

**Broads Authority**  
**Planning Committee**

Minutes of the meeting held on 3 March 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard  
Prof J Burgess  
Ms G Harris  
Mr P Rice

Mr H Thirtle  
Mr V Thomson  
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (for Minutes 9/10 – 9/12)  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr N Catherall – Planning Officer (for Minute 9/8(3))  
Ms M Hammond – Planning Officer (for Minute 9/8 and Minute 9/14)  
Mr D Harris – Solicitor and Monitoring Officer  
Mr B Hogg – Historic Environment Manager (for Minute 9/13 – 9/16)  
Ms A Long – Director of Planning and Resources  
Ms C Smith – Head of Planning (excluding Minute 9/8(3))

Members of the Public in attendance who spoke

**BA/2016/0444 /FUL Burghwood Barns, Burghwood, Ormesby**

Mr M Hollowell                      Agent for the applicant

**9/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting. Apologies were received from Mr W Dickson.

**9/2 Declarations of Interest**

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

**9/3 Chairman's Announcements and Introduction to Public Speaking**

The Chairman reported on the following:

(1) **Chris Skinner** – Sadly, as many members will be aware, Chris Skinner one of the Authority's legal advisers who had been of considerable support to the Authority over a number of years had recently died. The Authority had been well represented at the funeral and a letter had been written to the family expressing its condolences.

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

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis and it would be investigating ways of making recordings available on the website. This was as a means of increasing transparency and openness as well as to help with the accuracy of the minutes. He stressed that the copyright remained with the Authority and the minutes would be as a matter of record and not available for general distribution such as on U-tube.

(3) **Planning Training:** The Chairman informed members that immediately following the next Planning Committee meeting there would be a training session on Tree Preservation Orders, not likely to extend for more than an hour. In addition, the Director of Planning and Resources reported that members would also receive a briefing on the Government's White Paper on Housing, which would be the subject of a separate report. The Chairman of the Authority reported that there had been 100% attendance of the Committee at the last Planning training with three other non-planning committee members and it was hoped this level of attendance could be retained.

(4) **Introduction to 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.)

**9/4 Minutes: 3 February 2017**

The minutes of the meeting held on 3 February 2017 were agreed as a correct record and signed by the Chairman.

**9/5 Points of Information Arising from the Minutes**

None to report

**9/6 To note whether any items have been proposed as matters of urgent business**

No items had been proposed as matters of urgent business.

**9/7 Requests to Defer Applications and /or Vary the Order of the Agenda**

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

**9/8 Applications for Planning Permission**

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below.

Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' report, and which were given additional attention.

(1) **BA/2016/0444/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael**

Retrospective change of use to residential, garage, pond enlargement, new shed, roller-shutter doors on existing shed, alterations to windows, 4 additional car parking spaces and landscaping alterations.

Applicant: Mr D Tucker and Miss S Burton

The Planning Officer provided a detailed presentation of a retrospective proposal at a site off Burghwood Road, Ormesby relating to Burghwood Barns where planning permission had already been granted in 2013 and where since this permission further development had taken place, some of which was without the benefit of planning permission. The majority of the Committee had had the benefit of a site visit on 24 February 2017, a note of which had been circulated. In providing details of the complex history of the site with the help of aerial photographs together with the details of the development involved, the Planning Officer pointed out the details of a larger scale application which included 11,000 square metres. This had been refused in 2016 due to the inappropriate use of the land due to the significant adverse impact it would have on the character of the landscape and the special qualities of the area.

The Planning Officer explained the current application which included the annexation of some of the agricultural land and its use and development as residential garden. This included a pond, two new buildings, alterations to windows on the converted barn, car parking and landscaping. This also involved amendments to the roller-shutter doors on the outbuildings to be replaced with timber double doors and inclusion of pitched roofs, retention of the wood storage lean-to, raised vegetable beds, retention of the oil tank and brick-edged fire pit and storage buildings. It also included biodiversity enhancements involving re-profiling of the pond banks and landscaping. The application sought to regularise the development that had taken place and involved retaining part of the agricultural land that had been annexed as residential curtilage (5,000 square metres in total). The application excluded 6,000 square metres of the area which had been converted to residential garden including paths and gazebo. These areas would be delineated by a fence and hedgeline. The Planning Officer clarified that the proposals would be incidental to the use of the dwelling and not for commercial use.

The Planning Officer concluded that although the retrospective nature of parts of the application was regrettable, when considered on its own merits, the proposal would not, on balance, have such a significant detrimental landscape impact as to warrant a refusal of planning permission and enhancements to the biodiversity value of the pond and appearance of the buildings could be secured. Therefore the Planning Officer recommended approval subject to conditions.

The Head of Planning explained that the regulations concerning permitted development rights for the National Parks and the Broads were more stringent than for most local planning authorities. The definition of agricultural use was wide ranging and officers would examine this in detail with regards to appropriate management of the area to revert to agricultural use. The importance of retaining part of the site in agricultural use was for landscape purposes and to ensure there was a buffer zone between the residential curtilage and the SSSI and SAC. It would be incumbent on the applicant to discuss this with the LPA.

Mr Hollowell on behalf of the applicant provided some background to the original 2016 application and commented that the village of Ormesby had originally been a very important and productive area for soft fruit, namely blackcurrant bushes but this was diminishing and was why some of the larger fields adjacent to his client's site were no longer being used as such and had been sold. He explained that the applicant was pleased with the negotiations that had taken place with the Planning Officer to result in this application. During the negotiations on the 2016 application, Mr Hollowell explained that there had been discussions with Dr J Parmenter who was very involved with Essex and Suffolk Water to provide biodiversity enhancements, with the aim of extending the biodiversity to include the currently lawned area of land in the ownership of the applicant. The aim would be to revert the use of the land to a similar use that had existed 100 years ago. He commented that the client was happy to put the area of lawn back to agricultural use.

Members had gained a full appreciation of the site and regretted the retrospective nature of the application. On balance they considered that the Planning Officer's recommendation for approval of the application subject to the conditions could be accepted. However, one of their main concerns was associated with the extent of lighting of the site especially around the perimeter, particularly when mindful of the policies for Dark Skies in the Broads, especially in this area immediately adjacent to Ormesby Broad and the SSSI. They therefore considered that external lighting should be subject to condition and there should not be external lighting around the perimeter.

Members gave consideration to the remainder of the land which was not subject to this application, did not have the benefit of planning permission and was currently in use as residential curtilage including

paths and a gazebo. They considered the option of dealing with this by condition for the submission of a scheme to restore the land to agricultural use together with a time scale for a plan to be submitted and implemented; or as a stand-alone issue of enforcement to require appropriate action to be taken to require the removal of the operational development and restore the land to agricultural use. The applicant's agent commented that it should be possible to draw up a scheme that would enhance biodiversity as well as a reversion to agricultural use by the end of March and advocated enforcement to provide timescales. The Head of Planning commented that once the enforcement notice was issued there would be a 28 day period before it came into effect. There would then be a period for compliance, the time being up to the Committee to decide but a period of three months was suggested. If a scheme with which officers were satisfied were produced, then the enforcement notice could be removed. However, if a scheme was not provided, it would be open to the Authority to proceed with prosecution. Alternatively the applicant could put in an appeal against the 2016 permission.

Mr Rice proposed to approve the application as set out with conditions including lighting and to take enforcement action in relation to the unauthorised development of the additional lawn, not subject of this application, with a tight compliance period to enable an approved scheme. Members supported this approach and the Chairman put the following to the vote and it was

RESOLVED unanimously

- (i) that the application be approved subject to the conditions outlined within the report with an additional condition relating to lighting specifically for this to be removed from around the perimeter of the site. Subject to this, the proposal is considered acceptable in accordance with Policy CS1 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4 and DP28 of the adopted Development Management Policies (2011), Policy XNS1 of the adopted Site Specific Policies (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application;
- (ii) that authority be given to serve an Enforcement notice requiring the reinstatement of the additional land, beyond that for which permission has been given, to agricultural use with a compliance period of three months;
- (iii) if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution.

- (2) **BA/2017/0010/HOUSEH Deerfoot, 76 Lower Street, Horning**  
Garage and extension  
Applicant: Mr Len Funnell

The application was before members as the applicant was related to a member of the Navigation Committee.

Members considered that this was a straight forward application, were familiar with the site having viewed this on the Design Quality Tour in 2015 and considered it to be acceptable. They concurred with the Planning Officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as it is considered acceptable in accordance with Policies DP4, DP5 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2017/0030/FUL Moorings Opposite Thurne Dyke Windpump**  
Replacement quayheading  
Applicant: East Anglian Cruising Club

The Head of Planning left the room for this item.

The Planning Officer explained that the application was before members as the applicant, the commodore of the East Anglian Cruising Club was related to a member of staff. The Planning Officer provided a detailed presentation of the proposal for replacement timber quayheading to the mooring basin adjacent to the river frontage on the west bank of the River Thurne opposite the Thurne Dyke windpump/drainage mill. It involved replacing this with like for like timber quay heading totalling 170 metres in length. Since the writing of the report the Authority's Ecologist had recommended that a water vole survey should be undertaken and results and potential mitigation measures submitted to the Authority prior to the work commencing. This could be dealt with by condition.

The Planning Officer concluded that the proposal would result in an appearance that would maintain the overall character and appearance of the existing location and surrounding area and therefore was recommended for approval subject to conditions including one relating to submission of a water vole survey.

Members concurred with the officer's assessment. It was clarified that the works would take place from the river.

John Timewell proposed, seconded by Gail Harris

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report with an additional condition for a water vole survey to be submitted prior to the commencement of the works. The proposal is considered to be in accordance with Policies DP4 and DP13 of the Development Management Policies DPD (2011), Policy CS1 of the Core Strategy (2007), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

## **9/9 Enforcement Update**

The Committee received an updated report on enforcement matters already referred to Committee. Further information was provided on the following:

**Thorpe Island:** The Head of Planning reported that in line with members' instructions officers had sought further advice from the barrister in relation to the Injunction. The Authority would need to demonstrate that it had done as much as possible to ensure compliance and therefore the option of taking direct action to remove the sunken vessels was being explored. As there were further implications and costs involved with this it would be a matter for the full Authority to consider and a report would be prepared for the meeting on 24 March 2017. The landowner had been advised that the Authority may be considering this.

The Authority had been granted an oral examination in the courts in respect of the monies already owed to the Authority on 4 April 2017 in Great Yarmouth. With regard to the breach relating to the residential use, it was understood that the resident on the boat within Jenners Basin had been in touch with the local housing authority and was likely to be rehoused. If the vessels were to be removed and the residential use cease, this would be some way to achieving compliance with the Injunction, and this could obviate the need to return to the Courts.

The Head of Planning reported that the planning application was still live although the further information requested had still not been received. Members discussed whether the removal of the uncertainty on planning might help to resolve the situation but were mindful of the lack of progress and difficulties in dealing with the landowner concerned. Members were also mindful of the residents living opposite the site who had considerable concerns. The matter of direct action would be discussed at the Authority meeting on 24 March 2017.

**Ferry Inn, Horning** Paul Rice, who had been acting as a mediator, reported that he had been informed by the site operator that the unauthorised caravan as well as the portacabin had been sold and were due to be removed. The trailer was due to be removed by the end of the month. The dead trees were to be removed and a planting scheme implemented. Although there was no

evidence of action having been actually taken as yet, the area had been tidied up. He re-emphasised that if full compliance was not achieved by the end of the month, no further negotiations would take place.

**Staithe N Willow** Unauthorised erection of fencing – The dismissal of the appeal against the Enforcement Notice required that compliance for removal of the fence be achieved by 9 March 2017. Following the request for a compromise solution, given that there were difficulties in removing the main posts, officers were in negotiation with the landowner. The height of the fence had been reduced, although the result was not yet of an appropriate standard and works were still in progress.

**Eagle's Nest, Ferry Road, Horning** The Head of Planning reported that a valid CLEUD application had now been received and approved. An application for change of use of the boathouse to a manager's dwelling had been received and this would come before the Committee in due course.

RESOLVED

that the Enforcement Update report be noted.

**9/10 Broads Local Plan –March Bite Size piece to inform the publication version .**

The Committee received a report providing an update on the Local Plan and introducing a topic for the publication version of the Broads Local Plan set out as follows:

(i) Appendix A BeWILDerwood Policy

This was a new policy relating to an important tourist attraction in the Broads and had been discussed with the owners. Members welcomed this considering it to be a very sound policy.

It was noted that the documents would inform the draft policy approach in the publication version and the final text within it. There may be other considerations coming to light between now and the final version that would be presented to Planning Committee in April 2017.

Members noted that the consultation stage on the preferred options had been completed with over 230 comments received and officers would be responding to these. The Planning Committee would receive a report on the consultations and this would highlight the main issues for discussion.

It was recognised that in common with other Local Planning Authorities, there was sometimes problems of the public's understanding of the processes required in the production of the Local Plan and the number of consultation rounds involved. Members considered that it was important for staff and members to help all those involved understand the processes better.



Members noted that progress on the evidence base on the Strategic Housing Market, the Economy Study, Strategic Flood Risk Assessment and the Gypsy, Traveller, Show People, Caravan and Houseboat assessments were well underway.

RESOLVED

that the details within the proposed topic paper (BeWILDerwood) to inform the publication version of the Broads Local Plan be endorsed and the progress on the Broads Local Plan concerning the evidence base for other topic papers be noted.

#### **9/11 Flood Risk Supplementary Planning Document SPD for adoption**

The Committee received a report on the new Flood Risk Supplementary Planning Document (SPD) that had been the subject of consultation in December 2016. This was designed to increase awareness of the nature of flood risk and the Broads area and provide advice for developers and others and would replace the SPD produced in 2008 and expand on Policy DM29 of the adopted Development Management DPD.

Members noted the comments received together with the Authority's response as set out in Appendix A of the report and the tracked changes to the document following consultation in Appendix B. They welcomed the revised SPD considering it to be a very well written and useful document.

RESOLVED

That the report be noted and

RECOMMENDED to the full Authority

that the new Flood Risk Supplementary Planning Document (as set out in Appendix C of the report) be approved for adoption.

#### **9/12 Rollesby Neighbourhood Plan: to designate Rollesby as a Neighbourhood Area**

The Committee received a report that introduced the Rollesby Neighbourhood Plan. Members noted that on the basis of the new NPPF guidance, once the nomination for becoming a Neighbourhood area was received by the relevant Local Planning Authority(s), there was no longer a requirement to consult on this proposal. The nomination was received on 16 January and had been acknowledged by Great Yarmouth Borough Council on 23 January 2017. There were no known or obvious reasons to not agree to Rollesby becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

RESOLVED

that Rollesby be designated as a Neighbourhood Area in order to produce a Neighbourhood Plan

### **9/13 Stalham Staithe Conservation Area Re-Appraisal**

The Committee received a report and presentation on the consultation of the Stalham Staithe Conservation Area Re-Appraisal, which had been considered by the Heritage Asset Review Group at its meeting on 3 February 2017, with the proposal to consider the Area for adoption by the Authority. The re-appraisal formed part of the ongoing programme for review of the 25 Conservation Areas within the Broads. Most of the boundary of the area fell within the Broads executive area with a part under North Norfolk District Council's jurisdiction. Therefore the Authority had assumed responsibility for most of the consultation.

Members noted the detailed consultation that had taken place in line with the Statement of Community with 33 responses having been received (not 23 as stated in the report). The consultation had included local residents, Stalham Town council, and North Norfolk District Council as well as a public meeting. The issues raised in the process resulted in the Town Council and local residents setting up a Stalham Staithe Forum to feed into the consultation process as well as examine ways of resolving some of the issues raised during that consultation, many of which were outwith the Conservation Area appraisal process. Officers from the BA had attended a number of these.

The majority of the feedback from the consultation had been very positive and support for the retention of the existing Conservation Area (to retain the area of allotments and open ground to the north) was unanimous. As part of the consultation, it had been suggested that the boundary be extended to include the Broads Edge site. However, from detailed examination and assessment, this area did not meet the Heritage England criteria for inclusion as it lacked the special interest demanded for inclusion. Therefore it was not proposed to take this within the Conservation Area.

The appraisal and management plan would help residents and landowners in preparing development proposals within the Conservation Area and inform decisions by public bodies responsible for management of functions within the boundary.

Members considered that the area identified by the boundary map (excluding the extension that had been proposed by two respondents) and that described in the appraisal and management plan for Stalham Staithe was worthy of Conservation Area designation and welcomed the processes. They also praised the valuable involvement of the Local District member in engaging the local community in the process at an early stage.

#### **RESOLVED**

- (i) that the report be noted and

RECOMMENDED to the Authority

- (ii) that the Stalham Staithe Conservation Area Re-Appraisal that falls within the Broads Authority executive area and described in the appraisal and management plan for the Staithe be adopted.

#### **9/14 Article 4 Directions**

The Committee received a report setting out the purposes of Article 4 Directions and providing the results of a recent review of the 24 Article 4 Directions within the Broads Authority area. This work was part of the Authority's periodic review of its procedures and provisions which had already included the work on the Local Plan and the development of the Local Enforcement Plan. Article 4 Directions had been used to control certain sites and help respond to certain threats in the interests of protecting amenity and landscape. The report and presentation set out the location, dates and initial reasons, where known, of the existing 24 Article 4 Directions and provided recommendations following an assessment of those which it was considered should be retained, those which should be reviewed and those which should be removed. It was proposed to retain 14 of the 24 existing Directions, remove seven and further review three. The latter 10 Directions would need to be subject to the statutory processes. The current report provided the results of the first phase of the review, further reports on possible extension of existing Directions and any new Directions would be presented as phases two and three of the entire review.

Members welcomed the review and the approach being taken. With regard to the proposal to remove the Article 4 Directions relating to the retail sales from moored vessels at 23 moorings, members had some concerns and considered these should be deferred. Officers pointed out that if retained, there would need to be sound planning reasons to do so. However, there may be other ways of covering such activities and therefore it was suggested that the matter be referred to the Navigation Committee for its views in due course.

Members were particularly in favour of the proposal to notify and remind all the parish councils and District members of those Article 4 Directions to be retained.

RESOLVED unanimously

- (i) to endorse and approve the approach being taken in the review of the Article 4 Directions in accordance with the advice and guidance in the Planning Practice Guidance of NPPF to include three phases.
- (ii) that the recommended action on the 24 Article 4 Directions be approved subject to deferral of those relating to retail sales at moorings.
  - o that 14 Article 4 Directions as listed in the report be retained, 6 Article 4 Directions be removed and 4 be reviewed. Those to be

removed to be the subject of consultation starting in Spring 2017 and this be undertaken on the basis of the non- immediate Direction process.

- (iii) that the relevant parish councils and local district members be informed of those existing Article 4 Directions which the Authority has reviewed will remain and no changes will be made.

**9/15 Heritage Asset Review Group – Notes from meeting on 3 February 2017**

The Committee received the notes form the Heritage Asset Review Group held on Friday 3 February 2017.

RESOLVED

That the notes from the Group be noted.

**9/16 Appeals to Secretary of State Update**

The Committee received a report on the appeals to the Secretary of State against the Authority’s decisions since 1 April 2016.

The Head of Planning commented that the decisions to allow the appeals concerning upvc windows and roller shutter doors and which could have policy implications would be addressed in a paper to be prepared for the next Planning Committee meeting, particularly in light of the comments within the section on design in the Government’s White Paper.

RESOLVED

that the report be noted.

**9/17 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 14 January 2017 to 14 February 2017.

RESOLVED

that the report be noted.

**9/18 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 31 March 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

It was noted that the 31 March 2017 meeting would include briefing on the Government's White Paper on Housing and the meeting would be followed by training for members on tree preservation orders.

The meeting concluded at 12.12 pm

CHAIRMAN

## Code of Conduct for Members

## Declaration of Interests

**Committee:** Planning Committee

**Date of Meeting:** 3 March 2017

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Haydn Thirtle	Minute 9/8(1)  Minute 9/12	Lobbied by the applicant and visited the site: BA/2016/0444/FUL
Paul Rice	Minute 9/9	Ferry Inn Mediator, Chair of Broads Society
Jacquie Burgess		Toll Payer