

Broads Authority

Planning Committee

Minutes of the meeting held on 19 August 2016

Present:

Sir Peter Dixon – in the Chair

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

Mr P Rice
Mr H Thirtle
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 2/9 – 2/10)
Mrs S A Beckett – Administrative Officer (Governance)
Ms A Cornish – Planning Officer (Minute 2/8)
Mr S Bell – for the Solicitor (Minute 2/1 – Minute 2/8 and Minute 2/11))
D Harris – for the Solicitor and Monitoring Officer
Mr B Hogg – Historic Environment Manager (Minute 2/9 and 2/10)
Mr A Scales – Planning Officer (Minute 2/1 – Minute 2/8)
Ms A Long – Director of Planning and Resources

Members of the Public in attendance who spoke:

BA/2016/0194/CU Hall Farm, Hall Lane, Postwick

Mr Alan Woods	Chairman of Postwick Parish Council
Mr Peter Cranness	Objector
Mr Fergus Bootman	The Applicant's agent
Mrs Langridge	The applicant
Mr Andrew Proctor	Local District member

BA/2016/0191/FUL Hickling Broad Enhancements

Ms Trudi Wakelin	On behalf of the applicant, Broads Authority
Dr Dan Hoare	On behalf of the applicant, Broads Authority

2/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. No apologies were received.

2/2 Chairman's Announcements and Introduction to Public Speaking

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

(2) **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.)

2/3 Declarations of Interest

The Chairman declared an interest on behalf of all members in relation to Agenda item 9(2) BA/2016/0191/FUL Hickling Broad enhancements as the application was a Broads Authority application. A general declaration of interest was also made in respect of Agenda item 9(1) BA/2016/0194/CU as all members had been lobbied.

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

2/4 Minutes: 22 July 2016

The minutes of the meeting held on 22 July 2016 were agreed as a correct record and signed by the Chairman.

2/5 Points of Information Arising from the Minutes

(1) **Minute 1/10: Enforcement Item Waveney Inn and River Centre**

The Director of Planning and Resources confirmed that the decision made at the meeting was being followed up. The Solicitor had contacted the landowner's Solicitor and Planning Officers had written to his planning agent and a response was awaited.

(2) **Minute 1/3(3): Heritage Asset Review Group**

The Chairman stated that since the last meeting the two new members on the Planning Committee: Mr Bill Dickson and Mr Haydn Thirtle indicated that they would be interested in being on the Group and had therefore been appointed. The Committee endorsed the proposal that these members be added to the Group. (This did not preclude other members attending if they so wished and they were invited to do so.)

RESOLVED

that the membership of HARG comprising of Peter Dixon and Paul Rice (as Chairman and Vice-Chairman of the Planning Committee) Mike Barnard, Jacquie Burgess, Bill Dickson and Haydn Thirtle be confirmed.

2/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

2/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received.

The Chairman stated that he intended to vary the order of business to enable the Solicitor to comment on the Enforcement Schedule prior to those matters relating to policy. Therefore Agenda Item 11 would be taken following Agenda Item 8.

2/8 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2016/0194/CU Hall Farm, Hall Lane, Postwick, Norwich**
Change of use of outdoor venue for weddings and celebrations, to include retention of existing outdoor timber seating and wood shack, introduction of new service track and extension to existing turning area, creation of new passing places on public and private roadways and associated parking, access and landscaping.
Applicant: Mr and Mrs C & E Langridge and Fairbank

The Planning Officer provided a detailed presentation of the application for the permanent establishment of a wedding/associated celebrations and reception venue which currently operated under the 28 day rule permitted by Schedule 2, Part 4 Class B of the Town and Country Planning General Permitted Development England Order 2015. The business was a diversification of part of an agricultural holding. Permission was being sought for operation all year round depending on demand, although up to now it had operated on a season based from mid-May to mid-September. Permission was being sought for up to 200 guests although typically the venue would accommodate 80 to 120 guests.

Since the writing of the report, further representations had been received from the Parish Council, which had been circulated for Members' information. Attention was drawn to all the representations

including the petition and the considerable concerns documented relating in particular to highways and the additional traffic generated impacting on the local network as well as the effect of noise levels from music on the residential amenity and the tranquillity and ecology of the area.

The Planning Officer addressed the main issues in the determination of the application concerning impact on the highway safety, noise impact, flood risk, impact on ecology and impact on residential amenity. In conclusion, the considerable amount of concern voiced and documented by local residents was recognised. However it was considered that these concerns could be addressed through conditions. The Highways Authority had no objections subject to the imposition of appropriate conditions as documented and on this basis and taking account of the NPPF the application could be recommended for approval. On the matter of noise, given the open landscape and rural character of the area the concerns over noise were to be given significant weight. A Noise Assessment Plan and a Noise Management Plan had been submitted and events should be managed in accordance with this. Therefore in conclusion and on advice from the Environmental Health Officer, it was recommended that a temporary permission be issued for 24 months in order to monitor the situation and ensure that noise was kept to an acceptable level.

Mr Alan Woods on behalf of the Parish Council provided the Committee with a video showing the route into the site. He explained that the parish council acted as liaison for those living within the village. He referred to the considerable number of representations received from those living at the end of Oaks Lane and those living near to the venue. The parish council was not anti-enterprise but it needed to respect the reviews of its electorate. The venue already operated under the 28 day rule and the application would be an extension of that. With the numbers of guests proposed and the services being delivered two to three days before the event and removed two days after, the parish could not come to terms with the Highways view of no objection.

The issue of noise was of major concern particularly from Marsh Fen cottages which were in line with the predominant south westerly wind and being in a rural landscape the noise would travel easily. To be fair this had been recognised by the applicant but the parish council was concerned as to how this would be monitored or enforced. The ambient noise in the area was very low and therefore any additional noise from group events would be more noticeable and significant especially at night. It was considered that there should be an independent party to survey this. Mr Wells recommended that the Planning Committee visit the site before making a decision.

Mr Cranness on behalf of the objectors provided two videos; one showing the route to the site down Oaks Lane from within a car, the other at the junction of the road to the track to illustrate the issues

concerning highways and the tranquillity of the area in relation to residential amenity. In addition to the comments circulated to members, Mr Cranness commented that with all traffic needing to travel along the Lane the local residents would not be able to enjoy the tranquillity of their gardens not only when the weddings took place but before and after. He alleged that the total number of events held in the last year had been greater than that permitted under the 28 day rule. He expressed concern as to how the numbers could be controlled especially in relation to the number of cars and how these could be monitored. He also expressed concern about the noise level and how that could be enforced. He referred to Policy DP28 Amenity which he considered was not being properly addressed. He commented that there was nothing in the report to take account of light pollution which might include laser displays. He considered that the development should be viewed as being unacceptable.

Mrs Langridge, the applicant explained that she came from a conservation background and her partner from three generations of farming and conservation. They wanted to create a project which they believed in and were passionate about. They had worked with and managed the site under the Higher Level Stewardship scheme and such a venue attracted people who were as concerned as they were about the environment. As local residents they did care about the area and the local community and had purchased their own PA system to ensure noise levels were managed. The scheme was designed to operate as low impact and sustainable and to contribute to the family's livelihood and future.

Mr Bootman, the agent for the applicants explained that the application was submitted to provide suitable diversification to supplement the income from agriculture to ensure future viability of the farm. In recognition of the potential noise a Noise Management Plan had been submitted and (as already stated) his clients would provide their own PA system to ensure much greater control of sound levels. It was recognised that the application would generate traffic but, as referenced in the consultations, the Highways Authority had not objected on the basis that there would not be an unacceptable rise in traffic movements. With reference to the proposal for a temporary consent of two years, he questioned the reasons and considered this to be inappropriate since the use had already been operating for two years under the 28 day rule and there had been no recorded complaints or incidents, a fact confirmed by the Environmental Health Officer. Mr Bootman urged the Planning Committee to accept the proposal and grant permanent permission subject to appropriate conditions in order to ensure the ongoing viability of an established farming business in the special Broads area.

Mr Proctor, the local District Member addressed the concerns relating to traffic and noise, referring to statements within the Officer's report. He stated that Postwick was a very small village at the end of a

highway that was only subject to local traffic. Traffic to the proposed venue would be funnelled into Oaks Lane and there was no clarification as to how many or how passing bays would be constructed. He queried whether the road network would have the necessary capacity to accommodate the maximum 200 guests. He considered the impact would be severe and far greater than anticipated or could be resolved sufficiently in the way the Highways Authority had suggested. He expressed concern as to how the Noise Management Plan could be legally managed and enforced or as to the wisdom of a 24 month temporary permission. He commented that it was important to consider farm diversification but it was also necessary to examine the adverse impacts particularly of amenity. He considered that there was too great an impact on the environment from the traffic and potential noise to be generated. He therefore considered that the application was unacceptable and should be refused. If members were not minded to make a decision at this meeting, they should have a site inspection.

Members sought clarification on a number of questions. With reference to diversification, Mr Langridge stated that the total family farm had originally been comprised of 350 acres. Following the division of this amongst family following the death of the applicant's father, the applicant's farm would be reduced to approximately 100 acres (40ha). The application site covered an area of 4.7 ha. There was no specified limit to the numbers of pitches on the campsite but this could be examined and if over a certain number, this would come under other legislation. The applicant explained that the camp site was for one night only over the occasion of the specific event. The maximum number it could accommodate would be 30. They had a number of suppliers for toilet facilities but these were "posh wash" of a high standard and were brought on and off the site by the suppliers with no local contamination. It was clarified that there had been no complaints relating to the use under the 28 rule prior to the application being submitted.

Members acknowledged the concerns raised by the Parish Council. They expressed concern about the proposed parking facilities and potential highway issues as well as potential noise. It was considered that a site visit would be beneficial to examine the concerns and it would be helpful for the EHO and a representative from the Highways Authority to be present.

Mr Rice proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

that the determination of the application be deferred for a site inspection in order that members can gain a better understanding of the site and to take account of the concerns raised by the residents. The date would be confirmed subject to the availability of the Environmental Health Officer and a representative from the Highways

Authority. (subsequently confirmed for Friday 9 September 2016 starting at 10.am)

Having declared a personal interest in the following application, Sir Peter Dixon stepped down from the Chair. Mr Paul Rice took the Chair for this item. Members of the Committee agreed that Sir Peter Dixon could stay in the room for the discussion and his presence was not contrary to any standing orders suggesting otherwise.

Mr Paul Rice in the Chair

(2) **BA/2016/00191/FUL Hickling Broad, Hickling**

Hickling Broad Enhancement Work with two areas of red swamp restoration using dredged sediment retained by a series of textile membranes held in place by posts and three areas of protection of existing reed swamp vegetation with 750 metres perpendicular to the existing vegetation margin to reduce erosive forces and allow vegetation restoration.

Applicant: Broads Authority

Most of the Members of the Committee had had the benefit of a site visit on 18 August 2016. The Planning Officer gave a detailed presentation of the application for the first in a series of applications as part of the Hickling Broad Enhancement works. The proposals before members would include two different techniques to tackle reed swamp regression involving the containment and encouragement of reed growth, both of which had been trialled successfully. The Planning Officer reminded members of the presentation given to the Planning Committee by the Director of Operations in September 2015 showing the master plan for long term management of the whole of Hickling Broad, which was one of the Authority's long term strategic objectives building on scientific evidence from the Broads Lake Review.

In particular the Planning Officer concentrated on the three main areas where the techniques would be carried out, which included Churchill's Bay and the area in front of the Studio, and described the techniques involved. It was intended that the works would take place over three years. The applicant recognised the impacts on the special and sensitive area covered by Habitat regulations as well as the access to nearby properties and had therefore ensured that there would be a number of safeguards including a water monitoring plan, timing of the works, twice weekly Prynnesium cell counts, and monitoring/mitigation of water depth adjacent to Churchill Bay and the Studio.

The Planning Officer drew attention to the consultations received from the statutory organisations as well as the two representations from nearby properties. Natural England and the RSPB supported the application subject to a number of conditions.

Having provided a detailed assessment of the proposals the Planning Officer explained that the concerns of the local residents were acknowledged. The application had been designed to safeguard the ecology of the area as well as protect the amenity of local residents. It was concluded that the proposals provided an acceptable design of enhancement works that would protect and enhance the nature conservation value of the area subject to the imposition of conditions and would therefore meet the key tests of the development plan. The application was recommended for approval.

Sir Peter Dixon, as resident of The Smea situated behind Churchill's Bay thanked the officers for their efforts in attempting to allay the concerns he had originally expressed. He considered that the proposals now provided acceptable solutions and he welcomed the project. He considered that the area chosen for the deposition of spoil was ideal. He had been concerned about the blocking of access with the filling of one of the dykes, which he considered to be an historical access and would have preferred this to remain open. However, provided the water ingress and egress into the main broad was safeguarded and the other two dykes were satisfactorily cleared and suitable conditions imposed to cover this, he was content to accept the proposals.

Trudi Wakelin, Director of Operations in support of the application provided the historical background and rationale for the proposals, emphasising that the Hickling vision and project had stemmed from the Lake Review Project. It had been developed as a result of discussions with a range of stakeholders and the deliberations of the Upper Thurne Working Group, following identification of a number of issues in the Broad. The detailed proposals had been developed by a Hickling Project Board which included Norfolk Wildlife Trust and were also supported by the Environment Agency to help deliver the Water Framework Directive targets and to achieve the requirements of the Habitats Regulations. The project was built on successful trials and the potential impacts had been assessed and addressed with a range of mitigations. Support had also been gained from the Broads Forum and Broad Local Access Forum. Apart from the dredging work undertaken in the last 2-3 years, the part of the Broad had last been dredged in 2002. The marsh dykes would remain as part of the hydrological regime for the area and there would be monitoring to ensure there would not be any negative impacts. The project tackled several issues including accommodating an area for the disposal of dredging and would provide multiple benefits.

Members welcomed the proposal. They received clarification on the effect of the extent to which sediment would be displaced and distributed and were satisfied that any nutrient release and settlement would be retained within the set areas and monitored. They were satisfied with the mitigation and monitoring measures to be imposed in

order to ensure there would be a balance of the navigation, ecological and amenity requirements.

The Director of Planning and Resources confirmed that there was an historical ecological approach to the dyke network but not necessarily cultural. However, the importance of the dyke network was part of the historical landscape and included within the Landscape Character Assessment.

Jacquie Burgess proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report. The proposal is considered to be acceptable in accordance with Policies CS1, CS2, CS3, CS4, CS15 of the adopted Core Strategy (2007), and Policies DP1, DP3, DP4, and DP29 of the adopted Development Management Policies (2011).

Agenda Items 2/11 and 2/12 were taken at this point

Sir Peter Dixon in the Chair

2/10 Broads Local Plan – (August) Bite Size Pieces

The Committee received a report introducing the fourth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to draft policies for:

- Appendix A – Acle Straight
- Appendix B – Climate Change
- Appendix C – Conversion of buildings
- Appendix D – Design
- Appendix E – Developer contributions
- Appendix F – Energy demand and performance
- Appendix G – Health and wellbeing
- Appendix H – Heritage policies
- Appendix I – Landscape and Land raising
- Appendix J – Natural environment
- Appendix K – Open space
- Appendix L – Pubs
- Appendix M – Renewable energy
- Appendix N – Retail
- Appendix O – Water efficiency
- Appendix P – Water Quality

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being presented to Planning Committee in November 2016. They would be subject to further consultation prior to the final version being submitted.

With reference to Appendix A on the Acle Straight, Members welcomed the approach being taken in setting out in detail the factors to be taken into account for any improvements or changes to the road network, given that any such proposals would be for the Highways Authority and at national level and the Authority would be a consultee but not the decision making body.

With reference to Appendix B concerning Climate Change, this policy did not sit in isolation but would reinforce and be included within other policies. Members considered this to be a positive approach.

Members noted that Policies in Appendix C Conversion of Buildings and Appendix D, design were amended from existing policies DP21 and DP4 to include adaptability in accordance with “Lifetime Homes ” standards and Accessibility and this was welcomed.

With reference to Appendix E concerning Developer Contributions, members noted that officers would be investigating in more detail the element of the current policy that related to dredging. As the Authority did not deal with very large developments to warrant the level of provision and costs required by CIL it would not be appropriate for it to introduce such a charge. However, any such appropriate development where developer contributions would be required could be dealt with by the traditional Section 106 Agreement. The “appropriateness” would be in accordance with proportionality.

With reference to Appendix F – Energy Demand and Performance, Members considered the amendments and development of Policy DP7 to reflect the practice over the last two years were appropriate.

The check list for the Appendix G on Health and Wellbeing was still being finalised. This was to be welcomed. Members also appreciated the aim to have a combined policy with other Districts to move to a commonality.

Members welcomed the details included in Appendix H about Heritage noting that policies were based on present policies DP5 and DP6 and with a separate section on Drainage Mills based on XSN5.

With reference to Appendix I – Land Raising and Landscape, it was noted that the Landscape Character Assessment would be taken into account. It was suggested that a factor of sound attenuation might also be considered.

Appendix J – Natural Environment, a member commented that many of the Authority’s policies concerning the natural environment relied on European Directives and designations and expressed concern as to their vulnerability post Brexit. The Director of Planning and Resources commented that many of the policies had been embedded in UK Law and planning legislation and would still remain in terms of planning perspective until UK laws were either repealed or amended. It was suggested that reference might be made to this by a general statement in the Broads Plan.

Appendix K – Open Space, Members noted that this was a new Broads policy and the standards included reflected discussions with all the Districts and was based on what already existed and the standards they had adopted.

Appendix L – Waterside Pubs Network, Members supported the proposed amendments with the addition of the Bridge Restaurant in Wroxham.

Appendix M – Renewable and Low Carbon Energy – Topic Paper and policies, one member considered that the whole area was sensitive to small scale wind turbines and would wish to see a precautionary approach. It was recognised that the sensitivities were based on a complex methodology and came from a landscape perspective. For instance, why was the Trinity Broads area more sensitive than the area at the Thurne Mouth. Therefore he queried that methodology and would wish to examine this further. Members considered that it was important that the methodology was sound and that the policy was capable of being adapted in light of technological changes.

Appendix N – Retail, it was noted that at Bridge Road, Oulton Broad a post office was included within the local shop. In order to ensure a consistent retail policy approach, the Authority would be working with Waveney and the other District Councils.

Appendix O and P – Water Efficiency and Water Quality, it was noted that the Policy was advocating the use of sewage treatment plants in preference to septic tanks.

Members welcomed the approach and would be pleased to receive the next tranche of draft policies in advance of the next meeting.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

2/9 Consultation Documents Update and Proposed Responses

(1) Designating Horstead with Stanninghall as a Neighbouring Area And Designating Lound with Ashby, Herringfleet and Somerleyton as a Neighbouring Area

Members received a report introducing the two neighbourhood Plans for Horstead and Stanninghall, and Lound with Ashby, Herringfleet and Somerleyton. These were both consulted on during July as possible areas for becoming Neighbourhood Areas in order to produce a Neighbourhood Plan. Members noted the comments received on the Horstead and Stanninghall consultation documents and were informed that the comments received relating to the Lound area had also been supportive.

Members were supportive of the Officer's response.

RESOLVED

- (i) that the comments received on both Neighbouring Areas are noted; and
- (ii) that the Neighbouring areas for both Horstead and Stanninghall as well as Lound with Ashby, Herringfleet and Somerleyton be designated as Neighbourhood Areas for the purposes of producing Neighbourhood Plans.

(2) **Waveney District Council Lowestoft Flood Risk Management Project**

Members received a report on the consultation documents recently received together with the Authority's proposed responses.

RESOLVED

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to Waveney District Council

2/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. It was noted that a planning application for shutters and a new canopy at **Grey's Ices and Confectionary, Norwich Road, Hoveton** had been approved on the 4 August and therefore this item would be removed from the Enforcement Schedule.

RESOLVED

that the report be noted.

2/12 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. It was noted that a decision had been received on the application: **BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby**. This had been dismissed on 29 July 2016 and further details would be circulated.

RESOLVED

that the report be noted.

2/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 4 July 2016 to 3 August 2016.

It was noted that the application BA/2016/0174/FUL at Richardson's Boatyard had been mistakenly dealt with under delegated powers and should have been referred to the Committee as the Managing Director was now a member of the Authority. The application had been refused and the applicant was in discussions concerning a resubmission. Any subsequent applications will be referred to the Committee for consideration.

RESOLVED

that the report be noted.

2/14 Any Other Business: Matters for Committee

A member raised concerns about the amount of Member and Officer time and therefore the costs being taken up in dealing with the same sites which were constantly appearing as committee items. It was asked whether this was proportionate to the issues involved and whether or not this could be claimed by the Authority, if it became disproportionate.

The Director of Planning and Resources acknowledged that some matters seemed to take up a disproportionate amount of time not just for members but particularly officers and officers tried to minimise this wherever possible. She clarified that the planning fees were set nationally and procedures were in place. The Authority was performing within the national targets and had received very favourable commendation of its service from the recent PAS independent survey. Most applications were dealt with under delegated powers. It was only those more controversial, complex or ones involving members which were referred to the Committee. The Enforcement Plan provided the necessary procedures to try to minimise this and most complaints and issues which might involve enforcement did not need to be considered by the Committee but could be dealt with and resolved by officers. Members were assured that the Authority was streamlining matters as much as it could and that Officers will try to keep this to a minimum in the future.

2/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 16 September 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 13.15 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 19 August 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	2/8(2)	BA/2016/0191/FUL Hickling Broad, Hickling As application is a Broads Authority Application.
All Members	2/8 (1)	BA/2016/0194/CU Hall Farm, Hall Lane, Postwick Members of the Authority lobbied
Paul Rice	2/11	Enforcement Update: Horning Ferry Inn. Have been involved as liaison in negotiations with owner. NSBA Member and Trustee of Broads Society
Bill Dickson	2/8(2)	Toll Payer, Private owner of property within Broads, Chairman of Local Residents Association.
Jacquie Burgess		Toll Payer and Member of Norfolk Wildlife Trust
Mike Barnard	2/9	Consultation Documents: Member of Waveney District Council Local Plan Committee that deals with Neighbourhood Local Plan.
Peter Dixon	2/8(2)	BA/2016/0191/FUL Hickling Enhancements (Local resident – did not take part in site visit and will not Chair meeting for determination of application)