

Broads Authority

Planning Committee

Minutes of the meeting held on 3 February 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J Burgess
Ms G Harris

Mr H Thirtle
Mr V Thomson

In Attendance:

Ms N Beal – Planning Policy Officer (for Minutes 8/11 – 8/12)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – For the Solicitor (up to and including Minute 8/10)
Mr N Catherall – Planning Officer
Ms M Hammond – Planning Officer
Mr B Hogg – Historic Environment Manager (for Minute 8/11)
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke

**BA/2016/0395 /FUL River's Edge Boundary Farm Staithe, River Bure
with Ashby (to include pontoons)**

Mr Molineux Parish Council Chairman and on behalf of
local residents

Dr Kevin Marsh For the applicant

Mr Donny Cooke Landowner

**BA/2016/0449/FUL Hoveton Tourist Information Centre, Staithe
Road, Hoveton**

Mr Sam Bates (Visitors Services Supervisor) For the applicant

8/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr W Dickson, Mr P Rice and Mr J Timewell.

8/2 Declarations of Interest

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

The Chairman declared a general interest on behalf of all members concerning application BA/2016/0449/FUL Broads Authority Tourist Information Centre, at Station Road, Hoveton.

8/3 Chairman's Announcements and Introduction to Public Speaking

The Chairman gave notice of the following:

- (1) **Planning Design Tour** – It was confirmed that the Design Tour would take place on Friday 16 June 2017. This would be an all-day event, primarily for the Planning Committee but to which all members are invited.
- (2) **Rackheath Neighbourhood Plan – for consultation**
The Chairman referred to the email sent to all Committee members concerning Rackheath Neighbourhood Plan which had been published for consultation. Unfortunately, the Authority had only recently been given notice of this and the deadline for comments was 20 February 2017, although the next Planning Committee was on 3 March. Unfortunately, the Authority was not allowed an extension on this occasion. Given the potentially significant implications of this for the Broads, the Chairman requested that Members provide Natalie Beal, the Planning Policy Officer, with comments by Tuesday 7 February to be included in the Authority's response.
- (3) **HARG Heritage Asset Review Group** – the meeting would follow on from the Planning Committee meeting. Members were most welcome to stay.
- (4) **Introduction to 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.)

(5) The Openness of Local Government Bodies Regulations

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis and it would be investigating ways of making recordings available on the website. This was as a means of increasing transparency and openness as well as to help with the accuracy of the minutes.

8/4 Minutes: 6 January 2017

The minutes of the meeting held on 6 January 2017 were agreed as a correct record and signed by the Chairman.

8/5 Points of Information Arising from the Minutes

None to report

8/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

8/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

8/8 Applications for Planning Permission

The Committee considered the following application 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 decision.

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

(1) BA/2016/0362/FUL River's Edge near Boundary Farm Staithe, River Bure, Ashby with Oby

Removal of piling along the left bank of the River Bure at Oby, and re-grading of the river bank edge to form a reeded rond. The material removed will be used for crest raising the floodbank, either immediately or stock piled on the rear bank face for future use.

Applicant: Environment Agency

The Planning Officer gave a detailed presentation of the application which included the removal of 99 metres of piling along the left bank of the River Bure at Oby following the completion of the flood defence works as part of the Compartment 9 scheme approved in 2011. The application followed on from the establishment and consolidation of set back and roll back floodbanks where bank settlement had taken place. An application to remove piling between Thurne Mouth and Acle Bridge was granted in 2015. The section of piling as part of this application was not removed as part of the previous scheme as at the time it was being used by the landowner for fishing. This was now no longer required for that purpose and was also no longer required for flood defence purposes. There were also signs which stated "No Mooring" in this location and the landowner confirmed that there had not been mooring in this location over the last year. It was clarified that this section did not form part of the area previously leased for 24 hour moorings.

The Planning Officer commented that no further representations had been received since the report had been published. He explained that the works would be carried out in the same way as they had been in

other sections of Compartment 9 and that the applicant's agents (BESL) would undertake regular hydrographic monitoring. The erosion monitoring posts would also act as channel markers and would only be removed once sufficient reed growth had been established.

The Planning Officer concluded that the pile removal would not increase flood risk in the compartment or elsewhere in the area. This together with the re-grading of the river bank edge to form a reeded rond would be beneficial to the landscape and would not result in unacceptable impacts on navigation, recreation, ecology, highway and amenity. Subject to conditions, the application was recommended for approval.

Having sought clarification on a number of matters including the fact that there had been limited use of the piling for moorings in this location over the last year, and that erosion monitoring would take place, Members were supportive of the proposals and concurred with the Officer's assessment.

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report as it is considered to be in accordance with Policies CS1, CS3, CS4 and CS15 of the Core Strategy (2007), Policies DP1, DP13, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012).

- (2) **BA/2016/0395/FUL Rivers Edge Near Boundary Farm Staithe, River Bure, Ashby With Oby**, Removal of piling at two sections along the left bank of the River Bure at Oby, re-grading of the river bank edge to form a reeded rond, and installation of pontoon moorings.
Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposals for the removal of a total of 288 metres of riverbank piling along two sections of the left bank of the river Bure, one to the north and one to the south of the entrance to Boundary Farm Staithe. This again fell within the area of Compartment 9 of the Broads Flood Alleviation Project where flood defence works had been carried out in accordance with permission. A separate planning application to allow removal of the piling which was no longer required for flood defence purposes, was granted in 2015. The Planning Officer clarified that the two sections of piling as part of this application were not removed as part of the original scheme as the piling was leased by the Broads Authority and used for 24 hour moorings. The lease expired in 2014, the mooring use ceased, and the piling was no longer used. However, this was one of the busiest areas in the Broads where mooring was required. At the very south of the river there was a 40 metre section of the riverbank which was in the ownership of the Authority and used for Broads Authority 24 hour moorings secured under a Section 106 Agreement.

Re-piling would not be an option for BESL and the landowner did not want the responsibility for the maintenance of moorings. Given the importance of the area, the Authority had been in negotiations with the landowner in respect of the resumption of a mooring use here for some time. As a result of initial objections in respect of the potential loss of a mooring opportunity here, the application had been amended and it was now proposed that as part of the application two 100m pontoon moorings be installed. These would be cut into the river bank and the bank regraded, details of which were described.

In providing the assessment of the application, the Planning Officer addressed the objections received particularly relating to the concerns that had been expressed locally over the amendments and took account of the main issues involved. He explained that the amendments to the original application included the addition of the pontoons, and were on the same site as the original application. Therefore planning practise backed by case law allowed such amendments to be made without then need for submission of a new application, provided further consultation was undertaken. This had been commenced in mid-December 2016 and the Authority had accepted responses until this week, which exceeded the statutory 21 days required. It was confirmed by the Director of Planning and Resources that the correct procedures had been followed. In addition, the Planning Officer confirmed that site notices had been put up. In answer to a question from a Member he confirmed that he believed that adequate opportunities had been given for stakeholders to respond. The Solicitor also confirmed that the correct procedures had been followed.

The Planning Officer concluded that the proposals would not be detrimental to the landscape, would not result in an unacceptable impacts on navigation, recreation, ecology, highway, amenity and would not increase flood risk elsewhere. The application could therefore be recommended for approval subject to conditions.

Mr Molineux, the Chairman of Thurne Parish Council and representing the wider village, commented that he had been disappointed at the way the application had been handled and expressed concern that not all the information had been provided in the first instance. The parish had no problems with the initial application for the removal of piling. However the perceptions were the siting of the floating pontoons to be used as Broads Authority 24 hour moorings had been "tacked on". He considered that the proposals had been put forward without full discussion. It was considered that this was so significant that the removal of piling and provision of pontoons should be treated separately. However, he had been told by the applicant, that this was not possible as it would incur extra costs and delays. That apart, he addressed the concerns to the operation of the moorings and the disposal of waste. The disposal of the rubbish generated by the use of the 24 hour moorings was of great concern as there were no facilities

on the riverbank. Signs currently directed people to dispose of their rubbish half a mile away in Thurne where there was only limited provision. There was concern that a lot of the rubbish would end up in the reeds. He asked that a condition be attached to ensure that the moorings could not be brought into use until a concrete scheme had been put into place to deal with the rubbish.

Kevin Marsh, on behalf of the applicant, explained that he considered the planning application to have been dealt with correctly and efficiently. He disagreed with Mr Molineux on the separation of the proposals as it would be very difficult to deal with them as different applications. He explained the background to the application following the concerns raised by the boating interests and also the Navigation Committee about the removal of the piling and subsequent loss of moorings in this busy location. The applicant had met with the landowner and the NSBA and the Authority. The proposal to provide floating pontoons would provide a solution so as there would be no loss of moorings. He had also offered to meet with the parish council but this had not been taken up. He requested a determination of the application today otherwise no work could be done until next year.

In response to the Navigation Committee's query as to whether it would be possible to pull back the river bank more than two metres, Mr Marsh explained that in drawing up the application, the river alignment had been taken into account. The bank had been moved in two metres at the narrowest part and the pontoons lined against this down to the end of the moorings. Therefore there was a small loss in one part and gain in another and therefore no overall loss of navigable river width.

Members understood that the main concerns over the application related to litter and this was partly due to the withdrawal of the waste collections by Great Yarmouth Borough Council at Thurne. The Authority had been investigating with the Districts as to how the problem could be addressed generally. When the Authority was considering priority areas for attention this was not an area which had been identified as priority. However, the disposal of waste was not a planning issue and therefore it would not be possible to impose a relevant legitimate planning condition. This would be a matter for consideration under the lease arrangements. The landowner reiterated his concerns and commented that he would not sign any lease until those concerns over litter were resolved.

In general members were in support of the proposals, considering that the pontoons would provide a good solution to the removal of piling as had been achieved elsewhere in the Broads. There had been universal support for the use of the pontoons as the closure of the moorings had had a detrimental impact for navigators. Members advocated including a specific condition on the materials to be used to ensure that the ramp and the pontoons contained non-slip materials for the deck.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report to include the design of the decking to ensure the materials to be used were non slip. The application is considered to be in accordance with Policies CS1, CS3, CS4, CS14, and CS15 of the Core Strategy (2007), Policies DP1, DP12, DP13, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application

- (3) **BA/2016/0444/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael** Retrospective change of use to residential, garage, pond enlargement, new shed, roller-shutter doors on existing shed, alterations to windows, 4 additional car parking spaces and landscaping alterations.

The Planning Officer provided a brief presentation of a retrospective proposal on a site off Burghwood Road, Ormesby relating to Burghwood Barns where planning permission had already been granted in 2013 and where since this permission further development had taken place, some of which was without the benefit of planning permission. This included the annexation of further agricultural land and its use and development as residential garden that included a pond, a new shed, alterations to windows, car parking and landscaping. In essence the application involved retaining agricultural land as residential curtilage. Discussions had taken place with the landowner and his agent around regularising the unauthorised development and what might be acceptable on the site. Therefore this application was seeking to regularise that development.

The Planning Officer provided an outline of the history of the site and the details of the development involved. Given the complexity of the site, and its complex planning history that included unauthorised development and retrospective applications, it was considered that a site visit would be beneficial for members.

Members endorsed the proposal for a site visit and

RESOLVED unanimously

that prior to determination of the application, a site visit take place on Friday 24 February 2017 starting at 10.00am in order to provide Members with an understanding of the complexities and history of the site and the proposals.

- (4) **BA/2016/0449/FUL Broads Authority Tourist Information Centre, Station Road, Hoveton** Replacement Windows and frames
Applicant: Broads Authority

The Planning Officer provided a detailed presentation of the proposal to replace the existing timber framed windows, entrance door and structural frame of the Authority's Tourist Information Centre at Hoveton, with ones constructed of powder coated aluminium, along with a replacement of the existing softwood barge boards with hardwood barge boards, all of which would have a black finish. It was considered that this would maintain the overall character and appearance of the building and would not have an adverse impact on the character and appearance of the surrounding area. The Planning Officer therefore recommended approval of the application.

Sam Bates explained that the work would be carried out in the closed season over the Winter in 2017.

Members concurred with the Planning Officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as it was considered that it was in accordance with Policy DP4 of the Development Plan document (2011), and the National Planning Policy Framework (2012).

8/9 Enforcement Item of Planning to note: No 1 and 2 Manor Farm Oby.

The Committee received a report concerning the progress in complying with an agreement made with the landowner following the granting of Listed Building Consent on 1 May 2014 concerning replacement windows and doors in a Grade II Listed property of Manor Farm House, Manor Farm Road at Ashby with Oby. This involved a phased replacement for the unauthorised windows and doors over a period of 10 years for completion of the works. Recent inspections had shown that no more progress had been made for some time. Therefore there was a danger that by the end of the 10 years, a considerable number would be required to be completed all at once. It would be better to carry out the works on a phased basis of perhaps three windows per year.

Although Members expressed disappointment at the current rate of progress, they were mindful of the sensitivities of the case. They endorsed the proposal for continued dialogue to encourage the landowner to undertake the work in a staged approach as this was considered to be of mutual benefit.

RESOLVED

- (i) that the report be noted and the action to continue dialogue with the property owner and suggest a programme of work to encourage the continuation of the previous progress made be endorsed.

- (ii) that officers continue to monitor the site and bring a report to Planning Committee at six monthly intervals.

8/10 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. Further information was provided on the following:

Thorpe Island: The Head of Planning reported that the planning application was still pending determination and being progressed although because the information submitted with the application did not include all the elements originally required by the Planning Inspector, further information had been requested. Part of the injunction requirements had been complied with although three had not been. These involved the residential use of boats for more than 28 days, the removal of all sunken vessels by 31 December 2016 and for the landowner to pay the Broads Authority's costs. There was no specification as to how the vessels should be removed and the landowner had been investigating options. It was clarified that these issues would not be part of the planning application and therefore remained outstanding with no resolution currently being offered by the landowner. The landowner had been written to on the 24 January 2017 with a compliance date of 14 days expiring on the 7 February 2017. The Solicitor set out the options open to the Authority in respect of the injunction. Members were mindful of the decision made at the Authority meeting on 27 January 2017 relating to the charge on the land. Members considered that if compliance had not been achieved by the deadline given, they would have no option but to refer the matter back to the court. Members asked officers to investigate this route. Members considered that it was important to keep all parties informed including Broadland District Council and Norwich City Council.

Staithe N Willow Unauthorised erection of fencing – The dismissal of the appeal against the Enforcement Notice required that compliance for removal of the fence be achieved by 9 March 2017. An email from the local District member had been received requesting a compromise solution since there were difficulties in removing the main posts. Officers would be in negotiation with the landowner.

Hall Common Farm, Hall Common, Ludham The Planning Inspector's decision to allow the appeal for the metal roller shutter doors on the boatshed to remain was disappointing, especially when officers were aware that timber roller shutter doors were available.

Broad Minded Plot 9/9A Martham The caravan on the floating pontoon had been removed from Plot 9/9A to the neighbouring plot and therefore technically the Enforcement Notice had been complied with. However, the caravan was still on the pontoon. The owner had indicated that a local boatbuilder had agreed to remove the structure but was unable to do so until March. Members requested that a date for the removal be confirmed in writing by all parties.

RESOLVED

that the Enforcement Update report be noted.

8/11 Broads Local Plan –Local Plan February Bite Size Pieces to inform the publication version.

The Committee received a report introducing the topics for the Publication version of the Broads Local Plan set out as follows:

- Appendix A Floating Houses Topic Paper
- Appendix B Settlement Fringe Topic Paper
- Appendix C Oulton Broad Shopping Centre Policy PUBOL4

It was noted that the documents would inform the draft policy approach in the publication version and the final text within it. There may be other considerations coming to light between now and the final version that would be presented to Planning Committee in April 2017.

With regard to the Floating Houses Topic Paper, it was noted that such structures were often used to provide development in areas prone to flooding. The topic paper was a marker that more detailed work was required. It was considered that it would be wrong to apply a generic approach to the use of such structures throughout the Broads. Members were supportive of the approach, considering it to be an interesting paper. They welcomed the possibility of a member of staff undertaking his dissertation on the topic for his Masters degree in Planning.

Members welcomed the Settlement Fringe topic paper particularly the maps noting that this would be associated with the Landscape Character Assessment work and help to underpin the Landscape Partnership Scheme.

Members were pleased to note that the Oulton Broad Shopping Centre policy had been developed jointly with Waveney District Council. It was noted that the Oulton Broad Parish Council would officially be formed from the 1 April 2017.

RESOLVED

that the details within the proposed topic papers to inform the publication version of the Broads Local Plan be endorsed.

8/12 Worlingham Neighbourhood Plan: to designate Worlingham as a Neighbourhood Area

The Committee received a report that introduced the Worlingham Neighbourhood Plan and included comments received during the 6 week consultation period on Worlingham becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

No objections to Worlingham becoming a Neighbourhood Plan had been received.

RESOLVED

That the comments received be noted and that Worlingham be designated a Neighbourhood Area in order to produce a Neighbourhood Plan

8/13 Consultation Documents Update and Proposed Responses: Great Yarmouth Town Centre Master Plan

The Committee received a report containing the Authority's proposed response to the consultation document from Great Yarmouth Borough Council on the Great Yarmouth Town Centre Master Plan. Members agreed that it was important to emphasise the role of the Yacht station to not only the Broads but to Great Yarmouth itself. Therefore it was important to have the correct signage in place. It was also suggested that in the response, the role of Great Yarmouth in the Landscape Partnership Scheme be mentioned. Members considered that the Master Plan was an excellent document and endorsed the proposed response.

RESOLVED

- (i) that the report be noted.
- (ii) that the proposed response to the Great Yarmouth Master Plan be endorsed and this be forwarded to Great Yarmouth Borough Council.

8/14 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.

The Head of Planning commented that the decision to allow the appeal at 50 Riverside Estate, Brundall was particularly disappointing as the site visit had been scheduled as unaccompanied. However, the Inspector would have required the appellant to be available to enable access and therefore an officer from the Authority should also have been in attendance. Officers had also advised the Inspectorate beforehand that the site needed to be seen from the river, but this did not appear to have occurred. Officers had written to the Inspectorate pointing out the concerns. This would not result in a change in the decision, but it was important that these issues were raised for future decisions.

Members considered that depending on the outcome of the appeal relating to Plot 70 Riverside Estate, Brundall, the policies about upvc windows may need to be reviewed.

RESOLVED

that the report be noted.

8/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 November 2016 to 15 December 2016.

RESOLVED

that the report be noted.

8/16 Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications

The Committee received the development control statistics for the quarter ending 31 December 2016 and congratulated staff on the excellent performance. It was noted that the performance of Local Planning Authorities on how they deal with minor household applications would also be included in the statistics shortly.

8/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 3 March 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

It was noted that the Members' Heritage Asset Review Group (HARG) was due to meet following this Planning Committee meeting.

The meeting concluded at 12.15 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 3 February 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Minute 8/8 (4)	Application BA/2017/0449/FUL Broads Authority application
Mike Barnard	Minute 8/11	Councillor for Oulton Broad
Jacquie Burgess	Minute 8/8	Toll Payer; Member of NBYC
Haydn Thirtle	Minute 8/8(3)	Lobbied by the Parish Councils and staff of Broads Authority concerning applications for BA/2016/0395/FUL and Lobbied by the applicant and visited the site: BA/2016/0444/FUL
	Minute 8/13	Great Yarmouth Town Centre Master Plan Member of Committee producing the Plan