

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 6 January 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard  
Prof J Burgess  
Ms G Harris  
Mr P Rice

Mr H Thirtle  
Mr V Thomson  
Mr J Timewell (up to and  
including Minute 7/12)

In Attendance:

Ms N Beal – Planning Policy Officer (for Minutes 7/11 – 7/12)  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – For the Solicitor (up to and including Minute 7/10)  
Ms A Scales – Planning Officer (up to and including Minute 7/9)  
Mr B Hogg – Historic Environment Manager (for Minute 7/11)  
Ms A Long – Director of Planning and Resources  
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke

**BA/2016/0422/COND Compartment 37 South Side of Upton Boat Dyke,  
River Bure, Upton with Fishley**

Dr Kevin Marsh                      For the applicant

#### **7/1    Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting. Apologies were received from Mr W Dickson.

#### **7/2    Declarations of Interest**

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

### **7/3 Chairman's Announcements and Introduction to Public Speaking**

The Chairman reminded Members of the following:

- (1) **Broads Local Plan Drop in Sessions**
  - Saturday 7 January 2017, 10.00am – 12.30pm Oulton Community Centre. It was noted that the local MP, Mr Peter Aldous had indicated he would be attending
  - Thursday 19 January 2017, 6pm – 8pm Loddon and Chedgrave Jubilee Hall Sports & Social ClubThe local members for each of these venues confirmed that plenty of publicity had been given
- (2) **Code of Conduct Training** – Friday 20 January 2017 9.45 am for 10.00am
- (3) **Site Visit for Objection to TPO** – Friday 20 January 2017 at 2.30pm. (Minute 6/3)
- (4) **Planning Design Tour** – Potential Date: A doodle poll had been set up to ascertain the date for the Design Tour in June. Members were asked to respond as soon as possible.

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.)

### **7/4 Minutes: 9 December 2016**

The minutes of the meeting held on 9 December 2016 were agreed as a correct record with an amendment to Minute 6/8(1) BA/2016/0355/COND and BA/2016/0356/COND Page 6, line 9 to replace "He" with "The applicant". These were then signed by the Chairman.

### **7/5 Points of Information Arising from the Minutes**

None to report

### **7/6 To note whether any items have been proposed as matters of urgent business**

No items had been proposed as matters of urgent business.

### **7/7 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.

## **7/8 Applications for Planning Permission**

The Committee considered the following application 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 decision.

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/2016/0422/COND Compartment 37 – South side of Upton Boat Dyke**

Variation of condition 1 of planning permission BA/2015/0364/FUL to supplement drawing WNCFSH/420/002/O with WNCFSH/420/002/A to allow removal of piling and realignment of floodbank close to existing culvert (chainage 3962 to 3980)  
Applicant: Environment Agency

The Planning Officer gave a detailed presentation of the application to vary a condition of an application that was given conditional approval in February 2016 following a site visit on 29 January 2016.

Following further local engagement by BA Officers and BESL, the decision notice was issued in September 2016 (and pre-commencement condition requirement details were approved in November 2016). The condition related to the treatment of a culvert and as a result of a decision by the IDB to amend the drainage arrangements, involving the removal of the culvert, this would allow the floodbank to be rolled back to follow the same alignment of the rest of the river bank thus straightening the floodbank alignment. This would enable piling along the river edge to be removed rather than retained as shown in the original plans. The works would then be contiguous with the other works already approved.

The Planning Officer drew attention to the consultations particularly those from Upton with Fishley Parish Council and the Navigation Committee, both of which had raised no objections and considered that the proposal represented an improvement on the existing situation.

Norfolk County Council Public Rights of Way officer had highlighted that the current legal right of way was across the culvert and therefore the legal issues including those relating to the footpath as a whole needed to be tied up and completed. This was outside the planning requirements and therefore if members were inclined there was no reason to delay granting approval. It was noted that the legalities relating to the footpath were a collaborative responsibility between the Broads Authority, BESL on behalf of the applicant and Norfolk County

Council. Dr Kevin Marsh on behalf of the applicant confirmed that BESL would bear the costs of the diversion particulars.

The Planning Officer concluded that the proposal in this area had previously been contentious in relation to pile removal. However, in this case it was considered that the realignment of the floodbank in this location and the removal of piles would remove a pinch point in the dyke, safeguard the drainage and provide a consistent natural appearance that would be welcome as well as deliver a benefit for navigation. This was considered to meet the key tests of development plan policy.

Members were supportive of the proposals and concurred with the Officer's assessment. They considered that it was in the best interests of all parties to maintain the rights of way. Therefore they wished to receive a progress report on these in six months' time.

RESOLVED unanimously

- (i) that approval be given to vary the application and allow the floodbank to be re-aligned and the piling removed (with all other planning conditions imposed on 2015/0364 remaining unchanged) . It is considered that the application is in accordance with the policies in the Development Plan particularly Policies CS1, CS3, CS4 and CS 15 of the adopted Core Strategy 2007 and Policy DP1 of the Development Management Plan DPD 2011.
- (ii) that an Informative be specified in the decision notice concerning that it be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.
- (iii) that the Committee receive a report on the rights of way/footpath diversion legalities in six months' time.

**7/9 Enforcement of Planning Control: The Ferry Inn at Horning Enforcement Non-compliance with Enforcement Notice, plus unauthorised portakabin and caravan**

The Committee received a report concerning the non-compliance with an Enforcement Notice issued in 2013 and further unauthorised development comprising the siting of a portacabin and caravan at the Ferry Inn at Horning. The issues had been reported to the Planning Committee on a regular basis through the Enforcement Update and more detailed reports in February 2016 and at its meeting on 9 December 2016. (Minute 6/10)

The newly appointed planning agent for the landlord had requested that a further period to 31 March 2017 be allowed in order to comply with the

planning requirements for the removal of the refrigerated trailer, portakabin and caravan.

The Head of Planning reported that she had visited the site on 5 January 2017 and it was apparent that some works had started to convert some of the outbuildings for storage and efforts therefore made to relocate goods which were currently stored in the refrigerator trailer and portacabin. The owner did not wish to remove the caravan just yet as it was used for staff and he wished for more time to seek alternative accommodation or employment for them.

Mr Rice confirmed that having been a mediator over the last four years he would not vote on this issue. He had informed the owner that if the Planning Committee wished to grant his request to extend the period for compliance, and he did not achieve compliance by the specified time, Mr Rice would no longer be involved in any negotiations.

Members considered that the landowner had had a considerable amount of time to comply and that they should be robust. However, they noted that efforts were now being made to comply with the Enforcement Notice, as well as to address the additional breaches. They also noted the likely timescales which would apply were prosecution and/or further Notices to be pursued

Haydn Thirtle proposed, seconded by John Timewell and it was

RESOLVED by 7 votes to 0, (Mr Rice not voting)

That the request for a further period until the 31 March 2017 to comply with the requirements of the Enforcement Notice and to remove the further unauthorised development be granted. If a full compliance is not achieved by this date, the authority granted to officers previously and in December 2016 to prosecute and serve further Enforcement Notices be implemented with immediate effect and no further negotiations take place.

## **7/10 Enforcement Update**

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

**With reference to Thorpe Island** Further to Minute 6/10, it had been clarified that the red line boundary of the application did not include land within the ownership of Norwich City Council. Therefore the application could proceed to determination and was likely to be brought to the Committee within the next two months.

**Broad Minded Plot 9/9A Martham** Members had been clear that the mooring of Caravan on a Floating Pontoon was development. The Environment Agency had been given until 9 January 2017 to negotiate the removal of the structure with the occupant of the plot.

**Eagles Nest Ferry Road, Horning** Two applications had been received from the owner relating to the condition concerning timber cladding, including an application for a Certificate of Lawful Use (CLEUD) on the basis that the development had been in place long enough to be out of time for enforcement action. As this related to the legal issues, it would be dealt with by the Solicitor.

A Planning Contravention Notice had been served which in effect was a legal request for information and incurred a fine if not complied with or if the wrong information was provided.

RESOLVED

that the Enforcement Update report be noted.

#### **7/11 Salhouse Neighbourhood Plan – Proceeding to Publication**

The Committee received a report on the proposed Neighbourhood Plan submitted by Salhouse Parish Council to Broadland District Council and the Broads Authority along with the necessary supporting information (Appendices A to F). The report detailed the assessment required to be undertaken by the authority against the criteria set by Government legislation. This would enable the Authority to decide whether the proposal complied with the criteria and could be considered for inspection.

Notice of the decision would need to be sent to Salhouse Parish Council. The Authority had provided comments on the submission which would be brought to the attention of the Independent Examiner for he or she to consider.

Members endorsed and welcomed the positive proposed comments to be submitted by the Authority.

RESOLVED

- (i) that the Submission version of the Salhouse Neighbourhood Plan (NP) be endorsed and approved for proceeding to publication (consultation);
- (ii) that the proposed comments from the Broads Authority on the consultation version of the Salhouse Neighbourhood Plan be endorsed;
- (iii) that the Director of Planning and Resources in consultation with the Chair of the Authority and the Chairman of the Planning Committee be delegated with the authority to submit the Salhouse Neighbourhood Plan to independent examination on assessment of the comments received after the public consultation (publication) ended, subject to no new major issues being raised.

## **7/12 Broads Local Plan –Local Plan January Bite Size Pieces to inform the publication version**

The Committee received a report introducing the topics for the Publication version of the Broads Local Plan set out as follows:

- Appendix A Land at the Bridge at Potter Heigham Policy PUBPOT1.

It was noted that the document would inform the draft policy approach in the publication version and the final text within it. There may be other considerations coming to light between now and the final version that would be presented to Planning Committee in April 2017.

Members were supportive of the proposed amendments and details within proposed policy, particularly the change of the word “encouraged” to “supported” and reference to dark skies, given the character of the area.

A member expressed some concern about the future of the unusual bespoke garden adjacent to the retail store which had been a creation of the founder of Lathams store some time ago. The Planning Policy Officer undertook to give this further consideration.

With reference to the Bridge Hotel Site, members considered that it would be beneficial to have some form of development on the site since its location may have difficulties for some businesses to create viability. It was therefore considered that the policy should not be so prescriptive as to require any new holiday accommodation being dependent on a comprehensive scheme associated with tourism and recreation facilities. It was suggested that the policy be separated into two parts relating to support for holiday accommodation, and support for a potential scheme for the whole site to include appropriate recreation and tourism related provisions. The Planning Policy Officer undertook to amend the policy accordingly. She reminded members that the site had originally been open to discussion as being designated as an open space but this had been rejected.

With regards to concerns about the dilapidated Broads Haven public house site, the Planning Policy Officer clarified that policies for this would come within the general policies relating to public houses.

### **RESOLVED**

that the details and amendments within the Policy PUBPOT 1 for Potter Heigham Bridge be supported and endorsed subject to amendments to the wording to accommodate the members’ views relating to the Bridge Hotel Site in order to inform the publication version of the Broads Local Plan.

### **7/13 Loddon and Chedgrave Conservation Area Re-Appraisal**

The Committee received a report and presentation on the Loddon and Chedgrave Conservation Area Re-Appraisal following the public consultation undertaken in July 2016, together with the management plan and proposed amended boundary. The Re-Appraisal was part of the Authority's ongoing programme for re-appraising the 25 Conservation Areas within the Broads. It was noted that the majority of the Conservation Area fell within the jurisdiction of South Norfolk Council and therefore it had carried out the appraisal work and the consultation which included a public meeting and exhibition. There was only a minor part which came within the Broads Authority area. The Heritage Asset Review Group had considered the Re-Appraisal at its meeting in August 2016 and subsequent comments had been fed into the final report.

The Historic Environment Manager provided details of the proposed boundary changes. There were minor changes in the Broads Authority area which were around the Staithe area and were proposed in order to make it more inclusive of the recently developed terrace of houses. This was considered a logical extension of the area as otherwise the boundary would cut through the development. He also pointed out the consultation responses provided by the Authority to South Norfolk which had been incorporated relating to reference to the Norfolk and Suffolk Broads, and Broads Authority policies. The Historic Environment Manager confirmed that all the consultation had been in line with the Authority's Statement of Community involvement. South Norfolk's cabinet had adopted the Conservation Area Re-Appraisal at its meeting on 5 December 2016 and it was recommended that the Authority adopt that part which fell within the Broads executive area at its meeting in January 2017.

Members were supportive of the designation and

RECOMMENDED to the full Authority

That the Loddon and Conservation Area Re-Appraisal and management plan that falls within the Broads Authority executive area be adopted.

### **7/14 Managing Planning performance and the designation regime for Local Planning Authorities**

The Committee received a covering report that outlined the Government's intentions around the designation of Local Planning Authorities as poor performers and informed Members of the forthcoming assessment. It was noted that the Government was seeking to improve the speed of determination of planning applications as well as the quality of the decisions. At present underperformance was based on the time in which planning authorities dealt with major applications. The government wished to increase and widen the range of measures of the speed of determination to include decisions on minor and household applications. It intended to examine the quality of those decisions by examining how often appeals against the decisions of the LPAs were allowed.



Members noted the performance relating to speed of determination of the Authority benchmarked against other Norfolk LPAs (plus Waveney District Council) and the National Parks. They also noted the performance regarding rate of appeals allowed. As a rule, it was noted that the Authority's performance was above average. The system did not take account of the complexities and number of applications. Given that the Authority dealt with very few major applications, when set out as a percentage, this provided a misrepresentation. There was the possibility of agreeing with the applicant an extension of the time for determination which could help.

Members considered that this factor underlined the importance of the pre-application discussion, negotiation and guidance provided by the Authority and that it had been right to decide not to charge for pre-application advice. It was considered important that applicants continue to be encouraged to discuss their applications with planning officers before submitting a detailed application. They noted that the statutory targets within which applications were to be dealt with were very tight – 8 weeks for minor applications and 13 or 16 weeks for major applications and this also included a three week consultation period.

It was pointed out that LPAs were often dependent on responses from technical consultees which could not be ignored and in many instances, particularly Anglian Water, the response time had caused considerable delays in the decision making which then reflected badly on the LPA. It was suggested that a combined approach with other LPAs to help speed this up should be adopted. It was noted that statutory consultees were obliged to respond within a certain timescale.

#### RESOLVED

- (i) that the report be noted.
- (ii) that collaborative efforts be made to highlight the necessity of receiving technical consultations within the set timescales.

### **7/15 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.

### **7/16 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 22 November 2016 to 15 December 2016.

It was noted that a number of these had arisen through the condition monitoring programme.

RESOLVED

that the report be noted.

**7/17 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 3 February 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

It was noted that the Members Heritage Asset Review Group (HARG) was due to meet following the next Planning Committee meeting.

The meeting concluded at 11.22 am

CHAIRMAN

**Code of Conduct for Members**

**Declaration of Interests**

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

**Date of Meeting:**   6 January 2017

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Paul Rice	Minute 7/9  Minute 7/11	Ferry Inn Horning as mediator  NSBA Member Broads Society Chairman Salhouse Broad – as part of the rescue team that uses the land.