

Broads Authority
Planning Committee

Minutes of the meeting held on 17 August 2018

Present:

| | |
|----------------|-------------------------|
| Prof J Burgess | Mr H Thirtle |
| Mr W Dickson | Mr V Thomson |
| Mrs L Hemsall | Mr J Timewell |
| Mr P Rice | Mrs M Vigo di Gallidoro |

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr D J Harris – Solicitor and Monitoring Officer
Mrs K Judson – Planning Officer (Minute 1/10(1))
Mr T Risebrow – Planning Officer (Compliance and Implementation)
Mr A Scales – Planning Officer
Mrs M-P Tighe – Director of Strategic Services

Members of the Public in attendance who spoke:

BA/2018/0173/FUL Hickling Broad, Hickling

Dan Hoare Applicant: Head of Construction Maintenance
and Environment, Broads Authority

Sue Stephenson Applicant: Environment and Design Supervisor,
Broads Authority

1/1 Apologies for Absence, Welcome and Housekeeping Matters

The Solicitor and Monitoring Officer welcomed everyone to the meeting.

Apologies had been received from Mr M Barnard, Ms G Harris and Mr B Keith. Lana Hemsall apologised that she would be a little late (Minute 1/4)

The Openness of Local Government Bodies Regulations

The Solicitor and Monitoring Officer gave notice that the Authority would be recording the meeting in the usual manner and in accordance with the Code of Conduct. No other member of the public indicated that they would be recording the meeting.

1/2 Appointment of Chair

The Solicitor and Monitoring Officer stated that in accordance with the new procedures adopted by the Authority in May 2018, nominations for the Chair

and Vice-Chair of the Planning Committee had been requested by 3 August 2018, 14 days prior to the meeting.

Haydn Thirtle had proposed the nomination of Melanie Vigo di Gallidoro, and this was seconded by Bill Dickson. Melanie Vigo di Gallidoro confirmed that she was willing to be appointed.

There being no other nominations, it was

RESOLVED

that Melanie Vigo di Gallidoro be appointed as Chairman of the Planning Committee for the following year 2018-19.

In the Chair - Melanie Vigo di Gallidoro

1/3 Appointment of Vice-Chair

The Chair reported that Haydn Thirtle had proposed Bruce Keith as Vice Chair of the Planning Committee and she had seconded the nomination. Although Bruce Keith had sent his apologies he had confirmed that he was willing to be appointed.

There being no other nominations, it was

RESOLVED

that Bruce Keith be appointed as Vice-Chairman of the Planning Committee for the following year 2018 – 19.

1/4 Declarations of Interest and introductions

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

The Chair declared a general interest on behalf of all Members in relation to Item 10(1) Application BA/20/0173/FUL Hickling Broad Hickling as the application was on behalf of the Authority and 10(2) BA/2018/0177/FUL Whitlingham Broad Visitor Centre, Whitlingham Lane, Trowse as the Authority was also involved in the application.

1/5 Minutes: 20 July 2018

The minutes of the meeting held on 20 July 2018 were agreed as a correct record and signed by the Chair.

1/6 Points of Information Arising from the Minutes

There were no points of information to report.

1/7 To note whether any items have been proposed as matters of urgent business

No items of urgent business had been proposed.

1/8 Chairman's Announcements and Introduction to Public Speaking

(1) Broads Local Plan

Part of the independent public examination took place on 2 -3 July 2018. The hearing dates for the Examination in Public of the Broads Local Plan were now scheduled to take place on 6, 7 and 10 September 2018. Members had been notified of the dates and all were welcome to attend as observers at some stage if they wished.

(2) Parish Forum – The next Parish Forum event was due to be held on Wednesday 19 September 2018 starting at 6.00pm in the Authority's offices.

(3) Item 12 Enforcement of Planning Control – Disused and derelict buildings at former Waterside Rooms, Station Road, Hoveton

A decision was not expected on this item as a decision was already made on the issue by the Planning Committee on 27 April 2018 (Item 10/11). Therefore Item 12 was removed from the agenda.

(4) Public Speaking

The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee and members of the public were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented. They were reminded that as the meeting was being recorded, any information they provided should be appropriate for the public. They were requested not to give out any sensitive personal information unless they felt this was necessary to support what they were saying and would not mind others being aware of it.

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

No requests to defer consideration of any applications had been received. The Chair commented that she did not intend to vary the order of the agenda.

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 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/2018/0173/FUL Hickling Boad, Hickling

Hickling Broad enhancement work with the installation of geotextile tubes that are filled with dredged sediment, pinned in place by wooden poles and covered with polyfelt curtain and additional sediment, and then once established, the void created to be filled with further dredged sediment to re-create an area of reed bed
Applicant: Broads Authority

The Planning Officer provided a detailed presentation and assessment of the second significant application for enhancement and improvement work as part of a long term approach to the management of Hickling Broad, building on the scientific evidence from the Broads Lake Review and experience gained from work on other sites. The application would support the next phase of sediment removal and would focus on re-using the sediment to recreate an area of previously eroded reed bed. The application had been accompanied by an Environmental Statement and subsequent Addendum and Habitats Regulations Assessment detailing impacts together with necessary drawings, plans and technical information. There were a number of precautionary approach elements relating to when the works could be carried out associated with the reduction of the probability of algal bloom and prymnesium and associated water temperatures, and taking account of the recreational functions of Hickling Broad. The works would take place in an area outside the main navigable area and where it had not been used for angling. The design of the works had been successfully used elsewhere and the main impacts would be short term but with long term benefits.

The Planning Officer commented that no further comments had been received since the report had been written but drew attention to the consultations received explaining that these, including the statutory consultees, were generally in support of the proposal. He emphasised that Natural England was satisfied that the works would provide enhancements and the scheme had been developed in association with its advice.

Having assessed the application particularly taking account of the key issues of design/visual impact, nature conservation, navigation and recreation and flood risk, the Planning Officer recommended that the application could be approved subject to conditions. The application would deliver an acceptable design of enhancement work that would protect and enhance the nature conservation value of the area subject

to the imposition of the planning conditions. It would therefore meet the key tests of the development plan policies.

In response to Members' questions, it was clarified that the volume of dredged material for the total project over 2 – 3 years would be 19,000 cubic metres, which was significant.

With regard to the comment from the resident of The Smea that the conditions of the previous planning permission had only been partially implemented, the Planning Officer explained that this related to appropriate timings for works including planting of the correct reed rhizomes and there was a need for some flexibility within the implementing of the conditions. He confirmed that the majority of the works for the first phase of the overall strategy in association with the approval in 2016 had been implemented acknowledging that one section still required completing. He confirmed that adequate water depths for access to the boathouse were being maintained.

Dr Dan Hoare confirmed the comments from the Planning Officer. He commented that the necessary planting for the required remaining section was scheduled for 2019/20. He explained that the objectives to the current proposal included the creation of a reed bed and the lagoon behind would provide a quiet water space protected from wind and wave impact as a wildlife refuge within Hickling Broad. This had been designed in association with the Norfolk Wildlife Trust. There was no specific plan for ongoing maintenance of this section, but the dredging plans ensured adequate depths. It was confirmed that its maintenance came within the Authority's overall ongoing responsibilities for Hickling Broad.

He also explained that all the works to be undertaken were underpinned by a vast band of research drawn from experience over a number of years and also in association with Natural England which had provided a flexible guideline approach. Therefore the precautionary approach was being taken.

Members were supportive of the proposals, noting that other such projects of a similar nature, for example at Salhouse Broad and the works already undertaken in Hickling, had proved to be excellent and successful. They acknowledged the emphasis on the precautionary approach and were pleased to see the full cooperation with Natural England and the Environment Agency. They requested that the owner of The Smea receive an explanation concerning the completion of the conditions relating to the previous application.

Paul Rice proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report, as it accords with the NPPF and Policies CS 1, CS2, CS3, CS4 of the Core Strategy (2007) and Policies DP1, DP3, DP4, and DP29 of the Development Management Policies DPD (2011)

(2) **BA/2018/0177/FUL Whitlingham Broad Visitor Centre, Whitlingham Lane, Trowse**

Retain temporary toilet building with ramp for another 3 years.
Applicant: Whitlingham Charitable Trust and Broads Authority

The Planning Officer provided a detailed presentation of the application to retain the temporary toilet building with ramp for another three years, in part of the car park of the Whitlingham Country Park, adjacent to the Flint Barn. The seeking of a temporary consent was to enable the immediate need for additional toilet facilities to be met whilst a more permanent solution was identified and delivered. It was acknowledged that the number of toilets available and their location within the Flint Barn was not sufficient to meet the current needs of visitors. There was sufficient evidence through recent surveys that additional toilets were essential and it was appropriate to seek a more long term solution. The Trust hoped to present more detailed proposals for a permanent solution with a planning application in April 2019.

The main issue to consider was a justification for the extension of the temporary permission but also the principle, design and landscape impact and impact on the historical environment.

The Planning Officer acknowledged that an additional temporary consent for toilet facilities was not ideal but that it could be justified in this instance. The scale and design of the proposed building was suitable for its intended use on the basis that it would only be for a period of another three years. The siting was considered appropriate and there were no significant adverse impacts arising. It was considered to be in accordance with the relevant planning policies and therefore recommended for approval.

Members acknowledged and were supportive of the need for such facilities but considered that the current provision for which temporary permission was being sought was of an incongruous and unacceptable design. They would much prefer to have a permanent solution and wished to encourage the Trust as a matter of urgency to provide an appropriately designed building.

It was noted that although not a planning consideration, the provision of a permanent building was constrained by funding. The Trust relied for its income on the fees from car parking, which fluctuated and where there were difficulties with the current contractor.

Lana Hemsall proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application be granted temporary approval for a further three year from the date of the decision notice subject to conditions outlined in the report. The principle of the development is considered to accord with the NPPF and Local Policies WH1 of the Site Specific Policies (DPD 2014) and in particular DP14, as well as DP1, DP2, and DP5, of the Development Management Policies DPD (2011). It was not considered to accord with Policy DP4 design in particular on a permanent basis and hence the justification for a temporary approval only.

1/11 Enforcement of Planning Control: Burghwood Barns, Ormesby St Michael

Further to Minute 13/9 of the Planning Committee on 20 July, the Committee received a report concerning the unauthorised development at Burghwood Barns, Ormesby St Michael where an Enforcement Notice had previously been served and for which a further two weeks had been provided, since that last meeting, for the landowners to comply. The landowners were well aware of the potential for prosecution having had a letter as well as personal contact to that effect. They had undertaken some works towards compliance but were still required to remove paths and the gazebo on the land which had been developed for domestic curtilage as well as cease the use of the land as garden. They had indicated that they did not have the funds to do so.

Members expressed regret at the current situation. However, they considered that it was important to take account of the integrity of the planning process. It was noted that the area of land which was required to revert to agriculture was still being managed for domestic use as a garden.

A member commented that the situation was unfortunate but had concerns about the Authority's reputation with regard to public perception and would wish to counter that. The member suggested a compromise whereby the Enforcement Notice be stayed and the owners be allowed to retain the area as at present, on the understanding that when they came to vacate it, the landscape should revert to that which it had been previously.

Other members emphasised that there was a history of development on the site without the benefit of planning permission, of retrospective planning permission having had to be sought, non-compliance with conditions, and that the Enforcement Notice had been upheld at appeal. It was considered imperative that the normal planning procedures were followed through. Therefore regrettably the Authority was required to proceed with prosecution.

John Timewell proposed, seconded by Jacquie Burgess and it was

RESOLVED by 5 votes to 1 and one abstention.

- (i) that it be noted that prosecution proceedings will commence following non-compliance with the Enforcement Notice previously issued (As noted in the Enforcement Update)
- (ii) that authority be given to issue a Breach of Condition Notice in respect of non-compliance with conditions 3,4, and 5 of permission granted for BA/2016/0444/FUL.

1/13 Enforcement Update

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

Marina Quays. An application had now been received and the determination processes had commenced.

Members thanked the officers for the updates.

RESOLVED

that the report be noted.

1/14 Consultation Documents Update and Proposed Responses Wroxham Neighbourhood Plan – pre-submission draft.

The Committee received a report on the recent consultation from Wroxham Parish Council on the Wroxham Neighbourhood Plan submission draft. The Director of Strategic Services reported that the group developing the Neighbourhood Plan had been open to meet with officers from Broadland District Council and the Authority. There were a few main issues which the Neighbourhood Plan raised such as through traffic, limited open space, parking, infilling development rather than large developments, the housing market with requirement for market residential rather than purpose built holiday dwellings.

Members of the Committee supported the comments made and raised a number of other points. In particular given the proximity to and relationship between Wroxham and Hoveton, the Committee considered that the Authority would recommend that there is liaison with Hoveton Parish Council on its Neighbourhood Plan.

Members queried whether within the plan there were sufficient specific solutions suggested for parking, potential infilling development or the traffic congestion and if not they considered that more details on potential solutions, especially with regard to traffic flows may be required. A comment was made that the opening up of the Norwich Northern Distributor Road (NDR), particularly when the signs were in place, would put more pressure on the traffic flow through Wroxham and this needed to be addressed. With regard to any proposed housing references this should incorporate measures for Sustainable Urban Drainage (SUDS).

It was noted that the deadline for comments was 1 September 2018. Officers would take account of the comments made and address these within the final response.

RESOLVED

that the report is noted and the proposed comments be endorsed. Officers were delegated to take account of the additional comments made by the Committee above for forwarding to Wroxham Parish Council as the Authority's response.

1/15 Duty to Cooperate: Norfolk and Suffolk Authorities Statement of Common Ground.

The Committee received a report setting out the Statement of shared aims and an agreed approach to coastal planning and management with Norfolk and Suffolk Coastal Authorities as part of the continued engagement required through the Duty to Cooperate. The area of key interest to the Authority, which came within its executive area, was a small stretch of coast between Horsey Gap to Winterton Ness where development was limited and protected by the Authority's own policies. The Statement of Common Ground will be endorsed by the other interested authorities:

- Borough Council of King's Lynn & West Norfolk
- North Norfolk District Council
- Great Yarmouth Borough Council
- Suffolk Coastal District Council
- Waveney District Council
- The Broads Authority

This now required the agreement of the Authority and the signatures from the Chairman of the Authority and Chairman of the Planning Committee.

RESOLVED

that the Norfolk and Suffolk Coastal Authorities' Statement of Common Ground be endorsed.

1/16 Appeals to the Secretary of State

The Committee received a schedule of decisions to the Secretary of State since 1 June 2018. This was an appeal concerning the conditions attached to the outline permission for development at Hedera House, Thurne. A start date from the Inspectorate had still not yet been received.

RESOLVED

that the report be noted.

1/17 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 5 July 2018 to 1 August 2018.

RESOLVED

that the report be noted.

1/18 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 the quarter ending 30 June 2018. The Chair commented that it was exceptionally pleasing to see that performance for speed of decision was above the national targets. This was in part due to the planning officers being prepared to give pre-application advice for which the Authority did not charge. The Committee had taken the decision not to charge a couple of years previously.

RESOLVED

That the report be noted.

1/19 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 14 September 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich

The meeting concluded at 11.34 am.

CHAIRMAN

APPENDIX 1**Code of Conduct for Members****Declaration of Interests****Committee:** Planning Committee**Date of Meeting:** 17 August 2018

| Name | Agenda/ Minute No(s) | Nature of Interest (Please describe the nature of the interest) |
|------------------------------|---------------------------------|---|
| Haydn Thirtle | 1/10 | Board Member. IDB (Broads) and |
| | 1/11 | Burghwood Barns – various site visit |
| Bill Dickson | - | None other than those already declared |
| Paul Rice | 1/15 | Chairman Broads Society IDB Member Item re Duty to Co-operate – Coastal |
| Jacque Burgess | - | As previously declared |
| Melanie Vigo di Gallidoro | - | As previously declared and on behalf of all Members: |
| ALL Members | 1/12 (1) and | Application BA/20/0173/FUL Hickling Broad Hickling – Broads Authority is the applicant |
| ALL Members | 1/12 (2) | Application BA/2018/0177/FUL Whitlingham Broad Visitor Centre, Whitlingham Lane, Trowse Whitlingham Charitable Trust in association with Broads Authority are the applicants. |