

Broads Authority
Planning Committee

Minutes of the meeting held on 23 March 2018

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Ms G Harris
Mr B Keith

Mr H Thirtle
Mr V Thomson
Mrs Melanie Vigo di Gallidoro

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Ms A Cornish – Planning Officer (Minute 9/8)
Mr B Hogg – Historic Environment Manager
Ms C Smith – Head of Planning
Mr T Risebrow – Planning Officer (Compliance and Implementation)
(Minute 9/9 and 9/10)
Mrs M-P Tighe – Director of Strategic Services

No Members of the Public were in attendance

9/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies had been received from Mr J Bensly, Prof J Burgess, Mr W A Dickson, Mrs L Hempsall and Mr P Rice.

9/2 Declarations of Interest

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

9/3 Minutes: 2 March 2018

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

9/4 Points of Information Arising from the Minutes

The Chairman referred to the Authority's Planning Committee meeting on 23 June (Minute 13/9) concerning enforcement and aspects of the Thorpe Island basin issue and the officer's response to a blog by Mr James Knight dated 17.06.17 and set out as Appendix 2 to the Minutes of the June meeting. Reference was made to the involvement of Mr Bill Knight, the brother of James Knight, in his professional capacity as a surveyor. Mr Bill Knight asked

to meet him, in order to clarify some aspects of that involvement, which Sir Peter was happy to do and to place on record. The Chairman stated that a cordial meeting took place and following that a note was sent to Mr Knight for his approval and agreement in November 2017. The Chairman wished to bring closure to the matter and place this on record, especially as this would be his last meeting of the Authority. The Chairman read the note out:

"Mr. Knight states that his work with Richardsons, the previous owners of the basin, did not facilitate the sale to Mr. Roger Woods and that he gave no advice to Mr. Woods in connection with that purchase. He did give advice to Mr. Woods regarding the eastern end of Thorpe Island, which some of you will remember as the former Heart's Cruisers site, in 2005. Mr Knight had no issue with the references in the minute to his later involvement with Mr Woods and the basin."

The Chairman had received no further correspondence from Mr Bill Knight and it was therefore considered that this statement could be considered as acceptable to him in the absence of any response to the contrary and could be placed on the record for that meeting. (Paragraph 6 of 'other points to note' in Appendix 2 of those minutes)

Members concurred.

9/5 To note whether any items have been proposed as matters of urgent business

No items of urgent business had been proposed.

9/6 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.

2) Public Speaking

The Chairman stated that no members of the Public had registered to speak or were in attendance.

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

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

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 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/2018/0053/HOUSEH Wayford Mill, Wayford Bridge, Wayford Road, Smallburgh** Maintenance building and workshop with storage of plant
Applicant: Mr Mark Rogers

The Chairman explained that the application was before the Committee due to the history of the site and, the previous enforcement issues involved as well as an objection from the Parish Council.

The Planning Officer provided a presentation and assessment of the proposal for the construction of an outbuilding for the storage of plant and equipment and a workshop space associated with the ongoing upkeep and maintenance of the restored windmill at Wayford Mill. It would therefore be incidental to the residential use of the site. The ground floor would be used for the storage of plant and a mezzanine floor in part of the above was intended to be used as a workshop. The building was to be sited over a culvert that was in the ownership of the applicant. At present the equipment was stored on site. The applicant rented other buildings off site for the storage of plant for his business operation.

The Planning Officer addressed the main issues for consideration relating to the principle, scale, design and materials; landscape; ecology and flood risk, the site being in flood risk zone 2 and 3. A previous application for a similar building had been refused in 2005. Since then the site had matured, the scale of the proposal reduced, the design and the materials to be used were considered to be in keeping and subservient to the main dwelling and therefore it was considered that the original concerns had been addressed and in terms of landscape impact the proposal was acceptable. The development was considered to be in accordance with the relevant Development Plan Policies including the Environment Agency guidelines and the NPPF and therefore the application was recommended for approval.

Members were mindful that they were required to consider the planning merits of the case. They considered that the principle of a storage building was acceptable subject to it not being used for commercial purposes or converted. However, they had concerns about the functionality of the building and the measurements supplied in relation to the equipment to be stored. In addition, as a matter of courtesy they considered that the IDB should be consulted on the application, given that the development was to be sited on a culvert.

The Chairman proposed, and it was

RESOLVED unanimously

that the application be deferred for further information and clarification on the functionality and measurements of the proposed building and consultations with the IDB.

- (2) **BA/2017/0415/ Morrisons, George Westwood Way, Beccles**
Development of three retail units, car wash area, tyre service area and two small retail pods (units to comprise of uses within use classes A1,A2, A3 and mixed A1/A3 and A3/A5 uses).
Applicant: W M Morrisons Supermarkets Plc

The Planning Officer provided a detailed presentation and assessment of the proposals for the construction of three retail units, one of which would be a drive-thru unit, two retail pods, a car wash pod and a tyre pod on part of the Morrisons supermarket car park situated at the junction between the A146 and A145 George Westwood Way in Beccles. All the development except for one of the retail pods would be grouped in the north-western corner of the supermarket car park, the other retail pod would be sited adjacent to the western frontage of the main store.

One of the main issues to consider was the fact that the site was in Flood Zone 3 and 2 and the Environment Agency had issued a holding objection relating to flood risk and possible contamination, stating that the objection could be overcome by the submitting of a satisfactory Flood Risk Assessment and a Preliminary Risk Assessment as advised.

The Planning Officer concluded that in principle the proposed development for a retail/service based development was acceptable due to the site already having an established retail use and evidence had been submitted that it passed the Sequential Test. However, with insufficient information being submitted to enable the Environment Agency to withdraw their objection and the fact there was insufficient evidence to assess any possible impact on the screening of the site and therefore inform the landscape impact, it was concluded that the development was not in accordance with the relevant development plan policies and there was no option but to recommend refusal.

Members concurred with the officer's assessment. One member expressed concern about the highways aspects of the proposal which would result in the loss of car parking spaces as well as the location of the site at a busy road junction and therefore queried the views of the Highways Authority. It was clarified that the Highways Authority (Suffolk County Council) did not consider that the reduction in the number of car parking spaces would be significant, based on the criteria used in their assessment.

Members also had concerns about the design of the proposed buildings on the site which was a material consideration for the special landscape qualities of the Broads and they wished to add this element to the reasons for refusal.

Although not material planning considerations, Members were of the view that as a large corporate organisation, Morrisons had a duty to ensure that the correct environmental and employment standards were applied in any operations from the site. It was suggested that in an area such as East Anglia which had the least annual rainfall for the country, the water use should be carefully considered. They were also mindful of the requirement for Morrisons (as a company of over 250 employees) to document their modern slavery policy and they would wish to be satisfied that this had been considered in the context of the car wash facility. Members recognised that such questions were not material to the planning merits of the case but suggested that these be questions posed for consideration by the applicant.

Haydn Thirtle proposed, seconded by Gail Harris and it was

RESOLVED unanimously

that the application be Refused for the following reasons:

- The site is located in an area classified as Flood Risk Zone 3 in the Broads Authority's Strategic Flood Risk Assessment. Whilst the development proposed is classified as a 'less vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance and the NPPF Sequential Test has been satisfied the application fails to demonstrate that the flood risk associated with this development has been accurately addressed and mitigated. In the opinion of the Broads Authority the proposal therefore has to be considered as being contrary to Policy CS20 of the Broads Authority Core Strategy 2007 – 2021, Policy DP20 of the Broads Authority Development Management Policies DPD 2011 – 2021 and to the NPPF.
- The site is located on a former landfill site and insufficient information has been submitted to satisfactorily demonstrate that the development of this site can be undertaken without giving rise to unacceptable risks from contamination at the site. The development therefore has to be considered as non-conforming to paragraph 120 of the NPPF.
- In the opinion of the Broads Authority insufficient information has been submitted to satisfactorily address the impact on existing established screen planting immediately adjacent to the site and the landscape impact of the overall development cannot therefore be accurately assessed. The proposal therefore has to be considered

as contrary to Policy CS1 of the Broads Authority Core Strategy 2007 – 2021, Policy DP2 of the Broads Authority Development Management Policies DPD 2011 – 2021 and to paragraph 115 of the NPPF.

- The proposed development does not reflect the character and appearance in terms of the design required in the special landscape of a National Park area and therefore the application is contrary to Policy DP4

**9/9 Enforcement of Planning Control:
Unauthorised change of use to Canoe Hire yard, standing of
structure and development of boat launching site.**

The Chairman declared an interest on the basis that he was a personal friend of the owner of the site (as set out in Appendix 1), which was being leased for the canoe hire operation. He took no part in the debate or the decision.

The Committee received a report concerning the unauthorised change of use of land at the rear of the Norfolk Broad Tourist Information and Activity Centre (TIAC) in Wroxham. The works which constituted development were the material change of use to a business use and the construction of a landing stage, slipway and erection of storage shed/workshop and canoe racks. The works were to facilitate the use of the site as a base for canoe hire in connection with the adjacent TIAC activity. There was no planning permission for any of the development. Officers were made aware of this in 2016 and had attempted to seek a planning application from the operator but to no avail.

The unauthorised development at the site was acceptable in terms of the principle of the use, but unacceptable in respect of some of the structures. In the absence of a planning application, it would not be possible to impose planning conditions covering these matters and the LPA had only formal mechanisms available to resolve the position.

It was noted that the service of an Enforcement Notice could be used in lieu of a planning permission as it could require certain steps to be taken. Officers were seeking authorisation from the Committee to serve an Enforcement Notice for the removal of the unauthorised free standing structure and the associated lean-to only. The suggested compliance period recommended was 9 months to allow the operator time to develop the business to a point where a permanent structure could be justified or to seek further premises from which to operate.

Members considered that a shorter period of compliance of six months should be imposed.

Haydn Thirtle proposed, seconded by Bruce Keith and it was

RESOLVED by 4 votes to 1 vote against and two abstentions (one being that of the Chairman).

- (i) that officers are authorised to serve an Enforcement Notice requiring the removal of the freestanding structure and associated lean-to with a period of compliance of 6 months.
- (ii) in the event of non-compliance to prosecute at the magistrate's court.

9/10 Enforcement Update

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

- (i) **Burghwood Barnes** – Following the dismissal of the appeal against the Enforcement Notice, the Notice had been varied by the Planning Inspector and the compliance period extended. Officers were regularly monitoring the site and work was underway to comply with the notice as well as a number of conditions on previous consents. The Planning Officer (Compliance and Implementation) provided the committee with a number of slides giving evidence of the work that had been carried out. Officers would continue to monitor the site.
- (ii) With reference to the non-compliance with a planning condition at **Barnes Brinkcraft**, officers had requested the submission of a planning application in accordance with the scheme which had been considered not unacceptable in principle by the Navigation Committee and this would be brought to a future Planning Committee. In the meantime, Barnes Brinkcraft had been advised to operate the site in accordance with the scheme considered by the Navigation Committee.

There were no further updates to report.

RESOLVED

that the report be noted.

9/11 Appeals to Secretary of State Update

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

9/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 14 February 2018 to 12 March 2018.

BA/2017/0492/FUL Kingsbury Cottage, Common Lane Thurne. – approval for a shepherd's hut. The Head of Planning explained that as the hut would not be moveable, it was classed as development and therefore planning permission was required.

RESOLVED

that the report be noted.

9/13 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 27 April 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. The meeting would be followed by the Member's Heritage Asset Review Group.

The meeting concluded at 11.00 am

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 23 March 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Haydn Thirtle	9/8(1)	Board member of IDB (Broads) – application over culvert
Bruce Keith		None
Mike Barnard	9/8(2)	Councillor for Waveney District Council
Peter Dixon	9/9	Owner of Bridge Broad – a personal friend and his company maintains my river cruiser
Melanie Vigo di Gallidoro		None