

# Planning Committee

## Minutes of the meeting held on 17 July 2020

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## Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt (Minutes 1 – 10.1), Bill Dickson, Andree Gee, Gail Harris, Tim Jickells, Bruce Keith (Minutes 1 – 10.1), James Knight (Minutes 1 – 10.1), Leslie Mogford (Minutes 10.2 – 18), Vic Thomson (Minutes 1 – 9).

## In attendance

Sandra Beckett – Administrative Officer (Governance), Natalie Beal – Planning Policy Officer, Nigel Catherall – Planning Officer, Kate Knights– Historic Environment Manager, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services, Tony Wilkins – Planning Officer (Compliance and Implementation).

## Guest speaker

Liam Robson – Sustainable Places Team, Environment Agency

## Members of the public in attendance who spoke

**Application BA/2020/0126/FUL Yare Boat Club, Thorpe St Andrew:** Cllr Sue Lawn - on behalf of Thorpe Town Council and Mr Rob Kay – on behalf of Yare Rowing club, British Rowing and the applicants.

**Application BA/2020/0134/FUL Clayrack Marshes, How Hill NNR, Ludham:** Emma Harris – Environment Officer on behalf of applicant.

## 1. Apologies and welcome

The Chairman welcomed everyone to the remote meeting of the Planning Committee, including members of the public following the meeting through the livestream. In particular she welcomed Liam Robson from the Environment Agency, who would be giving a presentation on flood risk, and Tony Wilkins, who had been appointed as the Authority's Planning Officer (Compliance and Implementation).

**Apologies** were received from Lana Hempsall and Fran Whymark. Leslie Mogford would be arriving later, and three members had to leave early.

## Openness of Local Government Bodies Regulations 2014

The Chairman explained that the meeting would be held remotely in accordance with the Government's COVID-19 regulations and the Standing Orders and protocol for remote meetings agreed by the Authority on 22 May 2020. The meeting would be livestreamed and recorded and the Authority retained the copyright. The minutes remained the record of the meeting.

## 2. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

### 3. Minutes of Planning Committee – 26 June 2020

The minutes of the meeting held on 26 June 2020 were approved as a correct record for signature by the Chairman.

### 4. Points of information arising from the minutes

**Minutes 11 and 12: Tree Preservation Orders BA/2020/0002/TPO Waterside Rooms, Station Road Hoveton and BA/2020/0001/TPO Nicholas Everitt Park, Oulton Broad**

The Head of Planning reported that the above TPOs had been signed and sealed, and were now in effect.

### 5. To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

### 6. Chairman's announcements and introduction to public speaking

**Public Speaking:** The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee and the new government regulations and standing orders. Those who wished to speak, had been registered and were invited to do so following the presentation by the Planning Officers of the applications upon which they wished to comment.

### 7. Requests to defer applications and/or vary the order of the agenda

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

### 8. Flood Risk – presentation from the Environment Agency

The Chairman introduced Liam Robson from the Sustainable Places Team at the Environment Agency (EA) and explained that the following briefing formed part of member training.

Mr Robson explained that his team acted as lead advisers on flood risk to the Broads Authority and other local authorities in the area. His presentation on 'Fluvial and Tidal Flood Risk – Guidance for Planning Authorities' covered the definition of flood risk as including rivers, fluvial, estuaries and the sea (tidal), surface water (pluvial), groundwater and sewers. Most of the Broads area was within Flood Risk Zones 3a and 3b, which had high risk probability of flooding and was the functional flood plain. The Government's Planning Policy Guidance set out the responsibilities of the local authorities in discussion with the EA, who provided advice at the Local Plan Stage for the Strategic Flood Risk Assessments. The Flood Zone map plans were available from the Government website; these were the strategic starting point for considering development proposals, but did not include flood defences or

take account of climate change or detailed site levels. At present, for the Broads area the Zones were indicative and a precautionary approach was taken. It was up to the local authorities to identify the major land use vulnerabilities, and for applicants to provide Flood Risk Assessments (FRAs) for individual proposals, together with mitigating measures.

Mr Robson explained the flood risk vulnerabilities and compatibilities and the requirements of and for Sequential and Exceptional Tests. The Sequential Test was a decision-making tool designed to ensure that sites at little or no risk of flooding were developed in preference to areas at higher risk. If it was not possible for the development to be located in lower risk zones, then the Exceptions Test could be applied. To pass this test, it was important to demonstrate that the development provided wider sustainability benefits to the community that outweighed flood risk, and to provide a flood risk assessment. The onus was on the applicants to provide such an assessment in Flood Zones 3a and 3b; this should demonstrate that the development would be safe for its lifetime, taking account of the vulnerability of its users without increasing flood risk elsewhere, and where possible reducing flood risk overall.

Mr Robson gave examples of the Strategic Flood Risk Maps, and details of what must be included in Flood Risk Assessments to make sure they were fit for purpose and provided accurate information on flood risk to inform the decision. The EA would review the FRA, but would make no judgement on the risk or the appropriateness of the development; this would be up to the local planning authority to consider alongside other factors. Examples of flood risk mitigation measures were outlined, including raised floor levels and ground levels and defences, as well as information on safe access and egress, flood warning and evacuation and refuge, and resilience and resistance measures. He explained the various responsibilities and referred to the NPPG.

Finally, Mr Robson advised that Flood Defence consents now came under the new Environmental Permitting (England and Wales) Regulations 2016 and any work by the river that could have flood risk implications might require a Flood Risk Activity permit. He would provide further information in answer to members' questions following the meeting. To assess the impact of a scheme on potential flood risk elsewhere, especially relating to a major development, the details would be referred to the EA modelling team for advice.

Members appreciated the informative and helpful presentation, particularly in an area where it would be difficult to avoid flood risk. It was noted this had implications and challenges for applicants, especially the costs involved in commissioning FRAs.

The Chairman thanked Mr Robson for his presentation. The recording and slides from the presentation would be available for all members.

Vic Thomson left the meeting.

## **9. Applications for planning permission**

The Committee considered the following applications submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions 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 officer's report, and which were given additional attention.

**(1) BA/2020/ 0126/FUL Yare Boat Club, Thorpe St Andrew**

2 No. new boat houses for storage of rowing boats, alterations of existing shed for new facilities & replacement pontoon. Applicant: Yare Boat Club

The Senior Planning Officer explained that the application was before the Committee as it was a departure from the development plan. She gave a detailed presentation on the application for two new boat houses on the central part of Thorpe Island within the Thorpe St Andrew Conservation Area. The proposed buildings were to house craft resulting from the amalgamation of Yare Boat Club with Broadland Boat Club, with the aim of constructing storage sheds large enough to accommodate the additional craft and prevent untidy, outside storage on the site. The application also involved alterations to the existing boat shed and a replacement pontoon, which had already been installed. The application was accompanied by an Ecological Impact Assessment, Arboricultural Impact Assessment and Flood Risk Assessment.

The Senior Planning Officer gave an assessment concentrating on the main issues of the principle of development, with particular emphasis on Policy TSA2, the design of the new buildings and the impacts on the Conservation Area, biodiversity, trees, flood risk, neighbour amenity and highways. There had been concerns from residential properties opposite the site about potential increase in activity due to amalgamation of the two clubs. However, this in itself would not require permission and it was already taking place. It was noted that the number of members that could be accommodated at any one time was limited and would mean an increase of 5 from 15 to 20. In addition, advance booking took place and the numbers were easily controlled. Therefore, it was not considered that there would be additional noise and disturbance to nearby residents. There had also been concerns over car parking, but it was clarified that the club had access to the car park at the River Garden Public House, and generally operated in the early mornings at weekends when the spaces were available to club members. The agent had confirmed that many of the club members were local and many cycled or walked to the site. There were no objections from highways.

Although the proposal was contrary to Policy TSA2 of the Local Plan for the Broads in terms of the principle of development, there were other material considerations to consider. The boat sheds were to be sited so as to minimise their impact on the landscape and surrounding Conservation Area. The materials had been amended to include larch cladding, based on the advice from the Historic Environment Manager, and black matt fixtures for the pontoon and the new tree planting has been amended to include native species. This area of the River Yare was heavily used by boats and was a sustainable location for the boat club to be situated. The benefits of allowing the improvements to the clubhouse and merger of two historic boat clubs long-established in Thorpe St Andrew were considered to outweigh the in-principle policy

objection. In conclusion, the Senior Planning Officer recommended that planning permission could be approved subject to conditions.

Cllr Susan Lawn gave a statement on behalf of Thorpe St Andrew Town Council. She commented that the Council had long supported the principle of Broadland and Yare Boat Clubs merging to make a single larger rowing club, and looked forward to working with the Club to become a centre of excellence. It was recognised there had been concerns when the policies in the Local Plan were being developed. However, the clubs had raised important mitigations in their statement that gave details of the many Broads Local Plan policies that supported the expansion, and the Council agreed with these. The Council accepted that the buildings were large in comparison to the other buildings in this location, but considered that the screening options made the application acceptable and that the boat houses themselves were likely to be glimpsed only from the River Garden Public House, with minimal visual impact on the homes overlooking the site. They agreed that the characterisation of the site had been defined by rowing and rowing facilities for more than a century.

The Council was mindful of the concerns and potential difficulties of parking and understood that, at its suggestion, the Club had secured additional weekend parking from Broadland District Council at Thorpe Lodge that could offset any impact of the application. The Council also considered that the new pontoons appeared to be of a high quality and a sensible addition to the rowing club, and were more stable and therefore better for the health and safety of people using the site. Other than the observations provided, the Council was supportive of the principle of the application.

Robert Kay, captain and coach for the Club, informed the Committee that British Rowing fully supported the planning application. British Rowing had commented that the area and catchments served by the applicant rowing club had a considerable demand for rowers and those wishing to take part in the sport, either recreationally or racing. By combining the assets and human resources of Yare and Broadlands Rowing Clubs on this site, they were enhancing the experiences of the participants. British Rowing had commented that it was very rewarding to work with such well organised and agreeable people.

Members expressed appreciation for the comprehensive presentation. In general, they considered that the merging of the clubs to provide a higher standard of facilities and increase the sustainability of the activities would be well worthwhile. Overall, they considered that the mitigations and benefits outweighed the in-principle policy objections. One member, although recognising the benefits, expressed some concern as to the location and that the application was contrary to the provisions of Policy TSA2. He considered that the new buildings were large, would be visible and, although there was a clear justification for their need, there was a presumption in the policy for a semi-natural area. He was concerned that this could set a precedent and therefore found it difficult to accept. Other members, although understanding these concerns, considered that on balance the mitigations were acceptable, the use of the area for such activities had been in existence for some time, and it was gratifying and encouraging that this application could help secure a sustainable future for the club.

Tim Jickells proposed, seconded by Harry Blathwayt and

**It was resolved by 8 votes in favour and 1 against, to approve the application subject to the conditions outlined within the report.** The application is considered to be in accordance with Policies DM2, DM3, DM5, DM6, DM11, DM13, DM16, DM21, DM23, DM24, DM31, DM43 and DM46 of the adopted Broads Local Plan 2019.

Stephen Bolt, Bruce Keith and James Knight left the meeting.

The live stream was suspended for a 10-minute break.

Leslie Mogford joined the meeting.

## **(2) BA/2020/0134/FUL Clayrack Marshes, adjacent to Toad Hole Cottage, How Hill NNR, Ludham**

Creation of 740m length of shallow foot drains across an existing area of marsh grassland.

### **Applicant: Broads Authority**

The Planning Officer gave a detailed presentation on the application to create 740 metres in length of shallow foot drains across an area currently maintained for wildlife by the Broads Authority, as part of the How Hill National Nature Reserve. This was also within the Broadland Special Area of Conservation (SAC), Special Protected Area (SPA), a Ramsar Site and the Ant Broads and Marshes Site of Special Scientific interest (SSSI). The area was currently managed by pony grazing and cutting. The aim of the proposal was to enhance the site for biodiversity of the rush dominated marshes, and to promote invertebrate populations, particularly for the benefit of breeding waders and wintering wildfowl. A Habitats Risk Assessment had been submitted with the application.

In addition to the consultation comments, the Planning Officer provided the comments from the Ward Member, Mr Adam Varley. He had read the corresponding documentation regarding the application and had no objection. He believed it would be beneficial to the sustainability of the site and would allow a multitude of animals to thrive due to enhancing the variety of habitats. The Planning Officer also confirmed that there would be no impact on the permissive footpath adjacent to the site either during or following construction.

The Planning Officer addressed the main issues in consideration of the application, including the principle of the development, impact on landscape and impact on priority habitats.

The Planning Officer concluded that the application was acceptable as it was in keeping with the development in this location, would not be detrimental to the landscape appearance and would not have an adverse impact on the special designated character of the area. It would provide a number of benefits in terms of nature conservation including the wider management plan for the site, and Natural England had raised no objection to the establishment of the foot drains. The proposal overall would contribute to the duties of the Broads Authority and would not undermine the European site's conservation objectives. It was therefore considered to be in accordance with policy and was recommended for approval subject to conditions.

In response to a member's question, the Planning Officer confirmed that Natural England had raised concerns about the rationale for the project and whether it would achieve its objectives, but this was not a planning matter. Emma Harris, as the applicant, clarified that although the aims were to make the marshes more appealing to marshland birds, this might not necessarily attract breeding birds. However, the works would introduce habitats not currently present on the margins. By increasing the diversity of habitat types, it was hoped to attract a greater variety of insects and invertebrates associated with these habitats.

Having received clarification on some issues, members supported the proposal.

Bill Dickson proposed, seconded by Tim Jickells

**It was resolved by 6 votes in favour and 1 abstention** (as the member lost connection for the full presentation) **to approve the applications subject to the conditions outlined within the report as it is considered to be in accordance with Policies DM5, DM13, DM16, DM21 and DM18 of the Local Plan for the Broads, and the National Planning Policy Framework (2019).**

## 10. Enforcement update

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

**Former Marina Keys, Great Yarmouth:** A planning application to amend the development approved in 2019 was being processed. Work had commenced to demolish some of the buildings on site. At present there were bats in the former Bosun's Locker building, but once these had left it was the landowner's intention to clear this part of the site, expected to be at the end of August.

**Ditchingham Maltings:** The maintenance scheme was well underway. It was hoped to have the revised landscaping scheme approved shortly and planting could take place in the Autumn.

## 11. Statement of Community involvement – revision for adoption in response to COVID-19 restrictions

The Committee received a report explaining the need to revise the Statement of Community Involvement adopted in January 2020, as a result of the COVID-19 safe distancing restrictions. This required amendments to the consultation processes for making documents publicly available to comply with Government guidance. It was intended that these changes would be temporary until the usual procedures for consultation could be resumed.

In response to a question, the Head of Planning assured members that officers would be happy to make themselves available for parish council meetings, if required or invited and the appropriate COVID-19 precautions were in place. They would also be able to attend remotely.

Members considered that the changes to the SCI were pragmatic, and recognised that they were designed to respond to the current situation and may need amending again in future.



Gail Harris proposed, seconded by Tim Jickells

**It was resolved unanimously**

- (i) to endorse the Statement of Community involvement and**
- (ii) to recommend to the Broads Authority that the Statement of Community involvement is adopted.**

## **12. Coastal Adaptation SPD – for consultation**

The Committee received a report on the draft Coastal Adaptation SPD prepared by the partnership of East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, the Broads Authority, and the shared Coastal Partnership East team. The aim of the SPD was to provide guidance on aligned policy approaches along the coast and to take a whole coast approach. The SPD would ensure planning guidance was up to date, aid the interpretation and delivery of planning policy and provide case study examples of coastal adaptation best practice. Although the Authority was only responsible for a small stretch of coast, it was a vitally important part and being involved came within the remit of duty to cooperate. In addition to the proposed consultation measures listed in the report at paragraph 5.2, it was proposed that the pages of the document be displayed on the windows of the reception at Yare House, avoiding the need for the public to enter the building.

In light of the number of different Local Planning Authorities involved in producing the SPD and the variety of comments that could be received resulting in changes, it was recommended that the final endorsement for public consultation be delegated to the Chair of the Planning Committee, the Chair of the Authority and the Director of Strategic Services.

Harry Blathwayt proposed, seconded by Bill Dickson

**It was resolved unanimously**

- (i) To endorse the joint Coastal Adaptation SPD for public consultation**
- (ii) To recommend to the Broads Authority that the Coastal Adaptation SPD be endorsed for consultation**
- (iii) To delegate final endorsement for consultation to the Chair of Planning Committee, the Chair of the Broads Authority and the Director of Strategic Services as four Local Planning Authorities are jointly producing the SPD and some Committees may make comments that result in changes.**

## **13. Consultation document and proposed response: East Suffolk Development brief**

The Committee received a report concerning the consultation on the East Suffolk Development Brief and the Authority's proposed response.

Harry Blathwayt proposed, seconded by Bill Dickson and

**It was resolved unanimously to endorse the proposed response to the East Suffolk Development Brief and that this be forwarded to East Suffolk Council.**

## **Matters for information and note**

The following items were taken as a block as items for information. No questions or comments had been received from members prior to the meeting. The Chairman stated that if members were content she would take it that, unless there were any further comments, each of the recommendations would be accepted. There was general assent and no objections were made, and the reports were received.

### **14. Heritage Asset Review Group – 26 June 2020**

The Chair commented that there was still a vacancy on the Group. Meetings provided a fascinating insight into a vital area of the Authority's work and were of great interest.

**It was resolved to receive the notes from the Heritage Asset Review Group.**

### **15. Appeals to the Secretary of State**

The Committee received a schedule of appeals to the Secretary of State since January 2020.

**It was resolved to note the report.**

### **16. Decisions made by officers under delegated powers**

The Committee received a schedule of decisions made by officers under delegated powers from 16 June to 3 July 2020.

**It was resolved to note the report.**

### **17. Date of next meeting**

The next meeting of the Planning Committee would be held remotely on Friday 14 August 2020 at 10.00am.

The Chairman announced that this was Sandra Beckett's last Planning Committee meeting as she would be retiring at the end of the month. She thanked Sandra for her unfailing support over the years and wished her well.

The meeting ended at 12.45 pm

Signed by

Chairman

## Appendix 1 – Declaration of interests - Planning Committee, 17 July 2020

<b>Member</b>	<b>Agenda/minute</b>	<b>Nature of interest</b>
Chairman on behalf of all Members	10.2 Application BA/2020/0134/FUL	Broads Authority application
Chairman on behalf of all members	13. Coastal Adaptation SPD	Broads Authority involved in developing the SPD
Harry Blathwayt	10.1 Application BA/2020/0126/FUL 10.2 BA/2020/0134/FUL	Lobbied by an objector (Dentist, a member of the Club) Resident of the village
James Knight	10.1 BA/2020/0126/FUL	General interest in Thorpe Island