

Broads Authority
Planning Committee

Minutes of the meeting held on 14 October 2016

Present:

Sir Peter Dixon – in the Chair

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

Mr P Rice
Mr H Thirtle
Mr V Thomson (From Minute
4/8(3))

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 4/11 – 4/13)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Miss M Hammond - Planning Officer (Minute 4/8)
Ms A Long – Director of Planning and Resources
Mr N Catherall – Planning Officer (Minute 4/8)

Members of the Public in attendance who spoke:

BA/2016/0165/COND The Ice House, The Shoal, Irstead, Barton Turf

Mr Kevin Cole On behalf of the applicant

BA/2016/0260/CU 39 Slad Lane, Woodbastwick

Mr Mark Nudd On behalf of Objectors
Mr Nigel Cooper The Applicant's agent

BA/2016/0070/COND The Norfolk Mead Hotel, Church Loke, Coltishall

Ms Poppy Seymore Objector
Mr James Holliday On behalf of the applicant

4/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from John Timewell. Vic Thomson sent apologies for the first part of the meeting. He would be arriving later.

4/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared a general interest on behalf of all Members relating to application BA/2016/0247/FUL as this was an Authority application.

He also declared an interest concerning BA/2016/0260/CU where members had been lobbied with a series of correspondence, some of which was out of time from the Authority's adopted procedures.

4/3 Chairman's Announcements and Introduction to Public Speaking

(1) No members of the public indicated that they intended to record proceedings.

(2) Planning Training

The Chairman reminded Members that there would be training following this meeting. This would include a briefing on the legal framework within which the Authority operated and include updates on the Housing and Planning Act.

(3) 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.)

The Chairman wished to clarify the procedures by emphasising that the public speaking required any additional comments on any applications to be received at least three days before the meeting otherwise they would not be taken into account. This did not preclude those who had registered to speak from making the points made in their correspondence within the allotted time for public speaking. In addition it was important that any correspondence for Members concerning an application before the Committee should also be addressed to Broads Authority staff as the relevant officers.

4/4 Minutes: 16 September 2016

The minutes of the meeting held on 16 September 2016 were agreed as a correct record and signed by the Chairman.

4/5 Points of Information Arising from the Minutes

None to report.

4/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

4/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications or vary the order of the agenda had been received.

4/8 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' reports, and which were given additional attention.

(1) BA/2016/0165/COND The Ice House, The Shoal, Irstead, Barton Turf

Retrospective variation of condition 2 of pp BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations

Applicant: Mr and Mrs Andrew Lodge

The Planning Officer gave a brief presentation on the application to regularise amendments to a development for a holiday dwelling granted permission in 2014, details of which had been received at the previous meeting in September 2016. Members had deferred the determination of the application at the previous meeting to enable further clarification on the proposal and the applicant's intentions.

The amended plans were to retain the use of wood effect UPVC windows in place of the timber windows submitted with the original planning documents and replace fibre cement boarding with timber. The applicant had confirmed that he was prepared to replace the cladding with waney edged larch to the gables and timber shiplap to the dormers and the windows and doors would be retained in their current form and materials. The applicant wished the timescale to complete the replacement cladding to the new dwelling to be of reasonable length (up to 24 months instead of the 12 months recommended by officers) in order to be able to manage the financial implications for the implementation of phase 2 of the Ice House refurbishment.

The Planning Officer explained that in light of the statement from the applicant, there were no changes in circumstances since the report to the previous meeting and therefore the recommendation remained the same. She explained that although financial considerations were not normally taken into account, on this occasion, the application was one which would enable the restoration of a heritage asset that contributed to the Broads environment and these need to be weighed into the assessment. Officers considered that one year was appropriate. In conclusion, the application was therefore recommended for approval subject to advertisement as a departure from the development plan and a repeat of the other original conditions and the inclusion of timber cladding to be replaced within one year, and a section 106 agreement.

Mr Cole on behalf of the applicant apologised for the confusion that had arisen. He explained that Mr Lodge had wished to persuade members that all the materials incorporated into the new dwelling should remain. He had not knowingly or willingly gone against the wishes of the Authority. There had been a misunderstanding of the conditions. The main aim had been to channel funds into the restoration of the Ice House and this had been achieved to a very high standard, with Phase 1 having been completed and Phase 2 for the thatching was ahead of schedule. He had also understood that a high standard was required for the new development and this had also been achieved. The applicant was prepared to accept the Officer's recommendation although would prefer to have a period of two years in order to complete the restoration of the Ice House within that time.

A member expressed concern that by accepting the proposal, it could set a precedent. He did not consider that it had merit. Other Members considered that the main objective was to complete the restoration of the Ice House, there were exceptional circumstances and by accepting the compromise recommendation, it would not be setting a precedent but would be contributing to the enabling development and could be supported.

Jacquie Burgess proposed, seconded by Paul Rice that the Officer's recommendation be accepted to include the condition that the cladding be replaced within one year.

Bill Dickson proposed an amendment that the period for replacing the cladding be within two years. This was not seconded.

RESOLVED by 6 votes in favour to 1 against

that the application be approved subject to the prior completion of a Section 106 Agreement and detailed conditions as outlined within the report. The proposal is considered to be acceptable as a departure from Policy DP4 of the adopted Development Management Policies (2011) as, nonetheless, it would achieve the aim of conserving a heritage asset in accordance with Policy DP5 of the Development

Management Policies (2011), Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (2) **BA/2016/0260/CU 39 Slad Lane, Woodbastwick**
Change of use of ground floor cottage to tea room (class A3)
Applicant: Woodbastwick Estate

The Planning Officer provided a detailed presentation on the application to provide a new tea room primarily for visitors to Salhouse Broad. This would be located in the ground floor of the cottage adjacent to the footpath down to the important tourism site of the Broad. The first floor of the cottage would be retained for use as a flat for residential accommodation. Permission was therefore required for change of use to include alterations to take account of the new commercial use but these would be of a high standard that would maintain the rural domestic cottage character. Although technically in the parish of Woodbastwick, the site was related to Salhouse within the Salhouse Conservation Area and outside the development boundary. It was intended that the tea room would provide 24 covers internally and 44 externally, operating all year round between 8.00am – 7 pm daily. The existing hard standing would be increased to provide 12 parking spaces plus one disabled space and a level pathway would be provided.

The Planning Officer referred to the significant amount of local interest in the proposal particularly on the basis of concerns about the economic impact on the two existing cafes in the village which were popular and provided valuable local facilities. Other concerns related to highway and environmental health issues relating to parking provision and toilet facilities. Although it was pleasing to note that the village benefited from such valuable economic and community facilities, and it would be regrettable if these were lost, the matter of competition between businesses was not a material planning consideration and could not be considered in the determination of the application.

Since the report had been written a Tree Impact Assessment had been submitted with comments from the arboricultural consultant relating to trees. The Highways Authority had responded to the amended plans and was satisfied that the parking provision met the recommended standards. They had no objections but had recommended that conditions be added including appropriate signage for parking specifically for the café and to deter people from using the Salhouse Broad car park. Resident parking would be accommodated adjacent to the building. The Environmental Health Officer and Building Control had provided comments and recommended separate male and female toilets. Other matters would be covered by building regulations. Other comments had also been received objecting to the proposal.

The Planning Officer commented that although the local interest was understood, having carefully assessed the application against the appropriate policies particularly para 28 of the NPPF, Policy DP14 and the impacts on highways, ecology, design and the Conservation Area, the application was considered to be acceptable subject to conditions.

Mr Nudd Owner of Prima Rosa Tea Room, Craft and Convenience Shop in the village spoke on behalf of objectors. He stressed that all the businesses in the locality relied heavily on the tourism season and queried the sustainability of the all year round proposal.

He considered that Policy DP27 was relevant and that the application was contrary to this. He considered that the potential closure of the Post office, tea room and coffee shop within the village, which also had retail shopping facilities was not just speculation and their existence would be jeopardised. The application was not considered to be robust enough to justify opening the tea room all year round.

He also expressed concern in relation to DP11 Access to Land and highways considerations. He considered that the Highways assessment was based on the tearoom having 36 covers, but this appeared to have risen to 68. He did not consider that it would be acceptable to use the private car park that was for public use for those people visiting the Broad.

Mr Cooper from David Futter Associates Ltd on behalf of the applicant commented that the proposed tea room in its tranquil setting would provide additional tourist facilities for the nearby attractive Salhouse Broad including the campsite. It would complement and encourage further use of the other facilities in the area. He appreciated the concerns expressed that it would have a negative impact but he disagreed with this and felt it would have a positive effect and as a small scale development would increase the numbers of visitors to the benefit of the area. He considered that business competition was not the role of the Local Planning Authority and that the proposal met the aims of the Authority's planning policies and the NPPF. With regard to the matters concerning the trees, the applicant would be happy to reroute the path and retain trees as suggested. He would also rearrange the toilet facilities as necessary. The agent did not think that the proposed tea room would rely hugely on the car park at the beginning of the walk down to Salhouse Broad. It could be possible to reduce the external seating area. However, he did not consider there would be a problem.

In answer to members' questions concerning the campsite which had been referred to by the agent and the objectors, the Planning Officer explained that this was outside the Broads Authority area and within Broadland District Council's area. There were thought to be

approximately 20 pitches with one camping pod. Those using the campsite parked in the car park at the start of the walk to Salhouse Broad and therefore Broadland District Council had granted a temporary consent in order to monitor the use of the car park.

Members considered that the proposed tea room was more closely related to the village than Salhouse Broad. Therefore they considered that as it was not closely associated with an existing tourism site such as a group of holiday dwellings, boatyard or established sailing or similar club and therefore they were more mindful of the second part of Policy DP14 relating to facilities within the open countryside. Members did not consider that the need for such facilities in this location had been clearly and demonstrably justified.

In addition, Members had considerable concerns about the proposal in relation to the on-site car parking provision. There was a lack of clarity as well as confusion as to the number of covers to be provided, which would also impact on the number of staff and therefore the total car parking spaces needed. It was also not clear as to whether the applicant would be relying on the car park that was available for public use at the start of the footpath down to Salhouse Broad, commenting that this was invariably very well used already. They therefore considered that it could not be satisfactorily assessed in terms of the highway network.

Peter Dixon proposed, seconded by Gail Harris and it was

RESOLVED unanimously

that the application be refused as the proposal is considered to be contrary to Policy DP14 (2011) and as it could not be satisfactorily assessed in terms of its impact on the highway network it was therefore contrary to Policy DP11 of the adopted Development Management Policies .

(3) **BA/2016/0070/COND The Norfolk Mead Hotel, Church Loke, Coltishall**

Variation to Condition 9 of planning permission BA/2013/0096/FUL for alterations to parking plan

Applicant: Mr James Holliday

The Planning Officer provided a detailed presentation of the application to amend a condition relating to the parking plan originally approved under BA/2013/0096/FUL that included a function room. This involved the utilisation of two areas at the hotel site for overflow parking, one in a paddock area to the north of the hotel (Car Park 1) and another area underneath trees to the east of the access drive and partly opposite No.1 Barn Mead (Car Park 2). The scheme also involved consideration of another area to accommodate an increase in staff parking. In addition to the parking on the driveway in front of the main hotel, the

original plan provided for overflow parking on the large lawn in front of the main hotel. However, due to the success of the function room demand had exceeded expectation and overflow parking on the front lawn was considered to have a detrimental impact on the amenities and character of the listed building. Therefore alternative arrangements were proposed which had been trialled. The issue of potential noise and disturbance associated with parking had been a point of concern for some local residents over a number of months (as reported to Planning Committee in September 2016). A number of complaints had been received.

Having provided a detailed assessment, the Planning Officer concluded that the proposed alteration to the parking plan would not result in a detrimental impact on residential amenity or privacy, damage to trees, or be detrimental to the setting of the Grade II Hotel Listed building and therefore he recommended the application for approval subject to reinstating all the original conditions to take account of the changes.

Ms Poppy Seymore on behalf of the residents in Barn Mead cottages commented that they had employed an agent on their behalf. Since the building of the function room at the hotel, there had been considerable noise and disturbance to the local residents, particularly with cars parking under the trees adjacent to their properties which had been very upsetting. Originally a quiet country hotel, the changes that had taken place had impacted on their privacy and amenity. The advice of their agent was that the increased intensification of use had amounted to a material change of use which could be considered as a breach of planning law. If approved, it was considered that the Authority would have failed in its statutory duty. Ms Seymore confirmed that the paddock where Car Park 1 was located was in her ownership and provided to the hotel on a year on year basis. She would not want its capacity for cars to be increased, as it was a habitat for wildlife. It was also not considered acceptable to have parking along the drive.

Mr Holliday, the owner of the Norfolk Mead commented that the Authority had given unanimous approval for the planning permission for the Function Room in 2014. This had proved to be very successful for the whole business so that it was now a profitable concern, which also benefited Ms Seymore through their business dealings. The Norfolk Mead had become well recognised, with excellent reports on TripAdvisor (coming second in the whole of East Anglia) as well as having received a number of awards of which he was very proud. He commented that without the additional car parking facilities to accommodate the events, the hotel was not likely to be viable as it very much depended on the use of the function room and therefore provision of an additional 40 spaces as back up.

Although the original plan had overflow parking on the lawn in front of the hotel, English Heritage was not happy with this as it impacted on

the listed building. In addition, the ground conditions were not suitable or practical. He had had numbers of discussion with Ms Seymore and the planning officers and been very transparent in negotiations. The overflow car parks would not be used more than 30 to 35 occasions per year, with the first overflow using Car Park 1, and only lastly Car Park 2. When not required, the areas would be cordoned off. He also explained that staff would only be required to park at the back of the hotel when large events were taking place. He recognised that there was still room for improvement and confirmed that taxi services were offered and attempts were made to minimise the parking required.

The Director of Planning and Resources commented that she did not agree with the objectors' planning agent's advice. The function room was part of the whole hotel and had planning permission integral to it. There was not a material change of use. This was confirmed by the Solicitor. The function room supported the Hotel and was in the same Use Classes Order and therefore there was no change. Members were reminded that they were dealing with a variation of a condition.

Having received answers to a number of questions and given the matter careful consideration, Members considered that on balance, they supported the officer's assessment, recognising the difficulties involved, details of which they were very aware.

Jacquie Burgess proposed, seconded by Gail Harris and it was

RESOLVED unanimously

that the application be approved subject to conditions outlined within the report. The proposal is considered to be in accordance with Policies DP5 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.

(4) **BA/2016/0247/FUL Whitlingham Broad Visitors Centre,
Whitlingham Lane, Trowse**

Nesting Tower

Applicant: Ms Andrea Kelly, Broads Authority

The Chairman commented that the application was before the Committee as the applicant was the Broads Authority. Gail Harris, having declared an interest as a Whitlingham Charitable Trustee left the room for this item.

The Planning Officer provided a presentation of the proposal for the installation of a nesting tower within the car park at the Whitlingham Broad Visitors centre, the aim being to encourage its use by swifts with its twenty internal nest boxes. No objections had been received and having provided a detailed assessment, the Planning Officer recommended approval of the application subject to conditions.

Members recognised the decline in the number of swifts and welcomed the proposal considering it to be an excellent addition to the Visitors centre, especially with interpretation and possibly the addition of a web cam to be provided in the barn. Members were satisfied with the assessment in the report and considered that as no conflicting issues arose, and policies were satisfied, the application could be approved.

Jacquie Burgess proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the development is considered to be acceptable in accordance with Policies CS1 and CS5 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4, DP5 and DP28 of the adopted Development Management Policies DPD (2011), Policy WH11 of the adopted Site Specific Policies Local Plan (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

4/9 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee.

With reference to Thorpe Island, it was noted that a planning application had been received by the deadline of 24 September 2016 but there were omissions and it had not been in accordance with the Planning Inspector's decision. The applicant through his agent had been given an additional amount of time to correct the omissions by 9.00am this morning. An application that was capable of validation with the right fee had now been received but it was the Officer's view that the application was still not consistent with the 2014 Planning Inspector's decision and criteria of the Injunction. There were a number of conditions which the information submitted to date did not comply with.

Members considered that the real issue was the requirement to be compliant with the injunction, which did not appear to have been achieved. They were not minded to provide more time for the applicant to submit the further details required in respect of compliance with the injunction, since the matter had been running for a number of years. It was agreed that Counsel's advice be sought on the next steps.

RESOLVED

- (i) that Counsel's advice be sought in relation to the matters at Thorpe Island; and

- (ii) that all Members of the Authority be appraised of the latest situation together with the adjoining authorities and appropriate stakeholders.

The Ferry Inn at Horning: it was noted that following withdrawal of the application in September, the owner had engaged a professional agent and pre-application discussions were now ongoing with a view to converting some of the existing buildings. Mr Rice commented that now the owner had an agent, he would not be required as a mediator. In addition, North Norfolk District would be reconvening the Flood Forum which was due to meet within the next fortnight.

RESOLVED

that the Enforcement Update report be noted.

4/10 Broads Local Plan – Preferred Options (October) Bite Size Pieces

The Committee received a report introducing the sixth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to the following:

Appendix A: Links between the Broads Plan and Local Plan

Appendix B: Duty to Cooperate Statement

Appendix C: Sequential Test

Appendix D: Permission in Principle section

Appendix E: How issues included in the Issue and Options have been addressed

Appendix F: What has happened to the currently adopted policies

Appendix G: Approach to consultation

Appendix H: Neighbourhood Plan v Local Plan

It was noted that the Appendices provided did not necessarily represent the final text or approach but were part of the development of that text for the Local Plan. There might be other consideration between the final version being presented to the Planning Committee in November 2016.

Members considered each of the Appendices in turn. They considered that the table setting out the links between the Broads Plan and Local Plan were very helpful.

With regard to Duty to Cooperate, the Vice-Chairman of the Planning Committee reported that he together with the Planning Policy Officer had attended the recent members meeting which had been very interesting and helpful particularly with regard to land management. With regard to the reference to the Mayor of London, this was a requirement of the provisions for Duty to Cooperate. London was unable to meet its Housing need and therefore it had to consult with other areas to help achieve the targets, which would have an impact on other areas.

Appendix D relating to Permission in Principle (PIP) was a new requirement as part of the Housing and Planning Act 2016, further details of which were still required from the government and which would be referred to in the training session following this meeting.

Members considered that Appendix E providing information on how the Issues and Options had been taken forward and Appendix F referring to the policies within the existing development plan were very important and useful.

Members noted and endorsed the proposed arrangements for the Consultation of the Preferred Options (Appendix G) and requested they be given plenty of advance notice of the drop in sessions.

Members thanked the Planning Policy Officer and other colleagues for the thorough work being undertaken.

RESOLVED

that the report be noted and endorsed.

4/11 Broads Local Plan: New Flood Risk Supplementary Planning Document – Consultation Version

The Committee received a report setting out a new Draft Flood Risk Supplementary Planning Document SPD, with the intention that this would be the subject of public consultation in November and December 2016. The aim of the Flood Risk DPD was to raise awareness of the nature of flood risk in the Broads area and give advice to developers and others about the Authority's approach to the issue of development and flood risk and emphasise the need to maintain a high standard of design for new waterside development.

RESOLVED

(i) that the report be noted; and the Committee

RECOMMEND to the full Authority

(ii) that the new Supplementary Planning Document on Flood Risk be approved for consultation.

4/12 Broads Local Plan: Adopting the Biodiversity Enhancements and Waterside Bungalows Guides

The Committee received a report on the Information guides produced to help applicants meet any requirements placed upon them to enhance wildlife as part of their development proposals as well as give guidance and advice to those intending to alter waterside bungalows. The Guides had been the subject of consultation and Members noted the responses received together with the officers responses as set out in Appendix A to the report. Members

also considered the amendments proposed to the Guides which they considered acceptable. They queried the use of the word “bungalows” as some of the buildings were not actually bungalows. When compiling the Local List, many had been termed as Waterside Chalets and it was considered that this would be more appropriate. It was also considered that when pictures were used in the document, it would be helpful to indicate where the location of the building was.

RESOLVED

- (i) that the responses and amendments to the Guides be noted and welcomed; and the Committee

RECOMMEND to the full Authority

- (ii) that the Biodiversity Enhancement Guide and Waterside Chalet/Bungalow Guide be adopted.

4/13 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority’s decisions since 1 April 2016.

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 3 September 2016 to 27 September 2016.

Members were informed that in the future, there would be a note within the weekly lists requesting them to inform officers if they had any connection with any of the validated applications listed. This was to ensure the correct procedures were followed and that applications were brought before the Committee when necessary.

RESOLVED

that the report be noted.

4/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 11 November 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.55 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 14 October 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	4/8(4)	Application BA/2016/0247/FUL Whitlingham Broad Visitors Centre, Whitlingham Lane, Trowse – Broads Authority application
Paul Rice	4/8 and 4/9	(i) Slad Lane Sit on IDB with one of the applicants (ii) Involved in Mediation on Ferry Inn
Gail Harris	4/8(4)	Director of Whitlingham Charitable Trust – will withdraw from meeting for this item
Bill Dickson	-	-
Vic Thomson	4/8(4)	BA/2014/0274/FUL Director of Whitlingham Charitable Trust.