

Broads Authority

Planning Committee

Minutes of the meeting held on 28 March 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Dr J S Johnson
Miss S Blane	Mr P Ollier
Prof J Burgess	Mr J Timewell
Mr C Gould	Mr P Warner (from Minute
Mrs L Hempsall	10/8(2)

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS)
Ms K Wood – Planning Officer

Mr Mark Seaman – Environmental Health Officer Waveney District

Members of the Public in attendance who spoke:

BA/2013/0410/FUL Ivy House Farm, Ivy Lane, Oulton Broad

Mr David Bryant	On behalf of Objectors
Dr Adrian Parton	The Applicant

BA/2014/0011/FUL Compartment 17 Postwick Marshes River Bure

Mr R Smith	Objector – Resident of Bramerton
Mr Jeremy Halls (BESL)	On behalf of Applicant

BA/2013/0413/FUL St Benet's Abbey, St Benet's Road, Ludham,

Ms Caroline Davison	The Applicant - Norfolk Archaeological Trust
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BA/2014/0025/FUL Hickling House, The Moorings, Ferry Cott Lane, Horning

Mrs Dianne Steele	The Applicant
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10/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting especially members of the public.

Apologies were received from Mrs J Brociek-Coulton, Mr N Dixon, Mr M Jeal and Mr R Stevens. Mr Warner had given notice that he would be arriving slightly later.

10/2 Declarations of Interest

Members introduced themselves and provided declarations of interest as set out in Appendix 1 of these minutes.

10/3 Minutes: 28 February 2014

The minutes of the meeting held on 28 February 2014 were agreed as a correct record and signed by the Chairman.

10/4 Points of Information Arising from the Minutes

No points of information were raised.

10/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

10/6 Chairman's Announcements and Introduction to Public Speaking

(1) Broads Authority new Website

The Chairman referred to the Authority's new website which had been launched on Wednesday 26 March 2014. He explained that this was still in its developmental phase and therefore there were a number of issues which were being addressed.

(2) Planning Design Tour – Friday 11 April 2014

The Chairman reminded Members that the Planning Design Tour would be taking place on 11 April starting from Yare House at 9.00am and finishing at approximately 4pm. Details would be forwarded on 4 April 2014.

(3) Public Speaking

The scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers, and that the time period was five minutes for all categories of speaker. Those who wished to

speakers were requested to come up to the public speaking desk at the beginning of the presentation of the relevant application.

10/7 Requests to Defer Applications and /or Vary the Order of the Agenda

There were no requests to defer applications or proposals to vary the order of the agenda.

10/8 Applications for Planning Permission

The Committee considered 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/2013/0410/FUL Ivy House Farm Hotel, Ivy Lane, Oulton Broad Lowestoft

Erection of a marquee and toilet accommodation within existing building

Applicant: Ivy Country House Hotel Ltd. Dr Adrian Parton

The Planning Officer provided a detailed presentation of the proposal which had been the subject of a site visit held on 14 March 2014, a note of which was attached to the updated report, together with photographs illustrating views from the vantage points visited including the residential properties on the other side of the Broad from where a large number of objections had been received. Many of the objections were particularly concerned about the issue of noise and the impact on amenity not just for local residents but those visiting the area and its special qualities adjacent to an SSSI. The concerns were detailed together with responses.

The Planning Officer gave an update on further representations received which included an additional query regarding the issue of houseboats which were situated 200metres from the site of the proposed marquee. It was explained that the houseboats were for holiday and recreational use and had been in existence since the 1950s, although they did not have full planning permission or a Certificate of Lawful Use. In addition correspondence had been received criticising and discrediting the methodology used for the applicant's acoustic assessment and recommending deferral for further examination of these issues. Objections had also been received from the Oulton Broad Community Enterprise supporting the neighbours' concerns over noise, and a letter from Chis Stannard from Broadland Holiday Village, which had been circulated, expressing concerns about

the impact on the holiday village and detrimental impact on its business.

The Planning Officer reported that Natural England, who had originally outlined concerns regarding the impact on the SSSI but had now examined the noise level information supplied by the applicant, was satisfied that the levels would not disrupt wildlife at the restricted limits suggested. However, it had requested that the predicted limits be checked after installation and the imposition of conditions requiring no fireworks and fire lanterns as well as lighting should be agreed. There had also been a withdrawal of an objection from a neighbour who considered that the applicant's report and the recommended restrictions over noise would be adequate to protect their amenity.

The Environmental Health officers had reviewed and examined the acoustics reports submitted by the applicants and agreed that the methodology used was appropriate and satisfactory. They had no objections to the proposal subject to amendments to some of the proposed conditions within the report being replaced by noise management conditions. A full set of the revised recommended conditions was circulated and clarification given on the details. In addition to using methods with a dedicated sound system to restrict noise levels from both live and amplified music within the marquee, which would need to be agreed by Environmental Health, these also included post-installation checks to ensure the actuality matched the predictions and appropriate steps taken if not. Conditions would also include light levels and those requested by Natural England. It was recognised that water did reflect acoustic levels and could enhance them but methods of assessment were very complex and dependent on numerous factors.

In assessing the application, the Planning Officer concluded that the application was in accordance with the NPPF which encouraged a prosperous rural economy and had a presumption in favour of sustainable development. The proposal was considered to be of a scale and kind which complimented the existing use of the site. Although this was the case it was recognised that this needed to be balanced against any impacts on the special qualities of the Broads, its surrounding designations, land use and neighbouring amenities. Having given the concerns which were recognised, due consideration and received the additional consultations, particularly from Natural England and the Environmental Health Officers, officers were satisfied that the development was acceptable and with the appropriate restrictions the amenity of the residents of Oulton Broad and tourists of Broadland Holiday Village would be protected. The application was therefore recommended for approval subject to the revised conditions.

Mr Bryant on behalf of the objectors expressed his extreme concerns about the application which he considered had not been given sufficient attention, particularly in relation to the time taken to assess

the acoustics reports. He considered that these had numerous shortcomings with not enough attention having been given to the carrying of noise over water, the prevailing wind, and the impact on the amenity of residents, the effect on other businesses, especially the visitors to Broadland Holiday village who came for the quiet tranquillity of the south side of the Broad. He also expressed concerns over the access to the site and the resulting increased number of cars using the single gravel track which would also have an impact on the amenity as well as the noise levels for those in Smith's Walk. In conclusion he considered that there were too many uncertainties and that the impact on residents would be significant. Therefore before a final decision, suitable assessments should be made and only temporary permission granted to carry these out.

Dr Adrian Parton, the owner of Ivy House Farm Hotel explained that the current business included 20 units of accommodation with a restaurant and catered for a number of events including weddings and conferences. The existing license would allow for music to be played until 2.00am. However, having guests in the hotel, it was not in the business's best interests to practically enable music to be played beyond 12 midnight. The idea of having a marquee, which would have pvc doors and not flaps, was to allow the ongoing business within the main building to remain open while functions were being held and therefore provide facilities for the local community and regular customers. He explained that the average wedding function catered for 100 to 150 people. The advert quoting that the marquee would cater for 350 had now been corrected. It was unlikely that there would be more than one or two functions a year which would cater for 250 guests. He explained that the business was happy to accept the conditions and the restrictions proposed by the officers and it had every intention of operating within these, as there was no intention of upsetting the hotel's own guests or its neighbours, particularly as it wished to operate with the community.

Members considered that this was one of the most difficult applications they had had to determine given that the business would provide distinct economic benefits to the area and the Broads which was in accordance with one of the Authority's main duties. In the context of the landscape, the visual impact on the Broads would be modest and it was considered that the proposed location of the marquee was acceptable and would be suitably screened. Although it was recognised that there were concerns over traffic leaving and entering the premises, especially late at night, there had been no objection from the Highways Authority. Members recognised that the most significant issue was that of noise and the complexities in assessing the potential nuisance and impact on amenity especially given the special qualities of the area and the requirements for quiet enjoyment. They also recognised that there were no measures to control noise from crowds. However, in general members considered that the conditions being proposed appeared to be sensible to mitigate the concerns, although it

was difficult to judge without having measurements and assessment of practice.

In order to properly demonstrate that they were appropriate, Dr Johnson proposed, seconded by Mr Timewell that a temporary permission for three years be granted subject to the proposed conditions.

RESOLVED by 7 votes to 1 with one abstention:

that the application be approved subject to the revised conditions as outlined and circulated to the Committee in light of the additional consultations received to take account of the Environmental Health officer's recommendations on acoustic levels. Subject to these conditions, the development is considered to be acceptable and in accordance with the provisions of the National Planning Policy Framework and the Authority's Development Polices in particular Policies DP2, DP4, DP5, DP11, DP27, DP28 and DP29 of the Development Management Policies DPD(2011).

(2) **BA2014-0011FUL Compartment 17 North Bank of River Yare, Postwick Marshes**

Flood defence improvements to the left bank of the River Yare including raising a concrete wall, rollback of floodbank and additional erosion protection work along with temporary site compound and associated engineering works
Applicant: Environment Agency

The Planning Officer provided a detailed presentation on the application for flood defence proposals in the vicinity of Postwick marshes. He explained that two previous applications in 2007 and 2008 had been withdrawn as a result of significant concerns over wildlife sites. The present application was more limited than those two previously in that it targeted improvements only to those sections of floodbank considered to be at high risk of breaching during overtopping events to prevent uncontrolled flooding. The area generally was an area of valuable floodplain storage. The Planning Officer drew attention to the very strong concerns expressed by the local residents as detailed at Appendix 3 of the report.

Since the writing of the report, BESL had revisited the site and carried out further survey work. With reference to the dwelling of Herons Reach in Bramerton opposite the area of the proposed defences to be raised to 1.4m, the measurements were 1.376m AOD, 69mm lower than the 1.445m as stated in the report. It was recognised that this was a particularly low floor level. However, from the hydraulic modelling undertaken over the area and given that 3500metres of the compartment would be subject to no improvement works, it was considered that the overall pattern of water levels in the area would remain unchanged and BESL had considered that they were confident

that the 1.4m would eventually settle to 1.3m, the level required by one of the objectors.

Having provided a full assessment of the proposals particularly with regard to the main issues, namely the impact on people and property, impact on habitat and ecological interest, recreation and highway considerations, and the fact that the proposal was supported by the RSPB and Natural England, the Planning Officer concluded that the application was in accordance with the Authority's development management policies, would not change water levels or increase flood risk for people and property and could be recommended for approval subject to conditions as outlined within the report.

Mr Smith whose parents live at Kingfisher Old House, Bramerton spoke on behalf of his parents and other objectors including Bramerton Parish Council. He expressed his strong concerns as detailed within the report about the proposals. He was of the view that the hydraulic modelling was inadequate as it had been based on misinformation. He therefore considered that the application should be rejected or deferred.

Mr Halls BESL on behalf of the applicant commented that he understood the reason for the objectors' concerns and the perception that there would be an increase in risk to the properties. However, he was confident that the hydraulic modelling, which had been tried and tested over twelve years and calibrated against major events and the subsequent resulting designs for the scheme would not increase that risk of flooding. It was necessary to examine the whole river system and the high level events. He assured the Committee that it was necessary to take the flood banks to a level of 1.4m to allow for settling. He commented that BESL was prepared to meet with the objectors and discuss the details of the proposals, provide a demonstration and full explanation of the hydraulic modelling as well as potential options for increased protection of the properties including Herons Reach.

Members gave careful consideration to the proposal and the concerns expressed by the residents. They also noted the positive support for the scheme from landowners in Postwick. They were advised that it would be unreasonable to impose an additional condition for the applicant to provide additional measures of flood protection for the individual properties. Conditions were required to meet the test of the advice in the Planning Practice Guidance (previously Circular 11/95). It would, however, be possible to attach an advisory note to any decision notice. Members expressed confidence in the hydraulic modelling and concurred with the officer's assessment.

Mr Gould proposed, seconded by Dr Johnson and

It was RESOLVED unanimously

that the application be approved subject to the conditions as outlined within the report together with informatives relating to the Memorandum of Understanding between the Broads Authority and the Environment Agency of 25 April 2003, the terms of the Water Resources Act 1991 and Anglian Region Land Drainage and Sea Defence Byelaws, a Wear and Tear Agreement under the Section 59 of the Highways Act 1980 for the access route and an advisory note to negotiate with landowners mitigating measures to protect Herons Reach.

Subject to the above, the proposal was considered to be acceptable and to meet the key tests of development plan policies and NPPF advice. In particular it is considered that it will be in accordance with Policies CS1, CS2, CS3 and CS4 of the adopted Core Strategy (2007) and Policies DP1, DP11, DP13, and DP29 of the Development Management DPD (2011).

- (3) **BA2013-0413FUL - St Benets Abbey, St Benets Road, Ludham**
Proposed erection of three interpretation lecterns, telescope installation, listening bench and car park sign on existing fence
Applicant: Norfolk Archaeological Trust

The Planning Officer provided a detailed presentation of the application for interpretation at St Benets Abbey to include three interpretation lecterns, a telescope which would provide a ghost image of the Abbey, a listening bench to be manually operated, situated in a discreet area by the archaeological remains of the church and a directional car park sign.

No further representations had been received since the writing of the report. Although the concerns of the Broads Society were acknowledged about the noise levels from the listening bench and additional concerns over vandalism, all the features had been very carefully considered taking account of English Heritage guidelines for Scheduled Ancient Monuments and following significant pre-application discussions. Following a detailed assessment, the Planning Officer recommended the application for approval as the methods of interpretation proposed were considered to be visually and contextually appropriate for the special qualities of this important location and therefore in accordance with policy.

Ms Davison from the Archaeological Trust spoke in support of the application and explained that the listening bench was designed to be unobtrusive and located in a site which had been identified by visitors as being appropriate for a resting place and quiet contemplation. With the site being isolated and open the Trust was conscious to avoid positioning intrusive objects. The design of the bench was plain and of untreated oak to match the existing cross and to blend into the landscape. The Trust was aware of the potential problems of vandalism and would be relying on the manufacturers to take account of the equipment's vulnerability.

Members welcomed the proposals, considering them to be an exciting additional element to the important site and applauded the sensitivity of the design and siting of the features. They concurred with the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The application is considered to accord with Planning Policy and in particular with Policies CS1, CS5, CS6, CS9 and CS16 of the Core Strategy (2007) and Policies DP2, DP4, DP5, DP11, DP27, DP28 and DP29 of the Development Management Policies DPD (2011).

(4) **BA/2014/0025/FUL Hickling House, The Moorings, Ferry Cott Lane, Horning**

Removal of existing metal painted balcony railings on first floor of property and replace with 42mm tubular stainless steel balustrades with toughened glass infill panels (retrospective)

Applicant: Mrs Dianne Steele

The Planning Assistant provided a detailed presentation of the proposal which was partly retrospective as it involved the replacement of some metal painted balcony railings with tubular stainless steel balustrades of toughened glass infill panels. Although the retrospective nature of the application was regrettable, the balustrade remained in the same position as the original and it was considered that it would not have any additional impacts on amenity. It was not considered to be inappropriate to the existing dwelling or within the context of the neighbouring group of dwellings. The concerns of the parish council about safety were acknowledged and the applicant would be reminded of the need to gain the necessary consents. The application was recommended for approval.

Mrs Steele, the applicant, confirmed that the original balustrade required high maintenance and was becoming unstable. The replacement was now much safer.

Members concurred with the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The proposal is considered acceptable in accordance with Policies DP4 and DP28 of the adopted Development Management Policies DPD (2011), Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) a material consideration in the determination of this application.

10/9 Enforcement Item for consideration: Site adjacent to Land at North End Thurlton, Unauthorised storage of non-agricultural items

The Committee received a further report on the state of the land at North End Thurlton following the appeal decision to uphold the Authority's Enforcement Notice with the aim of removing the unauthorised storage of non-agricultural items. Members noted that to comply with the Enforcement Notice the landowner was required to clear the site and have it restored to agricultural use by 15 April 2014. It was reported that since writing the report a site visit had been carried out which showed that the landowner was in the process of clearing the site although the fence was still in place. The landowner had given assurances that the site would be completely cleared and this appeared to be the case as steady progress was being made. Members noted the options for securing compliance and the Draft schedule giving the landowner an extended time within which to comply with the notice and restore the land to agricultural use.

The Enforcement Notice was still in place. Given the long history of the unauthorised development, and that progress appeared to be being made, Members considered that it would be appropriate to continue to pursue a negotiated solution and that a further period of compliance be given as recommended. One member was of the view that a period of six months be given. However, this was not considered appropriate.

RESOLVED

- (i) that a further period to 30 April 2014 be given for the clearance of the site, with progress to be in accordance with a schedule prepared by the Broads Authority; and
- (ii) that a further report be brought to the Committee on 23 May 2014.

10/10 Brundall Neighbourhood Plan: Designating Brundall as a Neighbourhood Area

The Committee received a report summarising the responses from first stage of consultation, which covered a six week period, relating to Brundall becoming a Neighbourhood area in order to produce a Neighbourhood Plan. Members noted that the process of producing the plan involved extensive consultation with residents and other stakeholder organisations as well as the drafting of the plan, objectives and policies. Members noted the comments in the report and that nothing significant had emerged at this stage which would inhibit designating Brundall as a Neighbourhood area. It was noted that the Broads Authority was required to designate that part which fell within its boundary and Broadland District Council that part for which it was the Local Planning Authority. It was also noted that Broadland District Council had agreed to undertake the task including the cost of the referendum at the end of the process and therefore there would be no costs to the Authority.

RESOLVED

that the comments on the Consultation of the Brundall Neighbourhood Plan be noted and that the whole of Brundall be designated as a Neighbourhood Area.

10/11 Strumpshaw Neighbourhood Plan: Inspector's Report and Agreement to Proceed to Referendum

The Committee received a report on the status of the Strumpshaw Neighbourhood Plan which was now at the more advanced Referendum stage following independent examination. The comments from the consultation on the submission version were noted. Since the writing of the report the Independent Examiner's had provided her conclusions and recommended that the plan could proceed to the Referendum stage, the inclusion of modifications and amendments to some wording to provide clarification and avoid contradictory statements.

RESOLVED

- (i) that the modifications recommended by the Independent Examiner be accepted; and
- (ii) that the Strumpshaw Neighbourhood Plan proceed to the next stage of Referendum.

10/12 Consultation Documents Update and Proposed Responses: Great Yarmouth Interim Five Year Land Supply

The Committee received a report on the proposed responses to the planning policy consultation received from Great Yarmouth Borough Council concerning its Interim Five Year Land Supply Policy. It was noted that these were relatively minor in nature.

RESOLVED

that the report be noted at the nature of the proposed response be endorsed.

10/13 Enforcement Update

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

RESOLVED

that the report be noted.

10/14 Appeals to the Secretary of State: Update

The Committee received a schedule showing the position regarding appeals against the Authority since January 2013 as set out in Appendix 1 to the report.

In addition a decision had just been received concerning E9505/A13/2194788/ (BA/2012/0377/FUL) Site adjacent to Box End, Grebe Island, Lower Street, Horning. This had been a split decision with permission for the proposed new boathouse being dismissed and that relating to the quayheading being allowed.

RESOLVED

that the report be noted.

10/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 14 February 2014 to 17 March 2014.

RESOLVED

that the report be noted.

10/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 25 April 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.45

CHAIRMAN

Code of Conduct for Members**Declaration of Interests**

Committee: Planning Committee – 28 March 2014

Name <i>Please Print</i>	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Mike Barnard	Items 10/8(1)	Application BA/2013/0410/FUL Ivy House Farm Hotel, Ivy Lane Oulton Broad - lobbied by objectors to the application.