

Broads Authority

Planning Committee

Minutes of the meeting held on 6 December 2013

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mrs L Hempsall
Prof J Burgess	Mr P Ollier
Mr C Gould	Mr R Stevens
Dr J S Johnson	Mr P Warner

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 6/10)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Mr F Bootman – Planning Officer
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Development Management
Ms K Wood – Planning Officer

Members of the Public in attendance who spoke:

**BA/2013/BA/2013/0298/FUL Compartments 23, 29 and 30,
Riverbank of River Waveney at Burgh St Peter**

Mr J Halls (BESL) On behalf of Applicant

**BA/2013/0329/FUL Waveney Inn and River Centre, Staithe Road,
Burgh St Peter**

Mr James Knight The Applicant

BA/2013/0311/FUL Lek House, Main Road Filby

Mr Walsh Applicant

6/1 Apologies for Absence and Welcome

Apologies were received from Miss S Blane, Mrs J Brociek-Coulton, Mr N Dixon, Mr M Jeal and Mr J Timewell.

6/2 Declarations of Interest

Members introduced themselves and provided declarations of interest as set out in Appendix 1 of these minutes. The Chairman declared an interest on

behalf of all members concerning Item 6/8(2) Application BA/2013/0319/FUL as this was a Broads Authority application.

6/3 Minutes: 8 November 2013

The minutes of the meeting held on 8 November 2013 were agreed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

No points of information arising from the minutes reported.

6/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

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

(1) Broads Design Quality Tour – 11 April 2014

The Chairman announced that, following a doodle poll the Planning Committee's Design Quality Tour was now scheduled for the Spring 11 April 2014, a scheduled site visit day. The tour would be concentrating in the northern part of the broads.

(2) 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 revised Code of Conduct for members and officers, and that the time period was five minutes for all categories of speaker. Those who wished to speak were requested to come up to the public speaking desk at the beginning of the presentation of the relevant application.

6/7 Requests to Defer Applications and /or Vary the Order of the Agenda

There were no requests to defer applications. The Chairman reported that he intended to vary the order of the applications so as to deal with application BA/2013/0311/FUL Lek House, Main Road, Filby before BA2013/0322/FUL, 3 Bureside Estate, Crabbetts Marsh, Horning.

6/8 Applications for Planning Permission

The Committee considered applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

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

To accommodate

(1) **BA/2013/0298/FUL Compartments 23, 29 and 30, Riverbank of River Waveney**

Removal of piling and re-grading of rivers edge plus installation of crest piling where sufficient material cannot be sourced for standard crest raising

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposal involving the removal of 721 metres of piling and installation of 700 metres of crest piling following the completion of the flood defence projects in Compartments 23 (Burgh St Peter Marshes), 29 (Oulton Marshes and 30 (Blundeston Marshes) which were granted planning permission in 2007 and 2010. This proposed to remove (between January to March 2014 outside the main boating season) deteriorated piling identified as surplus to requirement for erosion protection for the new floodbanks and provide crest piling where there was insufficient material available nearby.

He drew members attention to the consultation comments received and provided a correction explaining that Waveney District Council's Environmental Health Officer had no comments and that comments were still awaited from Suffolk County Council's Environment Service relating to archaeological matters. Natural England and the Environment Agency had no objections and the Navigation Committee had recommended that the application be approved on the understanding that the appropriate monitoring for bank erosion would be undertaken.

Having been assessed in relation to the key issues of flood risk, ecology, navigation and recreation, appearance, highway access, residential amenity and heritage the Planning Officer concluded that subject to the imposition of conditions, the application could be recommended for approval as it would meet the key tests of the development plan policy and would be consistent with the NPPF and therefore the proposal was acceptable. He explained that although the scheme involved the removal of 8 of the 11 angling platforms, BESL was in negotiations with the Suffolk Wildlife Trust (SWT) with a view to providing 6 new angling platforms, but this would be the subject of a separate application.

Mr Halls confirmed that BESL was in negotiation with the SWT over the provision of angling platforms and it was proposed to provide 6 rather than the original 8 to be removed in order to keep an area for breeding birds. In response to a member's concern about the apparent urban

hard treatment provided by the proposed crest piling, Mr Halls explained that the solution was a pragmatic one, especially where immediate raising of the defenses was required and the dredging programmes did not coincide.

Members concurred with the officer's assessment and were satisfied that the proposals represented an acceptable proposal in this location.

Mrs Hemsall proposed, seconded by Mr Barnard and it was

RESOLVED unanimously

that the application be approved subject to archaeological comments from Suffolk County Council Historic Environment Service and conditions as outlined in the report to Committee including any to be requested by Suffolk County Council together with an Informative relating to the Memorandum of Understanding with the Environment Agency. It was considered that with the imposition of planning conditions the proposal would meet the key tests of development plan policy particularly Policies CS1, CS4 and CS6 of the adopted Core Strategy(2007) and Policies DP1, DP5 and DP29 of the Development Management Policies DPD (2011) and would be consistent with NPPF advice.

- (2) **BA/2013/0319/FUL** South bank of River Ant, downstream from Irstead Staithe Installation of 24 metres of erosion protection
Applicant: Broads Authority

The application was before members as it was a Broads Authority application. The Planning Officer provided a presentation on the proposal to provide erosion protection in two eroded bays along the south bank of the River Ant using a soft engineering solution called nicospan. The area behind this would be infilled with material dredged from the River Ant and the area would be marked with posts to demark the new edge. No adverse comments had been received, there would be no increase in flood risk and the timing of the works outside the bird breeding season was acceptable. The proposal would deliver erosion protection for a short section of the River Ant. The Planning Officer concluded that the application could be approved as the proposed technique was acceptable and would ensure no unacceptable impact on flood risk, ecological, navigation or landscape considerations subject to the imposition of planning conditions.

Some members had some serious concerns about the technique to be used on the basis of apparent similar works having been carried out by BESL on the opposite river bank which was considered to be unsatisfactory. It was explained that the material to be used was a mesh rather than a metal and gabion solution. A member commented that the large tree adjacent to the site was likely to have contributed to the erosion due to it shading out the reed growth and that for it to

remain would not encourage growth of suitable vegetation. In addition it was considered that informal mooring had possibly made a contribution to the erosion of the river bank. In view of the concerns it was considered that more details of the technique to be used would be appropriate prior to making a decision. In addition, it was suggested that the members of the Navigation Committee be asked for their observations via email.

Mr Warner proposed, seconded by Prof Burgess and it was

RESOLVED unanimously

that the application be deferred for further information including a more robust explanation from Officers of the technique to be used and for the application to be referred to members of the Navigation Committee for their observations via email.

(3) **BA/2013/0329/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

New entrances, external cladding and window alterations at Public House

Applicant: Waveney River Centre (2003) Ltd

The Planning Officer explained that the application was before Committee as the applicant is a member of the Navigation Committee. She provided a detailed presentation of the proposals for the rationalisation of the main elevation and renovation to the Waveney on-site Public House serving the Waveney River Centre leisure complex. The Planning Officer reported that the Parish Council had no comments to make on the application.

The Planning Officer recommended approval with conditions as it was considered that the development was considered an appropriate form of development which would help improve the existing visitor facilities and was in character and sympathetic to the existing buildings. It was considered that there would be no adverse impact on neighbouring amenity or highway safety as a result of the proposal.

Members welcomed the proposals as providing improved visitor facilities to a popular riverside location. The scheme was considered to be of an attractive design with appropriate rendering and treatment being applied to the existing extension which was in keeping with the other development on site. They considered that the proposals should be approved with an additional condition concerning the materials to be used for the decking.

Professor Burgess proposed, seconded by Mr Barnard and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report to Committee including a condition relating to the material to be used for the decking. The proposal was considered acceptable in accordance with Policies of the adopted Development Management Policies DPD (2011) particularly Policies DP4, DP11, DP27 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1, CS9 and CS23 of the adopted Core Strategy (2007) and also the National Planning Policy Framework (2012).

- (4) **BA/2013/0311/FUL Lek House, Main Road, Filby**
Proposed first floor rear bedroom extension and detached double garage
Applicant: Musicbank Ltd

The Planning Officer provided a detailed presentation and assessment of the proposal for alterations to Lek House, on a corner plot in Filby. These involved the demolition of an existing lean-to and replacement with a single storey extension with a pitched roof on the western side, as well as the addition of a first floor to the rear elevation on the southern side with a twin gable, pitched roof extension to replace a catslide roof. Part of the application relating to the side extension was retrospective. The application also included a detached double garage.

The Planning Officer, having addressed the main issues in relation to the application particularly those concerns raised by the Parish Council and the adjacent property, concluded that the application could be recommended for approval subject to conditions as it was considered to be in accordance with development plan policies.

Mr Walsh the applicant explained why part of the application was retrospective in that he had sought professional architectural advice and had been informed that planning permission was not required as the development could be considered to be permitted development. When it was understood that the height of the roof needed to be raised, work had stopped and planning permission was being sought.

Officers clarified that as the property came within the Broads Authority area there were greater restrictions for permitted development, unlike properties on the other side of the road which fell outside its boundary and within that of the District.

Members were mindful that some of the proposal could be carried out as permitted development. In recognising the concerns expressed by the neighbouring properties and the Parish Council and having given these very careful consideration, members were satisfied that in the context of the setting and the north and south facing elements of the proposal, there would not be any unacceptable impacts on amenity and highway safety and they concurred with the officer's assessment.

Mr Stevens proposed, seconded by Dr Johnson and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the application is considered to be in accordance with policies DP4, DP11 and DP28 of the Broads DM DPD (2011).

- (5) **BA2013/0322/FUL – 3 Bureside Estate, Crabbetts Marsh, Horning**
Resubmission of refusal BA/2013/0227/FUL for a replacement Dwelling House
Applicant: Mr and Mrs Hutchinson

The Head of Development Management provided a detailed presentation of the application in a sensitive and prominent location at Racing Reach, Horning that involved the removal of an existing run-down dwelling and four sheds and erection of a new dwelling 2 metres further back into the site, approximately 16 metres from the river. The overall footprint of the proposal would be similar to the existing buildings on site. The proposal included the removal of a number of trees although the retention of 11 existing trees including a prominent oak tree as well as planting new trees and pollarding trees along the boundary. An Arboricultural Method Statement had now been received. Members were informed of a similar proposal submitted in July that had been refused on the grounds of scale, mass, form and materials and overdevelopment of the plot and that this was currently the subject of an appeal. The current proposal included amendments that broadly addressed the reasons for that refusal, was significantly smaller in footprint and scale and had been the subject of considerable pre-application discussions.

The Head of Development Management concluded that on balance the design was acceptable and with regard to flood risk the proposal could pass the Exception Test and was not contrary to the NPPF. The proposal would not adversely affect the character of the setting or wider area and the trees and biodiversity could be satisfactorily protected and enhanced subject to conditions and monitoring. It was therefore recommended for approval.

Members were satisfied with the proposal and concurred with the officer's assessment. They had some concerns about the chimney flue and considered that a recessive material should be used, possibly a matt finish, in order to reduce its prominence.

Mrs Hemsall proposed, seconded by Dr Johnson and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report including a condition relating to the materials to be used for the chimney flue and Arboricultural monitoring in association with the Arboricultural Method Statement. The proposal was considered acceptable and in accordance with Policies DP1, DP2, DP3, DP4, DP13, DP24, DP28 and DP29 of the adopted Development Management Policies DPD (2011), Policies CS1 and CS20 of the adopted Core Strategy (2007), saved Policy HOR1 of the Broads Local Plan (1997) and the Development and Flood Risk SPD (2008), Proposed Policy HOR4 of the Proposed Site Specific Policies DPD (2013) and the National Planning Policy Framework (2012)

**6/9 Enforcement of Planning Control: Item for consideration:
Nos 1. And No.2 Manor Farm House, Oby**

The Committee received a report concerning unauthorised work comprising the replacement of the windows and doors with uPVC units at the Grade II Listed Building at Manor Farm House, Oby. Members were mindful that the Committee had already authorised the serving of a Listed Building Enforcement Notice at its meeting in August 2012 if voluntary compliance could not be achieved and noted the particular sensitivities and set of circumstances surrounding the case.

Members noted that the Heritage Asset Review Group (HARG) had discussed this matter at their meeting on the 8 November 2013 at which time it was recommended and decided that although the Planning Committee had previously agreed the serving of a formal listed building enforcement notice that this matter be referred back to Planning Committee for resolution

Members noted that delisting of the property had not been sought and it was unlikely that it would be granted by English Heritage. Legal advice suggested that the formal service of an enforcement notice with a long period for compliance to take account of the special circumstances would secure a resolution of the breach and would also result in the notice being registered as a local land charge. This was considered to be justifiable and a proportionate course of action in this case.

Members endorsed the action proposed, noting that the enforcement notice would be attached to the property.

RESOLVED unanimously

- (i) that the property owner be contacted in the first instance to inform her of the Authority's intentions to serve a Listed Building Enforcement Notice and to explain the Authority's decision in doing so;
- (ii) that authority is given for the owner of the buildings to be served with a Listed Building Enforcement Notice requiring the removal of the

unauthorised windows and doors and their replacement with windows and doors of an agreed design and construction; and

- (iii) that, in consideration of the high costs involved in the replacement of the windows and the personal circumstances of the property owners, a compliance period of ten years be given.

6/10 Annual Monitoring Report 2012/13

The Committee received a summary report covering the Annual Monitoring Report for the period between 1 April 2012 to 31 March 2013. This assessed the progress of the Broads Local Plan Development Framework/Local Plan and covered both Planning Policy and Development Management. It also included an update on work undertaken under “the Duty to Cooperate”.

Members noted that following changes in planning legislation, early preparatory work had started on reviewing the Core Strategy and Development Management Policies DPDs and evolving these into a Local Plan, which would also include the Site Specifics DPD following public examination. This would also require revisions to the Local Development Scheme for 2013/14 as it set out the scheme and timetable for the processes involved and adoption of the documents which made up the Local Plan.

In particular members noted that planning permission had been granted for 159 of the 174 of the validated applications representing 91.4% and that this included 114 dwellings. The number was larger than was usual for the Broads area in light of the development at the Ditchingham Dam Maltings. It was noted that the numbers for affordable housing was 0 although there was a clawback clause within the Section 106 Agreement for the Maltings to enable this and this would go to the local district under the terms of the Memorandum of Understanding with the Districts as the Authority did not have housing targets.

Members suggested that the Marine Management Organisation be included within the section on the Duty to Cooperate. Suggestions to alter minor wording for some sections were made.

With reference to the Core Strategy and Development Management DPD Indicators specifically concerning Water Quality it was clarified that consideration would be given to this within the context of the Water Framework Directive and Water Catchment Plan. A presentation on the draft plan was due to be given to the Authority at its meeting in January 2014 prior to adoption on 21 March 2014. It was considered that in the future, it would be interesting to have further details on the water quality of Malthouse Broad especially in comparison with that of Ranworth Broad.

RESOLVED

that the report be noted welcomed and endorsed with the minor amendments suggested.

6/11 Consultation Documents Update and Proposed Responses

The Committee received reports on officer's proposed responses to two planning policy consultations recently received:

- **South Norfolk Development Management Policies Reg 19 – Pre submission consultation**
- **South Norfolk Site Specifics Allocations and Policies Document - REG 19 – Pre submission consultation**

RESOLVED

that the reports be noted and the nature of proposed responses be endorsed.

6/12 Code of Conduct for Planning Committee Members and Officers: Review of Procedures at Planning Committee Site Visits (Appendix 3)

The Committee received a report suggesting changes to the Procedures for conducting Planning Committee site visits following a joint exercise carried out by the Chairman of the Planning Committee, the Director of Planning and Resources and the Administrative Officer (Governance). Members considered that there may be occasions when it would be necessary to have a site visit in relation to fundamental policy and therefore the words "will not" be deleted and replaced by "may not".

One member considered that the guidelines appeared to be too long and over prescriptive, given that Probity in Planning provided members with sufficient guidance. However, other members commented that the guidelines were also for applicants and third parties including objectors. Some members commented that the amendments provided greater clarity. Members welcomed the suggestion from the Solicitor that a small paragraph be inserted providing guidance for members who may be unable to attend the formal site visit but wished to do this independently and that they should view the site from public access vantage points and have regard to the issue of potential bias. The aim was for members to be prepared to consider making a decision with an open mind.

RESOLVED by 8 votes to 1

that the proposed amendments to the procedures for conducting site visits including those relating to consideration of planning policy and guidance for those not able to attend the formal site visit, be endorsed.

6/13 Enforcement Update

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

RESOLVED

that the report be noted.

6/14 Appeals to the Secretary of State: Update

The Committee received a schedule showing the position regarding appeals against the Authority since January 2013 as set out in Appendix 1 to the report. Concern was expressed about the very unsatisfactory length of time being taken by the Planning Inspectorate in providing a decision on those appeals submitted in January and March 2013. They also noted the tighter timescales and procedures being required of local authorities and appellants.

RESOLVED

- (i) that the report be noted; and
- (ii) that statement of concern be sent to PINS relating to the decisions not received on appeals registered 9 – 11 months previously.

6/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 25 October 2013 to 25 November 2013.

RESOLVED

that the report be noted.

6/16 Heritage Asset Review Group - 8 November 2013

The Committee received the notes of the meeting of the Heritage Asset Review Group held on 8 November 2013. With reference to Note12/6 and the selections for the Local List, it was noted that it had also been suggested that the most significant properties of heritage value selected be recommended for inclusion on the national list.

RESOLVED

that the notes of the Heritage Asset Review Group of 8 November 2013 as amended be accepted and noted.

6/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 3 January 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.30 pm

CHAIRMAN

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

Committee: Planning Committee – 6 December 2013

Name <i>Please Print</i>	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Items 6/8(2) BA/2013/0139/FUL	Broads Authority the applicant.
Colin Gould	6/11	Appointed by South Norfolk Council
Murray Gray	6/11	Appointed by South Norfolk Council