

Broads Authority

Planning Committee

Minutes of the meeting held on 8 January 2010

Present:

Dr J M Gray– in the Chair

Mr A Duce

Mr A S Mallett

Mr N Dixon

Mr J Sharpe

Dr J S Johnson

In Attendance:

Mrs S A Beckett – Administrative Officer

Mr J Clements – Planning Policy Officer

Mr J Coles – Planning Officer (Compliance and Implementation)

Mr J James – Planning Officer (Compliance and Implementation)

Mr S Hayden – Arboricultural Consultant

Mr B Hogg – Head of Cultural Heritage and Design

Mr K R Hounsome – Solicitor and Monitoring Officer

Ms A Long – Director of Planning and Strategy

Ms C Smith – Head of Development and Regeneration

Members of the public in attendance who spoke:

BA/2009/0314/FUL Riverscourt, Church Lane, Surlingham

Mr M Webster Applicant

Mr G Mitchell Objector

4/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting and introduced members.

Apologies for absence were received from Mr M C Broom, Mrs S Blane, Mrs J Broceik-Coulton, Mrs E A Burrows, Mr S Dorrington, Mr C Gould, Mr G W Jermany and Mrs C Sheridan.

4/2 Declarations of Interest

Members expressed declarations of interest as set out in Appendix 1 to these minutes.

4/3 Minutes

The minutes of the meeting held on 4 December 2009 were confirmed as a correct record and signed by the Chairman subject to the inclusion of Dr J S Johnson having been present.

4/4 Points of Information arising from the Minutes

There were no points of information arising from the Minutes to report.

4/5 To note whether any items have been proposed as matters of urgent business

No items of urgent business were proposed.

4/6 Chairman's Announcements and Introduction to Public Speaking

(1) The Chairman gave notice of the Fire Regulations.

(2) East of England Plan > 2031 Preferred Option Seminar on 26 January 2010

The Chairman informed members that a seminar to consider the East of England Plan > 2031 Preferred Options was to be held at Fitzwilliam College, University of Cambridge on 26 January 2010. Both he and John Sharpe would be attending in association with their other interests and would be happy to also represent the Authority and report back.

(3) Parish Forum – Drop in/Pop in Sessions

The Chairman reported that the third of the Parish Drop-In sessions will be held in Martham Methodist Hall on 27 January 2010 between 2.00pm and 7.00pm.

(4) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for Members and Officers. 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.

4/7 Requests to Defer Applications Included in this Agenda

It was noted that no formal requests for deferrals of items had been received, although one application had been withdrawn.

4/8 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 in Appendix 2 to these minutes on the blue pages. 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/2009/0302/FUL Mere House, Broadview Road, Oulton Broad**
To reroof existing dwelling; carry out minor repair work and extend existing second floor bedroom within roof void and incorporate gable façade with small balcony
Applicant: Mr Steve Howlett

The Authority had received notice that the application had been **withdrawn** by the applicant.

- (2) **BA/2009/0314/FUL Riverscourt, Church Lane, Surlingham**
Amendments to approved scheme for extension to dwelling, erection of new boathouse, greenhouse to replace garage and changes to access driveway
Applicant: Mr W Webster

The Head of Development and Regeneration gave a description of the scheme particularly explaining the differences between the approved Plan (BA/2008/0221/FUL) drawing 1073.1F which had been considered at Committee in 2008, and the proposed changes in the current scheme 1073.1N. The extension to the house and the new single storey boathouse was being built in accordance with the approved scheme and with an excellent quality of craftsmanship which was to be welcomed. It was clarified that the main changes related to the quayheading adjacent to the old boathouse and by the slipway, the boathouse, the enlargement of the greenhouse, the garden terracing and lighting and the accesses both vehicular and pedestrian. It was noted that there was a dispute over the extent of the applicant's right of access on the unmade road to the property which was in private ownership of a third party. This was not a planning matter.

Since writing the report further consultations had been received. The Parish Council had commented on the level of lighting proposed as part of the landscaping scheme as being excessive. Two further letters of objection from a third party had been received expressing concern that the timber gate will be used to create a circular access for the site and that the scheme would be highly intrusive from the river. There was also concern that vehicles would damage the verge as part of the shared access. There was also concern that the proposals could lead to a subdivision of the property in the future and that a planning obligation not to do so should be entered into. A further letter of objection from the same party was received on 6 January reiterating similar concerns and suggesting that the application represented an element of "scheme creep" and that there was the intention to have a circular driveway which could serve a mini estate in the future.

In assessing the application, the Head of Development and Regeneration explained that the proposed revisions to the quayheading, boathouse, green house and garden terracing were not significant as to warrant raising an objection. The main issues concerned the access and lighting. It was understood that the proposed amended access further up the track was as a consequence of the disputed right of way, in order to gain sufficient turning space for large vehicles. This had necessitated a raising of the level of land and affected some of the trees. However, the Authority's arboricultural consultant was satisfied that a condition could be imposed to address this and therefore there was no reason for refusal on these grounds. As part of the landscaping scheme the applicant had submitted a lighting scheme. Given that the application site was in such a prominent location, excessive illumination was considered inappropriate and therefore officers would negotiate with the applicant to achieve a more acceptable scheme. It was therefore recommended that officers be given delegated powers to approve the application subject to conditions and satisfactory negotiation on a more appropriate lighting scheme.

Mr Mitchell was given the opportunity to address the Committee commenting on the prominence of the property in this sensitive location and explaining his two primary concerns. These related to the size and the scale of the property, the urbanisation of the site and the concern that, with the extra track, there could be a subdivision of the site into three or four units which would be contrary to Broads Local Plan Policy H11. He also expressed concern over the proposed extensive lighting particularly so close to important designated sites. He was therefore concerned that the environmental organisations should be consulted.

Mr Webster, the applicant, was also given the opportunity to address the Committee. He explained that the property had been under threat of litigation with regard to the access for a number of years. He had submitted a revised Design and Access Statement showing all access rights as well as further title deeds. He explained that, in view of the restrictions placed on the access previously approved, he had made amendments. No trees had been taken out to accommodate the new access. He explained that, with reference to the gate on the west side, there was clear vehicle access for machines etc and overflow parking when social events were held. In constructing the property, great care had been taken to incorporate the extension into the style of the existing dwelling, using specially crafted materials where possible in order to achieve a high quality finish. This had been very well received.

With regards to the lighting, he explained that the scheme had been designed for security purposes as well as to display specific plants and provide lighting for social events. It would not all be in use at the same time. He would be happy to discuss this further with officers.

Members were appreciative of the quality of workmanship on the property and recognised that this aspect had already received

permission and was constructed. Some members were concerned about the intensification of the use of the site. It was clarified that, with regard to the extension, this was not an annexe but was integral to the property. Any question of subdivision of the property would require a separate application.

With regard to the access it was clarified that the access had always existed on the western side of the property and had established use. It had been included in the plans so that the applicant could maintain this right.

Members were concerned about the level of lighting particularly in this sensitive prominent location, and considered whether the application should be deferred to a subsequent meeting to allow an appropriate scheme to be negotiated. Members were satisfied with the other aspects of the application. It was noted that the application was for the whole scheme and the only issue of concern was the lighting.

It was proposed and duly seconded that the application be deferred pending detailed information and negotiations on the lighting scheme. This was lost on the Chairman's casting vote. The recommendation to delegate authority to officers to approve the application was then considered and it was

RESOLVED unanimously

that delegated authority be given to officers to approve the application subject to satisfactory negotiations with officers on the level of lighting in accordance with the wishes and concerns of the members that this should be reduced, and to conditions as set out in the schedule at Appendix 2 to these minutes. The proposal is considered to be in accordance with adopted Broads Local Plan saved Policies H11 and B11 and adopted core Strategy Policy CS5.

4/9 Enforcement of Planning Control:

(1) Unauthorised installation of Static Caravans at Richardsons (Pleasure Craft) Ltd, Stalham

The Committee received a report concerning the unauthorised installation of four static caravans on land at Richardsons (Pleasure Craft) Ltd, Stalham. Following refusal of planning permission for a retrospective application for eight static caravans and a subsequent dismissal on appeal, four of the caravans had been removed in November 2009. Since writing the report, one of the four remaining caravans had been moved to another part of the site.

The Planning Officer (Compliance and Implementation) explained that throughout the two years since the existence of the caravans had come to light, efforts had been made to achieve a satisfactory resolution

through negotiation and the landowner had had the benefit of two holiday seasons. It was still hoped to achieve compliance. However, should this not be possible, authority was sought to take enforcement action and prosecution if appropriate and subject to legal advice should removal of the caravans not be achieved by negotiation.

RESOLVED

- (i) that authority be given to serve an Enforcement Notice requiring the removal of all static caravans from the site and that a compliance period be given of three months from the date the Notice takes effect; and
 - (ii) that authority be given to commence prosecution proceedings should the Enforcement Notice not be complied with.
- (2) **Unauthorised Mooring of Vessel, South side of Thorpe Island, Thorpe St Andrew, Norwich**

Mr Mallett, having declared an interest in the site, left the room for this item.

The Committee received a report concerning the unauthorised mooring of vessel 610R on the south side of Thorpe Island, Thorpe St Andrew, Norwich.

Since writing the report, officers had been able to establish the new ownership of the vessel but had not yet made direct contact. (The vessel did not have a current Boat Safety Certificate nor was it tolled and the Authority's Waterways Team was pursuing these offences).

The mooring of a vessel in this location was unlikely to receive planning permission as the proposal would be contrary to saved Policies TR2 and TSA2 in the adopted Broad Local Plan (1997) as it was visually intrusive, had a significant adverse effect on the character and appearance of the area and was a hazard to navigation.

Authority was sought to take enforcement action to secure the removal of the vessel and subsequent prosecution should this be necessary if compliance could not be achieved by negotiation, as well as to take direct action if required. It was noted that there could be cost implications.

RESOLVED

- (i) that authority be given to officers to serve an Enforcement Notice on the owner of the vessel requiring its removal and that a compliance period of 21 days be given from the date the Notice takes effect; and

- (ii) that authority be given for direct action to be taken if the owner does not comply with the Notice and to prosecute and claim costs.

4/10 Heritage Asset Review Working Group: Terms of Reference and Constitution

Further to Minute 3/12, relating to the Historic Buildings and Conservation Area Review, the Committee received a report on the proposal for a Heritage Asset Review Working Group and its terms of reference and constitution.

It was proposed that the membership should be a maximum of five drawn from within the Planning Committee and its terms of reference and delegated powers linked into the development control policies and existing scheme of delegation.

RESOLVED

- (i) that a Heritage Asset Review Working Group be established as set out in the report with the role of advising officers on the protection of the historic environment of the Broads and its heritage assets, particularly those at risk and specific cultural heritage issues;
- (ii) that the terms of reference of the group be as set out in the report and that the group meet quarterly or as business requires and reports to the Broads Authority Planning Committee. (The meetings of the group to take place following the Planning Committee meetings);
- (iii) that the working group be made up of five members of the Planning Committee consisting of the Chairman and Vice-Chairman, the Broads Authority Heritage Champion (at present Candy Sheridan, Murray Gray and Stephen Johnson) and two further members to be invited; and
- (iv) that the working group (its role, function and purpose) be reviewed after two years (2012).

4/11 Consultations Update and Proposed Responses

The Committee received a report together with a schedule of consultation documents received by the Authority since the last Planning Committee meeting in December 2009 together with the nature of the response made or proposed. In particular members noted the receipt of consultation papers from:

- The Department of Energy and Climate Change on National Policy Statements for Energy Infrastructure;
- The Department for Communities and Local Government on Guidance for Local Authorities on incentivising landowners to bring forward additional land for affordable housing on rural exception sites;
- Norwich City Council on its Site Allocations Plan; and

- The Department for Communities and Local Government on the National Policy Statement for Ports.

With reference to the latter, an email had been received from a member raising a number of points in relation to the Port of Great Yarmouth and the Broads and the extent to which the Policy Statement could affect the Broads.

The Planning Policy Officer explained that the type of development in relation to this policy statement was determined by the Planning Act 2008 and as far as he could determine recent and likely developments at the Port of Great Yarmouth would not fall with the criteria of “nationally significant infrastructure” to which the Statement related. He explained that the English National Parks Authorities Association, of which the Authority was a part was intending to provide a corporate response. It was considered that it would be appropriate for many of the points raised to be related to the “Waterways for the Future” consultation.

RESOLVED

that the report and the nature of response proposed or made be endorsed.

4/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 23 November 2009 to 21 December 2009.

RESOLVED

that the report be noted.

4/13 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since June 2009 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

4/14 Decisions on Appeals to the Secretary of State: Mr and Mrs Scott, Site at Dilham Moorings, Off the Street, Dilham

The Committee received a report on the decision made by the Secretary of State on appeals against an Enforcement Notice issued by the Authority concerning breaches of planning control. These concerned the construction of concrete terracing walls, laying of paving slabs, creation of steps, and the construction of a gravelled parking area on land at Plot 2, Tylers Dyke, Dilham Moorings, Dilham.

The Inspector allowed the appeals in part and dismissed them in part. Planning permission was granted for two concrete terracing walls and steps subject to a condition requiring a scheme for timber cladding to be agreed by the Authority. The Inspector dismissed the appeals in relation to the parking area and extension of paving slabs and upheld the Enforcement Notice subject to variations. The period for compliance was six months from the date of the decision on 20 November 2009.

Members expressed concern that the Planning Inspector was able to make such a split decision whereas this was not open to the Local Planning Authority.

The Head of Development and Regeneration confirmed that if the landowners had been prepared to amend their application in accordance with the officers' request, the outcome would have been similar to the decision made by the Inspector. The Director of Planning and Strategy reported that there was to be a meeting of the National Park Authorities Planning Officers on the 2 February 2010 with a representative from the Planning Inspectorate and such matters could be raised at this meeting.

RESOLVED

that the report be noted.

4/15 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. The Director of Planning and Strategy further reported on:

North End at Thurlton

The mediation on this case as part of The Royal Town Planning Institute (RTPI) and Planning Inspectorate pilot project being funded by the Department for Communities and Local Government (CLG) had taken place on 7 January 2010. An agreement had been reached.

4/16 Date of Next Meeting

It was noted that the next meeting of the Planning Committee would be held on Friday 5 February 2010 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich NR3 1UB.

The meeting concluded at 11.52 am

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 8 January 2010

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest √
N Dixon	General	Norfolk County Councillor General	
A S Mallett	General 4/8(1) 4/9(2) 4/15	Member appointed by Broadland District Council Toll Payer Objector to Application 8(ii) known to me but personal interest. Member of Norwich Frostbite Sailing Club	√ √
J M Gray	4/15	Member of South Norfolk Council and GNDP	

APPENDIX 2

Decisions on Planning Applications considered by the Planning Committee on 8 January 2010

District / Ref No / Parish	Situation	Applicant	Proposal
BA/2009/0302/FUL Mere House, Broadview Road, Oulton Broad Lowestoft	Mere House, Broadview Road	Mr Steve Howlett	Extend existing second floor bedroom within roof void and incorporate gable façade with small balcony.
Application WITHDRAWN by the applicant			

District / Ref No / Parish	Situation	Applicant	Proposal
BA/2009/0314/FUL Surlingham	Riverscourt, Church Lane	Mr W Webster	Amendments to approved scheme for extension to dwelling, erection of new boathouse, greenhouse to replace garage and changes to access driveway.

Decision unanimous

That delegated authority be given to officers to approve the application subject to conditions covering:

- arboricultural management plan;
- landscaping plan for the rear of the site; and
- satisfactory negotiations with officers on the level of lighting in accordance with the wishes and concerns of the members that this should be reduced.

Reason for Decision

The proposal is considered to be an appropriate form of development and of satisfactory scale, mass, form, design and materials taking into account the location and context. It is considered to be in accordance with adopted Broads Local Plan saved Policies H11 and B11 and adopted core Strategy Policy CS5.