

Broads Authority
Planning Committee

Minutes of the meeting held on 4 March 2016

Present:

Dr J M Gray – in the Chair

Miss S Blane	Mrs L Hempsall
Prof J Burgess	Mr G W Jermany
Mr N Dixon	Mr V Thomson
Ms G Harris	

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor and Monitoring Officer
Mr N Catherall – Planning Officer (Minute 98(3))
Ms M Hammond – Planning Officer (Minute 910 – 9/11)
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS) (Minute 9/8)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2015/0319/FUL Land at Pump Lane, West Caister

Mr Woolsey	Applicant
Mr A Gibbs	Agent on behalf of Applicant

BA/2015/0389/FUL Hill Common, Staithe Road, Hickling

Mr Simon Mann	Objector
Mr Plumb	For applicant – Exors of John Micklethwaite Mills

9/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. He also welcomed Sarah Wolstenholme-Smy from Nplaw as an observer.

Apologies were received from Mr M Barnard, Sir Peter Dixon, Mr P Rice, and Mr J Timewell.

9/2 Declarations of Interest

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

9/3 Minutes: 5 February 2016

The minutes of the meeting held on 5 February 2016 were agreed as a correct record and signed by the Chairman.

9/4 Points of Information Arising from the Minutes

Minute 7/8(1) BA/2015/0361/FUL Compartment 37 Upton Boat Dyke, Upton

The Head of Planning reported that she had attended the first meeting of the Upton Boat Dyke Liaison group, which consisted of representatives of the Parish Council, the Local Community Group and local businesses, in order to examine what could be done as part of the planning process to alleviate the concerns that have arisen from the application. This has resulted in a useful list of actions, mainly for the Head of Planning.

9/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

9/6 Chairman's Announcements and Introduction to Public Speaking

(1) 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.

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

(3) **Member Training** – The Chairman reminded the Committee that there would be training on Planning Enforcement following this meeting.

9/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications or vary the agenda had been received.

9/8 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/2015/0319/FUL Land at Pump Lane, West Caister**
New home meeting paragraph 55 standards, and associated additional buildings to support current and developing wood business
Applicant: Mr Darren Woolsey

The Planning Officer provided a detailed presentation of the application, which was for a new dwelling and storage buildings to support a wood business in a location outside any development boundary and in Flood Risk Zone 3. The site was in a fringe area between the marshes, Halvergate Conservation Area and the more urban area containing the County Council recycling centre, highways depot, coal yard and aggregate sales. The applicant's agent had provided a Model of the proposed development and 2 A1 Boards showing additional photographs.

The Planning Officer provided photographs of the site from various vantage points as well as a photomontage view of the site. A landscaping scheme had been submitted with the proposals. She explained that a Certificate of Lawful Use in 2011 had been granted for the use of an area in the northwest corner of the site for storage of horticultural machinery and equipment. There were several other small scale storage buildings on the site without the benefit of planning permission but these were said to be only temporary. In addition a small pond had been enlarged to create a lake with the excavated material being used to form bunds which had been planted.

The Planning Officer explained that since the writing of the report an updated business plan had been submitted but this did not change her assessment or affect the reasons (ii), (iii) and (iv) within the recommendation. She drew attention to the consultation responses and reported that since the report had been written, two more representations in support of the proposals had been received. However, these did not provide any new significant factors or affect the assessment.

In providing the assessment the Planning Officer particularly referred to Policy DP26 and paragraph 55 of the NPPF emphasising that the proposal was outside the development boundary. Although it was suggested that the business was growing and it was necessary for someone to live on the site to protect the machinery, no detailed evidence had been submitted to support this. The Planning Officer commented that it was important that any such development was required to satisfy all of the four main points of Paragraph 55 in order to justify outweighing the presumption against new isolated dwellings in the countryside. The design would not only need to be of high quality but exceptional – truly outstanding or innovative. Although well

designed and to a high standard it was not considered to be exceptional. In addition it was not considered that it would significantly enhance its setting and was not sensitive to the character of the local area or Broads generally. It was also considered that the proposal would not provide sustainability benefits that would outweigh the high flood risk to the site and therefore it could not pass the Exception Test for flood risk and was therefore contrary to those policies. Having provided a very detailed assessment, the Planning Officer concluded that the application be recommended for refusal as set out in the report.

Mr Andrew Gibbs, the applicant's agent explained that the proposal was about the man, the business and the land and the application demonstrated that there would be a definite improvement to the site. He emphasised that his client was truly committed to benefiting his growing business and wished to create a legacy for his family. He therefore needed to provide regularised buildings adequate to allow for machinery and which would have a symbiotic relationship with a dwelling. The proposed development would provide a sense of security and psychology to make the business sustainable and in which he could to invest to take the business to the next level. Mr Gibbs commented that an accountant's statement had been provided.

The Planning Officer confirmed that an accountant's letter had been provided, but this did not contain detailed figures on profits or dates.

The Historic Environment Manager commented that it was important to look at the NPPF holistically and the criteria examined thoroughly. There needed to be a very detailed level of justification for the design and this needed to be clear and robust when assessed against the policies. The need and viability had not been demonstrated. A full justification in terms of architecture with clear, critical and compelling evidence was required. Although the design was acceptable per se, when considering its significance in terms of the special area of the Broads, it did not meet the high standards required or significantly enhance the setting. It was considered that it was insular and inward looking and did not take advantage of the marshes. In fact it screened it from the Broads and therefore he could not see that it could be justified in terms of para 55 of the NPPF. He fully supported the Planning Officer's assessment and recommendation.

Members expressed some sympathy with the applicant and in general accepted that it was a high quality development and had much merit. However, the Broads had different standards from other local authorities, given its special qualities and equivalent National Park status. It was the Authority's duty to protect the landscape and enhance it. The proposal appeared to orientate towards and create a piece of urban fringe land and not relate to the Marshes. It was therefore considered it was not part of a semi-industrial landscape. Although it had been stated that there had been massive increases in

rural crime in farming nationally and Norfolk in particular, there was no evidence that there had been security problems on the site up to now. Members did not consider that there was sufficient justification for a person to be living on the site particularly in an otherwise unacceptable location and the design was not sufficiently outstanding or innovative to satisfy para 55 of the NPPF.

The Planning Officer explained that given the established use of the business, officers would be open to discussions of accommodating its needs and the other aspects of unauthorised development would be examined.

Lana Hemsall proposed, seconded by Nigel Dixon and it was

RESOLVED by 6 votes to 0 with 2 abstentions

that the application be refused on the grounds set out within the report, in that the application is considered to be contrary to Policies CS20 and CS24 of the adopted Core Strategy(2007) and Policies DP4, DP22, DP26 and DP29 of the Development Management Policies (2011) and contrary to paragraphs 55 and 102 of the NPPF.

(2) **BA/2015/0389/FUL Hill Common, Staithe Road, Hickling**

Repair and Improvement to Moorings

Applicant: Exors John Micklethwait Mills

The Planning Officer provided a detailed presentation of the proposal for repair work to an existing area of mooring including the replacement and recreation of up to three jetties and short walkway and associated reed bed protection at the northern end of Hickling Broad. The repairs were based on the historic footprint and would not go beyond the previous extent or encroach onto the Broad. The application was accompanied by Supporting Evidence for Appropriate Assessment prepared by the Ecology Consultancy as required by Natural England, which considered the potential impacts on the Broads SPA, SAC and Ramsar Site.

No objections had been received from the Parish Council, Broads Society or Natural England, subject to mitigation measures being included as conditions. However, some strong objections had been received from Mr Mann, the occupier of Timber Gales, Hill Common, which had been appended to the report for members' information.

Having assessed the application the Planning Officer concluded that the application was small scale and the proposal, effectively repairing and improving an area in jetty use, would not be out of keeping with the area and would be consistent with the aims of development plan policy. Officers were satisfied that the development would not affect the SSSI and conditions could be imposed on the timing of the works and monitoring of water quality to provide protection. Therefore it was

considered that the proposal was acceptable and could be supported subject to the imposition of planning conditions.

In answer to a Member's question, the Planning Officer confirmed that the applicant was satisfied that the works could be carried out within the standard time period of three years even with a restriction on when the works could be undertaken.

Mr Mann provided a copy of his detailed comments expressing concern about lack of clarity as to the number of moorings intended, nor the size and type of craft to use them; the access and the potential damage to the wider SSSI and visual landscape with the possible result of a sprawling marina. He was concerned about the effect on the Ramsar designated site and the disturbance to wildlife.

He was of the view that the moorings never truly existed and provided two photographs which he considered gave confirmation. He also contended that there had been erosion and not silting up. He contended that there were not proper details as to the likely adverse damage to the SSSI and the report failed to address the risks to the environment and damage to the internationally important site if approval was given. He was concerned that the works to dredge out sections to form moorings would add to the erosion problem and cited the cause of the loss of fish in 2015 as having been due to dredging. He also expressed concern that the land in the ownership of the Norfolk Wildlife Trust (NWT) would provide access to the site and it was not managed to the standard that should be required. He urged members to refuse the application. Mr Mann referred to an application having been lodged for the same site in 2015 as being in the name of an Authority member of staff.

It was clarified that an application had been submitted in April 2015 for this site but this had been from the same applicant ie: Exors of John Micklethwait Mills and had subsequently been withdrawn. The Authority itself had submitted applications in the area but for a different site on Hill Common, Hickling. These had been determined by the Planning Committee.

The Planning Officer confirmed that NWT had not been specifically invited to comment on the application as the views of Natural England, the statutory organisation for specially designated sites, had been sought. With regards to the claim that the moorings never existed, the Planning Officer considered that the photographs provided by Mr Mann reflected one point in time. From the evidence he had already examined, the photographs did not alter his view.

Mr Plumb the agent for the applicant confirmed that he was satisfied with the conditions to be imposed. Licenses for 3 moorings had existed since 1986 and there had been no changes.

Members gave careful consideration to the proposals and the concerns expressed. They were of the view that the proposed reed protection at the front of the jetties would be of environmental benefit and the proposed repairs to the jetties would improve the mooring and restore the edges. Members were content with the comments from Natural England given their requirements for and acknowledgement of the sensitivities of the site. With regards to Mr Mann's comments regarding precedent, they insisted that each application would need to be judged on its merits and they had no reason to object to this application.

It was considered that in order to protect against the moorings being used for commercial purposes, an additional condition be imposed requiring that no more than three private boats be moored at the site at any one time. They also requested an Informative requiring no lights to be included on the jetties.

Jacquie Burgess proposed, seconded by Lana Hemsall and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report with an additional condition for there to be no more than three private boats being moored at any one time and an Informative regarding no lights to be incorporated into the jetty(s). The proposal is considered to be consistent with and in accordance with Policies CS1, CS2, CS4 and CS15 of the adopted Core Strategy (2007) and Policies DP1, DP2 and DP4 of the adopted Development Management Policies (2011).

- (3) **BA/2015/0342/HOUSEH Ennerdale II, Beech Road, Wroxham**
Replacement boatdock, reinstatement works, and new quay heading
Applicant: Mr and Mrs Chopra

The Planning Officer provided a detailed presentation of the application for a replacement boatdock and new quay heading in order to provide access from the applicant's property. This was on the basis that as new owners the applicants did not have right of access across the existing adjacent boat dyke. The existing redundant boat dock would be infilled and a replacement one provided in the area opposite the chalet within the woodland. A boathouse would be constructed over this. The boatdock would then be accessed via an existing dyke leading directly to Wroxham Broad.

The Planning Officer referred to the consultations received citing an objection from the Ecologist relating to concerns over potential loss of peat soils and Biodiversity habitat. The Planning Officer explained that the scale of the area to be excavated was minimal and therefore any impact on the BAP habitat would be limited. The dredgings from the new dock would be used to infill the unviable boatdock and therefore there would not be a net loss. It was considered that the habitat was

already moderately domesticated and outright protection would be difficult to justify on a habitat basis alone. The Planning Officer concluded that there would not be an unacceptable impact on the landscape character, protected habitats and navigation and therefore recommended the proposal for approval.

Having sought clarification on the scale of the proposal, Members concurred with the Officer's assessment. Mr Jermay proposed that the new boatdock be limited to private use in association with Ennerdale II. This was not seconded. Other members were satisfied that the new boatdock was for private use in association with a private property.

The Chairman proposed to accept the officer's recommendation, seconded by Jacquie Burgess and it was

RESOLVED by 7 votes to 1 against

that the application be approved subject to conditions as outlined within the report as the proposal is considered to be in accordance with Policies CS1, CS2, CS3, and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP4, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

9/9 Enforcement Update

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

Thorpe Island

It was noted that the Injunction papers had been served on Mr Wood on 2 March 2016 and the Hearing in the High Court would be on 11 March 2016.

Ferry Inn Horning

A date for a meeting had been arranged and no Enforcement Notice had been issued.

Staithe n Willow Unauthorised erection of fencing

An Appeal against the Enforcement Notice had been submitted on the grounds that there was no breach of planning control.

Grey's Ices and Confectionary, Norwich Road, Hoveton

Partial compliance had been achieved as the canopies had been removed and the fascias were now flush with the building walls. The site was to be inspected and a report brought back to the next meeting.

Hall Common Farm, Ludham

Unauthorised installation of metal roller shutter door: An application for a lattice work door had been submitted on 4 March 2016.

RESOLVED

that the report be noted.

9/10 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 October 2015. It was noted that the Appeal on **BA/2015/0003/REF Silverdawn, Horning** had been upheld and therefore lost to the Authority but the application for Award for Costs refused.

In addition the Appeal relating to BA/2015/0004/REF **River Barn Church Lane Surlingham** had been allowed. This was as a result of additional information being provided which had not been provided when the application was first submitted.

RESOLVED

that the report be noted.

9/11 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 23 January to 19 February 2016.

RESOLVED

that the report be noted.

9/12 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 1 April 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

9/13 Farewell to the Chairman: Dr J Murray Gray

The Director of Planning and Resources presented Murray with a picture of Hardley Mill as a token of appreciation from Members of the Committee and the planning staff. She thanked him for his wise counsel and support and commented that he was very widely and highly regarded by the team and other officers as well as officers from other organisations. He would be greatly missed.

Murray thanked everyone for the kind words. He commented that having been on the Authority for a total of 12 years he had had two lives; firstly as a South

Norfolk appointee for 4 years and then as a Secretary of State appointee for 8 years. He had been Chairman of the Planning Committee for 7 years in total. He considered that it had been a tremendous honour and privilege to have been part of the Authority with some particularly enjoyable moments as well as some less so. The Authority had a fantastic team. He thanked Members for their support and wished them well for the future with some difficult cases to take forward.

The meeting concluded at 12.40 pm.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 4 March 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Gail Harris	9/8(1) Land at Pump Lane	The architect used to be a neighbor. I do not consider it necessary to leave the meeting and will take part in the vote
George Jermany	General	Toll Payer
Murray Gray	9/8(1) Land at Pump Lane - Lake	Academic critic of bunding in flat landscapes - Other interes
Jacquie Burgess		Toll Payer