprise for cattle. The heritage asset of the building would be clearly identified and the materials and form of the extension were considered to provide enhancement. Members were assured that the proposed condition (xiv) "recording of all elements of Listed building to be removed" was to ensure that where the historic fabric could not be retained, the significant elements would be logged and recorded in the historic archives. Some concern was expressed about potential ground water contamination in light of the proximity to an important SAC and Members requested that this be investigated and officers satisfied as to the drainage requirements. Members considered that

the site visit had been very useful and welcomed the proposal to restore an important heritage asset.

Jacquie Burgess proposed, seconded by Haydn Thirtle that the officer's recommendation be accepted and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report and Informatives relating to European Protected Species licence. The proposal is considered to be in accordance with Policies CS1, CS2, CS4, and CS5 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP5, DP11, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2017/0369/FUL St Olaves Marina, Beccles Road, St Olaves**
Mooring pontoons with bank cutback on the River Waveney frontage together with demasting, visitor and service moorings.
Applicant: Mr Chris Bromley

The Planning Officer provided a detailed presentation and assessment of the application involving a cut back to the existing riverbank along the River Waveney by 2.5m for a length of 115m and the installation of floating pontoons for private mooring. The pontoons would be accessed by a ramp designed to rise and fall along them. The existing reeded bank and flood wall would be replicated behind the existing position. South of the mooring pontoons the riverbank would be piled along the existing bank line for 60m to provide visitor mooring for 20 metres, servicing berths for 20 metres and a de-masting berth for a length of 20 metres. The Planning Officer set out the reasons as to why the previous application for mooring pontoons BA/2014/0205/FUL was refused and provided an assessment of the current application particularly in relation to Policies DP16 and DP2 and drew attention as to how the concerns had been addressed in full.

The Navigation Committee had considered the application at its meeting on 14 December and welcomed and supported the proposals noting that their concerns about the previous application refused in 2015 had been met.

In conclusion, it was considered that the proposed works to provide floating pontoons for private mooring, piling for visitor, servicing and demasting moorings as part of the well-established St Olaves Marina site were appropriately located, would not result in an unacceptable reduction in navigable river width, would not have an unacceptable impact on landscape character or protected species and habitats subject to mitigation, in fact would provide improvements, and was acceptable particularly with regard to Policies DP2 and DP16. It was

therefore concluded that the application be recommended for approval subject to conditions

Members were assured that the spoil to be dug out would be deposited on site and being suitable would be used to strengthen the new set back bank and the conditions would be included to this effect. The Director of Operations acknowledged that there would be some impact due to the force of tide at this point in the river system but it was considered that this would not be significant. In addition the reinstatement and improvement of the reed fringe would help to reinforce the area.

Members were pleased that the applicants had addressed the concerns raised by the previous application. It was an important site for navigation and the additional moorings were to be welcomed. They considered that the scheme was appropriate, in accordance with policy and endorsed the comments from the Navigation Committee.

Haydn Thirtle proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report together with Informatives. The proposal is considered to be in accordance with Policies CS1, CS3, CS4, and CS14 of the Core Strategy (2007), Policies DP2, DP12, DP13, and DP16, of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (4) **BA/2018/0050/NONMAT Ferry Marina, Ferry Road, Horning.**
Re-arrangement of external windows and doors, non-material amendment to previous permission BA/2017/0190/FUL
Applicant: Ferry marina Ltd.

The Application was before the Committee as a member of the Navigation Committee was a Director of the firm making the application. The Solicitor and Monitoring Officer had confirmed that the correct procedures had been followed.

Members concurred with the Officer's assessment that the proposals would not materially affect the design or appearance of the extension or the amenity of neighbouring occupiers and

Vic Thomson proposed, seconded by Bill Dickson that the Officer's recommendation be accepted.

RESOLVED unanimously

that the application be approved as the proposal is acceptable in accordance with Policies DP4 and DP28 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

8/9 Enforcement Update

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

- (i) **Burghwood Barnes** – Following the dismissal of the appeal against the Enforcement notice, the Notice had been varied by the Inspector to extend the period for compliance to six months, compliance was required by 9 July 2018. Members were reminded that a number of conditions on previous consents had also not been complied with. Officers had been out on site on a number of occasions and had discussions with the landowner to explain the details of what would be required to achieve compliance with aspects relating to the appeal decision as well as the previous consents. Some of the work required to be completed by the end of February had been commenced not been completed. However, due to the seasonal limitations particularly round the the impacts on ecology, it had been agreed that the period for compliance could be extended. Officers would be monitoring the site.
- (ii) With reference to the non-compliance with a planning condition at **Barnes Brinkcraft** resulting in encroachment into navigation, the Head of Planning reported that at its meeting on 22 February 2018, the Navigation Committee had been considered a number of options for a potentially acceptable scheme on the way in which vessels could be moored to the pontoons together with a restriction on the length. An arrangement which appeared acceptable to the Navigation Committee had been agreed and the Head of Planning together with the Senior Ranger would be progressing this with the landowner. It would be necessary for a planning application to be submitted accordingly and this would be brought to the Planning Committee, potentially in April, following consultation with the Navigation Committee.

There were no further updates to report.

RESOLVED

that the report be noted.

Minutes 8/14, 15 and 16 were dealt with at this juncture.

8/10 Submission of the Local Plan

The Committee received a report introducing the Broads Local Plan

submission documents, setting out the comments made at the pre-submission consultation together with draft responses and proposed change for consideration by the Inspector, as well as explaining the process for submitting and examining the Local Plan.

The Following documents as part of the Local Plan were considered by Members and noted.

- Appendix A [Pre-submission consultation responses received](#)
- Appendix B [Pre-submission comments matrix](#)
- Appendix C [Schedule of Proposed Changes](#)
- Appendix D [Submission Examination Library](#)
- Appendix E [Submission Duty to Cooperate Statement](#)
- Appendix F [Legal Checklist](#)
- Appendix G [Soundness Checklists](#)
- Appendix H [Consultation Statement. Also called the regulation 22\(c\) statement](#)

Particular attention was given to the Schedule of Proposed Changes and the key proposed changes were highlighted in Section 2.2 of the report. It was noted that considerable efforts had been made to address the comments on the A47, but that of the four stakeholders who had negative comments, only two had been appeased by the proposed changes Policy PUBSSA47: changes to the Acle Straight (A47T)(AppendixG of Appendix C) the tenor of which were associated with safety and the special characteristics of the Broads landscape and its highly protected qualities, and the Halvergate Marshes Conservation Area.

The Submission documents would also include the Residential Moorings nominations, the report on which was included under Agenda Item 8/12. Members therefore gave consideration to this topic as part of Agenda Item 8/10 and the resolutions from that would be included within the submission documents. There was general support to the approach set out in the report on this item.

It was noted that the outstanding Issues SP13 and TSA3 had been addressed and were no longer outstanding issues.

The aim was for the Broads Local Plan to be presented to the 16 March Authority meeting for approval for submission to the Planning Inspectorate and that it was likely to be submitted in the following week. There was likely to be a period of 10 weeks after submission until the Hearings with the aim of adoption by the end of the year. Three weeks after submission, the Authority could receive the matters and issues that the inspector wished to discuss and consider further. However, it was noted that the NPPF was due to be updated and this could have an impact on the Examination.

Members wished to record their thanks and appreciation to the Planning Policy Officer and the team for the enormous amount of work, the

thoroughness of knowledge and expertise involved resulting in an excellent document for submission.

RESOLVED

(i) That the submission documents be endorsed and it be

RECOMMENDED to the Full Authority.

(ii) That the Broads Local Plan be submitted to the Planning Inspectorate for examination.

8/11 Waveney District Council Statement of Common Ground for housing need

The Committee received a report setting out the Statement of Common Ground produced with Waveney District, which covered the agreement that the Broads Housing need in Waveney District is part of Waveney District Council's housing need and that completions in the Broads' part of Waveney contributes to meeting the entire need for Waveney District Council.

Members noted that a bespoke Duty to Cooperate Agreement had already been signed with Great Yarmouth Borough Council. With reference to the North Norfolk, Norwich City, Broadland and South Norfolk Councils it had been agreed that the Norfolk Strategic Planning Framework adequately covered how housing in the Broads would be dealt with.

RESOLVED

That the Statement of Common Ground be agreed and signed by the Chair/or Acting Chair of the Planning Committee.

The following matter was considered as part of Minute 8/10

8/12 Residential Mooring nominations received during pre-submission consultation Assessment of Nominations and consideration of issues raised.

The Committee received a report on setting out the three additional nominations for residential moorings received as a result of the consultation on the Publication Local Plan together with Officer's assessment of them.(Appendix A of the report) Members also considered the discussion of some of the comments received on some draft allocations. They were informed of the views of the Navigation Committee when the item had been discussed at their meeting on 22 February 2018.

At Horning, up to 6 residential moorings were proposed to be allocated and at Somerleyton it was proposed to allocate for up to 10 (not 12). The Navigation Committee had expressed doubts as to why St Olaves was not acceptable whereas Somerleyton was deemed to be. However it was explained that there

was a lack of every day services and facilities near to the moorings that could be accessed by alternatives to cars and in addition it was proposed that these be on the New Cut, whereas at Somerleyton the allocation would be within an existing marina and there would be access to more facilities (in particular a school and a shop had planning permission). In addition comments had been received from the Highways authority that the site would be unsuitable at St Olaves. Members considered that the conclusion not to have an allocation of residential moorings at St Olaves was sensible given that it was backed by experts and evidence from the Rangers. The comments would form part of the Examination process.

In particular members gave consideration to the proposal to reduce the allocation at Loddon Marina to 5 residential moorings, the introduction of wording to address scale, number and size of boats allowed to be moored as well as views on how to manage such moorings once they were permitted. There had been concerns from neighbours of the Chedgrave and Loddon sites that residential moorings were associated with anti-social behaviour.. Recent research did not find any evidence to link residential moorings with anti-social behaviour . Members considered that as there was no evidence to support this view, the numbers to be allocated at Loddon and Chedgrave should remain at 10. Again this would be for the Planning Inspector to consider as part of the examination process. In addition, the management of residential moorings would be the responsibility of the landowner providing them. Members also considered that residential boats in the system were not all run down. The Navigation Committee's view was that such moorings could be better managed within a mooring basin. This view supported the Planning Committee's resolution in November and the approach being taken. Other views on residential moorings would be reported as part of the Examination Process.

It was agreed

To RECOMMEND to the Full Authority

- (i) That the Assessment of additional residential mooring nominations Topic Paper be submitted with the Local Plan
- (ii) That the sites at Somerleyton and Horning are proposed to be allocated with the policies as set out in the Topic Paper.
- (iii) That the allocation of residential moorings at Loddon and Chedgrave remain at 10 as in the original Issues and Options pre-submission consultation document.

8/13 Consultation Documents Update and Proposed Responses

The Committee received a report on the consultation document from the GNDP Greater Norwich Development Partnership concerning the Greater Norwich Local Plan Growth Options and Sites "Issues and Options" paper together with the Authority's proposed responses. Members of the Authority

had received a full presentation on the consultation at the full Authority meeting on 26 January 2018.

It was noted that not all the sites in the document would necessarily be allocated but they were seen to be suitable for allocation. In general, where sites were partly within or adjacent to the Broads area, the comments in the response highlighted the importance for the Authority to be involved in the production of that policy. Members considered it vital that there was two way dialogue and an understanding that the Broads area was a special landscape that required protecting, and that there were environmental implications relating to water, access and traffic.

RESOLVED

that the proposed responses be endorsed and submitted as the Authority's response to the Great Norwich Local Plan.

8/14 Appeals to Secretary of State Update

The Committee noted that there were currently no appeals to the Secretary of State against the Authority's decisions.

8/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 23 January 2018 to 14 February 2018.

The Head of Planning reported that two of the applications had resulted from the Monitoring Programme.

RESOLVED

that the report be noted.

8/16 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications.

The Committee received a report setting out the development control statistics for quarter ending 31 December 2017. It was noted that 91% of the applications had been dealt with under delegated powers and the Authority had exceeded all statutory targets.

RESOLVED

That the report be noted and welcomed.

8/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 23 March 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road,

Norwich. The meeting would be followed by the Member's Heritage Asset Review Group.

The meeting concluded at 13.40 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 2 March 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	8/8(4)	Application BA/2018/0050/NONMAT Ferry Marina, ferry Road, Horning. Member of navigation Committee Director of firm making the application.
Haydn Thirtle	8/8(1) 8/8(2)	BA/2017/0487/COND Norfolk County Councillor for area, Lobbied and attended meetings. BA/2017/0389/FUL and BA/2017/0390/LBC Borough and County Councillor for the area, attended site visit independently from BA meeting, attended parish council meetings when applications discussed.
Gail Harris	8/13	Greater Norwich Local Plan - Councillor Norwich City Council
Paul Rice		Chair of Broads Society