

Planning Committee

Minutes of the meeting held on 23 April 2021

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andrée Gee, Gail Harris, Lana Hemsall, Bruce Keith, James Knight, Leslie Mogford (from 10:35am), Vic Thomson, Fran Whymark.

In attendance

Natalie Beal – Planning Policy Officer, Jack Ibbotson – Planning Officer, Kate Knights– Historic Environment Manager, Cheryl Peel – Senior Planning Officer, Marie-Pierre Tighe – Director of Strategic Services, Essie Guds – Governance Officer (meeting moderator) and Sara Utting – Governance Officer (minute taker)

Members of the public in attendance who spoke

Brian Wilkins representing Norfolk Broads Yacht Club for item 8(1) – BA/2021/0092/FUL – Norfolk Broads Yacht Club, The Avenue, Wroxham

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Tim Jickells.

Openness of Local Government Bodies Regulations 2014

The Chairman explained that the meeting would be held remotely in accordance with the Coronavirus Regulations 2020 and the Standing Orders for remote meetings agreed by the Broads Authority on 22 May 2020. The meeting would be live streamed and recorded and the Authority retained the copyright. The minutes remained the record of the meeting.

2. Declarations of interest and introductions

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

3. Minutes of last meeting

The minutes of the meeting held on 26 March 2021 were approved as a correct record and would be signed by the Chairman.

4. Points of information arising from the minutes

Minute 4 – points of information arising from the minutes - Minute 10 – Tree in Oulton Broad Conservation Area – prosecution

The Senior Planning Officer reported that the prosecution was underway and officers were finalising the statements with the solicitor.

5. Matters of urgent business

There were no items of urgent business

6. Chair'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.

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

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

8. Applications for planning permission

The Committee considered the following application 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 decision.

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

(1) BA/2021/0092/FUL – Norfolk Broads Yacht Club, The Avenue, Wroxham

Replacement single storey office building

Applicant: Mrs Elysia Ferrier-Hanger

The Planning Officer (PO) provided a detailed presentation of the application for the replacement of the existing single storey office building with one of similar size and same location, subsidiary to the main clubhouse building at the Norfolk Broads Yacht Club on The Avenue in Wroxham. He referred to an amended drawing which had subsequently been received which increased the width of the ramp from 1.2m to 1.5m to ensure compliance with Building Regulations and enable wheelchair access. In addition, the PO advised the committee that the Environment Agency had, that morning, withdrawn its holding objection relating to the flood risk as additional information had been received from the agent on the Flood Risk Assessment in response to the EA's concerns, since the committee report had been prepared. Finally, the PO referred to the Ecological Survey which would need to be carried out by a qualified Ecologist to assess for the potential presence of bats. The report incorrectly referred to the requirement for an emergent survey to be carried out between May and September and the PO apologised for this error. There were alternatives to an emergent survey, dependent on the type of property and evidence of a roost etc etc. As this building was very small in size, easily accessible and in a poor state of repair, the roofspace could be opened up easily etc. Therefore, a survey had been conducted by Finnemore Associates which showed there was no evidence of bats and accordingly, no further surveys would be required. In conclusion, there would be no potential impact on bats from the demolition of this building and there were no signs of other protected species, rare plants or reptiles in the development area. The survey report did recommend some biodiversity enhancements such as bat boxes and the management of the nearby fen, which would be added to the conditions recommended by the officers.

In assessing the application, the PO addressed the key issues of: principle of development; design; flood risk and ecology and other considerations including accessibility, amenity and highways. The PO drew members' attention to an amended recommendation which was "to approve the application subject to standard conditions, and conditions which ensure that the materials, flood risk plan and mitigation for flood risk, and biodiversity enhancements are all incorporated in the development".

A member asked if officers had negotiated the external appearance of the building, in particular the materials and design, to ensure it would be more in keeping and not appear out of character. The PO responded that the Historic Environment Manager had been consulted on the design. He also referred to the cladding which was on a "like for like" basis and the fact that the applicant had proposed alternatives for the Authority to consider, such as feather edge boards etc. The use of shiplap timber was a common design to make the building weather tight. In terms of the roof, this would be crinkly tin comprising a curved half circle with a corrugated profile. The PO added that, whilst the site was not within a Conservation Area, it was within a prominent location so the design of the building was important. In officers' opinion, the design was considered to be acceptable and they had negotiated some betterment. Whilst officers had preferred timber or aluminium for the windows, they had agreed to white pvc as there was a black timber-cladded building with similar windows adjacent and this would ensure the building would match the strong character of the area. Furthermore, the existing roof comprised cedar shingle and either thatch or crinkly tin were considered to be acceptable alternatives so the new design roof was certainly an improvement as a flat roof, such as that on the clubhouse, was not considered to be acceptable.

Mr Wilkins, on behalf of the applicant, provided a statement in support of the application, accepting that the building was not a "grand design" but functional, to enable the club to operate for all of its members. A palette of materials had been reviewed and key was the longevity of the building and its low maintenance – eg the roof needed to last for 40 years. Piled foundations would last very many years, as opposed to the previous soft wood timber which was in direct contact with the ground. Due to the location on the edge of the Broad, heavy masonry was considered to be inappropriate so structural considerations had been discussed with officers at the pre-application stage prior to Christmas. Mr Wilkins referred to the very good collaborative discussions which had taken place with officers which had led to a spot on appearance for the building, taking into account the club's meagre budget for a replacement building.

Leslie Mogford joined the meeting at 10:35am.

A member supported the speaker's statement that the building had been designed to be functional and added that he had previously had considerable concerns regarding the potential presence of bats but there had been a thorough examination of the building and no bat presence had been found.

Another member stated that the design was very similar to the previous building, albeit slightly larger and with a different roof, but was appropriate to its setting.

Bill Dickson proposed, seconded by Andrée Gee, to approve the application, subject to conditions.

In conclusion, members concurred with the officers' assessment that the scale and design of the replacement building were proportionate and well considered and accorded with Policy DM43 of the Local Plan for the Broads, and the two outstanding issues had been satisfactorily resolved.

It was resolved by 10 votes for, 0 against and 2 abstentions (1 due to a member joining the meeting during the item and 1 due to a member have lost connection).

To approve the application subject to standard conditions, and conditions which ensure that the materials, flood risk plan and mitigation, and biodiversity enhancements are all incorporated in the development.

9. Enforcement update

Members received an update report from the Head of Planning on enforcement matters previously referred to the Committee. Further updates were provided at the meeting by the Senior Planning Officer as follows:

former Marina Keys, Great Yarmouth: the Planning Officer (Compliance and Implementation) had recently carried out a site visit and noted there was still rubble to be removed. He had spoken to the owners who had confirmed that this would be removed once some large equipment had been brought to site to enable the clearance to take place. Checks would take place every fortnight.

land at the Beauchamp Arms PH, Carleton St Peter: Hearing was scheduled for 12 May 2021 when the applicant would make his plea.

land to east of North End, Thorpe next Haddiscoe: The Planning Officer (Compliance and Implementation) would be visiting the site today and so an update would be provided at the next meeting.

land east of Brograve Mill, Waxham: Enforcement ongoing.

10. Belaugh Conservation Area reappraisal – consultation

The Historic Environment Manager (HEM) presented her report, supplemented by a presentation, on the re-appraisal process for Belaugh Conservation Area, seeking approval to proceed with the public consultation on the draft document and associated proposals contained within it, including a proposed extension to the Conservation Area, Article 4 Directions and additions to the Broads Authority Local List.

The consultation period would run for six weeks (commencing at the beginning of May), rather than the normal four, and all households within the village would be provided with a leaflet about the consultation. Contact details would also be provided for officers so they could answer questions and queries, with comments being able to be submitted by post,

email or telephone. Belaugh Parish Meeting had also been offered the opportunity of an online meeting.

The first proposed Article 4 Direction would relate to the installation of solar PV panels on street and river facing roof slopes along The Street, to ensure that they were as unobtrusive as possible and not be detrimental to the significant views of the village from the river. The other Direction would protect thatched roofs on a group of semi-detached thatched properties on Top Road as it was considered this cluster of houses made a particular contribution to the Conservation Area, the character of which would be eroded should any of the roofs be replaced with another material.

Finally, it was proposed that a number of buildings identified as contributing positively to the character of the Conservation Area be added to the Authority's Local List. Most of these had been identified in the 2011 appraisal but had not previously been formally adopted as Locally Listed Buildings.

A member referred to the proposed consultation process which was due to end in mid-June and also the online meeting, stating that it would be possible to hold face to face meetings again around that date. Looking at the age profile of the residents, he questioned if it would be better to extend the consultation period or start it later. The HEM responded that in person meetings would be able to take place from 17 May and so it would be possible to hold the Belaugh Parish Meeting in person. The member then referred to the requirements for social distancing which still applied until 21 June to which the HEM responded that this had been considered. Belaugh Parish Meeting had informed the Authority of its intention to hold a meeting on 27 May, in person, and asked Broads Authority officers to attend in person and discussions were ongoing amongst officers about who should attend. She confirmed that at least one BA representative would be there to answer questions and present the proposals, but obviously this would be subject to any Covid restrictions in place at that time and taking account of any possible changes. The HEM concluded that the consultation period could be extended by one month if necessary to allow for full consultation and participation and given the current restrictions, it might be beneficial to do that.

A member questioned if the properties proposed to be the subject of an Article 4 Direction restricting solar PV panels were Listed or not, to which the HEM responded that the only Listed Building within the village was the church (Grade I). Officers were proposing that a number of properties be included on the Local List but it was acknowledged that this did not provide for the same level of protection as Listed Building status. However, if planning permission were required for works, the properties would be identified as a local heritage asset which would be a material consideration. This related to the external appearance of the building only and not the fabric of the building, both internal and external, which applied to a Listed Building. Therefore, there would be a level of protection, albeit not at the same extent as a full listing. The member commented that he found it odd that the Authority would now be opposing SV solar panels and taking away the option for home owners, including those properties that were not even Listed Buildings, at a time when a green economy was a key consideration. The HEM clarified that Local Listing provided a degree of protection only, for

example when planning permission was applied for. If there was no Article 4 Direction, then planning permission would not be required. She emphasised that the Article 4 Direction would not prevent the use of SV solar panels, but would just give the Authority a degree of control over how and where they were employed, eg position unobtrusively (roof slope with least public view) or encourage ground mounted as opposed to roof mounted or even use solar slates if appropriate. Officers would negotiate with owners the best option to not erode the character and appearance of the wider area.

Another member congratulated the officers on a good piece of work and stated his full support for the proposals. He considered that the Article 4 Direction would allow for discussions and ensure SV solar panels were not just installed automatically, which would be of detriment to this beautiful village. He added that it was important to look at the protection of Conservation Areas in perpetuity if at all possible. In terms of the consultation, he felt that online only would be difficult due to both the demographics and also availability of Broadband, and that face to face would be better. Parish Meetings were always well attended and to delay the consultation by a few weeks would be a good idea.

A member shared his concerns on preventing the use of solar PV panels and encouraged the use of solar tiles in sensitive areas such as Belaugh.

Another member expressed their support to delay the consultation, particularly until after all the local elections had taken place, as this would enable full input.

A member stated that he would be nervous about not allowing any solar panels and the suggestion that each individual property would be looked at on its own merits on a case by case basis. He did agree that certain buildings would not be appropriate, eg such as those with thatched roofs. There was a need to burn less fossil fuels and so a compromise was needed on alternatives. He concluded that he would not want to see the Article 4 Direction prevent any solar panels, and allowing on one individual property would make it difficult to refuse on another property. Conversely, another member stated that they would not want to sacrifice heritage on environmental grounds.

Fran Whymark proposed, seconded by Stephen Bolt and

It was resolved unanimously to approve the public consultation process for Belaugh Conservation Area Appraisal.

11. Consultations

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to consultations by Filby and Rollesby Parish Councils on their Neighbourhood Plans.

It was resolved by consensus to note the report and endorse the proposed responses.

12. Dark Skies and the Broads – update

The Planning Policy Officer (PPO) introduced the report, which provided an update on activities that had been ongoing in relation to light pollution and dark skies, following the implementation of a “dark skies policy” in the Local Plan.

A member asked if discussions had taken place with British Sugar regarding the lighting at its premises in Cantley which he considered could be seen from as far away as Ludham. The PPO referred to the policy in the Local Plan which sought betterment in light pollution at Cantley. She had met with representatives of the organisation and they had carried out works to reduce the impact of light pollution, for which they had received awards from various dark skies organisations. However, it was accepted there was always more work which could be done. Officers would be meeting with British Sugar next year as part of the preparation work on the Local Plan review and the issue could be raised again then. It was worth noting that there were other properties which also had an impact but it was hoped the policy would help improve the situation.

A member referred to the health and safety issues, particularly for a business which operated 24/7, and the need to maintain sufficient lighting.

Another member commented that she did not believe the source of light pollution referred to was coming from the premises at Cantley but was from much closer to the coastline at Gt Yarmouth. The Cantley plant was very well screened to minimise noise, dust and light pollution. She would want to support them in their efforts, being a large employer and a food processor.

A member stated that light pollution would always be a contentious issue. He referred to other sources of light pollution, such as the coastline in Suffolk up to Gt Yarmouth, the city of Norwich and the needs of holiday makers. Even 15-20 miles out to sea, the whole coastline could be seen lit up. It would be unfair to penalise small developers and householders when it was the holiday industry which seemed to be the main source of light pollution along the coast.

Reference was made to the adoption of a dark skies policy by Sea Palling, which included the arcade and holiday park, which evidenced that the industry was responding, to an extent.

Another member referred to Lowestoft town centre where the street lights were turned off earlier, except in the main town.

The report was noted.

13. Decisions on appeals by the Secretary of State between April 2020 and March 2021

The Committee received a schedule of decisions on appeals made by the Secretary of State between 1 April 2020 and 31 March 2021, together with the latest appeals in the process lodged since January 2020 for which decisions had not yet been received. Of the nine appeals,

two had been dismissed and two allowed, leaving five decisions outstanding, two of which were awaiting a start date. One was due to be heard at a virtual hearing next week.

A member asked what lessons had been learnt from the appeals allowed, to which the Senior Planning Officer responded that one of the allowed appeals was for a CLEUD relating to the use of a property as a dwelling and the other related to an issue of design, both of which were considered to be a fine line. The member quoted the statistics, referring to a 50% loss which he did not consider to be a good outcome, if occurring on a regular basis. The SPO concurred.

14. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 17 March to 9 April 2021 and any Tree Preservation Orders confirmed within this period.

15. Heritage Asset Review Group – notes of meeting held on 12 March 2021

The Committee received the notes of the Heritage Asset Review Group meeting held on 12 March 2021.

16. Date of next meeting

The next meeting of the Planning Committee would be on Friday 21 May 2021 at 10.00am, with the venue/format to be confirmed.

The meeting ended at 11:35am

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 23 April 2021

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all members	8.1	Acquainted with the public speaker as he was a former member of the Authority
James Knight	8.1	Member of the Norfolk Broads Yacht Club and his wife was a Flag Officer
Fran Whymark	8.1	District Councillor for Wroxham
Fran Whymark	10	County Councillor for Wroxham