

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 25 May 2018

Present:

In the Chair - Mrs Melanie Vigo di Gallidoro

Mr M Barnard  
Prof J Burgess  
Mr W Dickson  
Ms G Harris

Mr B Keith  
Mrs L Hemsall  
Mr H Thirtle  
Mr V Thomson

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – for the Solicitor  
Ms A Cornish – Planning Officer (Minute 11/8(1) and (2))  
Mr N Catherall – Planning Officer (Minute 11/8(3))  
Ms C Smith – Head of Planning  
Mrs M-P Tighe – Director of Strategic Services

Members of the Public in attendance who spoke:

#### **BA/2018/0012/CU Building adjacent to Barn Mead Cottages, Church Loke, Coltishall**

Mr Bill Musson Vice Chairman of Coltishall Parish Council  
Ms Poppy Seymour Applicant

#### **BA/2018/0025/COND & BA/2018/0026/COND The Old Maltings, 14 Anchor Street, Coltishall**

Mr Bill Musson Vice-Chairman Coltishall Parish Council  
Mr Brian King Objector  
Ms Nicole Perryman Senior Planner Ingletons On behalf of applicant

#### **11/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting. She also welcomed Lana Hemsall to her first meeting of this Committee.

Apologies had been received from Mr John Timewell.

#### **11/2 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. Three Members commented that they had been contacted by Mrs King, an objector to application BA/2018/0025/COND and BA/2018/0026/COND, but had not entered into a debate. They had explained

to her that as an objector she could make her points to the Committee at its meeting and had referred her to the officers.

**11/3 Minutes: 27 April 2018**

The minutes of the meeting held on 27 April 2018 were agreed as a correct record and signed by the Chairman.

**11/4 Points of Information Arising from the Minutes**

**Greater Norwich Development Partnership**

The Director of Strategic Services reported that the Chairman of the Planning Committee (and in his/her absence, the Vice-Chairman), was the Authority's member representative on the Greater Norwich Development Partnership. Therefore Melanie Vigo di Gallidoro was now the Authority's member representative and would be attending the next meeting which was on 19 June 2018.

**Minute 10/11 Former Waterside Rooms, Hoveton**

The Head of Planning reported that she had contacted North Norfolk District Council confirming the Authority's support in instigating compulsory purchase proceedings in relation to the former Waterside Rooms. She had also contacted the landowner's agents since when they had indicated that they would be submitting a planning application. Officers were in discussion with North Norfolk District Council Members and Officers with regards to the demolition of the building.

**11/5 To note whether any items have been proposed as matters of urgent business**

No items of urgent business had been proposed.

**11/6 Chairman's Announcements and Introduction to Public Speaking**

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

The Chairman 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.

**(2) Broads Local Plan**

The dates for the independent Examination of the Broads Local Plan had been arranged over two non-consecutive weeks: 2 – 6 July 2017 and 16 – 19 July 2018 and all members were welcome to attend.

**(3) Staff changes**

The Chairman reported that this would be Alison Cornish's last Planning Committee meeting as she would be moving to the private sector at the end of May 2018. George Papworth was leaving the Authority in June as he would be emigrating from the UK to Australia. Members expressed appreciation for their hard work and expert commitment to the Authority and wished them well for the future.

The Head of Planning Reported that appointments had been made to replace the two officers in June and July and Kayleigh Judson an experienced planning officer, would be providing extra support in the meantime.

#### **(4) Public Speaking**

The Chairman 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.

#### **11/7 Requests to Defer Applications and /or Vary the Order of the Agenda**

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

#### **11/8 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/2018/0012/CU Building Adjacent Barn Mead Cottages, Church Loke, Coltishall** Change of Use from B8 to residential dwelling and self-contained annexe  
Applicant: Mr Gordon Hall

The Planning Officer provided a detailed presentation and assessment of the application to convert an existing office/storage building into a dwelling unit with a separate annexe which was situated at the end of a short road approximately 200m south of the B1345 Wroxham Road, next to the Norfolk Mead Hotel. The dwelling would be lived in by the applicant and his partner with the applicant's aged father occupying the annexe. No amendments to the external appearance of the building

would be required. Permission for the storage of wines and an office ancillary to the occupation of the applicant's property at Barn Mead Cottages had originally been granted in 2005. The application site was outside the Development Boundary but within the Coltishall and Horstead Conservation Area and as it was a conversion, the proposal was assessed against the criteria of Policy DP21. The Planning Officer emphasised that as such the proposal was required to provide a Financial Viability assessment which could justify changing to a residential use. This had been examined by the Authority's Independent Financial Consultant who concluded that until there had been a proper marketing exercise, there was not sufficient evidence to justify such a change of use. It had therefore been necessary to weigh the policy considerations against other factors. The applicant had asked for personal circumstances to be taken into account and had submitted a Personal Statement in support, which was detailed in the report. There were no highway objections, flooding issues, the site being in Flood Risk Zone 1, or impacts on neighbour amenity and it was considered that there would be no adverse impacts on the Conservation Area.

The Planning Officer concluded that based on the information submitted to support the application, the change of use of the subject building to residential had to be considered as contrary to Policy DP21 of the Development Management Policies DPD. Whilst it was accepted that the personal circumstances associated with this case could be considered as a material planning consideration, it was regrettable but on balance it was considered that they did not carry sufficient weight to justify planning permission being granted contrary to Development Plan Policy. Although having sympathy with the applicant, it was therefore recommended that planning permission should be refused.

Members sought clarification on the history of the site and distances of the proposed residential use from the Norfolk Mead Hotel.

Mr Musson, Vice-Chairman of Coltishall Parish Council agreed that the application presented difficulties for making a decision. Although having a great deal of sympathy with the applicant's personal circumstances it was considered in principle inappropriate to take this route, particularly bearing in mind precedent. He concurred that policies needed to be robustly upheld and referred to the consultations received from the Parish Council.

Ms Poppy Seymour, partner of the applicant explained that he was unable to attend as he was recovering from surgery following serious illness. She explained that the building to be converted was made of sturdy solid material appropriate for conversion as originally it had to be suitable for the storage of wine. The need for the storage was no longer required since the business had developed and was now located elsewhere. The applicant had put out feelers to ascertain interest in renting the building for a commercial use, although this had not been

on a formal marketing basis. Of the three who had initially expressed interest none was prepared to pay a rent that was being asked and was considered reasonable. She noted that a valuation had been carried out which indicated an appropriate rental value of £6,000 but that this had did not meet the requirements of the applicant. The applicant had also not been aware that a full marketing exercise would carry so much weight in determining the application. Ms Seymour explained that the function venue for the Hotel was adjacent to their property of No 1 Barn Cottage and was not only affected by the noise but also from vibration. The proposed conversion would be sufficiently distant from the Hotel to alleviate the inconvenience to accommodate the family including their elderly (90 year old) relative. Ms Seymour stated that she understood that the Norfolk Mead Hotel wished to acquire all the Barn cottages as part of their business. Although it was understood that the site was not technically within the development boundary, the barn was situated in the heart of the village and adjacent to necessary amenities. The applicants had not undertaken a full marketing exercise as time was of the essence, given their elderly relative's health and age and it was hoped that their personal circumstances could be taken into account and the application considered on the basis of the information available at this point.

The Planning Officer clarified that the guidelines for carrying out a suitable marketing exercise were given as 12 months although this could be reviewed after 6 months. The requirement would be for a suitable, reputable company to carry out the exercise at a price agreed to be reasonable. The Planning Officer stated that the aspirations of the Mead Hotel would be difficult to take into account in the context of this application and Policy DP21.

Members expressed sympathy for the applicant's personal circumstances and that it was a finely balanced case. They considered whether a temporary permission could be of assistance, but the Planning Officer clarified that government guidance did not advocate this, particularly if the Authority was not prepared to provide a permanent permission. There would also be costs in fitting out the building for that change of use which would negate the marketing for commercial use.

Members also considered the possibility of a deferral for six months to enable the applicant to carry out a full marketing exercise. The Head of Planning advised that the LPA was required to determine the application submitted and there were risks associated with deferral as the applicant would have the option of appealing against non-determination, if they did not agree to a delay. It was noted that the applicant would also have the opportunity to appeal against refusal, should the Committee support the Officer's recommendation.

Vic Thomson proposed, seconded by Lana Hemsall that the application be deferred for 6 months to enable the applicant to carry out a marketing exercise.

On being put to the vote the motion was lost by 6 votes against and two in favour.

Haydn Thirtle proposed, seconded by Bill Dickson that the application be refused on the basis of the officer's recommendation that there was insufficient information to justify approval and the application being contrary to Policy DP21.

RESOLVED by 5 votes to 2 against and one abstention.

That the application be refused for the following reasons:

- In the opinion of the Local Planning Authority insufficient information has been submitted to demonstrate that the residential use of the subject building is the only viable use for the property. The proposal has to therefore be considered as contrary to Policy DP21 of the Development Management Policies DPD. Whilst it is accepted that the personal circumstances associated with this case can be considered as a material planning consideration, on balance it is considered that they do not carry sufficient weight to justify planning permission being granted contrary to Development Plan Policy.
- In all other respects the development proposed is considered to be in accordance with the relevant Development Plan Policies.

- (2) **BA/2018/0025/COND and BA/2018/0026/COND** The Old Maltings, 14 Anchor Street, Coltishall Variation of Conditions 3 and 4 of planning permission BA/2005/5107/HISTAP and BA/2005/3803/HISTAP to vary the design and use of the approved garage  
Applicant: Mr David Smith

The Planning Officer provided a detailed presentation and assessment of the application to vary conditions of an historic planning permission which, in effect, would vary the design and use of an approved single storey garage, to create an upper floor within the garage building to accommodate an ensuite bedroom, WC and cinema room to be used as part of the overall residential use of the site. The site was within the Coltishall Conservation Area at the eastern end of the village and the western end of Anchor Street extending down to the River Bure. The original plans were presented and compared to the proposed plans and it was explained that the building footprint and ridge heights would be the same. The structure would no longer use the southern boundary wall as part of its construction, and the addition would include an external staircase to access the upper floor.

In assessing the application the Planning Officer gave consideration to the main issues relating to the site - the principle of the development; design and materials and the impact on the listed buildings and the character of the Conservation Area; as well as impact on residential amenity. She responded to the representations detailed in the report. She explained that it had been dealt with as a Section 73 application as it met the criteria as such.

In conclusion, the Planning Officer considered that the submitted scheme was an acceptable amendment to the extant permission. The design and materials of the building proposed were considered to respect the setting of the listed building and to preserve the character of the Conservation Area. Whilst the concerns raised about the adverse effect on the residential amenity of the adjoining residential properties were noted, it was concluded that there would not be a significant adverse effect. There was no change in the use which would remain domestic and in association with the main dwelling. The scheme was therefore considered to be in accordance with the development plan policies and part 12 of the NPPF and was therefore recommended for approval with conditions as outlined within the report. It was clarified that the wording of the conditions as set out in the report was a summary of the content of the proposed conditions and these would be more precise and detailed in the decision notice. Condition 1 of the permission, "Development to be commenced within 3 years" related to when the original permission had been granted in 2005.

Mr Musson, Vice-Chairman of Coltishall Parish Council provided reasons as to why the Parish Council objected to the application, detailing those set out in the report. It was considered that the proposal did nothing to enhance, protect or improve the quality of its setting or the Conservation Area. It was felt it would have an adverse effect and should be refused, as was the Broads Authority's decision in 1991. The application was now for a two storey building as opposed to a single storey and therefore it should be considered as a totally new design and use and not be considered as an amended application. He commented that he agreed with the views stated by the Broads Society. There was an expectation that the development would be sympathetic to the area's heritage and the qualities of the village of Coltishall and its place within the special Broads area. This did not seem to be the case. Although such development seen in isolation may be accepted, it was the cumulative effect that was of concern, since Coltishall's infrastructure and character was already under increased pressure associated with housing development in and around the village, although not within the Broads Authority's boundary. The Parish Council was requesting that the Authority refuse this application in its present form and request a new application that was more in keeping with the surrounding Listed buildings.

Mr King, a neighbour living in Anchor House commented that the application was approved in 2005 and he was opposed to the current

application as it was very different to that given permission. He and his wife had not been invited to comment initially on the application to vary the conditions. He considered that the scheme did not represent a modest change as it increased the width of the building by 1 metre and its volume by 80%. In addition the wall was being raised by 1.5 metres with a different roof pitch. He considered that the changes were significant compared to the extant permission. He and his wife used their garden a great deal and it was considered that the plans would jeopardise their amenity. He also considered that the history of the area known for its breweries was completely overlooked. He expressed disappointment at the readiness with which Officers had appeared to dismiss the comments he had made. He understood that the Core Strategy and the Authority's policies were set up to protect the Broads as a National Park. However, the extant permission seemed to have overriding powers. Mr King expressed a strong objection to the proposals, stating that he considered the building to be ill conceived, dominant, out of character and not suitable for the area.

Ms Perryman, a Senior Planning Officer from Ingletons, on behalf of the applicant explained that clarification had been sought and received that the proposal was an acceptable use of the building. The applicants had provided assurance that it would be incidental to the main dwelling and not in any way a new dwelling, since it was not designed for independent use and there was no intention of it being used commercially. The applicants had sought the advice of the Authority's officers, Historic England had not wished to make any comments, the principle of the development had already been established and it was not considered to impact on residential amenity. Ms Perryman commented that the decision should be made on the basis of planning policy and felt that it had been assessed accordingly. She did not consider that there were any valid reasons why planning permission should not be granted.

Having sought clarification from the Officers on the status of the application, and other matters detailed in the report and above, Members noted the concerns expressed but considered that there were no significant reasons to justify refusal.

It was emphasised that the wording of the outline conditions would be expressed in more detail on the decision notice.

Lana Hemsall proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report. This proposal is considered to be in accordance with Policies CS1 Landscape Protection and Enhancement CS4 Creation of New Resources and CS5 Historic and Cultural Environments of the Core Strategy, Policies DP4 Design, DP5 Historic Environment and DP28



Amenity of the Development Management Policies DPD and Part 12 of the NPPF.

(3) **BA/2018/0112/CU The Croft, Romany Road, Oulton Broad, Lowestoft**

Change of use of outbuilding to holiday let.

Applicant: Sean Roberts

The Planning Officer provided a detailed presentation and assessment of the application for a change of use of the existing detached building to a self-contained unit providing holiday accommodation. The application was to all intents and purposes a resubmission of the application BA/2009/0181/CU which had been refused as it had been outside the development boundary and was considered to be contrary to policies in the Broads Local Plan 1997. However, these policies had now been replaced by the Development Management Policies DPD (2011) and the Site Specifics Policies DPD (July 2014) which provided a substantial change in criteria for assessing development boundaries. This had resulted in the development boundary being altered so that the site was now within it; there had been other policy changes included, which enabled the proposals to overcome the previous policy constraints.

The Planning Officer drew attention to the representations received particularly those setting out objections, which he addressed in his assessment. In particular, the issue of access was addressed and it was pointed out that Suffolk County Council Highways did not wish to restrict the granting of permission. In conclusion, the Planning Officer considered that the level of accommodation proposed would not be detrimental to the character of the area or the amenity enjoyed by neighbouring residents. The access along the footpath had been well established and was considered to be adequate to satisfy the existing use and expected increase in the degree of use. He therefore recommended approval subject to conditions.

Members noted that the access was not in the ownership of the applicant but did provide vehicle access to the application site. It was also a very well used footpath and there had not been any known problems.

Members concurred with the Officer's assessment.

Lana Hemsall proposed, seconded by Jacquie Burgess and it was

**RESOLVED** unanimously

that the application be approved subject to conditions as outlined within the report. The proposal is considered to be in accordance with Policies CS9 and CS24 of the Core Strategy (2007), Policies DP11, DP14, DP15 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.

#### **11/9 Enforcement Update**

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

**Barnes Brinkcraft** (the non-compliance with a planning condition), The landowners had now agreed a scheme in line with that which the Navigation Committee had been prepared to support and it was anticipated that an appropriate planning application would be submitted shortly. The provision of signage was also being discussed and Rangers were monitoring the situation regularly to ensure that the navigation channel was not being encroached and the situation was being managed proactively.

Members thanked the officers for the updates.

RESOLVED

that the report be noted.

#### **11/10 Consultation Documents Update and Proposed Responses: Waveney District Council – Pre-submission of Local Plan South Norfolk Council – Draft Open Space Supplementary Planning Document**

The Committee received a report on the latest consultation documents from Waveney District Council and South Norfolk Council.

With regard to the Waveney District Local Plan it was considered that it was well presented, well written and set out in a logical manner which was to be welcomed. There were considered to be a number of omissions with regard to reference to the Broads area and its special landscape qualities, which were highlighted in the response.

Members were pleased that the Authority had been involved in the preparation of the Waveney Local Plan and that it was close to submission.

In response to a Member's question concerning the Deal Ground and Utilities Site, the Head of Planning commented that there was some work underway in with Norwich City Council and South Norfolk Council in preparing a policy document .

RESOLVED

that the consultation documents are noted and the proposed responses are endorsed for submission to Waveney District Council and to South Norfolk Council.

### **11/11 Appeals to Secretary of State Update**

There were no appeals currently lodged with the Secretary of State.

### **11/12 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 11 April 2018 to 8 May 2018. It was noted that there were now fewer applications that had been dealt with under delegated powers that had come through the condition monitoring process.

RESOLVED

that the report be noted.

### **11/13 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 22 June 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich

The meeting concluded at 12.20 pm

CHAIRMAN

**APPENDIX 1****Code of Conduct for Members****Declaration of Interests****Committee:** Planning Committee**Date of Meeting:** 25 May 2018

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
V Thomson	11/10	Appointee South Norfolk Council
Bruce Keith		Director of Whitlingham Charitable Trust
Mike Barnard	11/8(3)	Application BA/2018/112/CU Waveney District Councillor
Mike Barnard	11/10	Member of Waveney Local Plan Working Group
Melanie Vigo di Gallidoro	11/8(3)	Approached about The Croft by Mrs Roberts at a charity event and referred the subject to Cally Smith to arrange contact with planning officer.