

Broads Authority
Planning Committee

Minutes of the meeting held on 5 January 2018

Present:

Mr M Barnard	Mr H Thirtle
Prof J Burgess	Mr V Thomson(Minutes 10 – 14)
Mr W A Dickson	Mrs M Vigo di Gallidoro
Ms G Harris	

In Attendance:

Ms N Beal – Planning Policy Officer (Minutes 6/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Ms A Cornish – Planning Officer
Mr A Ellson – Senior Ranger deputising for the Head of Ranger Services
Mr T Risebrow – Planning Officer (Compliance and Implementation) (Minute 6/9)
Ms M-P Tighe – Director of Strategic Services

6/1 Apologies for Absence and Welcome and Appointment of Acting Chairman

The Director of Strategic Services welcomed everyone to the meeting.

Apologies had been received from Sir Peter Dixon, Mr Paul Rice and Mr Vic Thomson (although he was expected to arrive later in the meeting).

In view of the Chairman and Vice-chairman not being available, the Director of Strategies asked for nominations to appoint an acting Chairman for the meeting.

Mr Haydn Thirtle proposed, seconded by Bill Dickson the nomination of Jacquie Burgess. There being no other nominations, it was

RESOLVED

That Jacquie Burgess be appointed as Acting Chairman of the Planning Committee for this meeting.

Jacquie Burgess in the Chair.

6/2 Declarations of Interest

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. A general declaration of interest was made on behalf of all the Committee in relation to 6/11 Wroxham Neighbourhood Plan as one of the properties mentioned as part of the Authority's Local List was owned by a member of the Navigation Committee.

6/3 Minutes: 8 December 2017

The minutes of the meeting held on 8 December 2017 were agreed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

Minute 5/8 (4)(5) and (6) BA/2017/0404/FUL and BA/2017/0405/FUL Carlton Marshes Nature Reserve and BA/2017/ 0392/FUL Land at Tonnage Bridge, Dilham

It was confirmed that the site visit will take place on Friday 19 January 2018 starting at the Authority's offices at 9.30am. Details have been sent out.

No further points of information were reported.

6/5 To note whether any items have been proposed as matters of urgent business

No items of urgent business had been proposed.

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

(1) The Openness of Local Government Bodies Regulations

No member of the public indicated that they would be recording the meeting.

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

(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.)

6/7 Requests to Defer Applications and /or Vary the Order of the Agenda

The Chairman commented that she did not intend to vary the order of the agenda or defer consideration of the applications.

6/8 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 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/2017/0268/FUL Wayford Marina, Wayford Road, Wayford Bridge, Stalham** Redevelopment of the Existing Wayford Marina to include an improvement to the facilities, allow public access and the construction of an additional workshop, office and toilet.
Applicant: Wayford Marine Ltd

The Planning Officer explained that the application was before members as it was a major application.

The Planning Officer provided a presentation and assessment on the proposals for the continued use of, and improvements to the boatyard, comprising the erection of three buildings and other improvements to allow for a total of 79 moorings for a variety of uses –hire, sale, and customer/public use. The application also sought to discharge an existing Section 52 Agreement, the precursor to a Section 106 Agreement to ensure that the storage of boats was controlled so as to avoid an unacceptable impact on navigation.

She explained that the boatyard had recently changed hands and the new owners were keen to rationalise the operation of the yard and improve the facilities to increase the viability of the site which had unfortunately not been realising its full potential in recent years. This involved tidying up the site, providing more undercover storage, improving the mooring provision, making the slipway available for use by the public as customers of the boatyard and contributing to the tourism industry with the continued provision of day boats for hire and the creation of visitor moorings.

The Planning Officer commented that since the report had been written, no further comments had been received. She explained that the Highways Authority had objected to the original application since this included holiday accommodation and it was anticipated that this would result in unacceptable additional traffic being generated. However, the

applicant had withdrawn this element of the application and therefore the Highways Authority had removed their objection. She referred to the shared access to the site explaining that this was a civil matter and would be dealt with under the correct legislation, but was not a planning material consideration.

The Planning Officer addressed the main issues for consideration of the application namely the principle of the development; impact on navigation; highways impact; design and materials; landscape and trees; ecology; and floodrisk and took account of the comments and objections received. With regard to the Section 52 Agreement, this was no longer required and any matters which it had originally covered regarding the protection of the navigable river could be more effectively achieved by conditions and the applicant was amenable to this. She concluded that the application was in general accordance with policy and could be recommended for approval subject to conditions as outlined within the report, with an additional condition concerning the use of the slipway.

Members considered that the amount of investment proposed in association with this application and the additional facilities to be provided was extremely important and was to be welcomed. They were reassured that with the Authority's regular monitoring programme in place and the vigilance of the Authority's Rangers, the development could be controlled and the conditions were enforceable. Members also considered that the biodiversity measures, as part of the application were imaginative and to be welcomed.

It was clarified that the use of the slipway was not to be for general "public use" but would be integral to the boatyard for customers of the boatyard. The Planning Officer explained that the additional condition was at the request of the Chairman of the Committee, was integral to the existing overall plans and was a means of reinforcing those plans. Therefore the wording would clarify this to ensure that the slipway would remain accessible in perpetuity for the use of customers to the boatyard.

Haydn Thirtle proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report subject to the discharge of the Section 52 Agreement, and the conditions outlined within the report and an additional condition regarding the accessibility of the slipway for the use of customers to the boatyard.

In the opinion of the Local Planning Authority the proposed development is in full accordance with Policies CS1 Landscape Protection and Enhancement, Policy CS3 The Navigation, CS4 Creation of New Resources, CS6 Historic and Cultural Environments,

CS9 Sustainable Tourism, CS14 Water Space Management, CS17 Access and Transportation, CS23 Economy and CS20 Rural Sustainability of the Core Strategy and Policies DP1 Natural Environment, DP2 Landscape and Trees, DP4 Design, DP5 Historic Environment, DP11 Access on Land, DP29 Development on Sites with a High Probability of Flooding, DP12 Access to the Water, DP13 Bank Protection, DP14 General Location of Sustainable Tourism and Recreation Development, DP16 Moorings, DP20 Development on Waterside Sites in Commercial Use, including Boatyards and DP28 Amenity and the NPPF.

- (2) **BA/2017/0389/FUL and BA/2017/0390/LBC Common Farm, Silver Street, Fleggburgh**, Demolition of workshop building, renovation of farmhouse and construction of single storey link extensions to farm buildings, convert to domestic use. Replacement cattle shed and farm storage buildings.

Applicant: Mr Peter Flowerdew

The Planning Officer provided an outline presentation of the proposals to restore, renovate and convert a complex of Grade II listed farm buildings and farmhouse, which had been the subject of concern to the Heritage Asset Review Group for some time, and for the erection of a replacement cattle shed and farm storage building. The District member, Haydn Thirtle had advocated a site visit since the actual fragile condition of the house and the site was of concern. The Parish Council would be conducting their own site inspection.

Haydn Thirtle proposed, seconded by Mike Barnard and it was

RESOLVED unanimously

that the application be the subject of a site visit to take place on 19 January 2018 and included in the day for the site visits to Carlton Marshes and Dilham.

6/9 Enforcement of planning control – non-compliance with planning conditions: Barnes Brinkcraft, Hoveton

The Committee received a report and detailed presentation on the breach of conditions as part of planning permission granted in July 2017 (BA/2017/0155/FUL) at the Barnes Brinkcraft site in Hoveton for a mooring basin, configuration of moorings and location of pontoon. The cumulative effect of the changes that were made was that there was an adverse impact on the navigation channel, by the encroachment of the extended land by about 1.2 metres from that which had been granted permission, the incorrect positioning of the mooring pontoons on the pilings and the encroachment effect of vessels mooring on the additional new pontoon, all of which caused concerns over safety.

The Navigation Committee had considered the matter at its meeting on 14 December 2017 and together with the Head of Ranger Services, the Navigation Officer, emphasised that this area was subject to a high level of traffic and expressed concern that any encroachment into the river at this already narrow channel represented a real hazard to boats navigation. Any reduction in the width of the river would lead to congestion in traffic and reduction in manoeuvrability.

A member queried the decision as to how and why the outer edge of the moored barge should be regarded as, de facto, the edge of the river bank and did this decision establish a dangerous precedent?

Members were in accordance with the views of the Navigation Committee. They acknowledged and welcomed the continued investment in the site by one of the largest hire boat operators. However, the Committee felt very strongly that the encroachment of this unauthorised development into the navigation area was deemed unacceptable for reasons of health and safety issues. They were keen for officers to seek a negotiated settlement but were concerned that a resolution was sought and achieved prior to the start of the holiday season, bearing in mind that this began with Easter at the end of March 2018.

Members noted that the Authority had navigation powers with regard to safety aspects, but it was important that the planning issues were resolved and regularised in conjunction.

RESOLVED

- (i) that the unauthorised development at Barnes Brinkcraft into the navigation area is unacceptable;
- (ii) that officers are authorised to negotiate the restriction on the vessel length, an agreed mooring configuration, a scheme of management in respect of the pontoon, and the removal of the build-out;
- (iii) that officers provide a verbal update on negotiations at the next Planning Committee meeting on 2 February 2018 and provide a written report for the Committee on 2 March 2018 on progress and potential resolution.

6/10 Enforcement Update

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

With reference to the **Wherry Hotel, Oulton Broad**, The Planning Officer assured members that progress was being made. The key issue in being able to process and approve the application related to resolving the landscaping scheme which had been partly hindered due to the legal conflict over access and car parking with the owner of the boathouse

adjacent to the site. A meeting was due to be held in the following week beginning 8 January 2018 with the landscape architects.

There were no further updates to report.

RESOLVED

that the report be noted.

**6/11 Consultations Documents Update and Proposed Responses:
Wroxham Parish Council: Wroxham Neighbourhood Plan Sustainability
Appraisal Scoping Report**

The Committee received a report setting out the proposed Authority response to Wroxham Parish Council's Neighbourhood Plan Scoping Report.

RESOLVED

that the Authority endorse the proposed response as set out in the report subject to amendments to some minor typographical errors.

6/12 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 May 2017.

RESOLVED

that the report be noted.

6/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 23 November 2017 to 14 December 2017.

RESOLVED

that the report be noted.

6/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 2 February 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 11.14 am.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 5 January 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Haydn Thirtle	6/8(2)	BA/2017/0389/FUL Borough and County Councillor for the area. Attended a meeting of the Parish Councils and a public meeting on the application. Have also spoken to the applicant.
All Members	6/11	General Interest: Wroxham Neighbourhood Plan: one property: The Sherriff House, owned by a member of the Authority's Navigation Committee.