

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 8 October 2010

#### **Present:**

Mrs S Blane	Dr J S Johnson
Mrs J Brociek-Coulton	Mr G W Jermany
Mr M C Broom	Mr A S Mallett
Dr J M Gray	Mr J Sharpe
Mr C Gould	Mrs C Sheridan

#### **In Attendance:**

Mrs S A Beckett – Administrative Officer  
Mr S Bell – for the Solicitor  
Mr F Bootman – Planning Officer  
Mr B Hogg – Head of Cultural Heritage and Design  
Ms A Long – Director of Planning and Strategy  
Mr A Presslee – Planning Policy Officer  
Ms C Smith – Head of Development and Regeneration  
Miss K Wood – Planning Assistant

Members of the public in attendance who spoke:

BA/2010/0241/FUL- Rear of Anchor Cottage, 20 Anchor Street, Coltishall  
Mr Sharman - Agent on behalf of Applicant

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

The Director of Planning and Strategy welcomed everyone to the meeting. Members and officers introduced themselves.

Apologies for absence were received from Mr S Dorrington, Mr N Dixon and Mr A Duce.

#### **1/2 Appointment of Chairman for 2010/11**

The Director of Planning and Strategy invited nominations for the Chairman of the Committee. It was proposed and duly seconded that Mrs Sheridan be appointed as Chairman.

RESOLVED

that Mrs Sheridan be appointed as Chairman of the Planning Committee for the forthcoming year.

Mrs Sheridan in the Chair

### **1/3 Appointment of Vice-Chairman 2010/11**

It was proposed and duly seconded that Dr Gray be appointed as Vice-Chairman.

RESOLVED

that Dr Gray be appointed as Vice-Chairman of the Planning Committee for the forthcoming year.

### **1/4 Declarations of Interest**

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

### **1/5 Minutes**

The minutes of the meeting held on 10 September 2010 were confirmed as a correct record and signed by the Chairman.

### **1/6 Points of Information arising from the Minutes**

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

### **1/7 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

### **1/8 Chairman's Announcements and Introduction to Public Speaking**

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

#### **(2) Parish Forum – 29 September 2010**

The Chairman informed the Committee that she had chaired the Parish Forum that took place on Wednesday 29 September 2010 at Dragonfly House in the evening. The theme had been flood defence and development in the flood plain with a presentation by Paul Mitchelmore from the Environment Agency and Cally Smith on PPS 25. This had been well received by the 30 parish council representatives from 18 parishes in attendance. The Authority was receiving excellent feedback from the parishes who welcomed the increased engagement and contact with the Authority. The next Parish Forum would be in April 2011.

#### **(3) Members Workshop**

The Chairman reminded members that the Members Workshop to consider implications of and options following the Government Spending Review was to be held on Tuesday 26 October 2010 at 1.00pm at the Norfolk Snowsports Club, Whitlingham Lane, Trowse.

(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.

**1/9 Requests to Defer Applications Included in this Agenda**

It was noted that no formal requests for deferrals of items had been received, although applications BA/2010/0285FUL and BA/2010/0286/CON 25 relating to Northgate, Beccles had been withdrawn by the applicant who wished to amend plans in order to address concerns from the neighbours.

**1/10 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/2010/0285/FUL and BA/2010/0286/CON 25 Northgate, Beccles**  
Demolition of outbuilding and erection of new boathouse/summerhouse  
Applicant: Mr Hugh Taylor

Application withdrawn at the request of the applicant.

- (2) **BA/2010/0241/FUL Rear of Anchor Cottage, 20 Anchor Street Coltishall**

Replacement of 321 metres of quay heading  
Applicant: Mrs Frances Howard

The Planning Assistant explained that the proposal was for the replacement of 276 metres of dilapidated quayheading along the river bank on the River Bure at Coltishall, currently used for commercial moorings, as well as a further 45 metres in the adjacent dyke. The application fell within the Coltishall Conservation Area. She explained the history of the site, particularly in relation to the dyke where it had been dredged and steel piling removed in 2008 thus widening the dyke. However, planning permission had not been sought at that stage for those works and the Committee, having received a report outlining the enforcement issues, considered that it would not be appropriate or expedient to take action.

Since the report was written, there had been further correspondence with the Parish Council stating that they were only in favour of the replacement quay heading on the river frontage. By implication they did not support the quay heading within the dyke, although this was not clear from their response.

In conclusion, the Planning Assistant considered that the replacement of the 276m of existing quay heading along the riverfront was acceptable, since the quay heading was dilapidated and its replacement would visually enhance the site and therefore could be welcomed. However, the introduction of a hard engineering treatment in the dyke, the remaining 45 metres, which had developed a more natural profile and appearance, was not considered to preserve and/or enhance the character and appearance of the Conservation Area and could not be supported. The applicant had not demonstrated that this was 'replacement' quay heading and, in addition, the impact on protected species has not been adequately addressed.

Mr Sharman, on behalf of the applicant, was given the opportunity to address the Committee. He explained that the application site was at the back of the applicant's home and the moorings were part of the applicant's business. The moorings were used partially by casual visitors and partly by private owners on an annual basis. The aim of the application was to provide safe moorings, since if left in their current state, they would become dangerous. He considered that there was no reason for refusal of planning permission since the application was for replacement quay heading. Ever since the quay heading had been removed within the dyke, the applicants had intended to replace it with the same materials as that on the river frontage. He explained that the quayheading in the dyke had been removed due to flood defence works. He stated that all the necessary documentation required had been submitted. He urged the Committee to approve the application in its entirety and, if not in total, at least for the 276 metres on the river frontage.

Members gave the matter careful consideration. In general, members considered that the 276 metres of replacement quay heading on the river bank was acceptable and in accordance with policy. They had no objections to the applicant improving his business and providing additional moorings, particularly in such an attractive area with good visitor facilities. However, the provision of quay heading within the dyke raised other issues. Members noted that due to the length of time between the removal of quay heading in the dyke and this current application, as well as the dyke having been widened, the 45 metre section was not considered to be "replacement". However, having considered officers' advice it was considered that it would not be appropriate to provide a split decision on the application.

It was considered that provision of a Protective Species Survey should be provided due to the dilapidated state of the river front quay heading. It was noted that this would then highlight appropriate mitigation

measures to be introduced and be carried out to enable permission to be granted.

Members accepted the concerns about the dyke. However, this was an attractive area and some members considered part of a managed landscape. On balance some members considered that the policy could be interpreted in favour of the additional 45 metre stretch of dyke. Other members considered that the works that had been carried out in 2008 and the natural landscaping, did not equate it to be considered in the same way as the river frontage stretch of quay heading and therefore the application in its entirety should be refused.

Mr Broom proposed, seconded by Mr Gould, that the application be approved subject to appropriate conditions including a Protective Species Survey.

Mr Sharpe proposed, seconded by Mrs Blane, that the officer's recommendation be accepted and the application to refused in its entirety.

On being put to the vote, the first proposal was accepted by 5 votes to 4 and the second motion to support the officer's recommendation was lost by 4 votes to 5.

RESOLVED by 5 votes to 4

that the application be delegated to officers to approve subject to appropriate conditions including a Protective Species Survey as on balance it was considered to be in accordance with Policies CS1 of the Core Strategy and saved Policies C8, B9 and B11 of the Broads Local Plan as well National Policy Guidance on Biodiversity and Geological Conservation (PPS9).

#### **1/11 Consultation on Planning Applications in Norwich: Alterations and Extensions to provide a 150 – 200 bed Backpacker Hostel on King Street, Norwich**

The Committee received a report relating to an application to be determined by Norwich City Council in respect of a site in King Street, Norwich. The proposal was for change of use and alterations and extensions to the old Ferry Boat Inn and its site to provide a 150 – 200 bed backpacker hostel with a BREEAM (Building Research Establishment Environmental Assessment Method) excellent accreditation. Members concentrated on those matters which related to the impact on the Broads area, namely the impact on landscape, the tourism network and access issues.

The application was welcomed as it was considered to be an imaginative scheme that would provide a significant boost to tourism in the area and overall would be beneficial to the economy of both the city and the Broads. Some members had concerns about the scale of the warehouse aspect of the proposal whilst others considered that this would be in keeping with the surrounding development. There was concern about the loss of trees and it

was suggested that, if this could not be avoided, appropriate mitigation measures be sought. It was also considered vitally important that incorporation of access along the river bank would provide a valuable asset, by permitting an extension to the Norwich Riverside Walk and an opportunity which should not be missed.

Members endorsed the comments contained in the report and particularly those contained in the conclusions, subject to the strengthening of comments in relation to the access

RESOLVED

that Norwich City Council be advised that the Broads Authority recommends approval of this application, subject to strengthened comments regarding the access and the potential loss of a vital opportunity for a riverside walk and comments regarding loss of trees.

## **1/12 Consultation Documents: Update and Proposed Responses**

The Committee received a report together with a schedule of consultation documents received by the Authority since the previous Planning Committee meeting in August 2010 together with the nature of the response made or proposed. This related to:

Broadland District Council's Sustainability Development Management Policies DPD.

RESOLVED

that the report be noted and the nature of the proposed response be endorsed.

## **1/13 Enforcement Items for Consideration**

### **(1) Sotshole Cottage, School Lane, Woodbastwick**

The Committee received a report relating to unauthorised development of a conservatory on a listed building at Sotshole Cottage, School Lane, Woodbastwick. This had come to the attention of the Authority as a result of the review of listed buildings within the Authority's area when the planning service was taken in-house and following an advertisement for sale. It was noted that the unauthorised works had taken place under the previous owner. It was considered that some of the works, such as replacement windows and tanking to control dampness, were not so significant as to warrant it being expedient to take enforcement action. The new owners of the cottage had sought advice from the Authority in May for a suitable replacement design, but as yet no planning application had been submitted.

Members considered that, as it was at present, the conservatory was inappropriate and out of keeping and not in proportion with the listed

building and therefore contrary to Core Strategy Policy CS5 and Broads Local Plan saved Policy B2.

RESOLVED unanimously

- (i) that it is expedient for an Enforcement Notice to be served requiring the removal of the conservatory from the building and that a compliance period of two months be given from the date that the Notice takes effect; and
- (ii) that prosecution be instigated should there be non-compliance with the Enforcement Notice.

(2) **Wayford Mill, Smallburgh**

The Committee received a report relating to unauthorised works to the interior of the structure of Wayford Mill and its use as a separate unit of accommodation. They noted the history of the site, the terms of the Section 106 Agreement when planning permission had been granted for the development of the house in conjunction with the restoration of the mill, the previous prosecutions as well as the appeal that had been dismissed, and other breaches of planning control. It was noted that the property was still being advertised as holiday accommodation on the internet on one site, whilst another had been removed. Members also noted the inadequate quality of that accommodation and the safety questions it raised.

RESOLVED unanimously

- (i) that it is expedient for an Enforcement Notice to be served requiring that the unauthorised works to the mill be removed and that its use as a separate unit of accommodation ceases. A compliance period from the date that the Notice takes effect of one month be given to cease the unauthorised separate use and three months for the removal of the unauthorised works;
- (ii) that, given the inadequacies of the residential accommodation, should the use as residential accommodation not cease within the prescribed period, a Stop Notice or an injunction, whichever is the most appropriate course to be agreed in consultation with the Solicitor, be served;
- (iii) that authority is given for prosecution if compliance is not achieved and to claim costs; and
- (iv) that the landowner be advised that the Authority intends to invoke the requirements of the extant Section 106 Agreement to achieve the restoration of the windpump.

## **1/14 Enforcement Update**

The Committee received an updated report on enforcement matters already referred to Committee. The Head of Development and Regeneration further reported on:

- (1) **Land adj Windmill Cottage, Haddiscoe, Unauthorised caravan**  
The works had ceased and the land cleared. Therefore compliance had been achieved and the case was closed.
  
- (2) **Broome Marshes: Land off the A143 in The Waveney Valley Untidy land. Unauthorised use of land for buildings and storage of old vehicles and other materials**  
At the Hearing on 7 October 2010, the landowners had pleaded guilty and received a conditional discharge. The site had been cleared and therefore compliance had been achieved. Therefore the case was closed.

RESOLVED

that the report be noted.

## **1/15 Appeals to the Secretary of State: Update**

The Committee received a table showing the position regarding appeals against the Authority since May 2010 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

## **1/16 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 26 August 2010 up to 27 September 2010.

RESOLVED

that the report be noted.

## **1/17 Date of Next Meeting**

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

The meeting concluded at 12.10 pm

CHAIRMAN

## Code of Conduct for Members

## Declaration of Interests

Committee: Planning Committee

Date: 8 October 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 √
A S Mallett	General 1/5	Regurgitation of previous interests declared	√
	1/10	Application BA/2010/0241/FUL I have received several representations. I have not decided and await the balanced view	
	1/14(1)	Member of Norwich Frostbite Sailing Club (NFSC) (If item discussed will withdraw self from meeting if necessary)	√
M C Broom	1/14	Toll payer, Norfolk and Suffolk Boating Association, Norwich Frostbite Sailing Club	
G W Jermany		General as member of Great Yarmouth Borough Council Toll Payer	
J Brociek-Coulton		Norwich City Council	

## APPENDIX 2

### Decisions on Planning Applications considered by the Planning Committee on 8 October 2010

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2010/0285/FUL and BA/2010/0286/CON Beccles</b>	25 Northgate, Beccles	Mr Hugh Taylor	Demolition of outbuilding and erection of new boathouse/summerhouse
<b>APPLICATION WITHDRAWN</b> by applicant			

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2010/0241/FUL Coltishall</b>	Rear of Anchor Cottage, 20 Anchor Street, Coltishall	Mrs Frances Howard	Replacement of 321 metres of quay heading
<p><b>Decision by 5 votes to 4</b></p> <p>That the application be delegated to officers to approve subject to appropriate conditions including the carrying out of a Protective Species Survey.</p> <p><b>Reason for Decision</b></p> <p>The application is considered on balance to be in accordance with Policies CS1 of the Core Strategy and C8, B9 and B11 of the Broads Local Plan and subject to conditions and appropriate mitigation measures if required, in accordance with National Policy Guidance on Biodiversity and Geological Conservation (PPS9)</p>			