

Broads Authority
Planning Committee

Minutes of the meeting held on 14 September 2018

Present:

In the Chair - Mrs M Vigo di Gallidoro

Mr M Barnard
Mr W A Dickson
Mrs L Hempsall
Mr B Keith

Mr P Rice
Mr H Thirtle
Mr J Timewell

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Ms L Burchnall – Head of Ranger Services (Minute 2/8)
Mr N Catherall – Planning Officer
Mr T Risebrow – Planning Officer (Compliance and Implementation)
Ms C Smith – Head of Planning
Mrs M-P Tighe – Director of Strategic Services

Members of the Public in attendance who spoke:

BA/2018/0208/COND Barnes Brinkcraft, Riverside Road, Hoveton

Anthony Knights On behalf of the Applicant:

2/1 Apologies for Absence, Welcome and Housekeeping Matters

The Chair welcomed everyone to the meeting.

Apologies had been received from Prof J Burgess, Ms G Harris and Mr V Thomson.

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. No other member of the public indicated that they would be recording the meeting.

2/2 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.

The Chair welcomed Jack Ibbotson as the Authority's new Planning Officer.

2/3 Minutes: 17 August 2018

The minutes of the meeting held on 17 August 2018 were agreed as a correct record and signed by the Chair.

2/4 Points of Information Arising from the Minutes

There were no points of information to report.

2/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

2/6 Chairman's Announcements and Introduction to Public Speaking

(1) Broads Local Plan

The Examination in Public of the Broads Local Plan took place on 6, 7 and 10 September 2018. The Inspector had complemented staff on the way the Examination had been run. Officers were given a number of tasks including the provision of further evidence on some of the policies within the Plan. The next steps included one more session on 28 September 2018, followed by consultation on the proposed modifications. It was anticipated that the Local Plan could be adopted early in 2019.

- (2) Parish Forum** – The next Parish Forum event would be held on Wednesday 19 September 2018 starting at 6.30pm in the Authority's offices. The Chair emphasised that this was a very important part of the Authority's liaison with the parish councils. Their representatives could raise concerns and highlight matters, which they considered were working well. Paul Rice, Haydn Thirtle and Bill Dickson confirmed they would be attending.

(3) 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.

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

The Chair reported that she had received a request to defer consideration of item 9 (Enforcement Item for consideration) but she saw no reason to do so

and therefore it would be considered. She did not intend to vary the order of the agenda.

2/8 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/2018/0208/COND Barnes Brinkcraft, Riverside Road, Hoveton**
Variation of approved plans, Condition 2, of permission
BA/2017/0155/FUL
Applicant: Barnes Brinkcraft

The Planning Officer gave a detailed presentation and assessment of the application to vary a condition on the planning permission granted in July 2017. That application involved the replacement of 158m of quay heading, removal of 280 square metres of land, installation of pontoons, widening of access track and removal of storage shed on a very prominent site on the River Bure in Hoveton where the river began to narrow significantly. The works relevant to that application involved the removal of a peninsula of land running parallel to the river that enclosed the large mooring basin. This turned the mooring basin into a mooring bay enclosed on three sides rather than four. The plans involved the bisection of this new bay with a pontoon positioned parallel to the river to facilitate moorings either side via finger pontoons, to increase the capacity of the site.

Works started in September 2017 but, unfortunately the works were not completed in accordance with the planning permission. The present application sought to regularise the position following detailed negotiations and consultation with the Navigation Committee. The proposal sought to retain the development as built ie retaining the extension to the spit of land, the location of the pontoon closer to the river and the siting of finger jetties with a change in the configuration of moorings alongside the river. The plans included a limitation on the length of vessels using the moorings, with the mooring to the north of these for a single side-on mooring only and the provision of signs advising of the restrictions. The Planning Officer explained that the plans indicated that no vessel would protrude beyond where a barge had previously been located.

A letter had been received since the writing of the report, saying that the signs were impractical and unreadable. The Head of Ranger

Services commented that the Rangers had been carefully monitoring the area. The plans under consideration, as agreed by the Navigation Committee were workable. When the signs were in place over the summer there seemed to have been very little transgression. However, over the last few weeks, the signs had disintegrated, the lettering was not clear, and/or the signs were not visible and vessels had been protruding into the navigation. In addition, most problems occurred when staff were not available after 5.00 pm.

Mr Anthony Knight, the agent for the applicant explained that when work was being carried out to implement the original plans, it became apparent that the location of the pontoon would impinge on manoeuvrability of the boats within the basin. The piling had already been put in place and it would have been very expensive to take this out. The company providing the moorings had not taken sufficient account of this when providing the design. He further stated that his client was providing much needed visitor moorings and improved facilities in the heart of the Broads. Under the previous ownership, residential boats and two flat-a-floats had occupied the mooring basin and there had been no pump out facilities resulting in health and safety hazards. His client was aware that the signs were badly damaged and he intended to install new ones by the end of next week, giving the restrictions on the size of vessel, the use by visitors and the timings when staff would be available. These would be mounted on top of the pontoons so that they would be visible and vessels could not damage them. He considered that the problems were more likely to occur with those hire boats that did not belong to this particular boatyard.

Members acknowledged that this was a very busy part of the river system and in general considered that the keys to avoiding congestion and intrusion into the navigable channel were appropriate signing and management of the moorings, including staff availability. Therefore they considered that appropriate signage and management was required, the latter possibly being conditioned. They advocated a management plan being negotiated with the landowners to cover maintenance of signs, only suitable boats being moored, manning and timing restrictions of the area by staff. Some members had real concerns over safety in this area and objected to the application. One member considered that it did not seem at all appropriate for the outer limit of a substantial planning application to be based on the outer limit of a moveable vessel ie a barge, which had previously been in place.

The Head of Planning explained that were planning permission to be granted and the operation of the site was not in accordance with any planning condition or management plan, the LPA would be able to address the matter through a Breach of Condition Notice, against which there was no right of appeal. If there were continued non-compliance this would be pursued through prosecution. If the Authority refused permission, the applicant could appeal or revert to the previous scheme where there was no restriction on vessels' length. If the navigable

waterway was encroached, the infringement would be dealt with under navigation byelaws.

Lana Hemsall proposed, seconded by Mike Barnard that the application be approved with the addition of a management plan, either by agreement or as a condition.

RESOLVED by 4 votes to 2 against and 2 abstentions.

that the application be approved subject to the conditions outlined within the report that included details on signage, together with a negotiated management plan either by condition or agreement. The proposal is considered to accord with Policies with DP4, DP12, DP13, DP28 and DP29 of the Development Management Policies DPD (2011), and the National Planning Policy Framework (2018) which is a material consideration in the determination of this application.

2/9 Enforcement of Planning Control: Enforcement Item for Consideration: Land at the Beauchamp Arms Public house, Ferry Road, Carleton St Peter.

The Committee received a report and presentation concerning the unauthorised change of use of land for the installation of four static caravans in the grounds of the Beauchamp Arms Public house car park, situated in a remote but prominent location between the villages of Claxton and Langley on the south bank of the River Yare. The caravans were not in use or in a good state of repair. The landowner had indicated that he wished to hire them out as accommodation for anglers. The Planning Officer (Compliance and Implementation) apologised for two mistakes within the report at para 1.3 and 1.4. He corrected these as follows:

Para 1.3 Line 5 "he was also advised that planning permission would be required" instead of "was to be granted".

Para 1.4 Line 1: Replace "Since 2011 there have been no static caravans located at the site" with "There were static caravans located at the site until 2016."

An email from the owner had been forwarded to Members.

Officers had visited the site on a number of occasions and discussed the situation with the landowner. At the time of writing the report, there were four static caravans on the site. When the Officer had visited the site on 11 September 2018, one static had been removed from the site, and the three remaining had been moved with one on the car park and two on the access track. Prior to 2012, the static caravans on the site were likely to have been immune from enforcement action. However, in 2016 they had been removed from the site and therefore any established use had been removed. Since May 2018 to August 2018, four static vans were on the site.

The use of this site for the storage of caravans was considered contrary to development plan policy, in particularly adopted Development Management Policies DP1 and DP4. The site was also within a functional flood plain where it was unlikely that planning permission would be granted. The storage use was not linked in any reasonable or functional way to the adjacent public house use and the standing of the caravans had an adverse impact on the character and appearance of the local landscape. The owner had given no justification for why they were required and they did not appear to be associated with any lawful use on the site. Although the situation had changed since the writing of the report, Officers requested that they be given authority to take serve an Enforcement Notice should it be determined that it was necessary. The essential criteria would be applied as to whether it would be necessary, reasonable and expedient to do so.

A member expressed concern about giving permission to take enforcement action when a breach had not occurred. It was in the interests of the Authority to support riverside businesses and she hoped that the situation could be resolved through negotiation. Lana Hempsall proposed that any authority to take action be deferred until a breach had occurred and further negotiations had taken place. There was no seconder for the proposal and the motion fell.

Members noted that officers did have dialogue with the owner. In general, they considered that they needed to take a decision on what was before them.

Bill Dickson proposed, seconded by Mike Barnard and it was

RESOLVED by 5 votes for, 1 against and 2 abstentions,

that officers are given authority to issue and Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter should there be a breach of planning control and it be necessary, reasonable and expedient to do so.

2/10 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. The Breach of Conditions Notices had been issued concerning the non-compliance with conditions of BA/2018/0444/FUL and prosecution proceedings had commenced. The statements were with the Solicitor. It was not expected to get a hearing date with the courts until nearer the end of the year.

The Head of Planning commented that fortunately the Authority had not had to prosecute many cases.

Marina Quays. An application had been received and the determination processes had commenced. The Navigation Committee had considered the proposal at its meeting on 6 September 2018 and consultations were taking

place at present. There was likely to be a public meeting. A report would be brought to a future Planning Committee.

Former Waterside Rooms, Station Road, Hoveton: Untidy land and Building.

The Section 215 Notices had been issued on 28 August 2018 with a compliance date of 28 October 2018. Officers had received notice that the company who owned the site had authorised some works. Officers intended to visit the site to report back on progress.

Members welcomed the progress made.

RESOLVED

that the report be noted.

Having declared an interest, Mike Barnard and Melanie Vigo di Gallidoro removed themselves from the meeting and took no part in the following discussion.

Mr Bruce Keith - Vice-Chairman in the Chair for this item.

2/11 Consultation: Lake Lothing Third River Crossing

The Committee received a report and presentation on the recent consultation on the planning application for the third river crossing at Lake Lothing submitted by Suffolk County Council. It was noted that this development was a Nationally Significant Infrastructure Project (NSIP) and therefore the the Planning Inspectorate would determine the application. The crossing was to be located towards the eastern end of Lake Lothing, broadly central within the area of the port. This was the central location of the three options, which was favoured following the consultation by Suffolk County Council in 2015. It was noted that the Director of Operations and Head of Navigation Services had been part of the working group looking at the design and development of the river crossing and were satisfied that it would not interfere with the principles of the navigation of the river.

The Navigation Committee had considered the matter at its meeting on 6 September and fully supported the scheme. They were satisfied that the proposal would not have an adverse impact on navigation and would support the leisure industry. They considered that particular attention should be taken of tidal flow. They also suggested there should be some new moorings either side of the bridge. They did not have any objections. These comments together with the Minutes of the Navigation Committee, would be forwarded to the Planning Inspectorate along with the comments from this Committee.

Members considered that the animated “drive through” and artist’s impressions were very helpful in allowing them to focus on the potential impacts the bridge would have particularly on the landscape in relation to the Broads. They welcomed the provision of access for pedestrians and cyclists

and that this was being fully addressed in the detailed planning designs, which included a lift. They considered that the scheme was to be welcomed as it would help address the issues of traffic congestion and delay and provide significant enhancements to the town. It would also help support the leisure industry and commercial sector and be helpful for the area's future economy.

Members were pleased to note that the proposed bridge would be high enough to enable the majority of vessels wishing to visit the Broads to go under the bridge without being restricted. They also noted that the column structures were wide enough to allow the passage of substantially large vessels and smaller craft would not be impeded. As such, it would not introduce an extra impediment to the navigation. They were also satisfied that the crossing would not have any visual impact on the Broads landscape. They considered that it would be an important piece of infrastructure, an iconic structure in the landscape and important for the centre of Lowestoft for future generations.

Paul Rice proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the report is noted and the proposed comments in the report be endorsed. The Authority commend and supports the proposal to construct a third river crossing in Lowestoft as it will help to address the issues of congestion and delay which impact adversely on the use and development of the town.

**Mike Barnard and Melanie Vigo di Gallidoro returned to the meeting.
Melanie Vigo di Gallidoro – in the Chair**

2/12 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.

2/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 2 August 2018 to 29 August 2018. None of the decisions was a result of the monitoring programme.

RESOLVED

that the report be noted.

2/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 12 October 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The Chair gave notice that there would be training on flood protection following the Planning Committee meeting on 9 November 2018. Officers from the Environment Agency would provide the training.

The meeting concluded at 12.17 pm.

CHAIRMAN

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 14 September 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Paul Rice		Chairman Broads Society
Haydn Thirtle	2/9	General – lobbied re Caravan units
Bill Dickson		None other than those already declared
Mike Barnard	2/11	Lake Lothing: Third River Crossing. – involved in many discussions through Waveney District Council.
Melanie Vigo di Gallidoro	2/11	Member of Suffolk County Council and Waveney District Council
Melanie Vigo di Gallidoro on behalf of Members	2/9	Enforcement Item: Static caravans at Beauchamp Arms, Public House, Ferry Road, Carleton St Peter.