

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

Minutes of the meeting held on 27 April 2018

Present:

Prof J Burgess  
Mr W Dickson  
Mr B Keith

Mr H Thirtle  
Mrs Melanie Vigo di Gallidoro

In Attendance:

Ms N Beal – Planning Policy Officer (Minutes 10/12 – 10/15)  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – for the Solicitor  
Ms A Cornish – Planning Officer (Minute 10/9(1))  
Mr T Carter – Planning Technical Support Officer  
Ms K Judson – Planning Officer (Compliance and Implementation)  
(Minute 10/9(2))  
Mr G Papworth – Planning Officer (Minute 10/9(3))  
Ms C Smith – Head of Planning  
Mrs M-P Tighe – Director of Strategic Services

Members of the Public in attendance who spoke:

**BA/2018/0424/FUL Land at Ludham Bridge, Ludham**

Mr Anthony Lumbard            Applicant

**10/1 Appointment of Interim Chairman and Vice-Chairman until July 2018**

The Director of Strategic Services asked for nominations for the Chairman of the Committee until July 2018 in light of the departure of Sir Peter Dixon.

Jacquie Burgess proposed, the nomination of Melanie Vigo di Gallidoro as interim Chairman. This was seconded by Haydn Thirtle. There being no other nominations, it was

RESOLVED

that Melanie Vigo di Gallidoro be appointed as Chairman of the Planning Committee until July 2018.

**Melanie Vigo di Gallidoro – in the Chair**

*(Mr Paul Rice remains as Vice-Chairman until July 2018.)*

**10/2 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting.

Apologies had been received from Mr M Barnard, Ms G Harris, Mrs L Hemsall, Mr P Rice and Mr V Thomson.

### **10/3 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 Chairman declared a general declaration on behalf of all Members concerning BA/2018/0091/ADV as the application was a Broads Authority application.

The Head of Planning introduced the new Planning Technical Support Officer, Mr Tom Carter. Tom explained that he had been with the planning team for two weeks having previously been working in Tolls. Members expressed a welcome.

### **10/4 Minutes: 23 March 2018**

The minutes of the meeting held on 23 March 2018 were agreed as a correct record and signed by the Chairman.

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

There were no points of information arising from the minutes other than those that would be referred to in the agenda.

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

No items of urgent business had been proposed.

### **10/7 Chairman's Announcements and Introduction to Public Speaking**

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

The Chairman gave notice that the Authority would be recording the meeting in the usual manner and in accordance with the Code of Conduct. No other member of the public indicated that they would be recording the meeting.

#### **2) Public Speaking**

The Chairman stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee.

## **10/8 Requests to Defer Applications and /or Vary the Order of the Agenda**

No requests to defer consideration of any applications had been received. The Chairman commented that she did not intend to vary the order of the agenda.

## **10/9 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 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/2018/0053/HOUSEH Wayford Mill, Wayford Bridge, Wayford Road, Smallburgh** Maintenance building and workshop with storage of plant  
Applicant: Mr Mark Rogers

The Planning Officer reminded the Committee that following the full presentation and assessment at the previous meeting, Members had deferred the decision for further information and clarification on the functionality and measurements of the proposed building especially in relation to the equipment to be stored. The Planning Officer addressed each of the Committee's concerns in turn.

The applicant had confirmed that the proposed timber framed building was required for storage and workshop space associated with the ongoing upkeep and maintenance of the restored mill. He had confirmed that the maximum height of the building would be sufficient to house his equipment as well as provide the mezzanine floor and sufficient headroom to enable this to be used as a workshop. The clearance height of 2.1 metres of the doorway would be adequate as the cage for the JCB telehandler and cherry picker would be removed which would reduce the height to less than 2.1 metres. Therefore the elevations were correct and need not be amended. The applicant had also confirmed that the proposed building would be large enough to meet his current as well as future needs and there would not be a need for a future application. He had also provided photomontages and drawings to give an idea of the proposed building in the context of the existing building and the landscape. In addition, Officers had consulted the IDB as a matter of courtesy, given that the development was to be sited on a culvert and there were no objections.

In conclusion the Planning Officer considered that the concerns raised by Members had all been satisfactorily addressed and the appropriate assessment made. The development was considered to be in accordance with the relevant Development Plan Policies including the Environment Agency guidelines and the NPPF and therefore the application was recommended for approval subject to conditions.

Members considered that the principle of a storage building was acceptable. They were assured that the building was not capable of being converted to holiday accommodation and there was a genuine need to house the expensive equipment required for the applicant's purposes. They were also assured that there would be no obstruction of access to the field behind. In considering the conditions they were mindful of the need for these to pass the six tests.

Members considered that such facilities for the renovation and improvement of windmills was to be supported. This was a modest building and would help to tidy up the site and it was therefore appropriate.

Jacquie Burgess proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report. This proposal is considered to be in accordance with Policies CS1 Landscape Protection and Enhancement, CS4 Creation of New Resources and CS20 Rural Sustainability of the Core Strategy and Policies DP1 Natural Environment, DP2 Landscape and Trees, DP4 Design, DP28 Amenity and DP29 Development on Sites with a High Probability of Flooding together with the NPPF.

- (2) **BA/2017/0424/FUL Land at Ludham Bridge, Ludham**  
Retrospective application for retention of hardstanding, shed, office and shipping container for two years.  
**Applicant:** Mr Anthony Lombard

The Planning Officer provided a detailed presentation and assessment of the retrospective application for the retention of hardstanding (currently used for car parking and originally a temporary site compound), a shed, an office and shipping container for a temporary period of two years. Temporary planning permission had been granted on the site for a site compound for the duration of the flood defence works undertaken by BESL (A/2009/0202/FUL) which had since been carried out between 2010 and 2015. The lease on the land to BESL from the landowner had expired and BESL had confirmed that the responsibility for it had returned to the landowner, they were not currently using the site but had an informal arrangement with the landowner for occasional short term use for maintenance work on the floodbank. The landowner claimed that the site was still being used

and that the works were not completed. The permission being sought was for the structures which had not been removed from the site and had been the subject of enforcement negotiations.

The Planning Officer confirmed that a planning application had been submitted for the development and validated on 23 March 2018 (not 23 April as stated in the report) and provided a full assessment of the actual application.

Since the writing of the report further consultations had been received from:

- Highways Authority – no objection subject to conditions restricting the use to 2 years only and maintenance to the existing access (The comments were read out in full)
- Environment Agency – issue a holding objection due to insufficient information being submitted regarding the breach in the defences and flood response plan and mitigation measures concerning access to the site. The Environment Agency has confirmed that the site is within Flood Risk Zone 3a and that all the uses on the site, including the car park, workshop, office and storage, should be considered as a 'Less Vulnerable' use. Therefore to be considered acceptable in Flood Risk Terms the Environment Agency has advised that the Local Planning Authority should be satisfied that the proposal passes the Sequential Test.
- Broads Authority Landscape Architect - objects as the development has an adverse impact on the Broads landscape.
- Broads Authority Ecologist - Objects as the proposal would have an adverse impact on ecology and there would be loss of Section 41 bat habitat which was not supported by policy.

The Planning Officer provided an illustration of the extent of the flood defence compartment 3 and explained that it could be safely assumed that there were other areas by which BESL could gain access to the floodbank as with other compartments without site compounds. She commented that there had been overtopping of the river banks in the Ludham bridge area recently but these did not relate to the flood defence works approved by the 2009 permission, completed in 2015. The use of the site by the Environment Agency's contractors was on an opportunist basis and was not fundamental to the works in the area.

The Planning Officer referred to the comments received from the Environment Agency since the report had been and therefore she provided a full explanation of the need for the proposal to be acceptable in flood risk terms to take account of the Environment Agency's advice that the proposal should pass the Sequential Test:

The Planning Officer advised that the use of the site as a hardstanding for a carpark, and structures used as a workshop, office and storage were considered to be 'less vulnerable' uses, within Flood Risk Zone 3a and would therefore be considered acceptable in principle subject to

there being no reasonable alternative sites within the lower Flood Risk Zones. However, no information had been submitted which assessed the availability of alternative sites within a Lower Flood Risk Zone. As a consequence it was unclear whether the development could be located within a Lower Flood Risk Zone and it was therefore considered that the Sequential Test has not been passed.

The Planning Officer further advised that, should this information have been submitted and it had been found that the development could not be located within a Zone of Lower Flood Risk, the Exceptions Test would then need to be passed. For the Exceptions Test to be passed the applicant would need to demonstrate that the development offered wider sustainability benefits to the community that outweighed the impact on flood risk. No such benefits had been presented and given the absence of justification for the continued use of the site it was considered unlikely that the Exceptions Test could be met. The Planning Officer concluded that, it was considered that there was not enough information submitted in order to satisfy the Environment Agency or the Local Planning Authority that the proposed development was acceptable in flood risk terms. The development was therefore considered contrary to the National Planning Policy Framework and Policy DP29 of the Development Management Policies

The Planning Officer concluded that the site was within open countryside, away from any development boundary and in an area where a commercial or domestic use would not normally be permitted. There were no additional benefits, or other material planning considerations, to justify a departure from policy and an approval of planning permission. The development was therefore considered unacceptable in principle, even on a temporary basis. The retention of the works compound and buildings was considered to have a detrimental impact on the landscape. It was also considered that there was insufficient information submitted to determine whether the proposal was acceptable in flood risk terms.

The Planning Officer outlined that, in addition to the reasons highlighted at point 7 of the report, the retention of the works compound and buildings was considered to have a detrimental impact on ecology through the loss of Section 41/BAP priority habitat without justification to do so, contrary to Policy DP1 of the Development Management Policies DPD. The proposal was therefore considered contrary to Policies CS1 of the Core Strategy and Policies DP1, DP2 and DP29 of the Development Management Policies DPD and the National Planning Policy Framework. The application was therefore recommended for refusal and if accepted by the Committee required consideration of the planning breaches and potential enforcement action.

Mr Lumbard was given the opportunity to address the Committee in support of the proposals. He explained that he was the fifth generation occupant and custodian of the adjacent cottage and his garden and

property had been recently subject to flooding due to overtopping. He therefore maintained that the flood defence works had not been completed satisfactorily. The Environment Agency had recently imported more material to protect his property. The shed on the compound site was used solely by the carpenter working on his property since it would not have been viable to have this in his garden due to the saturated ground conditions. The office was also used in association with his dwelling. He had had meetings with the local MP, Mr Norman Lamb and officers from the Environment Agency, the Chairman of the IDB and representatives from adjacent businesses to discuss the issue of overtopping. The hard standing was required to continue to carry out the necessary remedial works and complete the flood defence works satisfactorily. He was requesting a period of two years as this was the stated time needed to carry out works on his property to maintain its integrity. He therefore urged members to consider his situation favourably.

Members were very sympathetic to Mr Lumbard's plight relating to the flooding issues and appreciated his arguments being put forward. However, they emphasised that the Authority was a planning authority and therefore the Committee had to consider the planning issues and the legalities in that regard. They noted that BESL had handed back the lease of the land and therefore the responsibility for it reverted to the landowner in 2015 and the condition of the land should have been restored following that to fulfil the conditions of the permission. The Environment Agency had not submitted an application for the continued use of the hardstanding on the site.

Members concurred with the officer's assessment.

Haydn Thirtle proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the application be refused on the grounds that it is contrary to the National Planning Policy Framework and Policies CS1 of the Core Strategy and Policies DP1, DP2 and DP29 of the DMDPD of the development plan for the detailed reasons set out above and in the report.

As a consequence of the decision to refuse, members considered that enforcement action would be expedient due to the impact of the development on the local landscape and biodiversity value of the area.

Bill Dickson proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that officers are authorised to take enforcement action against the breaches of planning and serve an Enforcement Notice requiring the

removal of the all the unauthorised uses on site, the unauthorised hardstanding and removal of all the unauthorised structures including the fence surrounding the site, the shed, portacabin and shipping container and restoration of the land in accordance with condition 7 of planning permission BA/2009/0202/FUL with a compliance period of 3 months.

(3) **BA/2018/0091/ADV Whitlingham Country Park, Whitlingham Lane, Trowse** Erection of 5 Signs  
Applicant: Broads Authority

The Planning Officer provided a presentation on the application for the replacement of four directional signs, the removal of two signs installed along Whitlingham Lane resulting in a total of five new directional signs along the Lane in association with the operation of Whitlingham Country Park. It was noted that the display of advertisements was subject to a separate consent within the planning system. They were controlled with reference to their effect on amenity and public safety only. These were set out in Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the standard conditions were within Schedule 2.

In conclusion the Planning Officer considered that the signs would not result in any adverse visual impact on the character of the built environment in the area and were considered to be acceptable in terms of Policy DP10 of the Development Management Document and NPPF. He therefore recommended the application for approval subject to conditions.

Members were fully supportive of the proposed signs considering that they would improve the information and directions to the facilities within the Country Park and also made reference to the Broads National Park in accordance with the branding strategy. They recognised that a considerable amount of work had been given to the design, materials and siting of the proposed signs and this was to be welcomed.

Haydn Thirtle proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report as the proposal is considered to be in accordance with Policy DP10 of the adopted Development Management Policies DPD (2011).

### **10/10 Enforcement Update**

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

- (i) **Burghwood Barnes** – Officers were continually monitoring the site. Unfortunately due to the adverse weather conditions over the last few



months it had not been possible for the landowners to comply with the enforcement by the time required. However, having visited the site recently, the plants and grass seed were on site in preparation of the required works, illustrating the landowners' clear intention to comply. Officers would be visiting the site within the next two weeks.

- (ii) With reference to the non-compliance with a planning condition at **Barnes Brinkcraft**, officers had informed the landowners of the options considered by the Navigation Committee and informed them of the Committee's preference. The landowners had rejected this and put forward a counter proposal that officers were unable to support. Officers were now awaiting further information from the landowners on whether they would be prepared to reconsider the scheme the Navigation Committee was prepared to support. Officers had advised the landowners that unfortunately if they were not prepared to accept the advice given, the Authority would be required to consider the breaches and any encroachment into navigation which would require a considerable amount of work for both parties to no great effect. The landowners were required to comply in any event. This could be done through the planning process or through the use of navigation byelaws. However, the most effective way of achieving a solution would be for the landowners to accept the advice of the Navigation Committee and submit an appropriate planning application. Rangers were monitoring the situation regularly to ensure that the navigation channel was not being encroached and the situation was being managed proactively.

Members thanked the officers for the updates.

RESOLVED

that the report be noted.

#### **10/11 Former Waterside Rooms, Hoveton: Action for consideration**

The Committee received a report providing information on the condition of the former Waterside Rooms in Hoveton that had fallen into disrepair and been boarded up for 20 years. The site was the subject of regular complaints to the Authority about the appearance of the building and the impact on the amenity of the area. The site had recently changed ownership and although the owners had indicated that they were committed to bringing a new scheme forward, this had not yet happened and the site was continuing to deteriorate.

North Norfolk District Council and the Authority were concerned about the impact on the visual amenity of the street and the river and considered that action needed to be taken given its prominence. A Section 215 Notice (Untidy site) could be used although this on its own was considered not to be a comprehensive enough approach to tidy up the whole site. The use of a Compulsory Purchase Order would enable a more comprehensive approach to be taken and increase the probability of a more beneficial redevelopment of the site.

The Authority itself did not have the necessary compulsory purchase powers and this would need to be instigated by North Norfolk District Council, who was prepared to take the action and bear the costs and therefore was seeking the Authority's support to do so. The Council had previously used these powers within the area to potential beneficial effect.

The Solicitor commented that the use of compulsory purchase powers was seen as a last resort and therefore suggested that if asked by North Norfolk District Council the Broads Authority could serve a Section 215 Notice as a precursor to assist the compulsory purchase order process. It could assist in reducing the final compensation payable. The Head of Planning therefore requested that members consider an amendment to the recommendation in the report to take this into account.

Members welcomed the opportunity to work in association with North Norfolk District Council and supported the officer's amended recommendation for the issuing of a Section 215 Notice if considered necessary.

Haydn Thirtle proposed, seconded by Jacquie Burgess and it was

**RESOLVED**

- (i) that North Norfolk District Council be advised of the Broads Authority's support in instigating compulsory purchase of the former Waterside Rooms in Hoveton if required;
- (ii) that if necessary, authority be given to Officers to serve a Section 215 Notice.

## **10/12 Consultation on the National Planning Policy Framework (NPPF)**

The Committee received a report on the consultation document for the revised National Planning Policy. It advised members of the content of the draft revised NPPF, identified the proposed changes to the planning regime and provided a proposed response.

It was noted that the objectives had been extended, there was a clearer division between strategic and non-strategic plans, requirement to prepare and maintain Statement of Common Ground with major stakeholders to promote cooperation. There was a greater emphasis on some matters such as design, small sites, supply of housing, build-out rates and need to address constraints for housing, to provide for a range of types of homes and there were new chapters relating to housing delivery and highway safety. In addition, health and affordable housing was also included.

The Planning Policy Officer drew attention to those areas most relevant to the needs of the Broads Local Plan and also referred to the consultation documents accompanying the NPPF as at Minute 10/13, and particularly the response requiring the need for consistency.

Although the revisions to the document were extensive, there were no changes proposed which would have a significant adverse impact on the Broads Authority as the LPA. Members considered that the format was much clearer. Clarification was required on the transition arrangements for the Local Plan and once adopted its status in relation to the revised NPPF.

It was also noted that there could be further changes to permitted development rights and if the Broads Authority was not included as an exemption, Article 4 Directions might be required.

Members considered the proposed response and were very supportive.

RESOLVED

that the contents of the report be noted and the comments outlined in Sections 3-5 of the report including the responses set out in Appendix 1 be endorsed for submission to the MHCLG as the Authority's formal response.

#### **10/13 Consultation Documents Accompanying National Planning Policy Framework and Proposed Responses.**

The Committee received a report on the consultation documents accompanying the NPPF relating to the following:

- *Supporting Housing Delivery through developer contributions*
- *Planning Practice Guidance for Viability*
- *Housing Delivery Test measurement and Rule Book*
- *Draft Planning Practice Guidance*

One of the main points to draw attention to was the omission of "the Broads and the Broads Authority" when reference was made to the National Parks, despite this already being included in other legislation and having been mentioned to government in other consultation documents. The response highlighted the need for consistency.

RESOLVED

that the report be noted and the nature of the proposed responses be endorsed for forwarding to the CLG.

#### **10/14 Consultation Documents Update and Proposed Responses: Suffolk County Council: Parking Management Strategy Great Yarmouth Borough Council: Housing Strategy**

The Committee received a report on the latest consultation documents from Suffolk County Council relating to its Parking Management Strategy and Great Yarmouth Borough's Housing Strategy. This set out the Authority's proposed response. It was noted the Authority had requested an extension to the consultation periods for both documents by up to 4 days.

RESOLVED

that the consultation documents are noted and the proposed responses are endorsed for submission to Suffolk County Council and Great Yarmouth Borough Council respectively.

#### **10/15 Waveney District Council – Statement of Common Ground**

The Committee received a report introducing a second Statement of Common Ground with Waveney District Council, primarily produced to support the Waveney Local Plan. The first statement had been submitted to the Planning Committee on 2 March, was signed by the Vice-chairman and forms part of the Duty to Cooperate Statement to support the Broads Local Plan. This report has been produced to mainly support the Waveney Local Plan and covered Waveney District Council's own Housing Market Area and Functional Economic Area, with Objectively Assessed needs along with the part of the Broads within the District.

RESOLVED

that the Statement of Common Ground with Waveney District Council (second statement) be approved and this be signed by the Chairman of the Planning Committee on the Authority's behalf.

#### **10/16 Heritage Asset Review Group: 23 March 2018**

The Committee received the notes from the meeting of the Heritage Asset Review Group held on Friday 23 March 2018. It had been agreed that in light of the work load generated by the Water Mills and Marshes Project, it would be appropriate to reduce the number of meetings per year. In particular Members noted that work was commencing on the two remaining Conservation Area Re-Appraisals for Horning and Ludham.

RESOLVED

that the report be noted.

#### **10/17 Appeals to Secretary of State Update and Annual Review**

The Committee received a report on the Appeals against the Authority and an annual review of the decisions made by the Secretary of State between 1 April 2017 to 31 March 2018. It was pleasing to note that there were currently no appeals to the Secretary of State against the Authority's decisions. Since the previous year and the review of the way in which the Inspectorate had been dealing with appeals, particularly considering whether there was an

issue of "harm", the Authority had been taking a more pragmatic approach and there had been fewer refusals.

RESOLVED

that the report be noted.

#### **10/18 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 12 March 2018 to 10 April 2018. It was noted that there were now fewer applications that had been dealt with under delegated powers that had come through the condition monitoring process.

RESOLVED

that the report be noted.

#### **10/19 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications**

The Committee received a report setting out the development control statistics for the quarter ending 31 March 2018. It was noted that the Authority's performance was continuing to exceed the government targets. It was considered that part of the success could be attributed to the Authority's approach in providing pre-application advice for which it did not charge. In relation to the Government's league tables for Local Planning Authorities, the Broads appeared in the top quartile.

RESOLVED

that the report be noted.

#### **10/20 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 25 May 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich

The meeting concluded at 11.44 am

CHAIRMAN

## Code of Conduct for Members

## Declaration of Interests

**Committee:** Planning Committee

**Date of Meeting:** 27 April 2018

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
ALL members	10/9(3)	Application BA/2018/0091/ADV Whitlingham Country Park, Whitlingham Lane, Trowse  Signs. Application a Broads Authority application.
Haydn Thirtle	10/9(1)	Board member of IDB (Broads) – application over culvert
Haydn Thirtle	10/14	Borough Councillor for Great Yarmouth