

Planning Committee

Minutes of the meeting held on 18 June 2021

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andrée Gee, Gail Harris, Tim Jickells, Bruce Keith, James Knight, Vic Thomson, Fran Whymark.

In attendance

Natalie Beal – Planning Policy Officer, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning and Sara Utting – Governance Officer (minute taker)

Members of the public in attendance who spoke

Rodney Hale-Sutton (agent) and Nick Mackmin (applicant) for item 7.1 – BA/2021/0067FUL – The Old Bridge Hotel site, Bridge Road, Potter Heigham

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

An apology was received from Leslie Mogford.

Openness of Local Government Bodies Regulations 2014

The Chairman explained that the meeting was being audio-recorded. All recordings remain the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting.

2. Declarations of interest and introductions

Prior to the introductions, the Chair reminded members that this was Bruce Keith's last Planning Committee meeting, as his appointment ended on 30 June, having served a four year term as a Secretary of State appointee. She described Bruce as a superb Vice-Chair who had supported her well, and all would miss his wisdom and wit. He had taken a leading role at meetings with Norfolk County Council on planning matters, drawing on his realm of understanding. She particularly appreciated him stepping up to chair a Planning Committee meeting at very short notice. Members endorsed these sentiments. In response, Bruce thanked the Chair for her very kind remarks. During his membership of the Planning Committee, he had experienced a range of cases from glamping, Listed Buildings and Tree Preservation Orders through to engineering works and moorings. He thanked his fellow members, particularly the Chair, and also the officers who he considered to be very professional and hard working.

Members and officers introduced themselves and, where applicable, 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 21 May 2021 were approved as a correct record and would be signed by the Chairman.

4. Matters of urgent business

There were no items of urgent business.

5. 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.

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

No requests to defer or vary the order of the agenda had been received. It was noted that item 10 had been deferred, as previously advised to members via email.

7. Application 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 decision set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decision.

The following minute relates 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/ 0067/FUL – The Old Bridge Hotel site, Bridge Road, Potter Heigham
Erection of eight x 1 bedroom and four x 2 bedroom flats for holiday use, restaurant at ground floor level and associated car parking
Applicant: Nicholas Mackmin**

The Senior Planning Officer (SPO) provided a detailed presentation on the redevelopment of the site to create 12 holiday units, restaurant and parking at The Old Bridge Hotel site, Bridge Road in Potter Heigham. The site was formerly the location of the Bridge Hotel but in recent years had been used as a car parking area. In 1991, the hotel had burnt down and consent had been granted in 1993 for a replacement building, although no works had occurred since then and the site remained undeveloped.

In assessing the application, the SPO addressed the key issues of: the principle of development; flood risk; design of the new buildings and the impacts on the historic environment, trees, biodiversity, amenity and highways. She advised that the recommendation was that the application be refused.

A member queried if any pre-application advice had been sought. The SPO responded that an enquiry had been made in March 2019 regarding the previous permission to replace the former hotel and what would be allowed on site, and officers had provided very detailed advice. The conclusion was that, as the site was in Flood Zones 3a and b, a proposal for overnight accommodation would be unacceptable. A further enquiry had been made in January 2020, which referred to professional advice they had sought which stated that, as the Local Plan had now been adopted, it could be assumed the site was suitable for more

vulnerable development. In response, officers had commented that flood risk was still an issue and advice should be sought from the Environment Agency (EA) on what would be acceptable on site in respect of flood risk.

Another member referred to a comment made by the SPO that there were other buildings on this site which could be converted to other uses and, in response, the SPO clarified that these were not within the application site itself but within the area covered by Policy POT1 – such as the boatyard, restaurant/takeaway and amusement arcade, and were within different ownership(s).

A member asked whether, if the hotel had not burnt down in 1990 but remained in place, would redevelopment be permissible as in Flood Zone 3a. The SPO responded that planning permission had been granted in 1993, but expired in 1998 and had never been implemented. Permission for the car park had been granted in 1995 and renewed over time. As the hotel had now been demolished, the site was designated as Flood Zone 3b. Another member commented that the other buildings within site POT1 could not be converted to holiday accommodation and any application would need to be for demolition and rebuilding. The SPO responded that as no structural surveys had been provided of those buildings, there was no indication what they would be capable of.

Mr Hale-Sutton, the agent, provided a statement in support of the application, advising that he had first been instructed by his client in 2019 to prepare a scheme for old hotel site in Potter Heigham, with the first enquiry made to the Broads Authority in May 2019. Several months of negotiation had taken place, but the scheme had not been agreeable to the Broads Authority and so had been put to one side. In 2020, the scheme had been fully redesigned with the aim of meeting with the Authority's approval. He referred to an email from the Senior Planning Officer received in January 2021 which he described as "enthusiastic", quoting some of the comments made such as "a) the scale of development was now suitable; b) it reflected the development on the opposite bank and c) it did not encroach onto the landscape riverbank or the historic bridge". Consequently, a full application had been submitted on 26 February 2021. The agent referred to Policy POT1, stating that it supported recreational and tourism facilities and that new holiday accommodation may be permitted as part of a comprehensive scheme for the site. The Broads Authority was aware that the site was in Flood Zone 3b and therefore it was imperative that any holiday accommodation would have to be above the predicted flood levels so that occupants would be safe. Provision had been made to rescue the inhabitants should this become necessary. There would be an external staircase to the flats and the accommodation above the predicted flood level and in the event of any breach, there was further accommodation in the roof space. He assured the Committee that safety was the top priority. The recommendation of refusal had been a total shock to him and his client, and it seemed inconceivable that the Authority had spent time and money on producing a policy that could never be fully implemented. In 2009, he had designed a similar scheme at Martham Staithe, a Flood Zone 3a, which was actually built.

A member commended the agent for his enthusiasm but queried why, having received the pre-application advice in 2019 that the site was not suitable for overnight accommodation, he

had he gone this far with the application and also why had he not provided the outstanding information requested by officers. Mr Hale-Sutton responded that he had more of his statement which could partly answer these questions. He had had nothing further to add regarding the Heritage Statement and again referred to the comments made by the SPO that there would be no encroachment onto the landscape riverbank or the bridge. He had included a detailed landscaping scheme on the site layout plan and furthermore, the planting itself could have been dealt with through a condition added to any permission. In terms of the design, he referred to the pictures which he had provided (shown in the presentation) which illustrated a suitable form of roof. It had been established from the start that living accommodation was possible on this site otherwise they would not have gone ahead. The policy did state that living accommodation could be provided, so long as it was part of a mixed-use scheme and so they had provided a restaurant, with the living accommodation at first floor. The buildings had been designed by an engineer and flood risk advice had been taken. It was predicted the building would still be there even after the 1 in 100 and 1 in 200 years flood as the first floor had been designed sufficiently high. Refuge at other floor levels had been provided within the roof and could be accessed by helicopters and rescue boats etc so this had all been thought through. He concluded that they had never been discouraged from including the living accommodation.

A member asked the agent to clarify what had changed during the pre-application process – going from the development “not being acceptable” to the “encouraging” email from the SPO in January 2021. In addition, were the buildings to be built above the predicted flood levels. Mr Hale-Sutton responded that it had always been his client’s wish to get the scheme through. He quoted again from the email from the SPO, based on which they had proceeded with the scheme. His client had spent a lot of money on this planning application and, following the dealings with the planning department, felt confident it would be satisfactory and was disappointed to learn it had failed. In terms of the outstanding queries, they could submit another application within six months, with no application fees. This was a marvellous scheme and Potter Heigham desperately needed quality accommodation. In terms of the predicted flood levels, the floor level would be 3m high, with flooding predicted at 4m, based on advice received from their specialist. They were satisfied what they were doing was above the flood levels. This would be an unusual flood – higher than banks on east coast where breaches might occur.

A member commented that this was a fundamental point, referring to paragraph 6.3 of the report and the comments of the EA which stated that these were not suitable land uses in Flood Zone 3b.

The Head of Planning advised that the Authority provided a pre-application advice service free of charge, which people found to be a very useful and valuable service. The first issue to be considered was: is the principle of development acceptable and only then would officers move on to spending time on detailed matters such as scale, design and density. In this case, the flood risk was a clear constraint and so this had been advised at the outset. However, potential applicants could continue to discuss other matters and officers would advise but would always refer them back to the principle. In this case, officers were content with the

design and layout but the fundamental issue of the principle needed to be addressed. The SPO had referred to the principle being acceptable, as part of the presentation, with holiday accommodation and a retail/leisure use acceptable but the flood risk issue needed to be addressed. This fact had been communicated consistently to the applicant. In her view, it was unfortunate that some of the positive comments made by the SPO had been misinterpreted as more support for the scheme than existed.

Mr Mackmin, the applicant, stated that a hotel and accommodation had been on that site for over 200 years. The hotel had burnt down in 1991 and as the SPO advised, permission had been granted to rebuild in 1995. When he purchased the land, he could have rebuilt the existing hotel but this would have been directly opposite and encroached on the historic bridge and so he had entered into pre-application discussions for a new scheme in 2019, resulting in two years and probably over 100 emails dealing with the Broads Authority. He did get the go ahead in principle as part of the POT1 scheme to provide accommodation but had not been told until two months ago that he could possibly do on other buildings. They were tin shacks and so would not be suitable for accommodation plus they were in different ownership. The hotel could have been rebuilt or converted to accommodation but this scheme was considered to be more appropriate. Four different schemes had been submitted over two years and Canham Consultants had been instructed on the flood risk work, liaising with the EA, on the basis of a risk of one in 100 and one in 1,000 years which were both acceptable in terms of the proposed height of the accommodation. Rather than waste all this time and money, he would have rebuilt the hotel in 2019.

In moving onto the debate, a member referred to Policy POT1 which covered the whole of the bridge area and included the site of the former hotel. New holiday accommodation would only be permitted as part of a comprehensive scheme for the site. In his view, as the Authority was aware of the Environment Agency's comments on Flood Zone 3b, it should not have included this policy in the Local Plan. This site had been vacant for 30 years since the hotel had gone, which he considered to be a disgrace and the Authority should have done more during that time but had now addressed this through Policy POT1. He questioned why this was now undeliverable. Furthermore, the EA was a statutory consultee and the Authority was the decision maker. He felt that the applicant had come up with something which he considered completely fitted the bill of the policy and the application should be supported.

Another member referred to the concerns expressed on the heritage impacts, particularly the bridge which was ancient and so iconic. She agreed with the concerns that the design of the buildings was not in harmony with the bridge and had a 1960's suburban housing style. Whilst not opposed on principle to redevelopment, she would prefer to see something more traditional like thatched roofs to harmonise with the bridge. The flood risk was also an issue.

A member stated that he had sympathy with the developer and also the arguments put forward by another member earlier in the debate. However, flooding was a major issue in this area – during Christmas 2020, holiday makers had to be evacuated from their chalets and this application would only add to the burden on the emergency services who had to put

themselves at risk. The “hole” left by the bridge hotel needed to be filled-in in some way but done more sympathetically and taking account of the ever increasing flood risk.

Harry Blathwayt proposed, seconded by Andrée Gee to refuse the application.

A member advised that the comments of the EA should not be dismissed lightly and the sequential test would have been applied. There were other areas which could be built on. He referred to the pumping station and asked if Anglian Water had made any comment, to which the SPO responded that no response had been received from AW.

Another member concurred with the comments raised above about over-burdening the emergency services and why this would not be a suitable site for overnight accommodation. It would be irresponsible for the Authority to proceed with this proposal. He also agreed with the comments made about the design.

In response, a member stated there were two issues for consideration – the acceptability and the appearance of the proposals. If they had been designed to be in keeping with the area, they would be low-lying shacks, which would be even worse from a flood risk perspective. They had been designed to deal with the fact that they were in Flood Zone 3b, with the accommodation above and car parking underneath. If the Authority now decided not to allow any development in areas within Flood Zone 3b because of the comments of the EA, vast swathes of the Authority’s Local Plan would be affected. It was well established that a Local Plan, based on sound policy making, assisted applicants. In his view, the application was policy compliant and he questioned what would be the repercussions for other applicants and sites if this application were to be refused.

It was suggested by a member that, only in the last two years, had the real risk of flooding become apparent, with unprecedented amounts of flooding which would only get worse and which could not have been foreseen when the Authority had adopted its Local Plan.

The Head of Planning referred to the application site, using the slide from the presentation to identify the area under consideration, an undeveloped area of land which was within Flood Zone 3b and comprised part of the former bridge hotel site, which was part of the area covered by Policy POT1, which was a much larger area. The whole area was within Flood Zone 3b but those parts of the site where there were existing buildings could be treated by the EA as being in Flood Zone 3a so residential development could potentially be considered as acceptable. She emphasised that it was not correct to say that this scheme was policy compliant or the Authority were unable to implement Policy POT1. A member commented that parts (d), (e) and (f) of the policy specifically referred to the “former bridge hotel site”.

In conclusion, members considered that the application to erect holiday accommodation in an area at a high level of flood risk was contrary to both national and local planning policies. Furthermore, the application failed to include sufficient information to be able to fully assess the impact on the historic environment, landscaping and existing vegetation. Accordingly

It was resolved by 9 votes for and 2 against to refuse the application for the following reasons:

- The application seeks permission for “more vulnerable” development in an area demonstrated to be Flood Zone 3b (the functional floodplain) which is not considered to be in accordance with Policy DM5 of the Local Plan for the Broads or the NPPF and NPPG guidance.
- Due to there being insufficient information about the impact of the proposed development on the historic environment, in particular on Potter Heigham Bridge, both a scheduled monument and a Grade II* listed building, the application does not meet the requirements of the NPPF, in particular paragraphs 189, 193 and 194 and is contrary to Policy DM11 of the Local Plan for the Broads.
- The application fails to include an Arboricultural Impact Assessment and Landscape Scheme contrary to Policies DM16, DM43 and POT1 of the Local Plan for the Broads.

8. 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 as follows:

former Marina Keys, Gt Yarmouth: The Section 106 Agreement had now been signed and planning permission issued so works were likely to commence shortly.

land at the Beauchamp Arms: Landowner had pleaded “not guilty” at the Hearing at Magistrates’ Court last week. Date set for trial at Gt Yarmouth Magistrates’ Court for 20 September.

land at Thorpe next Haddiscoe: site still not cleared so officers in discussion with operator on how to resolve.

9. Sustainability Appraisal Scoping Report – for technical consultation

The Planning Policy Officer (PPO) introduced the report, which proposed the endorsement of the Sustainability Appraisal (SA) Scoping Report for approval by the Broads Authority for technical consultation. This was one of the first tasks in producing the Local Plan for the Broads, setting the framework for assessing policy approaches as the Local Plan progressed. The SA Scoping Report would also set the framework for assessing the strategic objectives in the Broads Plan, which was under review in 2021/22. It was noted that the SA Scoping Report must be sent to the environment bodies for technical consultation (it was not subject to public consultation). However, under the auspices of the Duty to Co-operate, the Authority also consulted with its local authorities, MMO and the RSPB. The PPO advised that, since the report had been prepared, two more maps were to be added to the bundle (minerals & waste and flood risk) and these would be included in the report presented to the Broads Authority meeting in July for endorsement, following which there would be a five week consultation period. It was worth noting that whilst the Planning White Paper did propose the removal of

Sustainability Appraisals, this was not yet in place so the Authority had to continue with the work.

A member commended officers for producing the report, highlighting the scale of work involved. He referred to section 7 on the SA objectives, and how some of these could end up in conflict, eg economic growth versus biodiversity enhancement, and questioned how this would be resolved, as well as the relationship with the priorities in the Broads Plan. The PPO responded that the SA objectives stood apart from the Local Plan objectives and were used to assess policies. She concurred that there might well be conflict and drew attention to Appendix 6 which identified the compatibility of the SA objectives, with those shaded orange having some commentary on the following page. It would be a balancing act to rate the policies against the criteria.

Another member commented that it would be useful if officers held a workshop for members to provide an opportunity for a greater understanding of what was a very complex document.

It was resolved unanimously to endorse the SA Scoping Report and recommend it to the Broads Authority for technical consultation.

10. Beccles Neighbourhood Plan – proceeding to referendum

The Chair reminded the Committee that, as previously notified by email, this item had been deferred as the Authority had very recently been advised that a number of amendments were being proposed to the Plan and these needed to be fully considered by both the Broads Authority and East Suffolk Council and approved for inclusion in the Referendum version of the Plan. The meeting of the Beccles Town Council Planning Committee at which these amendments would be considered was 28 June. Therefore, the item had been deferred to the July meeting of the Broads Authority Planning Committee.

11. Consultation documents – update and proposed response

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to two planning policy consultations recently received, one from Winterton Parish Council on the Winterton on Sea Neighbourhood Plan and one from Suffolk County Council on the Developer's Guide to Infrastructure Contributions in Suffolk.

Regarding the Winterton NP, the PPO advised that experience had shown that it was necessary to make the comments related to Basic Conditions in order for them to be heard and considered at Examinations, otherwise Examiners would not necessarily address them, hence the main concerns were prefixed with the Basic Condition.

Andree Gee proposed, seconded by Fran Whymark and

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

12. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State for June 2021. The SPO advised that the statement had been submitted for the appeal at Brograve Mill on 7 June and, since the report had been written, another appeal had been received, which also appeared on the list of decisions made by officers under delegated powers – advert consent for a solar powered totem at Morrisons supermarket in Beccles.

13. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 10 May to 6 June 2021 and any Tree Preservation Orders confirmed within this period.

In response to a query on what was a solar powered totem, the SPO advised it was a very tall sign. This was a resubmission of an earlier refusal, which had been refused on the grounds of its level of luminance and impact on the landscape. Although this latest application had reduced the level of luminance, there were still objections to its impact on the landscape.

14. Date of next meeting

The next meeting of the Planning Committee would be on Friday 16 July 2021 at 10.00am.

The meeting ended at 11.30am.

Signed by

Chairman

Appendix 1 – Declaration of interests - Planning Committee, 18 June 2021

Member	Agenda/minute	Nature of interest
James Knight	3 relating to 7(1)	Referred to his declaration from the previous meeting when his application had been discussed.
Andrée Gee	12	Two of the appeals were within her Ward.