

Broads Authority

Planning Committee

Minutes of the meeting held on 15 September 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J A Burgess
Mr W A Dickson
Ms G Harris
Mr P Rice

Mr H Thirtle
Mr V Thomson
Mrs M Vigo di Gallidoro
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 2/10 – 2/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor (Minutes 2/1 – 2/10)
Ms A Cornish– Planning Officer (Minutes 2/8)
Mr B Hogg – Historic Environment Manager
Ms C Smith – Head of Planning
Ms K Wood – Planning Officer (Compliance and Implementation)
(Minute 2/9)

2/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Mr Brian Iles.

2/2 Chairman's Announcements and Introduction to Public Speaking

(1) The Openness of Local Government Bodies Regulations

The Press correspondent and Mr James Knight indicated that they intended to record proceedings.

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. If a member of the public wished to have access to the recording they should contact the Monitoring Officer.

(2) 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.)

2/3 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared a general interest for all Members concerning item 2/9 (Waveney River Centre) as the landowner was a Member of the Navigation Committee. All Members reported that they had been lobbied on item 2/9 by the landowner.

2/4 Minutes: 18 August 2017

The minutes of the meeting held on 18 August 2017 were agreed as a correct record and signed by the Chairman.

2/5 Points of Information Arising from the Minutes

No points of information to report..

2/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

2/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received.

2/8 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' reports, and which were given additional attention.

- (1) **BA/2017/0207/FUL Land at the Marshes, The Marshes, Reedham**
Creation of 10 Scrapes
Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the application by the Environment Agency to create 10 scrapes in an area owned and managed by the RSPB. The site fell within the Halvergate marshes SSSI, and also formed part of the Breydon Water SPA and Breydon Water Ramsar Sites as well as being within the Halvergate Marshes

Conservation Area. The creation of the scrapes would provide material required for the flood defence improvements which the Environment Agency intended to carry out along the left bank of the River Yare between Seven Mile House and the Berney Arms pub. The creation of the scrapes would also help the RSPB's conservation management programme objectives for the marshes and they had been designed in consultation with the RSPB.

The Planning Officer reported that there had been no further responses since the report had been written. The scrapes were designed to hold water mainly within the winter months to a depth of approximately 0.4m although the general depth would be 0.95m.

The Planning Officer concluded that the application was recognised to be necessary for the existing flood defences along this stretch of the River Yare to be reinforced and improved and there would be benefits to the material being found in the vicinity of the proposed works to minimise disruption. The opportunity of using this material was considered to achieve significant biodiversity enhancements and the resultant scrapes would help the RSPB realise its aspirations for the development and improvement of its reserve and create an enhanced habitat for many species of wetland birds. The Planning Officer therefore recommended that the application be approved subject to conditions.

Members welcomed the application and considered it an excellent opportunity for strengthening the banks with the added advantage of biodiversity enhancements. It was also suggested it would be an additional valuable opportunity as part of the Landscape Partnership scheme.

Jacquie Burgess proposed, seconded by Paul Rice and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The scheme proposed is in full accordance with Policies CS1 Landscape Protection and Enhancement, CS2 Landscape Protection and Enhancement, CS4 Creation of New Resources, CS6 Historic and Cultural Environments and CS20 Rural Sustainability of the Core Strategy and Policies DP1 Natural Environment, DP2 Landscape and Trees, DP5 Historic Environment and DP29 Development on Sites with a High Probability of Flooding of the Development Management Policies DPD and the relevant paragraphs of the NPPF.

Enforcement of Planning Control: Item for Consideration Waveney River Centre:

The Committee received a report and presentation concerning the construction and use of a number of Yurts at the Waveney River Centre, Burgh St Peter and the need to establish whether or not these required planning permission. The Planning Officer (Compliance and Implementation) provided an outline of the history of the site explaining that it did have a Certificate of Lawful use for camping granted in 1997, and a planning permission granted in 2013. A scheduled monitoring visit had been undertaken by officers during which the 3 yurts had been observed, and following this Officers had made a number of attempts to obtain the necessary information from the landowner as to the nature of the construction of the Yurts so as to determine whether or not they were operational development. Unfortunately, the landowner had repeatedly failed to provide the requested information and had also indicated that he did not intend to submit a planning application if one was required.

It was noted that case law with respect to Yurts was not unequivocal due to the variety of designs/structures involved. The Planning Officer (Compliance and Implementation) carefully outlined the usual procedures in such cases as outlined in the adopted Local Enforcement Plan and the various potential options for obtaining the required information. Members noted that one of the options was whether to seek the necessary information by a Planning Contravention Notice (PCN).

In conclusion the Planning Officer set out the two courses of action the Authority could take for members' consideration:

- The LPA proceed with its usual process and seek to obtain the necessary information through either a site inspection or the service of a PCN; or
- The LPA move straight to an assessment of the acceptability of the development.

Should Members decide to move straight to an assessment, and it was subsequently concluded that the development would be acceptable, a retrospective application would still be required to regularise the development were it considered to be operational development

The Solicitor confirmed and emphasised that the relevant tests that Officers needed to clarify were:

- (a) whether the size of the structure was such that normally it would be built on site rather than brought to the site ready-made,
- (b) whether the construction suggested some degree of permanence meaning it could only be removed by pulling it down or taking it to pieces and
- (c) whether the construction was physically attached to the ground.

These factors needed to be established before a decision could be made on whether the structures were operational development and therefore did or did not require planning permission.

Members expressed disappointment at the impasse and queried the reasons for the lack of response from the landowner. They were also concerned at the disproportionate amount of time the matter had taken up when it appeared that it could be resolved in a straightforward manner. Such provision of tourist facilities could be very acceptable to the industry although it was recognised in planning terms that the necessary planning procedures needed to be undertaken and consistency applied.

Members considered that further attempts should be made with the landowner to clarify the position and obtain the necessary information as set out above. Therefore they requested that officers undertake a site inspection, preferably with the landowner's permission and bring the matter back before the Committee. If it was established that the structures did not require planning permission, the matter could be closed. The Solicitor commented that it would be difficult to understand the future intention of the landowner from the site visit.

RESOLVED

that Officers undertake a site inspection to obtain the necessary information to establish whether or not planning permission is required for the structures and report back to the Committee.

2/10 Enforcement Update

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

Eagles Nest, Ferry Road, Horning.

It was clarified that retrospective permission for the boarding had been granted, but that the unauthorised use and refusal of the retrospective application for the retention of the manager's flat was still the subject of an appeal.

Marina Quays, it was noted that the site was still the subject of vandalism. The Head of Planning reported that the landowners were discussing potential solutions and development with officers. A revised proposal was being submitted and officers would be examining this.

RESOLVED

that the report be noted.

2/11 Broads Local Plan – (September) Bite Size Pieces

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

- Appendix A: Employment and Economy Topic Paper
- Appendix B: Residential Moorings Topic Paper

As well as:

- Appendix D: Habitats Regulation Assessment HRA
- Appendix E: Sustainability Appraisal
- Appendix G: Monitoring and Implementation Framework
- Appendix H: Policy comparison
- Appendix I: HELAA
- Appendix J: From HELAA to allocations document

A web link for the proposed publication version of the Local Plan (Appendix C) had been sent to Members in advance together with the Maps. In addition, Appendix H 'Policy Comparison' had been sent to Members following publication of the complete agenda. Appendix F, 'Viability Study' was awaited and it was intended that this together with the 'Assessment of other effects of the alternative options to the publication Policies' would be forwarded to Members following this meeting and Members invited to provide comments on these by the week ending 22 September 2017.

With reference to **Appendix A Employment and Economy Topic Paper** – this was a review of the relevant broads related evidence and surveys of businesses within the area. In considering the document Members noted that some of the smaller boatyards were experiencing difficulties and therefore welcomed that a new more flexible criteria based policy on employment opportunities had been devised. The need for flexibility was recognised by the Greater Norwich Development Partnership and the cooperation between Authorities in the area was welcomed also in relation to broadband connections and public transport. It was considered important to keep those cooperative channels open and the importance of being mindful of the Authority's responsibility for all businesses not just those that were tourism related. Members considered the report to be well written and it was well received and endorsed

With reference to **Appendix B Residential Moorings**, Members noted that this topic paper had been updated since it was first considered by the Committee at the preferred options stage. Two calls for sites for residential moorings had been made as part of the Local Plan process. The second call had been aimed at boatyards that were adjacent to or within a development boundary or a settlement with good access to services and facilities. A number of sites giving a total of 25 moorings had been proposed for allocation (and the Committee noted that one residential mooring has been permitted) although the Residential Moorings Need Assessments suggested 63 would be required. Members noted that the full need for 63 moorings was not proposed to be met through allocations in this Local Plan and noted the reasons set out in the Topic Paper.

The policy for residential moorings and the Topic Paper had been considered by the Navigation Committee who had requested that it be made clear that none of the sites proposed for residential moorings were within or adjacent to development boundaries and therefore did not pass all of the tests in the Policy DP25. The Planning Policy Officer commented that they did have good access to other essential facilities and therefore fulfilled other criteria. This would be made clearer in the topic paper published on the website. The Planning Policy Officer emphasised that the criteria based policy would be retained. Members noted the thorough process undertaken, supported the approach and would welcome further sites being brought forward.

Appendix D Habitats Regulations Assessment of the Local Plan – It was noted that this was a legal requirement under the current legislation to show if the policies were likely to have any significant effects on protected sites. The comments within the Assessment would be incorporated and appropriate amendments to the text in the Local Plan would be made. It was considered to be an important document for the process to demonstrate that the Authority's policies were taking the necessary care required; particularly as the Broads area had the greatest diversity of species within it when compared to the other national parks.

Similarly Appendix E, the Sustainability Appraisal was a legal requirement. It was noted that some of the policy numbers required correcting. Members were pleased to note that opportunities in relation to climate change were clearly set out. They requested that there be a clarification and clear definition of the terms “equivalent status to a National Park” and “part of the family of National Parks” included, with more consistency in the use of the terms, making reference to the judgement following the judicial review and recognising that the area was branded as a National Park yet the Authority was unique in that it had its own legislation and an additional purpose to the other national parks. As mentioned above, Members were informed that an assessment of the other effects of the alternative options would be sent to them by email for their consideration and would merge into the final Sustainability Appraisal.

Appendix G Monitoring and Implementation Framework. Members had some concerns about the resource implications but were assured that officers carried out monitoring and contributed to the Annual Monitoring Report as part of their regular duties.

Appendix I and J Housing a Economic Land Availability Assessment and Towards Allocations HELAA. It was noted that this topic paper had been revised since it was last seen by the Planning Committee. It did not make policy but helped to inform it using the criteria set out in the methodology which was consistent across the whole of Norfolk. Appendix I helped to bridge the gap between HELAA, the Local Plan and the Sustainability Appraisal.

Appendix C The Broads Local Plan

The Navigation Committee had considered the Local Plan at its meeting on 7 September and proposed a new objective, as follows:

- A flourishing navigation, where people are encouraged to take to the water in a diverse variety of ways, where navigation rights are protected and enhanced and where boating is supported and facilitated through maintenance and provision of moorings and other supporting infrastructure and services.

The current objective (14) within the draft plan was as follows:

- People enjoy the special qualities of the Broads on land and on water. Access and recreation is managed in ways that maximise opportunities for enjoyment without degrading the natural, heritage or cultural resource. Navigation is protected, maintained and appropriately enhanced, and people enjoy the waterways safely.

Members gave the proposal careful consideration. It was noted that there was a specific section within the local plan relating to Navigation and in fact all the policies within it related to the points made. They recognised the concerns over the challenges in providing such infrastructure particularly moorings but Members were concerned that reference to navigation rights would be too specific and open up legal challenges which went beyond the brief of a planning document. The Local Plan was a planning document in order to help in providing facilities. The current objective was at a more strategic level suitable for such a document. In conclusion, Members wished to thank the Navigation Committee for encouraging a review on this, but they believed that the current objective within the plan was comparable to that proposed by the Navigation Committee and was appropriate. The Committee was supportive of the status quo and therefore the current wording of Objective 14 should remain.

In addition to the Viability Study and further Assessment documents, the Planning Policy Officer reported that the following documents would be forwarded to the Committee for comment:

- Final Gypsy and Traveller, Travelling Showpeople, Caravans and Houseboat Study (due w/c 18 September,).
- Assessment of single issue focussed consultation responses (due w/c 18 September,).
- Strategic Flood Risk Assessment SFRA (due end of September)

She explained that the receipt of the SFRA was unlikely to affect the policies as the flood risk maps she had seen did not appear to materially change the flood risk to the residential allocations, although some of the text might require minor changes. Waiting for the report and then confirming and making changes could delay the beginning of the consultation period by up to a few weeks. However, the full Authority report would recommend that Members delegate the final decision to publish the Local Plan for consultation to the Chief Executive in consultation with Chair of Broads Authority and Chair of Planning Committee, which would enable any minor changes to be made

without further delay. If there were material changes required to the document, it would need to go through the Committee process again.

Members noted that the Broads Local Plan would be subject to some editing of the text and a few amendments were required before the publication version of the Local Plan for consultation was presented to the Authority at its meeting on 29 September 2017. This would be presented as a tracked changes version as well as a 'clean' version presented as it would be for consultation.

Members commended the process in developing the Local Plan, especially the way in which they as Members had been engaged throughout. They acknowledged the considerable efforts of the staff and in particular those of the Planning Policy Officer and were of the view that the resulting documents were admirable and to be commended.

With regard to the consultation process, members acknowledged that there could be consultation fatigue on behalf of the Authority's stakeholders and therefore it was important to make it clear that it was a statutory obligation. The Chairman urged members to support the officers at the consultation venues wherever possible.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics to inform the publication version for the Broads Local Plan be welcomed and endorsed including the Maps.
- (iii) that the Publication version of the Broads Local Plan together with supporting documents be RECOMMENDED to the Authority for approval to go forward to consultation.

2/12 Norfolk Strategic Framework: Consultation

The Committee received a report on the Consultation Documents concerning the Norfolk Strategic Framework together with the Authority's proposed response.

Members noted that the Norfolk Strategic Framework (NSF) document was being produced by all the Local Planning Authorities (LPAs) in Norfolk, together with the involvement of relevant bodies such as the Environment Agency. The purpose of the NSF was to set guidelines for strategic planning matters across the County, and beyond, and demonstrate how the LPAs would work together under the Duty to Co-operate through a series of potential agreements on planning related topics.

Members welcomed the document together with the proposed responses.

RESOLVED

that the report be noted and the proposed consultation responses be endorsed.

2/13 Tree Preservation Orders

The Committee received a report on three Tree Preservation Orders (TPOs) that had recently been served by officers under delegated powers. No representations or objections to the orders had been received from the consultation. The trees identified related to woodland at The Lodge, Church Road, Burgh Castle; woodland and trees at the Old Rectory Church Road, Burgh Castle and a tree at Land adjoining Tie Dam Mill road, Stokesby. Therefore Officers recommended that the TPOs be confirmed and the existing TPOs at the Old Rectory be revoked. It was noted that a TPO did not prevent work being carried out on the trees, but the Authority need to approve such work and could provide advice on management.

RESOLVED

- (i) That the TPOs recently issued be confirmed:
BA/2017/0002/TPO The Lodge Church Road, Burgh Castle (W1)
BA/2017/0003/TPO The Old Rectory, Church Road, Burgh Castle (W1, G1, G2, T1 and T2)
BA/2017/0004/TPO Land adjoining Tie Dam, Mill Road Stokesby (T1)
- (ii) That BA/2016/0041/TPO The Old Rectory Church Road, Burgh Castle be revoked.

2/14 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2017.

RESOLVED

that the report be noted.

2/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 2 August 2017 to 24 August 2017. It was noted that no applications had resulted from Condition Monitoring for this last month, which was a definite improvement and to be welcomed from when the monitoring programme was first introduced.

It was clarified that the application BA/2017/0208/FUL at Riverscourt, Church Lane, Surlingham relating to the change of use of a boathouse to holiday let was the subject of different circumstances that the application at Ferry Road, Horning which had been refused. The latter was in a functional flood plain

whereas the boathouse at Surlingham was a dry boathouse and at the end of a long slip.

RESOLVED

that the report be noted.

2/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 13 October 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.15pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 15 September 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	2/9	Enforcement Item Waveney River Centre Owner a member of the Authority's Navigation Committee. All members had been lobbied.
Paul Rice		Chair of Broads Society. NSBA
Haydn Thirtle		Board Member NPLaw