

Broads Authority
Planning Committee

Minutes of the meeting held on 13 October 2017

Present:

Sir Peter Dixon – in the Chair

Prof J A Burgess
Mr W A Dickson
Ms G Harris

Mr H Thirtle
Mrs M Vigo di Gallidoro

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Officer (Minute 3/8)
Mr B Hogg – Historic Environment Manager (Minute 3/14)
Mrs K Judson – Planning Officer (Compliance and Implementation)
(Minute 3/9)
Mr T Risebrow – Planning Officer (Compliance and Implementation)
(Minute 3/9)
Ms C Smith – Head of Planning
Ms M-P Tighe – Director of Strategy and Sustainable Communities

Members of the Public in attendance who spoke:

**BA/2017/0179/FUL Burghwood Barns, Burghwood Road, Ormesby
St Michael**

Mr Matthew Hollowell Agent on behalf of the applicants

3/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting especially Marie Pierre Tighe to her first official meeting as Director of Strategy and Sustainable Communities.

Apologies were received from Mr M Barnard, Mr Brian Iles, Mr P Rice, Mr V Thomson, and Mr J Timewell.

3/2 Declarations of Interest

The Chairman declared a general interest for all Members concerning item 3/9 (Waveney River Centre) as the landowner was a Member of the Navigation Committee.

Members indicated they had no further declarations of interest to declare other than those already registered, and as set out in Appendix 1 to these minutes.

3/3 Minutes: 15 September 2017

The minutes of the meeting held on 15 September 2017 were agreed as a correct record and signed by the Chairman.

3/4 Points of Information Arising from the Minutes

The Head of Planning informed the Committee on progress relating to **BA/2017/0059/CU Horizon Craft, Acle Bridge** (Pedro's restaurant) where the Committee had agreed to grant planning permission for the change of use of a boatshed and workshop to a bar and restaurant in March 2017. As part of the discussions it was agreed to set up a liaison group to include the parish councils, the businesses at the site together with the Highways Authority to consider the traffic safety in the area with the aim of providing mitigation measures. The first meeting with the owners of businesses in the vicinity and Highways was held on 4 October 2017. Broadland District Council and Great Yarmouth Borough Council as well as this Planning Committee would be kept informed of progress.

3/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

3/6 Chairman's Announcements and Introduction to Public Speaking

(1) The Openness of Local Government Bodies Regulations

The Press correspondent indicated that he intended to record proceedings.

The Chairman gave notice that the Authority would be recording the meeting. The copyright remained with the Authority and the recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The minutes would remain as the matter of record. If a member of the public wished to have access to the recording they should contact the Monitoring Officer.

Members considered that there had been sufficient time to assess the system of recording to deem whether it had been successful. Members were in favour of the system of recording being adopted on a more permanent basis and that this would be for the Authority to decide.

(2) Briefing Session for Members on Appeals

The Chairman reminded the Committee that there would be a Member Training session on appeals following this meeting.

(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.)

3/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received.

3/8 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 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/2017/0179/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael**

Change of use of agricultural land to wildlife garden
Applicant: Mr D Tucker and Miss S Burton

The Planning Officer reminded Members of the report they had received in August which had recommended refusal of the above application. The outcome of an appeal against an enforcement notice for similar development had been awaited and the Committee resolved to defer determination of the application to allow further time for the appeal decision to be received and further information on the Ecologist report. A decision from the Planning Inspectorate had still not been received and the applicants had not agreed to an extension to the target date for determination beyond today. The applicants had a right of appeal of non-determination and could do that if a decision was not made. It was therefore considered prudent to determine the application today.

The Planning Officer provided a detailed presentation of the proposal and assessment as set out in the report together with the response from the Authority's Ecologist as requested. She explained that the application site covered the same land that was covered by the Enforcement Notice, but the application was now for a wildlife garden comprised of three particular areas of wild flower and meadow plants. The scheme included the retention of the gazebo and the slate path around the perimeter of the site, there would be additional planting underneath the new trees around the boundary and the lighting on the southern boundary would be removed. The Planning Officer considered that the removal of the Gazebo would not be sufficient to

mitigate the concerns. She referred to the previous comments from the applicant's agent with regards to water quality and the benefits of the land use proposed but no further evidence had been provided. The Planning Officer emphasised that the agricultural use of the land was to act as a buffer between the Trinity Broads and the built development and the loss of this would have a significant direct adverse impact on the landscape character, and tranquillity. Although the site was not visible from the water as there was a belt of trees to screen it, the activities from the site could be perceived from the water. There had been no changes to the circumstances or matters relating to the application and therefore the recommendation of refusal remained the same as it was considered that the application was contrary to policy and the NPPF.

Mr Hollowell on behalf of the applicants expressed disappointment that in his view the full comments from the Ecologist in support of the application had not been made clearer. He commented that there was no agricultural use left on this side of the village. One of the reasons which brought about the development was the cessation of the land for growing blackcurrants. A number of the properties in the vicinity within the boundary for Great Yarmouth Borough had been sold off and used for residential curtilages and some of these had access to river frontage. He emphasised that Natural England and the Ecologist on behalf of the applicant had supported the application and he read out the Authority's Ecologist's views which had been detailed at the last meeting. He considered that the proposals would have an insignificant impact on the area and he hoped that the Committee would agree with Natural England and approve the application with strict conditions.

The Chairman commented that the site had been the subject of considerable development without planning permission in the past and therefore there could be difficulties in monitoring any detailed conditions in the future. In general Members considered that the urbanisation and domestication of landscape character was the main issue. Reference was made to paragraph 5.12 in the assessment, which was considered to be particularly pertinent. Any attempt to soften the existence of the formal planting, gazebo and the path would be insufficient and the site would still retain an inappropriate and incongruous domestic character.

The Chairman put the Officer's recommendation of refusal to the vote and it was

RESOLVED by 5 votes in favour and 1 against.

that the application be refused for the reasons set out in detail in the report since the application would result in an erosion of the rural landscape character and provide a more domestic and suburban effect that would have an adverse impact on the landscape. It would also have an impact on the tranquillity, a defining characteristic of the Trinity

Broads. It was not considered that the planting proposal throughout the site would be sufficient mitigation or enhancement to outweigh the adverse landscape impact. Therefore the application was considered to be contrary to Policy CS1 of the Core Strategy, Policy DP2 and Policy XNS1 Trinity Broads and paragraphs 115 and 123 of the NPPF.

3/9 Enforcement of Planning Control: Items for Consideration

(i) Waveney River Centre:

Further to Minute 2/9, the Committee received a report providing an update on the situation regarding Yurts at the Waveney River Centre, Burgh St Peter as well as a number of other current planning issues following routine condition monitoring of the various planning permissions that had been granted.

Members noted that following the site inspection, legal advice had been sought and it was concluded that the structures did not constitute operational development and therefore did not require planning permission. The Landowner had been so advised and therefore the matter could now be closed.

Members also noted the other matters relating to the administration building BA/2015/0371/FUL and restaurant BA/2015/0360/FUL and BA/2016/0088/COND where permissions had been granted in 2015 and 2016. Although amendments had been made to the original permissions and the constructed development was not wholly in accordance with permission, the amendments represented technical breaches and were non-material. The landowner had not submitted any application to regularise the changes, but it was considered that it was not expedient to take action.

A further issue had been observed when officers had been out on site, whereby a new access had been created in order for the landowner to implement some of the consents for holiday lodges. The creation of this and the required land raising to create a ramp did not have consent and the Highways Authority was investigating the matter for reasons of safety, visibility and impact on Staithe Road. Complaints had been received from residents. It was reported that a recent complaint had been received that the lodges had not been located in the correct position.

Members would be informed of the Highways investigations once these had been received and the result of correspondence with the landowner as to the siting of the lodges.

RESOLVED

- (i) that the report be noted with regard to the yurts and the access;
and

(ii) that no further action in respect of the administration building and restaurant be taken.

(ii) Former Jenner's Basin, Thorpe Island, Thorpe St Andrew: former mooring basin at Thorpe Island.

The Committee received a report and presentation providing an update on the current position concerning the former mooring basin at Thorpe Island, Thorpe St Andrew. This provided a brief summary of the extensive planning history and the update following the purchase of the site in the spring 2017. It was noted that the various vehicles, items of plant, and green container had been removed, and the majority of vessels had been relocated by their registered owners with a number handed over to the new landowners. The landowners intended to remove two of the three remaining vessels on site and discussions were taking place with regard to the former MTB vessel. At present it had value as a fish refuge.

Apart from the remaining vessels, all the requirements of the Enforcement Notice from 2011 and the Injunction had been complied with. The construction of the rudimentary quay heading and decking was not covered by the Enforcement Notice as it occurred later. However the decking had now been removed and it was the landowners' intention to remove the redundant quay heading at some stage, at present being mindful of potential disturbance. It was noted that the owners were in discussions with the Authority's ecologist and wished to work with the Authority for the future of the area, very much with conservation in mind.

The Head of Planning confirmed that when formulating Policy TSA2 officers were very mindful of the Planning Inspector's decision which gave a benchmark for 25 boats and a well-managed site.

Members welcomed the excellent progress made within a very short time. From now on, they did not need to have regular updates but wished to be informed if there were any significant planning issues to report.

RESOLVED

that the significant progress in clearing the site be noted and welcomed .

3/10 Enforcement Update

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

Wherry Hotel Bridge Road Oulton Broad

Further details in relation to the submitted planning action were under consideration.

Marina Quays The Head of Planning reported that the landowners had provided some revised proposals but unfortunately these were unacceptable.

RESOLVED

that the report be noted.

3/11 Broads Local Plan – (October 2017) Bite Size Pieces

The Committee received a report introducing a set of the topics/ Bite Size pieces for the Publication version of the Broads Local Plan. These included

- Appendix A: Sustainable Community Strategy Statements
- Appendix B: Responses to Single Issues Consultation
- Appendix C: Equalities Impact Assessment
- Appendix D: Norfolk caravans and Houseboats Accommodation needs Assessment including for Gypsies, Travellers and Travelling Showpeople.

With reference to **Appendix A Sustainable Community Strategy Statements** – The Authority had not produced its own Sustainable Community strategy for the Local Plan, but the Sustainable Community Strategies of each of the six District Councils and two Counties have informed the production of the Local Plan. These had been assessed in terms of compatibility between each of the strategies and policies of the Local Plan. The assessment concluded that where a particular objective of a Country or District's Sustainable Community Strategy of Business Plan was relevant to the Local Plan, the Broads Local Plan and its objectives were compatible. This document would be submitted as part of the process and evidence for the public inspection.

Appendix B Responses to Single Issues Consultation Members noted that following the consultation on the Preferred Options and the Publication Stage of the Local Plan, some stakeholders were asked for their views on particular policies such as flood risk, opens space, surface water, Thorpe (TSA2) and Staithes. The report brought together the responses with the Authority's proposed reply.

With reference to the comments from Somerton Parish Council and the Broads Reed and Sedge Cutters Association on the Staithes report being factually incorrect, Officers had suggested that the respondents contact the author of the report with their concerns and evidence. It was emphasised that the Staithes report was a piece of academic research that had been commissioned by the Authority and provided a useful insight into a particular historical feature of the Broads landscape. It was not a policy document, but did help to inform policy. Members advised that this be made clearer in the Authority's response.

Members welcomed the responses from Thorpe Town Council relating to Thorpe River Green and the river frontage and looked forward to working with them.

Appendix C Equalities Impact Assessment – It was noted that the Plan had been assessed against the protected characteristics addressed in the Equalities Act and that these were either neutral or positive and therefore there was no cause for concern.

Appendix D, Norfolk caravans and Houseboats Accommodation needs Assessment including for Gypsies, Travellers and Travelling Showpeople.

The Planning Policy Officer explained that there had been changes to the original document that had been sent out as a result of further information from the other Authorities. Members had received the most up to date version via email and this had been replaced on the website. The Navigation Committee had also been sent a copy informing them of the site allocations.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics to inform the publication version for the Broads Local Plan be welcomed and endorsed and go forward to support the Plan.

3/12 Beccles Neighbourhood Plan: Designating Beccles as a Neighbourhood Area

The Committee received a report introducing Beccles as a Neighbourhood Area with a view to producing a Neighbourhood Plan. It was noted that the Committee had previously approved a Neighbourhood Plan Area that included other parishes as well as Beccles. Some of the parishes had now agreed to produce their own Neighbourhood plans. Most of them fell outside the Broads executive area and therefore the process of developing their Neighbourhood Plan would not involve the Broads Authority. The statutory consultees, Historic England and Natural England, had no objections to Beccles producing their own plan and provided some background advice. There seemed no reason not to approve the area for a Neighbourhood Plan.

RESOLVED

that the Authority agrees to Beccles becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

3/13 Consultation Documents Update and Proposed Responses

The Committee received a report on the Consultation Documents concerning the proposal by Norfolk County Council for a Great Yarmouth Third River

Crossing and Suffolk County Council for the Lake Lothing third river crossing in Lowestoft.

Members noted the proposals with the Authority's proposed responses particularly relating to environmental and navigation matters. They supported the responses, particularly the need for a safe waiting point and the need to take account of ecological issues, and noted the aims of increasing access improvements. Given that the closing dates on consultation were very tight, and fell before the Navigation Committee meeting, Members requested that the Chairman of the Navigation Committee be provided with the reports for any further comments.

RESOLVED

that the report be noted and the proposed consultation responses be endorsed.

3/14 Heritage Asset Review Working Group: Review of Role and Membership

The Committee received a report providing an outline of the role of the Heritage Asset Review Group (HARG), its Terms of Reference and current membership. The Historic Environment Manager provided some background to the Group explaining that it had been set up following the Authority taking the Planning service in house and the carrying out of a survey on historic buildings. HARG's role was to guide officers in the protection of Heritage Assets, particularly the number of Buildings at Risk as well as addressing specific and detailed issues relating to the Historic Environment of the Broads including Conservation Areas and possible features for the Local List. The Group reported back to the Planning Committee as required. It had proved particularly successful in helping to reduce the properties on the "At Risk" register, and prioritising and developing the review of the Conservation Areas. It had also been useful in advising on some issues in the development and progress of the Mills and Marshes Landscape Partnership Project (supported by Heritage Lottery Funding) and it was considered that this could continue in so far as advice on specific issues might be required, such as the Mills and the Conservation Area of Halvergate Marshes. The Historic Environment Manager emphasised that in terms of governance, the HLF project would have a project Board and regular updates would be provided by this to the full Authority.

Current membership of the group included Peter Dixon and Paul Rice as Chairman and Vice-Chairman of the Planning Committee, Mike Barnard, Jacquie Burgess, Haydn Thirtle (as Heritage Champion) and Bill Dickson.

Members fully supported the continuation of the Group and being mindful of the recommendations of the Peer Review Group considered that its membership be extended beyond the members of the Planning Committee and to ask current HARG members to confirm if they wish to continue. It was considered that there should be a firm commitment to being part of HARG although recognising members' time constraints.

RESOLVED

- (i) that current Members of the Heritage Asset Review Group be asked to confirm if they wish to continue on the group; and
- (ii) that the role and membership of the Group be considered as part of the Peer Review Action Plan.

3/15 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 May 2017.

Eagles Nest, Ferry Road, Horning.

The Head of Planning reported that a decision on the appeal against the Authority's decision to refuse planning permission for the retention of a manager's flat had been received on 12 October 2017. The appeal had been allowed. Although this was disappointing, the Inspector had provided a very well argued and balanced case, had not disagreed with the Authority's interpretation of development plan policies or its approach but had provided a different interpretation and come to a different conclusion. The Inspector had considered that there were conflicts with planning policy, but that those conflicts were outweighed by the material considerations. A copy of the decision notice together with a summary would be provided by the Head of Planning for members.

It was noted that in general the balance in relation to the decisions on appeals by the Planning Inspectorate had shifted more towards a "what is the harm?" type approach and it was noted that other Local Planning Authorities were experiencing similar issues and decisions.

RESOLVED

that the report be noted.

3/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 August 2017 to 2 October 2017. It was noted that three of the applications had resulted from Condition Monitoring for this last month.

RESOLVED

that the report be noted.

3/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 10 November 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by a meeting of the Heritage Asset Review Group.

The meeting concluded at 11.25 am

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 13 October 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	3/9	Enforcement Item Waveney River Centre Owner a member of the Authority's Navigation Committee.
Haydn Thirtle	3/8 3/14	Lobbied by applicant BA/2017/0179/FUL HARG Area Museum Service. Board Member NCC – previous Committee member Yarmouth Archaeology Society