

Broads Authority
Planning Committee

Minutes of the meeting held on 28 April 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J Burgess
Mr W Dickson
Ms G Harris

Mr P Rice
Mr H Thirtle
Mr V Thomson

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Ms N Beal – Planning Policy Officer
Mr N Catherall – Planning Officer
Ms A Long – Director of Planning and Resources
Mr G Papworth – Planning Assistant

Members of the Public in attendance who spoke:

BA/2017/060/CU Eagle's Nest, Ferry Road, Horning

Mr Mark Brown Agent for the Applicant
Mr Robert King The Applicant

BA/2016/0323/FUL Bureside, Water Works Lane, Horning

Mr Evert Amador Agent on behalf of applicant
Prof Erika Denton The Applicant

11/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr J Timewell. He also welcomed Mr Tom Waterfall who had recently been appointed as Digital Communications Officer and was attending part of the meeting as an observer.

11/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. Mr Rice commented that as Chairman of the Broads Society he would not take part in the debate or vote on application BA/2016/0323/FUL where an objection had been received from the Society. He explained that although he did not sit on the Planning committee for the Society, which had provided the representations, he considered it prudent not to take a view on this occasion. He would be

formally writing to the Authority explaining the structure and processes of the Society.

11/3 Chairman's Announcements and Introduction to Public Speaking

The Chairman reported on the following:

(1) The Openness of Local Government Bodies Regulations

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis. Investigations of ways of making recordings available on the website were being made. The recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The copyright remained with the Authority and the minutes would be as a matter of record. If a member of the public wished to have access to the recording they should contact the Monitoring Officer.

- (2) **Introduction to 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. (This did not apply to Enforcement Matters.)

11/4 Minutes: 31 March 2017

The minutes of the meeting held on 31 March 2017 were agreed as a correct record and signed by the Chairman.

11/5 Points of Information Arising from the Minutes

Minute 10/14 Appeals to Secretary of State including Annual Review.

It was noted that a report on a response to Design issues raised on Appeal would be prepared for the next meeting.

11/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

11/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

11/8 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' report, and which were given additional attention.

- (1) **BA/2017/060/CU Eagles Nest, Ferry Road, Horning** Change of use of first floor of boathouse to residential managers accommodation (Class C3) associated with the adjacent King Line Cottages.
Applicant: Mr Robert King

The Planning Assistant provided a detailed presentation of the application seeking retrospective consent for the change of use of the first floor of the boathouse known as Eagle's Nest to residential accommodation associated with the adjacent King Line Cottages enterprise, the site of which had been the subject of enforcement action. The existing boathouse had received consent in March 2010 and had replaced an earlier much smaller structure. The permission was conditioned to limit the use solely for the mooring of boats and storage of equipment required for incidental use of the boathouse, these having been three electrical boats. The site had been the subject of enforcement proceedings and a breach of condition notice whereby the first floor had been converted for holiday use and for manager's accommodation.

Ninety seven letters of representation supporting the provision of the manager's accommodation had been received. Since the writing of the report further correspondence had been received from the applicant's agent in response to the Officer's assessment and reasons for refusal in the report with emphasis on criteria (a) and (d) of Policy DP 26, details of which had been received by members.

The Planning Assistant explained that as the proposal was outside the development boundary it was contrary to Policy DP22. He therefore assessed where exceptions could be made in line with criteria set out in other Policies in particular Policy DP26 as well as the NPPG and Flood Risk SPD.

The Planning Assistant concluded that the essential need for a worker to live on site had not been satisfactorily demonstrated given that the business had been operating without an onsite manager for 46 years and the level of customer service required had been provided by either the owner or an employee living locally. It was considered that the accommodation need could be provided by the local housing stock in Horning. In addition, the proposed change of use was not an acceptable form of development in a functional flood plain (being in Flood Risk Zone 3b) and therefore was contrary to flood risk policies. He therefore recommended that the application be refused.

Mr Brown as Planning Agent on behalf of the applicant considered that there was a clear justification and need for a Manager being resident on site at all times due to the nature of the business specialising in providing holiday facilities for the disabled and elderly. It was not an additional customer service but essential due to the business's clientele. In response to members' questions he explained that the proprietor/applicant who lived near now wished to retire and would not be able to deal with the day to day requirements. It was claimed that the need could not be met by an existing dwelling on the site or in the locality as there was no affordable accommodation in the area and no rental properties available at present. There were other cottages on the premises but taking one out for a site manager would not be viable for the business. Mr King clarified that only one property was not suitable for disabled customers as it was nearest the river. It was explained that although the owner was retiring he would still have an interest in the business.

The planning agent also did not agree with the officer's assessment relating to flood risk and considered that there would be no impact on the floodplain as the accommodation would be on the first floor. Mr Brown also considered that there would be no ecological, navigational or visual impact. He urged members to take a balanced and holistic approach and to approve the application in accordance with the Authority's Tourism Strategy as well as the Authority's policies. He suggested that if members were minded to approve the application conditions could be imposed restricting the use of the building to a manager's flat and provision of flood risk mitigation.

Members noted the comments from the Environment Agency providing an objection in principle as the proposed development fell into a flood risk vulnerability category. They also noted that access and egress from the property was the important issue and a member suggested that a suitable evacuation plan would be needed. Members also noted the Environment Agency's response in relation to the Joint Position Statement on Development in the Horning Water Recycling Centre Catchment where they would have no objection on the basis that if the current boat house was already connected to the mains sewer, it was unlikely that the proposed impact would be significant. It was confirmed that the existing development was connected to the mains sewerage.

Mr Rice commented that having been involved in the development of the Joint Position Statement as he was Chair of the Flood Forum, to be cautionary he would declare an interest in the matter and abstain.

Members considered that it was very laudable to have suitable staff available to support the business and for clients to have sent in letters of support, although it was noted that the site Manager had only been

occupying the first floor of the boathouse since December 2016. They considered that the business had not altered and it was not a new situation since the previous manager had lived in the village and been on call. In general they concurred with the officer's recommendation and considered that there was not sufficient justification to warrant approval of the application.

The Chairman put the officer's recommendation to the vote and it was RESOLVED by 6 votes to 1 with one abstention.

that the application be refused for the following reasons:

- (i) The application site is outside a development boundary and there are not considered to be exceptional circumstances to justify the siting of a dwelling. The proposal is therefore contrary to Policy CS24 of the adopted Core Strategy (2007), Policy DP22 of the adopted Development Management Policies (2011)
 - (ii) There is said to be a need for a worker to live on site in order to provide service to the customers, however it has not been satisfactorily demonstrated that there is an existing need for a full time worker to be available at all times for the enterprise to function properly and the proposal is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011)
 - (iii) Insufficient information has been submitted to satisfactorily demonstrate whether or not the stated need for a worker to live at the site can be met by an existing dwelling in the locality. The proposal is therefore contrary to criterion (d) of Policy DP26 of the adopted Development Management Policies DPD (2011)
 - (iv) The proposed development for residential accommodation, classified as more vulnerable development, is not considered an acceptable form of development in Flood Risk Zone 3b (functional floodplain) and is therefore contrary to Policy DP29 of the Development Management Policies (2011), Flood Risk Supplementary Planning Document (2017) and National Planning Policy Guidance.
- (2) **BA/2016/0323/FUL Bureside, Water Works Lane, Horning NR12 8NP** Replacement dwelling and associated works
Applicant: Prof. Erika Denton and Mr Rupert Cavendish

Mr Rice, having declared an interest took no part in the debate or voting on this item.

The Planning Officer stated that members had had the benefit of a site inspection on 20 April 2017 where members had the opportunity to

view the site from both the land and the water to gain a full appreciation of the context of the application. A note of the site visit had been circulated.

The Planning Officer provided a detailed presentation of the application for the demolition of an existing early 20C dwelling and associated garage, originally associated with the Horning Water works, to be replaced with a new dwelling house on a larger footprint sited a short distance to the west and south of the existing. This would be of a more contemporary design. A scheme had originally been submitted last year, since when the plans had substantially changed following detailed discussions with officers. Objections had been received from the Broads Society and the Authority's Landscape Officer.

Having provided a detailed assessment, addressing the main issues of siting, design, landscaping, flood risk and the cultural environment the Planning Officer concluded that the demolition of the existing dwelling, whilst a familiar presence in the landscape, was acceptable. The replacement dwelling would be an improvement, less visually prominent and the landscaping proposals would mitigate concerns expressed by consultees. There would be no impact on the neighbouring amenity. It was acknowledged that there would be potential damage to the road surface on the Waterworks Lane and the applicant was prepared to be responsible for running repairs during the construction period (although this could not be conditioned as it was not part of the application site). The mooring cut extension would be beneficial, the boathouse was an acceptable design set back from the river and not over burdensome or cumbersome. It would also provide safe mooring of vessels off the river. He therefore recommended that the application be approved subject to conditions as overall it was considered to represent a reasonably inconspicuous presence in the river scene. It would provide a positive redevelopment of the site and balance between being visually pleasing but not dominating and therefore an asset in this section of the River and in keeping with the character and appearance of development in this locale.

Professor Denton, the applicant explained that they had begun the planning process in 2014 with early discussions with the previous owners, builders and then the planning officers. They found that the existing house was not suitable enough to be developed or extended and as applicants they were completely committed to providing a dwelling and development that would fit in with its setting, help to declutter the site of the numerous buildings, and accommodate two vintage boats, and ultimately provide a functional property for their family that would leave a legacy for the future of the Broads. They also wished to provide a landscaping scheme that was in conjunction with advice on what was native and appropriate for this site. Professor Denton confirmed that they had no desire to run a commercial business, particularly given her and her partner's committed and busy

occupations. She explained the need for the parking arrangements in association with their family, and the requirement for them to be hidden from the river. She explained that part of the quay heading belonged to Northumbrian Water to whom they would make an annual contribution for the lease of the land adjoining the application site. The applicants would repair all the quayheading as part of the whole scheme using a local contractor in order to provide consistency and Northumbrian Water would provide reimbursement for that which was in their ownership. The applicants wished to do what was right for this area of the Broads, to have a comfortable and appropriate living space whilst able and to leave a legacy for the future.

Members had noted the comments from the Landscape Officer based on former landscape character assessments. They considered that the site visit had been very beneficial. Overall they considered that the proposals would provide a very welcome development as the design took reference from Broads buildings and setting and the landscaping scheme was exceptionally appropriate. The existing and the proposed tree planning would help to break up the final development. Some members commented that it would be unfortunate if the property was screened altogether from the river. It was considered that in future the development could become a distinctive iconic and positive feature of the landscape character of this part of the River Bure and a potential asset to the Broads and was therefore to be commended.

Jacquie Burgess proposed, seconded by HaydnThirtle and it was

RESOLVED unanimously (Mr Rice not having participated or voted)

that the application be approved subject to the conditions outlined in the report including timber quay heading (as indicated in the plans). The proposal is considered to be in accordance with Policies CS1, CS5, and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP12, DP13, DP24, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Members requested that once built this property be included in the Authority's Quality Design Tour.

11/9 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. Further information was provided on the following:

Thorpe Island: The sale of Thorpe Island had been completed on 31 March 2017 and the site was in the process of being cleared in compliance with the enforcement notices. As far as officers were aware the new owners had no aspirations to develop the site as a marina or other development that required

planning permission. Members welcomed the progress made after such a considerable time.

The Chairman referred to a recent posting by James Knight on social media concerning the enforcement matter at Thorpe Island, which falsely claimed that members had been kept in the dark and not been fully informed or that they had been misled by officers and the matter had been mishandled. He took great exception to this and wished to emphasise and for it to be noted that the matter had been carried out throughout with the full involvement of Members, the full involvement of the Planning Committee as well as being the subject of High Court proceedings where it had been found to have been handled in an exemplary fashion. He considered it to be totally unacceptable for a member of the Authority's Navigation Committee to have made such statements and allegations against the Authority which were blatantly false.

Ferry Inn, Horning: Members were pleased to note that the unauthorised development including refrigerated container, portacabin and static caravan had been removed and therefore compliance achieved.

Burghwood Barns, Burghwod Road, Ormesby St Michael: Unauthorised development of agricultural land as residential curtilage – Enforcement Notice served on 8 March 2017, compliance to be achieved by 19 July. An appeal had been submitted.

RESOLVED

that the Enforcement Update report be noted.

11/10 Salhouse Neighbourhood Plan - proceeding to Referendum

The Committee received a report providing an update on the progress of the development of the Salhouse Neighbourhood Plan. Representations received on the submitted Plan during the 6 week publication stage had been the subject of an independent examination. The examiner's report had concluded that subject to certain specified modifications, the Neighbourhood Plan should proceed to a referendum with the neighbourhood area. As the area also fell largely within Broadland District, the Examiner's report would also be available on its website.

Members noted the findings of the Examiner's report and agreed with the Examiner's conclusions. Should the Plan receive support from 50% of those voting in the referendum, it could be made a Neighbourhood Plan and form part of the statutory development plan.

RESOLVED

- (i) that the findings and conclusions of the Examiner's report (as detailed in Appendix to the report)be endorsed and approved.

- (ii) that the Salhouse Neighbourhood Plan be endorsed and proceed to a referendum within the neighbourhood area (the civil Parish of Salhouse).

11/11 Thorpe St Andrew Neighbourhood Plan – Designating Thorpe St Andrew as a Neighbourhood Area

The Committee received a report on the proposal to designate Thorpe St Andrew as a Neighbourhood Area for the purposes of a Neighbourhood Plan. The nomination was received on 23 March 2017 and there were no known or obvious reasons to not agree the Neighbourhood Area. It was noted that the Neighbourhood area included the whole of Thorpe St Andrew Parish and included Thorpe Island.

Members endorsed the proposal

RESOLVED

That Thorpe St Andrew be designated as a Neighbourhood Area in order to produce a Neighbourhood Plan.

11/12 Broads Local Plan: Recreation Impacts Study

The Committee received a report providing an update on the progress of evidence to support and inform the preparation of the Broads Local Plan relating to the Recreation Impacts Study – Visitor Surveys at European Protected Sites (January 2017, Footprint Ecology). Through analysis of visitor surveys it provided a strategic overview to aid the understanding of the relationship between population growth (including new housing growth and tourist growth) and the potential impacts on internationally designated wildlife sites throughout Norfolk. It was noted that the study established the number and behaviour of visitors at designated sites as well as providing analysis around routes and distances travelled and frequency. It helped to assess the links between new housing development and recreation use which would provide evidence to inform the Local Plan including development of appropriate monitoring and mitigation measures. The Local Plan was required to conform to the Conservation of Habitats and Species Regulations 2010 as amended. The study would help to provide updated base line data to inform the assessment and potential source of mitigation measures for the Habitats Regulations Assessment and Appropriate Assessment. The survey highlighted the key facts and also indicated that more work on the details of specific sites would be useful.

Members commended the excellent report as a valuable source of evidence and endorsed its publication.

A member commented that it would be useful to consider how we engage positively with local communities to take ownership and responsibility for the local environment particularly through such activities as dog walking and referred to work being undertaken in the South Downs where they were

training dog walkers to act as informal wardens and volunteers to talk to other dog walkers.

A member wondered whether the Authority at times might be being too restrictive in certain locations relating to the interaction of people and wildlife. It was recognised that a proportionate approach needed to be taken on a site by site basis and positive advice provided.

RESOLVED

that the report on the Recreation Impacts Study is published as a source of evidence to support the emerging Local Plan.

11/13 Landscape Strategy and Guidance

The Committee received a report on the draft guides to be produced to help potential applicants to understand and address the landscape impacts of their proposals as well as provide guidance on landscaping proposals with the aim of delivering high quality schemes. It was noted that reference was made to the Authority's Landscape character Assessment and Landscape Sensitivity Study that would be important sources of information for applicants and their agents and this was welcomed.

Members were provided with the draft content of the guides and informed that it would not be possible to format them with the illustrations and final graphics prior to consultation due to pressures on the communications team. However, following consultation the guides would be designed appropriately and produced in a similar style to other Authority guides already adopted such as the Moorings Guide, Biodiversity Enhancement and Waterside Chalet/Bungalow guides.

Responses would be brought back to the Committee prior to formal adoption by the Authority.

Although a designed guide for consultation would have been preferable, Members recognised the limited resources available for such production at this time.

RESOLVED

- (i) That the content of the Draft Guides be endorsed.
- (ii) That the Draft Landscape and Landscaping Guide be published for public consultation for a six week period prior to adoption by the Authority.

11/14 Appeals to Secretary of State

The Committee received a report on the current appeals against the Authority's decisions since January 2017. Members noted that the Appeal by

BCK Marine at Griffin Lane, Thorpe St Andrew had been dismissed on 21 April, the decision having been circulated to members.

It was noted that receipt of decisions from the Planning Inspectorate had been very slow of late. It was also noted that PINS had recently recruited a number of new Inspectors and some of the recent decisions made had been inconsistent.

RESOLVED

that the report be noted.

11/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 15 March 2017 to 18 April 2017.

RESOLVED

that the report be noted.

11/16 Circular28/83: Publication by Local Authorities of Information About the Handling of Planning Applications.

The Committee received the development control statistics for the quarter ending 31 March 2017.

RESOLVED

that the report be noted.

11/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 26 May 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 11.35 am.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 28 April 2017

| Name | Agenda/ Minute No(s) | Nature of Interest (Please describe the nature of the interest) |
|---|---------------------------------|--|
| Chairman on behalf of All Members | Minute 11/8 (1) | Application BA/2017/060/CU Eagle's Nest, Horning : Correspondence received from Applicant's agent |
| Paul Rice | Minute 11/8(1) and (2) | Chair of Broads Society, NSBA member, Application BA/2017/060/CU Eagle's Nest Involved in preparing Horning Joint Position Statement on Flood Risk. Application BA/2016/0323/FUL As Chair of Broads Society – Objections raised by Broads Society Planning Committee (although personally was not on that Committee) |