

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

Minutes of the meeting held on 31 March 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard  
Ms G Harris  
Mr P Rice

Mr H Thirtle  
Mr V Thomson

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)  
Mr B Hogg – Historic Environment Manager (Minute 10/8(2))  
Ms A Long – Director of Planning and Resources  
Miss S Mullarney (Administrative Officer (Governance))  
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

**BA/2017/0059/CU Horizon Craft, Old Road, Acle**

Mr Ryan Mabbott                      The Applicant

**BA/2016/0323/FUL Bureside, water Works Lane, Horning**

Prof Erika Denton                      The Applicant

**10/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting. Apologies were received from Prof J Burgess, Mr W Dickson and Mr J Timewell. He also welcomed Sarah Mullarney who had recently joined the Governance team and was attending as an observer.

**10/2 Declarations of Interest**

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

**10/3 Chairman's Announcements and Introduction to Public Speaking**

The Chairman reported on the following:

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

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis and investigation of ways of making recordings available on the website were being made. The recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The copyright remained with the Authority and the minutes would be as a matter of record.

- (2) **Introduction to Public Speaking** The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

**10/4 Minutes: 3 March 2017**

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

**10/5 Points of Information Arising from the Minutes**

None to report

**10/6 To note whether any items have been proposed as matters of urgent business**

No items had been proposed as matters of urgent business.

**10/7 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.

**10/8 Applications for Planning Permission**

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

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

- (1) **BA/2017/0059/CU Horizon Craft, Old Road, Acle Upton with Fishley** Part change of use of boat shed and workshops to a bar and restaurant (Class A3). Installation of 8 shore power posts and extension of gravel walkway.  
Applicant: Mr Ryan Mabbott

The Chairman stated that comments had been received from the local Ward member this morning. In accordance with the Authority's procedures, this was after the cut off point for receipt of information and would not normally be taken into account. However, given that this was the Ward Member therefore on this occasion, with Committee approval, an exception was being made. A copy of Mr O'Neill's email was circulated to the Committee.

The Head of Planning provided a detailed presentation of the application including two elements – the first involving a part change of use of a boat shed and workshops at Horizon Craft to a bar and restaurant; the second element of the application included an extension of 140 metres of a gravel walkway and the installation of 8 shore power posts and electric hook up for moored boats. The applicant leased the site from Richardsons with the aim of the providing diversification of the existing business, improve viability and extend the season. Members attention was drawn to the location of the site by the Acle Bridge where there was development at all four corners with a cluster of tourist and marine related businesses and with access off the main distributor A1064 road, a major factor in consideration of the application particularly with regard to the comments from the Highways Authority. The Head of Planning stated that being a main distributor road, the national speed limit was 60 mph with an advisory, not mandatory, speed limit of 30mph on the bridge, which it was noted was a blind summit. It was widely recognised that this limit was poorly observed. She provided the visibility measurements at different locations and the visibility requirements for differing speed limits and pointed out that the main problems occurred when traffic needed to turn right.

Since the writing of the report, additional consultations had been received from:

- Upton Parish Council – no objection
- Acle Parish Council stating that they supported the principle of the application but raised an objection due to the traffic concerns on lack of highways visibility and considered that a traffic survey and impact assessment should be done, and a speed reduction imposed.
- Frank O'Neill Local District Member – Fully Supported the application. Recognised the highway concerns and advocated that the Highways Authority convert the advisory 30mph speed limit to mandatory as well as impose this from Acle Bridge to the roundabout at the junction of the A47.
- Lana Hempsall – District Member for the adjacent ward, Acle. Raised concerns about the access and recommended a site visit and that Highways be pressed to undertake a traffic survey and assessment, that improvements be made and the Authority to make this a strategic priority. She also supported the principle of the application.
- Further correspondence from the Highways Authority which was covered within the presentation.

In providing the assessment, the Head of Planning concluded that the proposals were in accordance with the NPPF, compliant with Broads Authority policies and met the Acle Neighbourhood Plan aspirations, would not have an impact on the landscape or amenity, would increase employment and improve and contribute to the tourism facilities and network generally in the Broads. The main concern, related to the objections from the Highways and the question as to whether the difficulties could be mitigated or the speed limit reduced, both of which the Highways Authority had concluded could not be justified, details being set out at section 5 of the report and in their additional letter. It was stated that Highways could not make speed limit changes to make an unacceptable (in highway terms) development acceptable. They had also stated that the additional costs involved in mitigation including enforcement could not be justified. They also stated that a traffic impact assessment was not warranted.

The Head of Planning commented that the concerns of the Highways Authority had been carefully examined and the risks involved. However, it was concluded that taking into account all material considerations, there was a long established existing use of the site, there were already permitted development rights which could generate considerably more traffic than at present or an intensification of use, without further reference to the Planning Authority. It was unusual to go against the advice of the Highways Authority but the Head of Planning concluded that overall and on balance the recommendation was for approval as the material considerations outweighed the highway objections and the objectives of the plan would not be significantly harmed. Should members wish to approve the application, it would need to be advertised as a departure from policy, since it conflicted with the policy in relation to highway safety.

Mr Mabbott the applicant accepted that there were highway objections and commented that he would love to see traffic calming measures in place. As suggested by members he would support signage and was prepared to pay towards speed warning signage. He pointed out that the previous operator had operated 40- 50 hire boats from the site with associated people movements whereas the applicant had reduced the the number of boats operating from the site to 11 and resulting in fewer people movements and as a result he had increased the number of visitor moorings. In response to a member's concern about the potential impact, Mr Mabbott did not consider that there would be an intensification of road traffic. The intention of the enterprise was to provide a facility that would increase the numbers visiting from the river not the road. Safety was one of the most significant concerns and to mitigate these he proposed to introduce other measures such as changing the check -in times from 3 pm to 2.00pm and limiting change-over days to Fridays and Mondays to limit the concentration of traffic. It was intended to advertise the restaurant from the riverside, operating from 8 am to 11pm in the peak season and 12 noon to 11pm in the

winter months. He explained that they would be supporting events such as fetes and festivals to attract boaters but the number of cars visiting the site would be no more than when Richardsons was operating the premises. He fully supported the Acle Neighbourhood Plan and tourism in the Broads. Having enjoyably visited the Broads for over 30 years, it would be a shame if he was unable to put something back.

Members were supportive of the proposals in principle but were seriously concerned about the road safety in this location and acknowledged the concerns from the Highways Authority. One member commented that the highway objections were so strong that they should be given significant weight and not disregarded. Although it was accepted that this particular business may not result in a significant increase in traffic, it was noted that there were three other businesses operating in the location that could intensify the use and was of considerable concern. Members considered that there appeared to be a contradiction in the advice from the highways objection based on their thresholds requiring traffic assessments and advice concerning speed limits and considered that they should be more pro-active and involved in helping to mitigate the dangers and make the area safer irrespective of this planning application. Members welcomed the offer from the applicant to contribute to the costs of signage. They also noted that the tree at the entrance to the site restricted visibility and considered that if this could be removed it would help to provide some mitigation.

The majority of members did not wish to hinder the development and were minded to approve the application. However, they considered that this should be subject to conditions to include the removal of the tree at the access and details for signage and a mitigation scheme in terms of visibility to be submitted by the applicant. It was also proposed that a liaison group be set up to include the Highways Authority, the local businesses at Acle Bridge and representatives from the Parish Councils as well as involve the local County Council to examine whether anything else could be done in the area to resolve some of the highways issues. This would be similar to that which had been established in consideration of the Upton Dyke application and was for a specific purpose.

RESOLVED by 5 votes with 1 against.

- (i) that the Authority is minded to approve the application subject to the conditions outlined within the report, and additional conditions to remove the tree at the entrance to the site and for submission of details on a signage scheme relating to visibility to be submitted by the applicant to improve awareness of the site. The application is considered as a departure from Development Management Policy DP11 (2011) but is in accordance with Policies DP2, DP14, DP20, DP28 and DP29. It is also considered to be in accordance with Policy CS1 of the Core

Strategy (2007), and the National Planning Policy Framework (2012);

- (ii) that the application be advertised as a departure from policy; and
  - (iii) that a liaison group be established to include the parish councils, and all the businesses at the site together with the Highways Authority to consider the traffic safety at the site with the aim of providing mitigation measures.
- (2) **BA/2016/0323/FUL Bureside, Water Works Lane, Horning NR12 8NP** Replacement dwelling and associated works  
Applicant: Prof. Erika Denton and Mr Rupert Cavendish

The Head of Planning provided an outline presentation of the application for the demolition of an existing early 20C dwelling and associated garage, originally associated with the Horning Water works, to be replaced with a new dwelling house of 2 1/2 storeys on a larger footprint sited a short distance to the west and south of the existing, closer to the centre of the site.

The Head of Planning explained that given the prominence of the proposed building and the importance of its setting to its acceptability, it would be beneficial for members to undertake a site visit in order to appreciate the local context prior to determination of the application. It was considered that it would be prudent to view the site from the river as well as from the land in order to see the relationship with the village and other properties, including the water works in the complete context of the landscape as there were different impacts from each.

Professor Denton, the applicant commented that the idea for the re-siting of a property was to make best use of the entire curtilage to be able to overlook the land owned by themselves, rather than land owned by the Water Authority, not create a greater view of the river.

RESOLVED unanimously

that the members undertake a site inspection on Thursday 20 April 2017 starting at 10.00am in order to gain a full appreciation of the site prior to determination.

#### **10/9 Enforcement of planning control: Untidy land and buildings at Marina Quays, Great Yarmouth**

The Committee received a report relating to three buildings at Marina Quays, , which were in a very prominent location on the north bank of the River Bure , the only waterborne entrance to Great Yarmouth from the north, where their poor state of repair was having an adverse effect on the amenity of the area. It was noted that this effect was manifested through a significantly detrimental

impact on the appearance of the area, which is accorded the same status as a National Park.

It was noted that Great Yarmouth Borough Council had served notice on the owners under the Local Government (Miscellaneous Provisions) Act 1982 in late 2016 to get the properties boarded up following reports of people gaining access and local concerns. Their Enforcement Board had referred the matter to the Authority. It would be difficult to require demolition of the property but the use of Section 215 Notice would require that the owners undertake works to improve the appearance of the buildings involving replacing the metal boards covering the windows with undamaged boards, repairing the damaged fascias and brickwork, repainting and removing the graffiti. Officers had been engaged with the owners who were interested in redevelopment of the site and there had been pre-application inquiries. The site had also been part of the Local Plan review. It was noted that Great Yarmouth Borough had considerable experience of issuing Section 215 Notices and Officers would liaise closely with them.

RESOLVED unanimously

That authority be given to serve a Section 215 Notice requiring the remedial works to be undertaken to tidy the buildings at Marina Quays.

The Chairman referred to the site at Berney Arms which had been discussed by the Authority last July and requested that Officers look into whether a Section 215 Notice would be an option.

## **10/10 Enforcement Update**

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

**Thorpe Island:** As was reported at the Broads Authority meeting on 24 March 2017, the sale of Thorpe Island including Jenner's Basin was due to be completed today, 31 March 2017. Members would be kept informed.

**Ferry Inn, Horning:** Members were pleased to note that the unauthorised development including refrigerated container, portacabin and static caravan had been removed and therefore compliance achieved.

**Staithe N Willow:** Unauthorised erection of fencing – Further work was still required.

**Broad Minded – Plot 9/9A Martham:** Mooring of caravan on Floating Pontoon – Members were pleased to note that the structure had now been removed and therefore compliance had been achieved.

**Burghwood Barns, Burghwod Road, Ormesby St Michael:** Unauthorised development of agricultural land as residential curtilage – Enforcement Notice served on 8 March 2017, compliance to be achieved by 8 June 2017.

RESOLVED

that the Enforcement Update report be noted.

**10/11 Norfolk Strategic Framework and Norfolk Strategic Planning Member Forum update**

The Committee received a report providing an update on the progress of the Norfolk Strategic Framework (NSF), which was part of the authorities' Duty to Cooperate. The NSF was overseen by the Norfolk Strategic Planning Member Forum, and was attended by the Vice-Chairman of the Planning Committee as the Authority's representative. Members noted that the initial draft was being reviewed by members and would be further updated, the production of Housing and Economic Land Availability Assessments was progressing more slowly than anticipated and further work was required on Green Infrastructure and the Objectively Assessed Housing need.

Members noted the time line for the NSF production noting that the aim was for the Draft for approval for public consultation to be produced in June 2017. There had been some underspending of monies so far due to differing timings from each of the Districts.

The Chairman thanked Paul Rice for attending the NFS Member Forum.

RESOLVED

that the report be noted.

**10/12 Consultation Documents Update and Proposed Responses**

The Committee received a report on the proposed Authority responses to the consultations received from Great Yarmouth Borough and Highways England on the documents below and as set out in Appendix 1 to the report:

- Draft Great Yarmouth Borough Natura 2000 Sites Monitoring and Mitigation Strategy
- Highways England: A47 Great Yarmouth Junction improvements

Members endorsed the responses.

RESOLVED

That the report be noted and the consultation responses be forwarded to Great Yarmouth Borough Council and Highways England respectively

### **10/13 Housing White Paper**

The Committee received a report outlining the recently published Housing White Paper together with the Authority's proposed responses to the 38 questions as part of the consultation. It was noted that many of the requirements of the proposals would not have a significant effect for the Authority but would have greater impact on its adjoining Districts.

In accordance with the decision by the Authority at its meeting on 24 March 2017 to indicate that it would accept the government's proposed increase in planning fees, a report for Planning Committee members to consider where the additional income should be targeted to provide tangible benefits would be brought to a future meeting prior to consideration by the full Authority. This was likely to be May 2017. It was confirmed that members had advocated that monitoring and enforcement could be areas for consideration.

Members endorsed the proposed response.

RESOLVED

that the report be noted.

### **10/14 Appeals to Secretary of State Update including Annual Review**

The Committee received a report on the current appeals against the Authority's decisions since January 2017 together with an annual summary of the decisions received from the Secretary of State since April 2016.

The Head of Planning commented that the appeal decisions relating to design, involving upvc windows and cladding, and roller shutter doors which could have policy implications would be addressed in a paper to be prepared for the next Planning Committee meeting.

A member commented that using decisions on appeals for the Authority was not the correct metric for measuring performance and service. It was important to examine the quality and circumstances involved rather than bare statistics. Therefore it was important to produce defensible arguments.

RESOLVED

that the report be noted.

### **10/15 Decisions Made by Officers under Delegated Powers**

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

Members praised the results of the monitoring process.

RESOLVED

that the report be noted.

**10/16 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 28 April 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.00 noon.

CHAIRMAN

**Code of Conduct for Members**

**Declaration of Interests**

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

**Date of Meeting:**   31 March 2017

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Haydn Thirtle	Minute 10/9	Member of Great Yarmouth Borough Council. Planning advised on this matter
Paul Rice	Enforcement Minute 10/10	Chair of Broads Society, NSBA member, Mediator for Ferry Inn