

**Broads Authority**

**Planning Committee**

Minutes of the meeting held on 23 May 2014

Present:

Dr J M Gray – in the Chair

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

Dr J S Johnson  
Mr P Ollier  
Mr R Stevens  
Mr P Warner

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – for the Solicitor  
Mr F Bootman – Planning Officer  
Ms M Hammond – Planning Assistant  
Mr B Hogg – Historic Environment Manager  
Ms A Long – Director of Planning and Resources  
Mr S Moore – Planning Technical Support Officer  
Ms C Smith – Head of Development Management

Members of the Public in attendance who spoke:

**BA/2014/ 0126/COND Utopia and Arcady, Mill Road, Stalham**

Mrs S Cullingham                      Objector on behalf of petitioners  
Mr M Haslam                              Agent on behalf of applicant

**BA/2014/ BA/2014/0098/JOINT Acle Service Station, New Road, Acle**

Ms R Gunn (Rapleys)                      Agent on behalf of the Applicants

**12/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting, particularly members of the public. He also welcomed Mr Simon Moore who had been appointed as Planning Technical Support Officer to replace Mark King who was now Waterways and Recreation Officer.

Apologies were received from Mrs J Brociek-Coulton, Mrs L Hemsall and Mr J Timewell.

## **12/2 Declarations of Interest**

Members introduced themselves and indicated that they had no declarations of pecuniary interests other than those already registered.

The Chairman declared an interest on behalf of all members in relation to Application BA2014/0126/COND Utopia and Arcady, Mill Road, Stalham and BA/2014/0114/COND Yarevue, 18 Bungalow Lane, Thorpe St Andrew having been lobbied by objectors and the applicant respectively.

## **12/3 Minutes: 25 April 2014**

The minutes of the meeting held on 25 April 2014 were agreed as a correct record and signed by the Chairman.

## **12/4 Points of Information Arising from the Minutes**

No points of information to report.

## **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) **Parish Forum – Lower Bure & Thurne Parish Forum: 12 June 2014**  
The Chairman reminded members that the next Parish Forum would be held at Fleggburgh Village Hall, Main Road, Fleggburgh on the 12 June 2014 from 5.30pm to 8.30pm.

(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 for the relevant application.

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

No requests for deferral of any applications had been received.

## **12/8 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/2014/0126/COND Utopia and Arcady, Mill Road, Stalham**  
Variation of condition 3 of consent BA/2012/0020/FUL to vary approved plans. Alterations proposed include alterations to footprint and reduction in ridge height  
Applicant: Mr and Mrs H Leventon

The Planning Officer provided a detailed presentation on the proposal for a variation of the application BA/2012/0020/FUL approved on appeal, giving an explanation of the history of the application and the justification for dealing with the proposed amendments under Section 73 of the Town and Country Planning Act 1990. In comparing the approved plans with the proposed he explained in detail the proposed amendments which reduced the overall footprint of the building by 1.8 square metres, included a reduction in the ridge height and overall length of the two cottages, removal of two dormer windows and relocation of chimneys. The alterations were due to internal reordering of the layout as a result of building regulation requirements and were considered to be minor material in nature. He also explained the differences in the external design of windows and brickwork.

The Planning Officer drew attention to the consultations received including an additional representation received from Dr Richardson, which had been sent to all members. In assessing the application the Planning Officer addressed the questions raised by the objectors particularly relating to procedures and assessed them against policy. He emphasised that the proposed revised design of the cottages would still be three-bedroomed, brick built with timber fenestration under a pitched hipped tile roof as had been approved by the Inspector. In conclusion the Planning Officer considered that the scheme represented a high standard of design which would preserve and enhance the Stalham Staithe Conservation Area, was of a scale, mass, height, design and external appearance appropriate to the setting, and being of a suitable distance with intervening screening from the neighbouring properties would not have an unacceptable impact on amenity. He therefore recommended approval subject to conditions.

The Historic Environment Manager, in support of the Planning Officer's assessment, explained that officers had discussed in detail the Committee's concerns relating to Arts and Craft design. He explained that the rationale behind the movement was to examine the local vernacular and reproduce this in a stylised way. It was a prevalent style in the wider Broads landscape for example in some of the Broads riverside chalets and How Hill House. There was no prevalent style within the Stalham Conservation Area but there were prevalent

materials used within it and these were reflected in this proposal and were therefore considered appropriate. The proposal was not as highly stylised as the previous plans and the amendments were considered to be minor.

Mrs Cullingham, objector explained that she had organised the petition against the original application, commented that there was considerable local opposition and expressed concern that the Authority would be setting a very bad precedent if it considered this as an amended application to the one approved by the Planning Inspector. She referred to the Committee's views on the original application and considered that the replaced design could hardly be called a cottage and was more like an Arts and Crafts design which the Committee had opposed. She considered that in the interests of democracy a new application should be submitted.

Mr Haslam, the applicant's agent in response considered that the Officer's report was comprehensive and gave a fair explanation of the minor changes. The applicant was seeking to make changes due to the issues that had arisen in drawing up the building contract and the need to make alterations in line with building regulations. The application had been submitted under the appropriate planning regulations and followed the correct procedures. In response to the concerns about being more visually prominent from private properties and the public view, he considered that it would be very difficult to see the building from Mill Lane and given the distance from the river, any other public place. He considered that the opposition to the application had been disproportionate.

Members gave careful consideration to the amendments proposed and were satisfied, having also received assurance from the Solicitor that these were "minor material" and the application was being considered under the appropriate section 73 of the Town and Country Planning Act 1990. Although they had refused the original application, they were mindful of the Planning Inspector's decision and the views of the Historic Environment Manager. In general they did not consider that the proposed amendments resulted in significant changes in size and therefore did not affect the amenity, which had been addressed by the Planning Inspector. In considering the extent that the cottages would be visible from other places, members noted that they would be 29 metres away from the nearest neighbouring properties and views would be substantially screened. There would be some form of protection, being in a Conservation Area. Although some members were not comfortable with the overall design, others considered that taking all matters into account, the overall scheme would be an enhancement.

Dr Johnson proposed, seconded by Mr Warner that the application be approved as set out.

It was RESOLVED by 8 votes to 0 with 2 abstentions.

that the application be approved subject to the conditions as outlined within the report. The proposed replacement dwellings are considered to be of a scale, mass, height, design and external appearance which is appropriate to the setting and the landscape character of the location and, it is not considered that the development would have any unacceptable impact on the amenity of any neighbouring occupier and, accordingly, the proposal is considered to satisfy the requirements of Policies DP4, DP5 and is in accordance with Policies DP24 and DP28 of the Development Management Policies DPD.(2011) and NPPF.

**(2) BA/2014/0127/HOUSEH 21 Riverside Estate, Brundall**

Alterations, extension and pitched roof to dwelling

Applicant: Miss L Dent

The Planning Assistant provided a detailed presentation of the proposal for extensions and alterations to an existing chalet sited to the rear of a larger than average plot in this location on the east of the River Yare at Brundall. She drew attention to the objections from the owner of the neighbouring chalet on the basis that the scale and siting of the extension would block sunlight to a window on the south elevation and provided photographs to illustrate the views from that property. In assessing the application, the Planning Assistant explained that the chalets within the vicinity were relatively densely grouped and did not generally enjoy a high degree of privacy. The existing veranda would be reduced in scale, would provide less space for seating than at present thus reducing overlooking. In addition not all the light would be blocked to the neighbouring property and it would still benefit from sunlight, particularly as there were windows to the same room in the west elevation.

In conclusion, the Planning Assistant considered that the proposed extensions would result in an improvement to the appearance of the chalet, would not result in overdevelopment of the plot and although there would be some loss of direct sunlight to the neighbouring chalet this was not considered to unacceptably impact on its amenity to justify a refusal. The application was recommended for approval subject to conditions.

Members gave careful consideration to the objection. However, they considered that the proposals would result in an overall improvement to the design of the chalet and concurred with the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the proposal is considered acceptable in accordance with Policies DP4 and DP28 of the adopted Development Management Policies (2011) and Policy CS1 of the adopted Core Strategy (2007). It

is also considered acceptable in accordance with Proposed Policy BRU1 of the Site Specific Policies (2014) and the National Planning Policy Framework (2012) which are material considerations in the determination of this application.

- (3) BA/2014/0114/COND Yarevue 18 Bungalow Lane Thorpe St Andrew** Variation of Condition 2 of pp 05/89/1626 to allow all year round holiday let  
Applicant: Mr Gary Burns

The Planning Officer provided a detailed presentation of the application to vary a condition on a holiday bungalow to allow all year round holiday let use. The application was before the Committee due to the objections received from the Town Council on the basis that the site was not suitable for permanent accommodation and would not be in line with the proposed site specific Policy TSA4 for Bungalow Lane. The restricted dates within the existing permission -“no overnight occupation between 4 January and 18 March were due to the unsuitability of the site and the need to avoid the main period of flooding.” However, it was recognised that flooding occurred at different times of the year nowadays.

The Planning Officer drew attention to the additional information received from the applicant that the adjacent two holiday chalets in Bungalow Lane, Edgewater and Kingfisher, both had all year round holiday lets and the applicant often received enquiries from prospective visitors including fishermen wishing to rent Yarevue before the fishing season finished and they had to be turned away. The Planning Officer explained that the Environment Agency had not objected to the application and that there were no highway objections.

In providing the assessment, the Planning Officer addressed the concerns of the objectors and clarified that it was not intended to permit permanent residential accommodation. In recommending approval it was proposed to impose an alternative condition to enable the property to be used as holiday accommodation only and that it shall not be occupied as a person’s sole or main place of residence. This would be monitored as part of the usual monitoring process. The house was on stilts and any approval would require flood warning notices to be in place. There was no reason in planning law to refuse the application.

Members gave careful consideration to the proposals and particularly to the objections received. They concurred with the officer’s assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the proposal is considered acceptable in accordance Development Management Policies DP3, DP11, DP15, DP28 and

DP29 and Core Strategy Policy CS20, insofar as they are consistent with the National Planning Policy Framework. The proposal is also considered acceptable in accordance with Policy TSA4 of the emerging Site Specific Policies DPD (2014) and the National Planning Policy Framework (2012) which are material considerations in the determination of this application).

- (4) **BA/2014/0098/JOINT Acle Service Station, New Road, Acle**  
Redevelopment of existing petrol filling station  
Applicant: BP(oil) UK Ltd

The Planning Assistant provided a detailed presentation on the application for the redevelopment of an existing petrol filling station. The boundary between the Broads Authority area and that of Broadland District Council bisected the site. However, at its meeting on 2 April 2014, Broadland District Council had delegated authority to determine the whole application to the Broads Authority. The proposals involved the replacement of the existing shop building with a larger one to be re-sited as well as a reduction in the number of pumps from 6 to 4 and a removal of the car wash. The proposals included the removal of the existing underground fuel tanks and replacement with two new double skinned tanks.

The Planning Assistant drew attention to the comments from the Parish Council particularly concerning their request for the applicant to pay for the continuation of the footpath along New Road to the service station in the interests of safety. She also pointed out that the Environment Agency had provided a holding objection requesting that details of tertiary containment should be provided and agreed, and that following receipt of these appropriate conditions be applied to provide remediation as well as advice on flood risk. Such details were now with the Environment Agency for consideration and these would need to be agreed prior to planning consent being issued.

The Planning Assistant concluded that the proposal represented an improvement to the visual appearance of the site and that it would not have an unacceptable impact on amenity, landscape, flood risk, ecology or water quality or the existing retail on offer in Acle. Having assessed the development in association not only with the Authority's policies but also against the relevant Broadland District Council policies it was considered to be acceptable. She therefore recommended that delegated approval be given to officers to determine the applications, subject to the Environment Agency being satisfied and that any subsequent appropriate conditions recommended by them be incorporated

Rebecca Gunn, the agent on behalf of the applicants explained that the proposals were for improvements to an existing garage and welcomed the Officer's recommendation for approval. She confirmed that the Environment Agency had now been provided with details of the tertiary

containment and their response was awaited. With regard to the footpath along New Road, although not part of the application, the applicant understood and appreciated the merits of a continuation. However, this was more complex as the ownership was outside that of BP(Oil)Ltd, with it being part highway as well as in the name of two private owners and therefore the process was unclear. The applicant could provide funds to Norfolk County Council as the Highways Authority. Further investigations were underway. Although wishing to assist with the footpath, it was considered that an insistence on this being in place prior to occupation could compromise the whole development. In response to a member's question Ms Gunn commented that her client could provide an indicative route for pedestrians within the forecourt although by its very nature this was an area where there was some degree of conflict between pedestrians and vehicles.

Members were generally supportive of the application subject to the conditions proposed by the Planning Assistant relating to tertiary contamination as well as tree protection to ensure sufficient screening. One member expressed concern that the substantial increase in retail space could impact on the shops and services of the village of Acle. However, it was considered that the majority of the customer base would be either passing trade associated with the petrol filling station or top-up shopping from housing development immediately adjacent and would be unlikely to compete to the detriment of existing retail facilities within Acle. They also considered that the continuation of the footpath outside the service station should be included and negotiations continue.

RESOLVED unanimously

That officers be given delegated authority to approve the application subject to the satisfactory resolution of tertiary containment as required by the Environment Agency and subject to conditions as outlined within the report with additional conditions relating to tree protection, a delimited pedestrian area within the service station and additional conditions proposed by the Environment Agency as considered necessary.

Subject to the above, the proposal is considered acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP11, DP28 and DP29 of the adopted Broads Authority Development Management Policies (2011), Policies CS1, CS7, CS16, CS18 and CS20 of the adopted Broads Authority Core Strategy (2007), Policies 1, 2, 5, 14, and 18 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and saved Policies GS1, GS3, ENV2, TRA8 TRA14 and CS12 of the Broadland District Local Plan (Replacement) (2006). The proposal is also considered acceptable in accordance with Broadland District Council's Parking Standards Supplementary Planning Document, the National Planning Policy Framework (2012) and



emerging Acle Neighbourhood Plan which are also material planning considerations in the determination of this application.

- (5) **BA/2013/0389/FUL Garages adjacent to Beech Road, Wroxham**  
Demolition of existing garages and erection of timber garage of similar design

Applicant: Mr and Mrs T Barrett

The Planning Assistant explained that the application was before Committee as the part of the land in question belonged to a member of the Authority's staff. She provided a detailed presentation of the proposal for the demolition of a dilapidated existing garage building and replacing this with a smaller single appropriately designed timber shiplap walled garage on a private stretch of Beech Road where there were river fronting dwellings to the north and wet woodland to the south around a network of dykes that lead off Wroxham Broad. The site would also be resurfaced to provide parking either side of the garage.

Having provided a full assessment, particularly considering the impact on the Conservation Area including the removal of the existing garages and the design of the replacement, amenity, flood risk, trees and ecology, the Planning Assistant recommended approval as it was considered that the proposal would make a positive contribution to the Conservation Area without having an adverse effect on amenity, the trees or ecology.

Members concurred with the officer's assessment considering that the proposal would result in a welcome improvement.

RESOLVED unanimously

That the application be approved subject to conditions as outlined within the report as the proposal is considered acceptable in accordance with Policies DP1, DP2, DP4, DP5, DP28 and DP29 of the adopted Development Management Policies (2011) and Policy CS1 of the adopted Core Strategy (2007). The proposal is also considered acceptable in accordance with the National Planning Policy Framework (2012) which is a material consideration in the determination of the application.

**12/9 Enforcement Item for Consideration: Site adjacent to Land at North End, Thurlton**

The Committee received a report on the unauthorised use of land for the storage of non-agricultural scrap and other items on Land at North End Thurlton which had been the subject of considerable history including an appeal, and subsequently two previous reports to Committee on 28 February and 28 March 2014. Members noted that there had been some progress towards compliance with some parts of the Enforcement Notice but progress was slow and there were still aspects that had not been completed. The report

set out potential options and their details should full compliance with the Enforcement Notice not be achieved. These included continuing negotiations, taking direct action or proceeding with prosecution. It was noted that although the ownership of the land was supposedly transferred, it was still registered with the previous owner and therefore any direct action/proceedings would also need to include the person with whom the land was registered.

Members considered that none of the options would be straight-forward or could guarantee success without costs. The costs needed to be balanced against the potential outcome. In addition when considering direct action the value of the land would also need to be taken into account as well as the likelihood of reclaiming the costs.

Members considered that there was most merit in pursuing prosecution procedures in the first instance.

RESOLVED unanimously

that officers in consultation with the solicitor be authorised to commence prosecution proceedings in respect of the site adjacent to Land at North End, Thurlton in order to seek compliance with the Enforcement Notices upheld on appeal on 21 January 2014.

### **12/13 Consultation Documents Update and Proposed Responses**

The Committee received a report setting out the proposed responses to planning policy consultations recently received from Broadland District Council on its:

Development Management Policies DPD and Site Specific Allocations and Policy Document DPD Proposed Submission.

RESOLVED

That the report be noted and the nature of the proposed responses be endorsed.

### **12/14 Enforcement Update**

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

RESOLVED

that the report be noted.

### **12/15 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.

RESOLVED

that the report be noted.

#### **12/16 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 10 April 2014 to 12 May 2014.

RESOLVED

that the report be noted.

#### **12/17 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications**

The Committee received a report setting out the development control statistics for the quarter ending 31 March 2014. Members commented that the figures were a little disappointing. This was due to deferrals for site visits, and the need to refer matters to both navigation and planning committees.

RESOLVED

that the report be noted.

#### **12/18 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 20 June 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The Chairman gave notice that neither he nor the Vice-Chairman would be available for the next meeting and therefore members would be required to nominate a temporary chairman for that meeting.

The Chairman thanked Mr Mike Haines and Mr Andrew Ashcroft for having attended the last three Planning Committee meetings on behalf of the Planning Advisory Service in order to review the Committee's proceedings. They would be providing a report to the Authority on their observations in due course.

The meeting concluded at 12.18 pm

CHAIRMAN

## Code of Conduct for Members

### Declaration of Interests

Committee: Planning Committee – 23 May 2014

<b>Name</b>  <i>Please Print</i>	Agenda/ Minute No(s)	<b>Nature of Interest</b> <b>(Please describe the nature of the interest)</b>
All Members	Items 12/8(1) and  12/8/(3)	Application BA/2014/0126/COND Utopia and Arcady lobbied by objectors to the application.  Application BA/2014/0114/COND Yarevue, 18 Bungalow Lane, Thorpe St Andrew Lobbied by applicant