

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

Minutes of the meeting held on 9 November 2018

Present:

In the Chair - Mrs M Vigo di Gallidoro

Mr M Barnard	Mrs L Hempsall
Prof J Burgess	Mr H Thirtle
Mr W A Dickson	Mr V Thomson
Ms G Harris	

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)  
Ms N Beal – Planning Policy Officer (Minute 4/10 – 4/12)  
Mr N Catherall – Planning Officer (Minute 4/1 – 4/8)  
Mr B Hogg – Historic Environment Manager  
Mr J Ibbotson – Planning Officer (Minute 4/1 – Minute 4/8(3))  
Ms C Smith – Head of Planning  
Mrs M-P Tighe – Director of Strategic Services

Members of the Public in attendance who spoke:

**BA/2018/0364/COND The Ice House, The Shoal, Irstead**

Luke Frost	On behalf of applicant, Mr Lodge
(Mrs B McGoun -	Local District Member provided a Statement)

**BA/2018/0149/FUL Broadlands Marina, Marsh Lane Oulton Broad**

Mr Falat	For OultonBroad Parish Council
Mrs M Shelley	Agent for Applicant Lanpro Services

**4/1 Apologies for Absence, Welcome and Housekeeping Matters**

The Chair welcomed everyone to the meeting.

Apologies had been received from Mr L B Keith, Mr P Rice and Mr J Timewell

**The Openness of Local Government Bodies Regulations**

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

#### **4/2 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.

A member declared a general interest on behalf of all members concerning application BA/2018/0390/FUL Hippersons Boatyard, Gillingham as the applicant was a member of the Authority's Navigation Committee.

#### **4/3 Minutes: 12 October 2018**

The minutes of the meeting held on 12 October 2018 were agreed as a correct record and signed by the Chair.

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

There were no points of information to report.

#### **4/5 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

#### **4/6 Chairman's Announcements and Introduction to Public Speaking**

##### **(1) Public Speaking**

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

#### **4/7 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.

#### **4/8 Applications for Planning Permission**

The Committee considered the following application submitted under the Town and Country Planning Act 1990 (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/2018/0364/COND The Ice House, The Shoal, Irstead**

Variation of approved plans: to allow existing cladding to dwelling to remain by changing condition 2 and removing conditions 3 and 4 of permission BA/2016/0165/COND.

Applicant: Mr and Mrs Lodge

The Planning Officer gave a detailed presentation and assessment of the retrospective application to vary a condition on the planning permission granted in July 2017. The application concerned the holiday dwelling within the curtilage of the Icehouse, which was originally granted permission in 2014 to enable refurbishment of the main dwelling and was a departure from policy. The planning permission for the holiday dwelling included the use of timber windows and timber boarding. In 2016 the Committee had agreed to vary the condition to change the materials for the windows. This was on the basis that the use of uPVC would be retained whilst the existing unauthorised fibre cement boarding would be replaced by waney edged timber boarding. The application before the Committee sought to retain the fibre cement cladding installed to the roof gables and to the face and cheeks of the roof dormers of the holiday dwelling.

The Planning Officer concluded that the proposed retention of the fibre cement cladding would result in an unacceptable impact on the setting of a locally listed heritage asset, would be detrimental to the character and appearance of the holiday let, and would require a departure from policy which was considered not to be justified. The change from the approved scheme and varied scheme was not minor and was clearly visible from public vantage points. The proposal was therefore contrary to Policy DP4 as it lacked high design quality, did not integrate with its surroundings, reinforce local distinctiveness, or enhance cultural heritage. The proposal was contrary to Policy DP5 as it did not protect, preserve, or enhance the fabric and setting of a historic, cultural and architectural asset. Refusal was therefore recommended.

The Planning Officer clarified that the applicant had been restoring the Ice House in accordance with the timeline of the associated Section 106 Agreement. The applicants were living in the subject of the application at present and were due to vacate it so that it would be available for holiday lets as from 1 April 2019, and Mr Lodge confirmed that he intended to move into the Ice House at that stage.

Mr Luke Frost on behalf of the applicant referred to the support received for the development and the fact that none of the local residents had objected. He explained that the applicant accepted he had made a mistake but this was due to finances which the Authority had not taken into account although he understood that finances were

not a matter for planning. He considered that the Authority should take some of the responsibility for not having visited the site while work was ongoing. He referred to other buildings in the Broads where such materials had been used and accepted on appeal. He considered that the design was of a high quality and used a wood effect which was sustainable and noted that if the fibre cement boarding was removed it would end up in landfill, which did not represent sustainability. He considered that the condition to swap the wood effect for wood was disproportionate. For financial and safety reasons he urged the Committee to approve the application and vary the condition.

The Planning Officer, read out the statement from Mrs McGoun, the Local District Member, supporting the application and expressing disagreement with the views of the Authority's Historic Environment Manager. She considered that Policy DP4 had been satisfied. She further considered that the development was of a particularly high design quality. She felt as a holiday unit it should be fire proof. This was vital for safety reasons, particularly in the light of the Grenfell Tower disaster. She also referred to the Broads Authority's Bio Diversity planning guidance where it mentioned the use of woodcrete being sustainable.

Mrs McGoun referred to other places within the Broads where such cladding had been used and justified. She praised the work of the applicant in taking on and expertly restoring a building of significant cultural heritage value and urged the Committee to recognise the importance of the application in aiding its restoration and therefore to vary and remove the conditions for the good of the Broads and its continuing historic and cultural environment.

Although Members had sympathies for the applicant, a member commented that these were irrelevant to the planning issues. Some Members expressed the view that the Authority had to uphold the integrity of the planning system. An exception and departure from the development plan policies had already been made in order to allow the new holiday unit as enabling development to facilitate the restoration of an important historic feature. The work undertaken on the Ice House was to be commended. The design and visual appearance in the landscape of the associated building was also vitally important to the integrity of the locally listed building and also the Broads National Park.

Members agreed that it was vital that the Ice House was properly restored to a high standard but some members did not agree that the use of the fibre cement boarding for the holiday dwelling set 75 metres back from the river would have a detrimental effect. They were concerned that if the application was refused this could jeopardise the full restoration of the Ice House.

Bill Dickson proposed, seconded by Jacquie Burgess and it was

RESOLVED by 5 votes to 3 against

that the application be refused. The proposal is considered to be contrary to Policies DP4 and DP5 of the Development Plan Document (2011), along with Policies CS1 and CS5 of the Core Strategy (2007), and the National Planning Policy Framework (2018) which is a material consideration in the determination of this application.

- (2) **BA/2018/0149/FUL Broadlands Marina, Marsh Lane, Oulton Broad**  
40 new private and 15 new visitor pontoon moorings as an extension to the Marina; removal of 30 moorings and a section of jetty; creation of additional reedbed, and reinstatement of slipway and pump out facilities.

Applicant: Mr Paul Spriggins

The Planning Officer provided a presentation outlining the application relating to Broadlands Marina for the provision of mooring pontoons to provide additional private and visitor moorings, as an extension to the existing Broadlands Marina. The application would also include the removal of other moorings and a section of a jetty, creation of additional reedbed, and reinstatement of slipway and pump out facilities. The proposed extension would project a significant distance into Oulton Broad. Objections had been received expressing concern about the impact on navigation, encroachment into the Broad and impact on Broads landscape. The Navigation Committee had objected due to the navigation impact.

The applicants were currently considering amendments to the scheme. Given the location, siting, scale of the proposal and not insignificant local interest as well as the complexities involved, officers recommended that members undertake a site visit so as to fully appreciate the local context prior to determination of an application.

Members considered that a site visit would be important.

The Chair stated that it was not usual to allow public speaking when a full assessment of an application had not been provided and a site visit was recommended. Parish councils were invited to attend relevant site inspections where they would have the opportunity to point out factual information to Members. They would then have the opportunity to address the Committee when the application was due to be determined. On this occasion, the Chair commented that she would make an exception and allow public speaking as this fact had not been made clear to the Parish Council.

Mr Falat, representing Oulton Broad Parish Council indicated that the Parish Council's duty was to protect Oulton Broad for the enjoyment of local inhabitants and for visitors to the area. Nicholas Everitt Park was almost unique in offering direct access to the Broads with a westward vista exceptionally enjoyed. The Parish Council was therefore

particularly concerned about development at the western end of the Broad to interrupt such a vista and also expressed concerns about any potential incursion into the navigation, which could also set a precedent for others. He suggested that the Planning Committee also view the site from Nicholas Everitt Park. He commented that although the planning remit was with the Authority, Waveney District Council was the landowner and their approval would be pivotal on actual development.

Mrs Shelley on behalf of the applicant explained that the applicants owned the Broadland Holiday village and had a number of pre-application negotiations with Authority officers. Therefore the application had been designed on the basis of the concepts discussed, particularly with the aim of increasing the provision of visitor facilities and moorings in Oulton Broad. It was following the comments received from the navigation committee, that it appeared that the design of the scheme proposed would not be acceptable from a navigation point of view. The applicants would continue to work with the Authority to take account of the navigation channels and the importance of ecology and provide suitable buffer zones.

Lana Hemsall proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

That the members of the committee undertake a site visit prior to determination of any application in order to gain a full appreciation of the local context given the location, siting and scale of the proposal and the considerable local interest in any proposals for the site. The date of the site visit was confirmed as Friday 30 November 2018 starting at 9.30am.

(3) **BA/2018/390/FUL Hippersons Boatyard, Gillingham Dam, Gillingham**

Proposal: 7.15m x 3.5m x 3.55m high timber clad single bedroom unit of holiday accommodation and associated sewage treatment tank.

Applicant: Mr Simon Sparrow

The Planning Officer provided a presentation on the application for a single unit of holiday accommodation adjacent to an established boatyard within close proximity to both the river Waveney, and town of Beccles. The application was before members as the applicant was a member of the Navigation Committee. He explained that the application was being presented to this meeting even although all the consultations responses had not been received, due to the applicant needing a decision in order to seek European funding. The Planning Officer made a correction to the report to delete paragraph 4.1 which was not relevant to this application.

Since the writing of the report further consultation comments had been received.

- Highways Authority – the proposal and its access would not generate a significant increase in traffic use and therefore there was no highway objection.
- Environment Agency – The application site was within Flood Zone 3 and so there was a holding objection. Additional information was required as the Flood Risk Assessment (FRA) provided did not have updated information.

The Planning Officer explained that the applicant was working on providing the necessary information. Once a revised FRA was provided, the Authority would re-consult the Environment Agency. He explained the procedures for a sequential and exceptions test and that these could be met.

Having assessed the application on the main issues of principle adjoining a boatyard outside the development boundary, potential impacts on the character of the area and neighbour amenity, ecology and impact on highways and cycle/pedestrian access, the Planning Officer concluded that the application could be approved subject to conditions and to the Environment Agency removing their holding objection. This would be subject to a revised Flood Risk Assessment being provided which satisfied the Environment Agency. The site was considered to be a sustainable location for holiday accommodation and the specific location and design of the structure would not harm the character and appearance of the site or wider area. The scheme was considered to be a sympathetic diversification of the existing boatyard use and would not harm residential amenity.

Members concurred with the Officer's assessment and the amended recommendation covering the removal of the Environment Agency objection.

Lana Hemsall proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

that Officers be delegated to approve the application subject to the Environment Agency withdrawing their holding objection following the submission of a revised Flood Risk Assessment and conditions as outlined within the report together with any subsequent requests from the Environment Agency.

The proposal is considered to be in accordance with Policies CS9 and CS24 of the Core Strategy (2007), Policies DP11, DP14, DP15, DP20 and DP28 of the Development Plan Document (2011), and the National

Planning Policy Framework (2018) which is a material consideration in the determination of this application.

#### **4/9 Enforcement Update**

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

**Burghwood Barns, Burghwood Road, Ormesby St Michael.** A provisional court date of 18 December 2018 had been provided for the hearing into the Breach of Conditions Notices concerning the the non-compliance with conditions of BA/2018/0444/FUL .

**Marina Quays.** The application had been withdrawn and the applicants were considering the submission of a revised new application.

**Barnes Brinkcraft, Riverside Estate, Hoveton.** A decision on the planning application, which the Planning Committee had agreed to approve at its meeting on 14 September 2018, was about to be issued. The item will be removed form the next enforcement update.

**Rear of Norfolk Broads Tourist Information and Activity Centre 10 Norwich Road, Wroxham.** The unauthorised lean-to structure had now been removed and therefore compliance with the Enforcement Notice had been achieved. Canoe equipment remained but as the lease was soon due to end it was expected that this would soon be removed and it was not considered expedient to pursue enforcement in respect of the unauthorised use at present. The item would be removed frm the next enforcement update.

**Land north of Ludham Bridge** – unauthorised hardstanding and structures, plus workshop. Compliance with the enforcement notice had now been achieved. The item would be removed in the next enforcement update.

**Former Waterside Rooms, Station Road, Hoveton:** Untidy land and Building. Subject to a couple of minor actions being completed, compliance with the Section 215 Notice will have been achieved. The item would be removed from the next enforcement update, although officers will continue to monitor the site.

**Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter** Officers were continuing to monitor the site, the last visit having been on 8 November 2018.

Members welcomed the progress made.

RESOLVED

that the report be noted.



#### **4/10 Waveney Strategic Flood Risk Assessment SFRA**

The Committee received a report on the recent consultation from Waveney District Council on its Strategic Flood Risk Assessment (SFRA.) This was now completed and ready for use in the planning process. This was the last of the four SFRAs covering the Broads Authority's Executive Area and the only one covering the Suffolk part. It was noted that a precautionary approach was being taken for the parts not modelled for flood risk. Although some changes would be required for the Local Plan, these were not considered significant and the Inspector was aware of the progress of the Waveney SFRA and changes required. It was also noted that all changes to the Local Plan would be consulted on prior to the adoption of the Local Plan.

RESOLVED unanimously

that the report is noted and the proposed comments in the report be endorsed.

#### **4/11 Wroxham Neighbourhood Plan – Proceeding to Publication**

The Committee received a report relating to the proposed Wroxham Neighbourhood Plan, submitted by Wroxham Parish Council on 2 November 2018 to Broadland District Council and the Broads Authority and which was subsequently sent separately to Members of the Committee with the necessary supporting documentation. The report detailed the required assessment against criteria set by Government legislation and officers concluded that the submitted plan complied with that criteria. The next stage involved the Plan undergoing a six week publication period to enable representations to be made on its content. The Authority had responded to the first consultation at the Planning Committee meeting on 17 August 2018. The Habitats Regulation Assessment Screening report was included with the documentation although it had been received following the writing of the Officers' report. The Planning Committee would receive a report following the six week period, with comments on the content of the Local Plan. The publication period would be followed by an independent examination to be carried out by an accredited Neighbourhood Plan examiner, who would recommend whether or not the Plan should proceed to referendum.

RESOLVED

that the submission version of the Wroxham Neighbourhood Plan is endorsed and approved for proceeding to publication (consultation) and that confirmation is sent to the parish council.

#### **4/12 Literature Review: Landscape Sensitivity Study for Renewables and Infrastructure**

The Committee received a report on the literature review that assessed the continued relevance of the Broads Landscape Sensitivity Study for Renewables and Infrastructure (2012). The study assessed the impact of wind

turbines and solar panels to provide criteria to planning applicants and inform policy. The Landscape Character Assessment was the study's baseline and was to be read in conjunction with it.

The assessment concluded that the Sensitivity Study 2012 remained relevant, the guidance reviewed and published since the study was compiled remained largely unchanged and visual technology had also remained largely unchanged. Therefore the study remained fit for purpose. It was also recommended that the Authority conduct a review of technologies available every 5 years, the continued relevance of the Broads Landscape assessment every 10 years and subsequently the Sensitivity Study as appropriate.

A Member queried whether there had not been a ministerial statement regarding the suitability of developing solar farms on land designated as special areas and whether there should be reference to this. Officers were aware of comments relating to wind farms and undertook to look into this further.

Members were pleased to note that the Landscape Character Assessment was validated as it was an excellent piece of work.

#### RESOLVED

- (i) That the report is noted and the Broads Landscape Sensitivity Study for Renewable and Infrastructure (2012) is endorsed for continued use where necessary and
- (ii) That Authority review technologies and, the continued relevance of the Broads Landscape character assessment and subsequently the Sensitivity Study as appropriate.

#### **4/13 Appeals to the Secretary of State**

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

#### RESOLVED

that the report be noted.

#### **4/14 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 27 September 2018 to 25 October 2018. There were no applications which had resulted from the monitoring programme, which was pleasing to note.

#### RESOLVED

that the report be noted.

**4/15 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 7 December 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by a meeting of the Heritage Asset Review Group.

The meeting concluded at 11.40am

CHAIRMAN

**Code of Conduct for Members**

**Declaration of Interests**

**Committee:**           **Planning Committee**

**Date of Meeting:**   9 November 2018

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
All members of the Planning Committee	4/8(3)	Applicant a Member of the Authority's Navigation Committee
Mike Barnard	4/8(2)	Friend of Nicholas Everitt Park. Councillor for Oulton Broad
Mike Barnard	4/10	Waveney District Council. Strategic Flood Risk Assessment
Bill Dickson	4/8	Member of Navigation Committee