

Authority

Planning Committee

Minutes of the meeting held on 27 May 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard
Prof J Burgess
Miss S Blane
Mr N Dixon

Mrs L Hemsall
Mr P Rice
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 12/10 – 12/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (Minute 12/1 – 12/8)
Ms A Long – Director of Planning and Resources
Ms E Murray – Ecologist (Minute 12/10)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0095/COND Boundary Farm, Boundary Lane, Oby

Mr Kevin Marsh On behalf of Applicant

12/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Ms G Harris.

12/2 Declarations of Interest

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

12/3 Minutes: 29 April 2016

The minutes of the meeting held on 29 April 2016 were agreed as a correct record and signed by the Chairman.

12/4 Points of Information Arising from the Minutes

No further points of information were reported.

12/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

12/6 Chairman's Announcements and Introduction to Public Speaking

(1) No member of the public indicated that they intended to record the proceedings.

(2) **Sholeh Blane's last meeting**

The Chairman paid tribute to Sholeh Blane on her last Planning Committee meeting with the Authority of which she had been a very loyal and valued member.

In response, Sholeh thanked all members and officers for their kind words and for the opportunity to serve on the Committee from which she had learnt an enormous amount.

(3) **Potential Site Visit for Application BA/2016/0191/FUL Hickling Enhancements**

The Chairman stated that a planning application for enhancements to Hickling Broad was due to be considered by the Planning Committee on 19 August 2016. This would be one of a number of the Authority's own applications as part of the restoration of Hickling, which was one of the Authority's strategic priorities. Therefore, it was considered that it would be worthwhile to hold a site visit prior to the application being determined. It would also be advantageous to provide new members of the Committee (due to be appointed in July) with the opportunity of being appraised of the area and issues involved. Therefore a date was required when the majority of committee members would be able to attend. He explained that as a local resident he would be declaring an interest and therefore would not chair the Planning Committee for consideration of the application or take part in the site visit.

Scheduled site visit dates were 15 July and 5 August. However, the Waste Disposal Workshop was due to be held on 15 July and 5 August could interfere with holiday time. It was agreed that a Doodle Poll be used in order to find the most convenient date.

It was noted that the Navigation Committee would be having an informal site visit instead of a meeting on Thursday 2 June 2016, which would include a general appraisal of the Hickling restoration project but not the specific planning application. It would not be a formal meeting. Its next scheduled meeting would be 7 September 2016.

A member made a plea for the Planning Committee to request the views of the Navigation Committee. Members considered that it was important that the Navigation Committee was consulted on this

application prior to it being considered by the Planning Committee particularly as it was for one of the Authority's own applications. However, Members did not wish to alter the intention or purpose of the Navigation Committee's visit on 2 June 2016. The Director of Planning and Resources undertook to convey this message to officers and the Chairman of Navigation Committee.

RESOLVED

that members be canvassed by Doodle Poll on a convenient date for the Planning Committee to hold a site visit for BA/2016/0191/FUL Hickling project enhancements

(4) **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.

12/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications had been received.

12/8 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached 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/2016/0095/COND Boundary Farm, Boundary Road, Ashby with Oby**

Variation of conditions 2, 3, 6, 7, 8 of permission BA/2013/0138/FUL to allow a change of structure on south, east and west sides of new mooring dyke from timber jetty/decking to timber piling/capping and grassed earth surfacing. Also change location of two car parking spaces to be located at the junction of Ashby with Oby Footpath 7 and Ashby with Oby Bridleway 3 on existing concrete pad.

Applicant: Mr Donny Cooke

The Planning Officer provided a detailed presentation of the application involving the variation of five conditions on a permission granted in 2013 for application BA/2013/0138/FUL. The current application was for two proposals that required the introduction of quay heading to all

sides of the mooring dyke approved in 2013, not just to one side, and the relocation of two public parking spaces.

The Planning Officer drew attention to the consultation responses and explained that no further responses had been received since the report was written. The Navigation Committee had been comfortable with the proposals as the changes were relatively minor and did not impinge on the navigation of the area. The Ecology Officer had stated a preference for the original proposal to remain.

In providing the detailed assessment, the Planning Officer gave particular attention to the key issues of landscape and ecology and Policy DP16 relating to new commercial moorings where not less than 10% of the new moorings created should be allocated as visitor moorings for short stay moorings on a causal basis. The approved scheme involved securing these through transfer of ownership of a 40m strip of river frontage to the Broads Authority for 24 hour visitor moorings. The new proposal involved relocating these. This would be covered by a Section 106 Agreement. The application also included the removal of a 15m-20m section between the soke dyke and the mooring dyke in order to gain better access between the two areas. There would be no changes to the access to the main river. The 9m bank of separation between the two dykes would remain. The provision of the two car parking spaces were immediately adjacent to the Weavers Way and were within the applicant's curtilage.

The Planning Officer concluded that the proposed changes to the structure on the south, east and west sides of the approved mooring dyke from timber staging to quay heading, and relocation of two parking spaces, would not have an unacceptable impact on landscape character and protected habitats or species. Therefore the application was recommended for approval.

Members considered that the application was acceptable and given the location of the proposed changes would be difficult to justify a refusal. They concurred with the Officer's assessment. Although in support of the proposal, a member raised concerns relating to the wording of proposed condition (ix) on the basis that the application did not include provision for residential moorings and this was unnecessary. The Head of Planning suggested an alternative wording.

The Chairman proposed, seconded by Lana Hemsall, that the application be approved as recommended subject to amendments to the wording of condition (ix).

RESOLVED unanimously

that, subject to the prior completion of a Section 106 Agreement to cover the 40metres provided for moorings, the application be approved subject to conditions as outlined in the report and an amendment to the

wording of condition (ix) to state that the moorings permitted shall be used for private moorings only;

the proposal is considered to be in accordance with Policies CS1 and CS14 of the Core Strategy (2007), Policies DP2 and DP16 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

12/9 Enforcement Plan

The Committee received a report and presentation on providing a Draft Enforcement Plan for the Broads Authority. This explained how the Authority would address breaches of Planning Control in accordance with good practice for Local Planning Authorities as set out in the NPPF paragraph 207 and suggested in the audit report of August 2015. The Plan provided the service standards and explained the background to the need for appropriate and proportionate enforcement as well as the Authority's priorities in association with these. The paper also explained the processes for investigation and the powers available to the Authority as well as the key guiding principles of planning enforcement – expediency, proportionality, consistency and negotiation especially in the first instance, as well as the need to be realistic. It was stressed that it was important to bear in mind what the Authority was trying to achieve when considering Enforcement Action.

The Head of Planning explained that the Plan documented the approach the Authority already took and detailed the aspects which had been covered in the training session for Members on 4 March 2016, citing some examples which many Members were familiar with. She commented that it was anticipated that the officers would be carrying out more pro-active monitoring in the future on the basis that this would reduce the amount of enforcement required.

Members thanked the Head of Planning for an interesting and useful presentation. Some local authority appointed members commented that the document accorded with their own District Councils approach and this was welcomed by others. It was suggested that the word "pragmatic" be included in the document to provide further consistency with the Authority's fellow LPAs. A member sought reassurances that the Authority had the resources to deliver on the approach. In response, the Director of Planning and Resources commented that as the Plan set out the framework of the Authority's existing practices, officers were confident on the Plan's delivery.

Members considered that the Enforcement Plan when adopted would provide not only officers and members with useful reference but particularly parish councillors as well as members of the public and planning agents. Therefore they advocated bringing the Plan to the attention of as many interested parties as possible with a wide distribution of the information.

With regard to Breaches of Condition Notices, the Authority had rarely used these given that there was an absence of a right to appeal and it was considered more appropriate to ensure that the landowner/operator was able to challenge the LPA's decision. Members considered that there may be cases where the Planning Committee should be bolder and more effective in using such a tool, especially when deemed necessary, particularly where there had been persistent and deliberate breach of planning regulations.

Members noted that the Enforcement Update schedule provided members with information relating to cases where possible enforcement action had been brought to the attention of the Committee in the first instance and was considered appropriate. It was recognised that this was after complaints had been considered and potential enforcement matters investigated and negotiations had possibly reached an impasse. If an enquiry about possible breaches of regulation had been made, the Local District Member was usually made aware of the situation. Members considered that it would be useful to have quarterly reports on possible complaints.

Members expressed some concerns about the dilapidated state of some of the buildings and untidy nature around the Berney Arms, due to be sold at auction on 9 June 2016 and queried whether a Section 215 Untidy Land Notice under the Town and Country Planning Act 1990 might be considered. It was felt that Officers should write to the agent so that potential bidders could be made aware of the Authority's concerns and the potential action that could be taken.

RESOLVED

that the Draft Enforcement Plan be endorsed subject to amendments suggested and

RECOMMENDED to the Broads Authority on 8 July 2016

that the Enforcement Plan with appropriate changes be adopted by the Authority.

12/10 Broads Local Plan – Policy Guides Biodiversity Enhancements and Waterside Chalet Guides Consultation Version

The Committee received a report setting out two Draft guides that were being produced to help applicants meet any requirement placed upon them to enhance wildlife as part of their development proposals as well as provide guidance and advice to those intending to alter waterside chalets. The Biodiversity Enhancement Guide had been produced by the Authority's Ecologist with support from the communications and planning team. The Waterside Chalet Guide had been provided by the Historic Environment Manager and Planning Officer following the adoption of a Local List for waterside chalets which was based on the Planning Officer's MA dissertation.

This also provided an update of a document previously published in the Authority's Design and Management handbook series.

Members' views on the Draft Guides were sought with the aim of having them published for a six week consultation period. The production of the guides would provide more weight in the planning system. The Planning Policy Officer explained that it was intended to provide more photographs in the final documents, but at this stage for consultation purposes, the text was considered to be more important. It was confirmed that the "Ice House" was included in the Waterside Chalets and work was progressing well. It was suggested that this might be included in the Members Design Quality tour.

Members considered the documents to be excellent in providing practical guidance as they were readable and user friendly and congratulated officers on their production. Although the intention was to circulate the Draft Guides for public consultation within the next few days for a period of six weeks, Members considered it would be worth delaying this in order to include more photographs to increase the attractiveness and interest of the Guides. It was noted that following the consultation and subject to any amendments and consideration by the Planning Committee, the guides would be recommended for adoption by the full Authority.

RESOLVED

that the Policy Guides on Biodiversity Enhancements and Waterside Chalets be endorsed for public consultation subject to inclusion of a few more illustrations.

12/11 Broads Local Plan – Bite Size Pieces

The Committee received a report introducing the second set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to:

- Settlement Study and Settlement Hierarchy
- Development Boundaries and Topic Paper
- Deprivation Topic Paper
- Defence
- Rural Enterprise dwellings
- Gypsy and Traveller Need Topic Paper
- Draft Gypsy and Traveller Policy

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being present to Planning Committee in November 2016.

Members noted that it was challenging to assess the settlement hierarchy for the Broads given that only parts of settlements fell within the Broads Executive Area and there was not one whole village/town within it. However, based on advice from the Planning Advisory service, the place in the

hierarchy allocated within the Broads reflected the hierarchy of the relevant District Councils, although the approach to development would be different. Unfortunately there were differences in terminology used by the Districts. The Authority had based its methodology on that of Great Yarmouth Borough's. With regard to Development Boundaries, it was noted that the Settlement Study had been used to determine where it would appear appropriate to have a development boundary and it was proposed that development boundaries would be continued with possible amendments for Hoveton and Wroxham, Horning, Thorpe St Andrew and Oulton Broad. Additionally, Stalham Staithe was suggested for consideration of a development boundary.

It was noted that where possible provisions of the Housing and Planning Act (now published on the website) had been taken into account but it was recognised that further amendments to the Preferred Options were likely to be required. It would be possible to provide Members with further updates following a training session for Officers on 30 June 2016. With regard to the Rural Enterprise Dwellings, the proposed policies would not be impacted by the Housing and Planning Act.

The Planning Policy Officer explained that the policies for the topic of Gypsy, Travellers and Travelling Show People, were criteria based and consistent with government guidelines. There were no permitted sites within the Broads or a history of encampment that would generate a need and therefore the Authority was not intending to adopt an allocation approach.

Members considered that policies relating to those who lived on boats or houseboats, which may involve the requirement for residential moorings, should be dealt with in a separate/stand-alone topic paper.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

12/12 Heritage Asset Review Group – Notes from 29 April 2016

The Committee received the notes from the meeting of the Heritage Asset review Group held on 29 April 2016.

RESOLVED

that the report be noted

12/13 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and the Head of Planning provided further information on the following.

Thorpe Island

The Authority had been notified of the date for the substantive injunction hearing to be on 17 June 2016. No planning application from Mr Roger Wood had been received as yet.

Ferry Inn Horning

A new manager was now in place and did not have any knowledge of a potential retrospective planning application for unauthorised development. It was understood that the adverse lighting had been subdued. Negotiations would continue.

Grey's Ices and Confectionary

The owner was reluctant to remove the roller shutter doors on the basis that there were a number of these structures in the same vicinity. Members accepted that this was the case. The main concerns expressed by the Parish Council and Members had been the combined effect of the garish colouring of the canopies (which had now been removed) with the shutters. Negotiations were taking place with the owner about the possibility of a retrospective application for the canopies.

RESOLVED

that the report be noted.

12/14 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.

RESOLVED

that the report be noted.

12/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 March 2016 to 15 April 2016.

RESOLVED

that the report be noted.

12/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 24 June 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.15pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 27 May 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Jacque Burgess		Toll Payer
Paul Rice	12/13	Involved in mediation for Ferry Inn Horning Trustee of Broads Society NSBA Member
Peter Dixon	12/6(3)	BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application)