

Broads Authority

Planning Committee

Minutes of the meeting held on 3 January 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr M Jeal
Mrs J Brociek-Coulton	Mr P Ollier
Prof J Burgess	Mr R Stevens
Mr N Dixon	Mr P Warner
Mr C Gould	

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 6/10)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Mr T Hunter – Rivers Engineer (for Minute 7/8(1) and (2))
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/2013/0381/FUL Compartment 22 - Right bank of the River Chet
between Pyes Mill and Nogdam End**

Mr Jeremy Halls (BESL) On behalf of Applicant

BA/2013/0280/FUL Broadlands, Main Road, Rollesby

Mr Shaun Day Rollesby Parish Council

BA2013/ BA/2013/0371/FUL Roseberry, Ropes Hill, Horning

Mr Terry Hines Agent for the Applicant

7/1 Apologies for Absence and Welcome

Apologies were received from Miss S Blane, Mrs L Hempsall and Dr J S Johnson.

7/2 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(1) Application BA/2013/0319/FUL as this was a Broads Authority application.

7/3 Minutes: 6 December 2013

The minutes of the meeting held on 6 December 2013 were agreed as a correct record and signed by the Chairman subject to an amendment to Minute 6/2 in Appendix 1 under the declarations of interest from Dr J M Gray to read – “Member of South Norfolk Council.”

7/4 Points of Information Arising from the Minutes

Minute 6/14 Appeals to Secretary of State

The Chairman reported that as requested, a letter expressing concern about the delays on decisions on appeals registered 9 – 11 months ago had been sent to the Planning Inspectorate. No reply had been received as yet but this could be due to the Christmas break.

7/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

7/6 Chairman’s Announcements and Introduction to Public Speaking

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.

7/7 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 applications BA/2013/0280/FUL and BA/2013/0371/FUL before BA/2013/0308/FUL in order to enable members of the public attending not to extend their time at the meeting unnecessarily.

7/8 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.

(1) **BA/2013/0319/FUL South bank of River Ant, downstream from Irstead Staithe**

Installation of 24 metres of erosion protection
Applicant: Broads Authority

The Planning Officer reminded members that this was a Broads Authority application to infill two pockets of river bank damaged by erosion using dredged material from the river to restore the old line of the river bank and that it had been deferred from the previous meeting (Minute 6/8(2)) for the observations of the Navigation Committee and further information relating to the current use of the area, the reason for the choice of technique, concerns that the works might be similar to that which had taken place on the opposite side of the River Ant considered to be unsympathetic, and the proximity of trees in the area which would inhibit the success of the scheme for reed growth.

It was clarified that the landowner did not wish to encourage informal mooring in this vicinity and once the work was completed the area would not be suitable for such. At the Navigation Committee meeting on 12 December 2013, the Rivers Engineer had given an explanation and description of the alternative options which had been considered and discounted due to their unsuitability for the small scale of the site and their short term sustainability. The nicospan material to be used was considered to have a longer lifespan, was a soft engineering solution, rather than a hard piled edge and it had the potential for a more robust solution that could be used elsewhere in the Broads and therefore an improvement on other methods. It had been used successfully in other areas. The technique differed from that used on the opposite bank where wooden planks were used and provided a less natural appearance. With regard to the vegetation reed growth it was intended to become an intrinsic part of the structure.

The Navigation Committee had recommended that the application be approved and that the concerns relating to the management of the trees along the river bank be noted and addressed, by taking this up with the landowner, recognising that this was not a planning matter.

The Planning Officer concluded that the application could be approved, on the basis of the details submitted together with the additional information supplied, the proposed technique being acceptable and that it would ensure there was no unacceptable impact on flood risk, ecological, navigation or landscape considerations subject to the imposition of planning conditions.

Members welcomed the additional information and considered that this provided suitable reassurances. They concurred with the Officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report and Informatives as the application is considered to be in accordance with the development plan policies particularly Policies CS1, CS2, CS3 and CS4 of the adopted Core Strategy (2007) and Policies DP1, DP2 and DP29 of the Development Management Policies DPD (2011).

(2) **BA/2013/0381/FUL Compartment 22 - Right bank of the River Chet between Pyes Mill and Nogdam End, Loddon and Hales -w- Heckingham**

The driving of existing piling to below river bed level and the re-profiling of the remaining riverbank to create a natural edge and rond (part retrospective)

Applicant: Environment Agency.

The Planning Officer provided a detailed presentation on the proposal for dealing with the removal of piling which had fallen into disrepair on the true right bank of the River Chet between Loddon and Nogdam End adjacent to the recently completed rollback floodbanks in Compartment 22. This involved the alternative technology of driving piles below the river bed in order to provide a degree of stability to the new lengths of the river bank, a trial section for which permission had been given in May 2013. Part of the works for which permission was being sought was retrospective as BESL had extended the works from the trial area on the basis that the trial had been very successful, it would be more sustainable to do so at the time given that all the equipment was in place and there would be minimum disruption to landowners and river users and given that the works could then be completed before the busy boating season in the Spring and that the necessary dredging works of the River Chet could be carried out by the Authority in the Autumn of 2014.

The Planning Officer updated members on the consultations received since the writing of the report. The Navigation Committee had considered the proposal at its meeting on 12 December 2013 and recommended that the application be approved subject to a number of conditions including a full survey of the actual river bed level associated depth levels for driving the piles, a scanning sonar survey following completion of the works, temporary channel markers with agreed specifications, erosion monitoring and contingency measures if the piling failed to drive into the river bed. Other consultations received were as follows:

- Loddon Parish Council – approve
- Hales-w-Heckingham Parish Council – no adverse comments
- Langley-w-Hardley Parish Council – approve
- Broads Society – support
- NCC Highways – no objections subject to construction traffic route being agreed and operated in accordance with permission
- Natural England – no objections
- NSBA – support subject to proper monitoring and pile driving survey work and remedial measures to be in place if necessary

Comments from the Environment Agency and Norfolk County Council's Historic Environment Service were still awaited.

The Planning Officer concluded that with the imposition of planning conditions the navigation and other interests could be protected and the proposals would meet the key tests of the development plan and be consistent with the NPPF. He therefore recommended approval accordingly subject also to no adverse comments being received from the outstanding consultees.

Mr Halls (BESL) commented that it was considered that the impact on the archaeology of the area would be low given the relatively new nature of the channel. He gave a detailed explanation for the retrospective nature of part of the application and assured the Committee that following expert advice on the success of the trial scheme, the benefits to be gained particularly given the seasonal conditions had weighed heavily in favour of continuing. There had been robust conversations with the Planning Officers and planning permission was sought as soon as possible.

However, although understanding these reasons and the unusual nature of the application, the majority of Members expressed disappointment at the retrospective nature of the application and by 6 votes to 1 agreed that a mild rebuke should be sent to BESL.

Members concurred with the officer's assessment and

RESOLVED unanimously

that the application be approved:

- (i) subject to no substantive representation/comment being raised from the outstanding consultees – the Environment Agency and Norfolk County Council Historic Environment Services; and
- (ii) subject to the conditions and an Informative as outlined within the report and additional conditions requiring the removal of piling if required and a highway condition requiring that construction traffic follow approved routes as well as any further conditions required by the Environment Agency and Norfolk

County Council Historic Environment Services. It is considered that with the imposition of planning conditions; the application will be in accordance with Policies CS1, CS3, CS4 and CS15 of the adopted Core Strategy (2007) and Policies DP13 and DP29 of the Development Management Policies DPD (2011) and would be consistent with NPPF advice;

(iii) that a letter expressing disappointment at the retrospective nature of part of the application be attached to the decision notice.

- (3) **BA/2013/0280/FUL Broadlands, Main Road, Rollesby**
Resubmission of pp BA/2013/0093/FUL for the proposed construction of garaging and office
Applicant: Mr and Mrs Saunders

The Planning Assistant provided a detailed presentation on the proposal to erect a garage with office in the roof space as well as a log store within the grounds of the dwellinghouse Broadlands, which was approximately half a hectare in size. The proposal fell outside the Development Boundary for Rollesby. Extant Planning permission was in place for a previous garage proposal in June 2013 but the applicant had decided that the approved siting was not desirable and this revised proposal had been submitted. The new proposed siting was more remote from the dwelling and the design and materials had been amended to offer a lighter weight and more ancillary appearance. The Planning Assistant pointed out that the Parish Council had objected to the application on the grounds of scale, the roof lights, concern that the development could be separated from the main dwelling house and that access rights would be infringed. It was pointed out that the concerns relating to the ownership of the second access and the private rights over that were not planning considerations.

The Planning Assistant concluded that the proposal was considered to be of an appropriate scale, form and materials to complement the dwelling and achieve the high standard of design and quality of materials to accord with Development Management Policy DP4. It was not considered that there would be any unacceptable impacts on amenity, trees or highways and therefore the application was recommended for approval subject to a Section 106 agreement to prevent two garages being built on the site and conditions as outlined in the report with additional ones relating to materials and details on external lighting.

Mr Shaun Day, Rollesby Parish Council confirmed the views of the parish council as outlined in the report and emphasised that the major concerns were the actual size of the garage, which was considered to be a carbuncle on the approach to the main village, and that with the proposed accommodation in the roof, the garage could eventually be used as a dwelling.

Members were assured that the use of the garage could be monitored and any infringements could be enforced against. It was acknowledged that condition monitoring was resource intensive but the Authority had a more robust system in place than previously with a programme of selective monitoring, particularly for those applications referred to Committee. The Authority would also encourage the parish council to report any breaches of planning control.

Members expressed some concern that it was difficult to envisage the overall context and scale of the proposal from the information provided and considered that the impact on the street scene was difficult to gauge. Therefore, Mr Warner proposed, seconded by Mr Dixon that a site visit be undertaken.

RESOLVED unanimously

that the application be deferred for a site visit on Friday 24 January 2014 at 10.00am in order to be able to assess the scale and context of the proposed development in relation to the existing dwelling and the Broads landscape.

- (4) **BA2013/ BA/2013/0371/FUL Roseberry, Ropes Hill, Horning**
Adaptations, 2-storey side extension, and additional floor to existing chalet bungalow
Applicant: Mr Alan Smith

The Planning Assistant provided a detailed presentation of the proposal for extensions and alterations to the existing dwelling of Roseberry, on Ropes Hill, Horning to provide first floor accommodation across the whole dwelling with an 8.5m ridge height. The existing footprint would be adjusted to remove additions on the front, rear and western side elevation and the dwelling would be set in, approximately 2 metres further from the eastern boundary. The aim was to rationalise and harmonise the existing openings to the dwelling and to provide a cohesive appearance. The application site was located 150 metres away from the Horning Conservation Area (not 15 metres as stated in the report).

Since the writing of the report a further consultation response had been received from the Broads Society with no objections.

The Planning Assistant concluded that although the local concern that the proposal was not considered to be appropriate to the character of the area, given the mixed pattern of development and size of the plot, the proposed scale was considered acceptable. Opportunities for overlooking and overshadowing were considered to be mitigated due to the inclusion of proposed non-opening fenestration and obscured glazing and on balance any unacceptable impacts would not be able to justify a refusal on the basis of amenity. It was considered that there

would be no adverse impacts on the local ecology or trees and therefore the application was recommended for approval with conditions.

Mr T Hines, agent for the applicant explained that the existing 1950s building was poorly insulated with 2 front doors and a strange internal layout inappropriate for modern living. He explained the reasoning for the design; although larger in size the building was set further away from the boundary providing improved separation from the neighbouring property. Attempts had been made to reduce the ridge height by design and address the concerns of the neighbours in relation to overlooking through the choice of fenestration.

The Historic Environment Manager supported the officer's recommendation commenting that having examined the proposals in terms of the adjacent Conservation Area and the neighbouring properties, given the restricted views from the River and the Conservation Area, he was confident that there would not be any adverse impact. The proposal would not be untypical of the scale of other properties in the vicinity and for the size of the plot and it would provide a significant improvement on the existing property.

In general members considered that the proposal provided a significant improvement to the design of the existing building whilst retaining the vernacular and upgrading the property to conform to modern environmental standards.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report including additional conditions relating to the fenestration in the side elevations to remain fixed with no openings and glazing. The proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4 and DP28 of the adopted Development Management Policies DPD (2011) and Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012).

(5) **BA/2013/0308/FUL- Broadlands residential home, Borrow Road, Oulton Broad, Lowestoft**

Extension and alteration of residential care home, including demolition of outbuildings

Applicant: The Greensleeves Homes Trust

The Planning Officer provided a detailed presentation of the proposal for the demolition of some ancillary buildings, extensions and alterations to provide a single storey wing to accommodate five additional bedrooms and a larger garden room specifically designed to meet the needs of Dementia care patients, as well as hard landscaping of the substantial Edwardian style Broadlands residential home on Borrow Road, Oulton Broad. The scheme would include nine additional

parking spaces. The Planning Assistant reported that since the writing of the report, the Highways Authority had responded to the amended plans saying it had no objections subject to the conditions listed in its original response to consultation.

The Planning Officer concluded that although the concerns of the objectors were acknowledged, it was considered that the extension could be achieved without a significant impact on the neighbours and it was not the role of the planning system to stifle competition. There were no objections from highways and the set down nature, positioning and sympathetic design were considered to ensure the use of a large prominent Edwardian property in keeping with the existing surroundings and therefore it would preserve and enhance the character of the Conservation Area. The removal of the lime tree as part of the scheme was acceptable as it would be replaced as part of the proposed landscaping scheme. The Planning Officer therefore recommended approval subject to conditions.

Members concurred with the officer's assessment and considered that the application was acceptable. However, Mr Barnard who is also the Ward member commented that in the past when works were carried out on site this caused traffic problems in Borrow Road. It was therefore considered that a Construction Management Plan should be discussed and agreed with the Highways Authority which would ensure that the use of plant and equipment during construction would not exacerbate traffic congestion in the area and that this be included as an additional condition.

RESOLVED unanimously

that the application be approved subject to the receipt of acceptable amended car parking plans and conditions as outlined within the report and an additional condition requiring a construction management plan to be agreed. The proposal is considered to be acceptable in accordance with Policies DP2, DP4, DP5, DP11, DP18, DP27 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1, CS5, CS18 and CS22 of the adopted Core Strategy (2007) and also the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

7/9 Strumpshaw Neighbourhood Plan

The Committee received a report on the Strumpshaw Neighbourhood Plan which was now ready for publication. The Authority as well as Broadland District Council was required to approve the plan before it went out for a six week publication period. Members noted that the process of producing the plan involved extensive consultation with residents and other stakeholder organisations as well as the drafting of the plan, objectives and policies. Strumpshaw Parish Council had now submitted its proposed Neighbourhood Plan to the Broads Authority and Broadland District Council, along with the

necessary supporting information for assessment against the criteria set out by Government legislation. Members received clarification relating to the reference to the provision of affordable housing which would be provided by an alternative permission recently granted.

RESOLVED

that the Broads Authority endorses the submission version of the Strumpshaw Neighbourhood Plan (NP) and approves proceeding to publication consultation between 13 January 2014 to 24 February 2014 with a view to holding a Referendum in June 2014.

Brundall Neighbourhood Plan

The Planning Policy Officer informed members that Brundall Parish Council have submitted to the Broads Authority and to Broadland District Council their wish to be designated as a Neighbourhood Area. There would be a six week consultation, probably starting 6 January 2014. Then as per Acle and Strumpshaw, a report will come back to the Planning Committee for consideration.

7/10 Progress of the Examination of the Sites Specifics Development Plan Document and The Inspector's Report on the Joint Core Strategy Repair' Examination

The Committee received an update on the progress of the Examination of the Site Specifics Development Plan Document noting that the examination in public would be held on 12 and 13 February 2014, starting at 10.00am on both days. The aim was to retain the afternoons for site visits. Members were welcome to attend as observers.

The Committee also received notice of the Inspector's Report on the Joint Core Strategy "Repair" Examination that was held in public over the summer 2013. The Inspector had concluded that if the main modifications set out in the report were made, the Joint Core Strategy could be designated as sound and the Councils could adopt it.

RESOLVED

that the reports be noted .

7/11 Enforcement Update

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

It was noted that the monitoring of progress on the Legal Agreement concerning Wayford Mill was the responsibility of the full Authority and a detailed report was due to be provided to its meeting on 10 May 2014.

RESOLVED

that the report be noted.

7/12 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. Members noted the decision relating to the Appeal concerning Utopia and Arcady which had been allowed on 9 December 2013, details of which had been circulated and were available on the Authority's website.

[BA/2012/0020/FUL](#)

RESOLVED

that the report be noted.

7/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 25 November 2013 to 17 December 2013.

RESOLVED

that the report be noted.

7/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 31 January 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.27 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee – 3 January 2013

Name <i>Please Print</i>	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Items 7/8(1) BA/2013/0139/FUL	Broads Authority the applicant.
All Members	Item 7/8(2)	Broads Authority would ultimately benefit from the application for dredging purposes.
Mike Barnard	Item 7/8(5) BA/2013/0308/FUL	One of Local District members for Oulton Broad