

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

8/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2014/0411/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered.

8/3 Minutes: 9 January 2015

The minutes of the meeting held on 9 January 2015 were agreed as a correct record and signed by the Chairman.

8/4 Points of Information Arising from the Minutes

The Chairman provided information on the following:

- (i) **Minute 7/9 Enforcement Item for consideration: Plot 51 Potter Heigham**
A report would be provided for the next Planning Committee meeting on 6 March 2015.
- (ii) **Minute 7/10(1) Acle Neighbourhood Plan** The Authority had agreed to adopt the Acle Neighbourhood Plan at its meeting on 23 January 2015.

8/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

8/6 Chairman's Announcements and Introduction to Public Speaking

(1) Training/Briefing for Members:

The Chairman reminded members that training would be provided on conservation and navigation issues for consideration when assessing planning applications following this meeting of the Planning Committee.

(2) Dates for Members to note:

- **Utilities Site Pre-Application Presentation**

Before the next meeting of the Planning Committee on 6 March 2015 there would be a presentation to last for an hour on the pre-application proposals for the Generation Park at the Utilities Site. The site falls within the Broads area as well as Norwich City Council's and therefore was a joint application to both Authorities,

although Norwich City Council was taking the lead in dealing with the application. The applicants were Norwich Power House. The Planning Committee briefing would therefore start earlier at 9.30am. The main committee will then follow on at 10.30am.

- **RTPI Conference - 24 February 2015 9.30am – 4.00pm**
The East of England Region of the RTPI (Royal Town Planning Institute) has organised a one-day conference on “Rural Affordable Housing”, which would take place on Tuesday 24 February 2015 at The Maltings in Ely. Anyone interested, was requested to inform the Administrative Officer.

(3) **Electronic Agendas and Reports**

The Chairman reported that this would be the first meeting when members would be receiving their agendas in electronic format.

(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 revised Code of Conduct for members and officers. The Chairman also asked if any member of the public intended to record or film the proceedings and if so whether there was any member of public who did not wish to be filmed.

A member of the public indicated that he intended to audio record the item relating to Enforcement matters particularly concerning Thorpe Island.

8/7 Requests to Defer Applications and /or Vary the Order of the Agenda

A request had been received to vary the order of agenda to accommodate an objector. The Chairman proposed that Application BA/2014/0369/COND relating to Silver Dawn be taken first before application BA/2014/0407/FUL relating to Hoveton Marshes. Members concurred.

8/8 Applications for Planning Permission

The Committee considered the following application 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 decision.

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/2014/0369/COND Silver Dawn, Woodlands Way, Horning**
Variation of condition 3 of PP BA/2012/0056/FUL to amend approved roof material
Applicant: Mr Nick Barrett

The Planning Officer reminded members that the application had been deferred from the meeting on 5 December 2014 as new information had been received and to give the applicant the opportunity to respond. As a consequence additional letters from two specialist companies in roofing were provided at Appendix 3 of the report. The Planning Officer also reminded members that the objector's Solicitor, Leathes Prior, had submitted a letter on 3 December recommending a site visit prior to determination which had been given consideration. Since the writing of the report additional material had been provided by the objectors on behalf of Mr Murrells which included:

- Email of 31 January 2015 with four attachments:
 - Explanatory Notes to accompany attachments
 - Proper Sunrise table, Sun Map 2 Plan and
 - Sun Plan 3 (section)
- Email of 3 February 2015 with three attachments:
 - Vmzinc1 (cover of vmzinc General Technical Recommendations)
 - Vmzinc2 (page titled Surface finishes) and
 - Rheinzink (Rehinzink page of text 0)

Members had also received a letter from Lana Hemsall, as a member of the Committee.

The Planning Officer provided a detailed presentation on the proposal for the retention of zinc galvanised roofing panels which therefore involved the variation of condition 3 which had been discharged on BA/2012/0056/FUL. Samples of the material originally approved by officers and that which had been used were displayed, both of which were of pre-weathered galvanised zinc. The presentation included a number of photographs taken from August 2014 when the roofing panels were first installed up until February 2015. These showed the roofing from various vantage points and in varying weather/light conditions.

In providing the assessment, the Planning Officer emphasised that the use of pre-weathered zinc had been accepted by officers in the discharge of the conditions. The letters from the two specialist companies indicated that it would not be possible to tell precisely when, after how long or if the material which had been fitted would tone down to give a more matt finish. It was accepted that there would be an impact which was more likely to be at its greatest in the summer months but overall this would depend on varying conditions of season, weather and time of day. However, in general it was considered that any changes in the appearance of the roof would not be significant and

the material was not considered inappropriate to the setting and was recommended for approval in accordance with policies DP4 Design and DP28 Amenity. Members needed to consider whether the galvanised material was acceptable for this development, not which material was better than the other.

Mr Murrell, the objector and resident of neighbouring Broadshaven emphasised that the material installed provided a blinding glare which was intolerable and had a considerable impact on his amenity. His property had been purpose built for his needs prior to the neighbouring property having been built and he considered that no consideration was being given to the long term effects on his health or those of his parents who cared for him. Therefore his human rights were being infringed. He recognised that all roofing materials were expected to dull down but the rates would depend on weathering conditions, atmosphere and on differing locations and the views of the specialist companies themselves could not be conclusive. He considered that the non-reflective material originally approved should have been used and therefore the current application should be rejected.

Mr Barrett, the applicant apologised for the genuine mistake in the use of material which due to the complicated nature of installation did not come to light until the panels were installed. Although he acknowledged that there would inevitably be some glare this would only be at certain times and he had been assured that the sheen would dull over time, which he considered had already occurred since August 2014. He clarified that if treated to increase weathering, this would invalidate the guarantee.

Mrs McGoun, the Local District Member spoke on behalf of Mr Murrell emphasising that the misery caused by the glare from the roof panels should not be permitted. She queried why the officers were recommending approval of a material which was not matt and felt this was inconsistent with their original decision. She recommended refusal in that the material was not acceptable as it was inappropriate due to the considerable impact of glare which had no signs of dulling and therefore its use was contrary to Policy DP28. The application was also contrary to Policy DP4 as the material was visually intrusive and its industrial appearance should not be used as a flagship for design particularly at the entrance to the iconic village of Horning.

Members considered that the application posed a difficult dilemma. They were mindful that Officers had accepted the use of galvanised zinc and that, had they been shown a sample of the material in place, they were likely to have accepted it on the basis that it was in keeping with the building's design. One member commented on this basis, the officer's recommendation should be accepted. However, members considered that as members they were now in a more fortunate position in that they had more information available to them than previously. Given the location, they were of the view that the roofing

material would take some considerable time to dull down and therefore there would not be a reduction in impact in the near future.

Some members stated that they were not only concerned about the impact on the general neighbouring amenity, but also on the wider impact on the character of the area. There was concern that the glare from the roofing material did not integrate well with the historical character of the adjacent properties. Although recognising that the impact on the neighbour would be dependent on season, weather and time of day, there could also be an impact on other buildings in the vicinity.

Mr Warner proposed, seconded by Mr Dixon and on being put to the vote, it was

RESOLVED by 5 votes to 4

that the application be refused as it was considered to be contrary to policies within the Development Management Policies for the following reasons:

- (i) the proposed variation of condition would retain a roof material which has an adverse impact on the amenity of the neighbouring properties as a result of glare and sheen, contrary to Policy DP28 of the adopted Development Management Policies Development Plan Document (2011); and
 - (ii) the variation of condition would retain a roof material which has an adverse impact on the character and appearance of the area as a result of the glare and sheen which does not integrate with the local surroundings and setting, contrary to Policy DP4 of the adopted Development Management Policies.
- (2) **BA/2014/ 0407/FUL Pound End and Hoveton Marshes, Horning Road, Hoveton St Olaves Marina, Beccles Road, St Olaves**
New vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, boardwalk and canoe slipway at Pound End; landing stage, boardwalk, and viewing platform at Hoveton Great Broad; and temporary de-watering lagoon
Applicant: Natural England

The Planning Officer provided a detailed presentation of the application to provide the necessary infrastructure to facilitate the operation of a canoe trail in association with the Hoveton Great Broad Lake Restoration Project. Members of the Committee had had the benefit of a site visit on 16 January 2015 a note of which was attached at Appendix 1 to the report. The Planning Officer clarified that it was intended to have six canoes for visitors (not five as suggested at the site visit) each of which would have the ability to be occupied by three people, plus a guide canoe. These numbers had dictated the proposed

number of car parking spaces based on maximum use with places for 6 cycles. It was emphasised that the route of the canoe trail was not the subject of the application as it did not require planning permission. Given the importance of the whole site for its ecology and landscape it was important that necessary mitigation measures were in place. Therefore it was proposed that the route and its management would be monitored as to the impact on wildlife and the general ecology and therefore may be varied. This was confirmed by the applicant.

Since the writing of the report consultations had been received from a member Peter Dixon, objecting to the application, details of which had been circulated. Horning Parish Council had sent in comments following the site visit confirming that it had no objections. In addition, a full assessment of tree loss relating to the development of the slipway and footpath to the Broad had been undertaken and it had concluded that there was not likely to be an adverse impact on the integrity of the wet woodland. The Planning Officer commented that many of the representations received had voiced the aspiration for greater public access, particularly from the water. Although the proposal did not fulfil this aspiration in its entirety, Members were required to consider the application on its merits.

In conclusion and having taken account of the potential impacts on landscape, highways, navigation, flood risk and water quality and amenity, the Planning Officer considered that the operational development for a canoe trail in association with the lake restoration project with managed access would be acceptable subject to specific mitigation measures to take account of this very sensitive area. She therefore recommended approval subject to a number of conditions prior to and during construction, prior to first use and relating to restoration and enhancement and operation.

Chris Bielby, on behalf of the applicant, Natural England confirmed that the access would not be open to the public generally but only for those who had pre-booked to use the canoe trail, although the gate would be open during the day while the canoe trails were operating, otherwise the gate would be locked. Details of the operation were not fully defined but these would be the subject of planning conditions and signage could be included as part of this.

Chris Bielby explained that the Canoe Trail would be run by the landowners, the Hoveton Estate and although a commercial operation, it would be part of the partnership with Natural England and therefore subject to mitigation measures to protect the area and comply with habitat legislation. Chris Bielby assured members that Natural England had stringent monitoring measures to ensure that there would not be a negative impact on the biodiversity of the area, as stated by the Planning Officer. He also explained that as part of the wider lake restoration project, and the funding bid, Natural England required a full

lease agreement to be in place with the landowner, which was at present in draft although a letter of intent had been received.

Members were particularly concerned about the special ecological qualities of the area which they considered unique. They considered the proposal would provide a very attractive proposition for visitors who would wish to be close to nature and have a unique experience. Although mindful that greater public access was required for the Heritage Lottery Fund bid for the restoration proposal for Hoveton Great Broad, and this was the Authority's view, they were concerned that the access on this side of the Broad should be appropriately controlled, managed and mitigating measures should also include signage. Officers clarified that if the site was to be opened to general public access this would require another planning application.

A member suggested that a five year temporary permission might be considered. However, officers were of the view that it would be difficult to justify a temporary permission and that the management arrangements would be sufficient especially as the operation would be constantly reviewed as part of these and Natural England was the responsible professional body involved.

Some members expressed concern that the track and location of the car park across an arable field would be visually intrusive and also were apprehensive about its control and that it should possibly be scaled down. It was suggested that if anywhere it should be nearer the road. However, it was clarified that the material used would not change the visual appearance of the grass margins and could be removed should the canoe trail fail. Others considered that the car park would be fit for purpose, but agreed that it should also be screened.

In general members were supportive of the scheme as it would provide increased opportunities for people to experience the unique qualities of the area and increase understanding of those qualities, provided there were effective controls to protect them as had been outlined by officers with additional conditions to cover signage and additional landscaping.

Professor Burgess proposed, seconded by Mr Dixon and it was

RESOLVED by 8 votes in favour, 1 against with one abstention,

that the application be Approved subject to conditions as outlined within the report covering aspects prior to construction, during construction, prior to first use, restoration and enhancement and operation with the addition of conditions to cover landscaping of the car park as well as signage to ensure managed access.

The application is considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP5, DP11, DP12, DP14, DP28 and DP 29 of the adopted Development Management Policies DPD (2011),

Policies CS1, CS6, CS9, CS11, CS17 and CS20 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

(3) **BA/2014/0411/FUL 3 Bayed Areas of Reedswamp Fronting Hill Common, Hickling**

Install erosion protection along 3 bayed areas at the Northeast end of Hickling Broad.

Applicant: Broads Authority

Attention was drawn to the objection received relating to the legalities of the processes in dealing with the application. Having taken legal advice and in accordance with the Authority's constitution and the relevant planning legislation and best practice, Officers were satisfied that the Authority was compliant with these. Having assessed the main issues concerning the application, the Planning Officer concluded that the proposed development was a necessary part of the ongoing management and maintenance of Hickling Broad. It was in accordance with the wider objectives of the Broads Authority as set out in the Broads Plan and also in accordance with the Sediment Management Strategy. There would be no adverse effect on ecology, landscape quality, navigation or flood risk, was in accordance with Development Management Policies and was therefore recommended for approval subject to conditions.

Sally McColl for the applicant assured members that similar materials for the project had been used elsewhere and no incidents of damage to wildlife had been reported.

Members were satisfied that the technique had been satisfactorily trialled elsewhere and that the scheme could be commended. Given the limited disposal sites for dredging available, the opportunity afforded by the proposal was welcomed. They concurred with the Officer's assessment.

Mr Ollier proposed, seconded by Mr Jermany and

It was RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The proposals were considered to be in full in accordance with the relevant Development Plan Policies and the National Planning Policy Framework, particularly Policies CS1 and CS15 of the Core Strategy and DP2 of the Development Management Plan DPD and the National Planning Policy Framework.

8/9 Conservation Area Re-Appraisals : Halvergate Conservation Area

The Committee received a report providing a summary of the feedback on the consultation relating to the Halvergate Marshes Conservation Area Re-Appraisal prior to a decision on its adoption. This was in accordance with the Authority's responsibility to review its current Conservation Areas and publicise Appraisals and Management Proposals. Members had agreed the draft appraisal for consultation at its meeting on 25 April 2014, following consideration by the Heritage Asset Review Group and the consultation was carried out in line with the Authority's Statement of Community involvement.

The level of feedback was understandably low given the limited number of residential properties in the area, and the fact that no change was proposed to the boundary. It was noted that the Halvergate Marshes Conservation Area was the only one wholly within the Broads Executive Area which was currently at risk. It also came within the boundary of the proposed Landscape Partnership Area.

Members agreed that the area identified by the boundary map and described in the appraisal and management plan was worthy of Conservation Area designation following detailed assessment, public and stakeholder consultation. They welcomed the detailed interesting document which provided excellent justification for the area's designations and for adopting the Conservation Area Re-Appraisal. It was suggested that the first sentence of the second paragraph on page 22 of the document (Page 80 of the papers) should be replaced with the following words:

"The current condition and characteristics of the Halvergate Marshes reflect a history of sustainable human use and management of the land over many centuries"

RESOLVED

- (i) that the feedback from the consultation on the Halvergate Conservation Area be noted; and
- (ii) that the the Halvergate Conservation Area Re-Appraisal and Management Plan with minor amendments as suggested above be formerly adopted by the Broads Authority

8/10 Consultation Documents Update and Proposed Responses Duty to Cooperate – Formal Cooperation through a Shared Non-Statutory Strategic Framework

The Committee received a report from the Planning Policy Officer on the proposal for the Authority to be part of the formal cooperation through a shared non-statutory strategic framework in order to assist in discharging the duty to co-operation requirements of the Localism Act 2011 in order to maximise the effectiveness of Local Plan preparation and provide efficiency savings through joint evidence base. Members noted the five options put

forward and agreed that Option 3 as outlined would be the most appropriate way forward. It was noted that this format had been used elsewhere in the region with success in examinations of Local Plans.

Members also gave consideration for the need to cooperate with Waveney District and Suffolk County Councils, recognising that Suffolk was not as far forward in the processes as Norfolk. However, it was considered that the option recommended by the Norfolk Duty to Cooperate group would not jeopardise arrangements to be made with Suffolk County, particularly as Norfolk County itself would be required to cooperate with its adjacent Authorities. The Authority would continue to engage with Waveney District.

A member queried whether issues relating to water quality/supply etc with special reference to the Water Framework could be addressed. The Planning Policy Officer commented that these matters were included within the Norwich Great Development Project Joint Core Strategy (Policy 3) and the Government had recently published a consultation document on building regulations which included matters relating to water quality. Links would be provided for members' information.

http://www.south-norfolk.gov.uk/planning/media/1_Adopted_Joint_Core_Strategy_January_2014.pdf

The recent Government consultation on water
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354089/140901_G2_-_Water.pdf

Members endorsed the proposal, recognising that details would still need to be worked out but they were mindful that the combined experiences would provide access to more resources and help to reduce costs.

RESOLVED

that the proposal be endorsed and the Broads Authority become part of the formal cooperation through a shared non-statutory strategic framework subject to later agreement of:

- Amended terms of Reference for the Member Duty to Cooperate Group
- Appropriate Officer and Member Working Arrangements for Budget and Timetable issues

8/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and provided further information on the following:

Thorpe Island

With reference to Thorpe Island, the Head of Planning reported that further to receiving notice of the Section 288 challenge to the Planning Inspector's decision on the appeal, the appellant had also submitted a Section 289

Challenge seeking to repeat the arguments that the original planning permission had not been abandoned. Both Inspectors had decided that it had been abandoned. It was again emphasised that the challenge to the decision was not against the Authority but against the Planning Inspectorate/Secretary of State's decision.

The Head of Planning confirmed that the Authority was preparing to apply for an injunction relating to further breaches of planning control on this site.

With regard to the Section 73 planning application by the landowner which sought to vary 19 of the 20 conditions imposed on the planning permission issued by the Planning Inspector, the Authority had not accepted and validated the application since many of the issues related to the legalities of the Inspector's decision. The landowner had subsequently lodged an appeal against the Authority for non-determination.

Land at OS4299 at North End Thurlton

The Authority had taken direct action and was now seeking recovery of the costs which amounted to around £5,000. There were various options open to members and these would be brought to the Committee with associated costs for full consideration at the next meeting.

Former Piggery Building adj to Heathacre, Chedgrave Common

The Head of Planning reported that following a site visit, it was confirmed that compliance had now been achieved. There was a caravan on the site and this was being monitored. It was noted that the issues relating to Chedgrave Common were separate.

J B Boat Sales

The case scheduled for 28 January had been adjourned for four weeks.

Wherry Hotel, Bridge Road, Oulton Broads Authority

A planning application had been received.

RESOLVED

that the report be noted.

8/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 15 December 2014 to 26 January 2015.

RESOLVED

that the report be noted.

8/13 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications

The Committee received Development Control Statistics for the quarter ending 30 September 2014 which had been corrected as well as those for the quarter ending 31 December 2014. The original report for September 2014 had not included all the information due to technical adjustments being required following the introduction of new software. The figures illustrated that the Authority was performing within the Government targets which was welcomed.

RESOLVED

That the reports be noted.

8/14 Design Tour and Design Awards – Views of members to be sought

The Historic Environment Manager provided members with a presentation setting out proposals and options for a possible Design Award for the Broads area. It was recognised that there were a number of quality developments within the area and to encourage further quality design it might be beneficial to recognise this in some way.

Currently the Authority undertook to carry out an annual Design Tour with a geographical focus looking at a selection of developments approved under both delegated and Committee decisions. The Member's assessments and discussions were then fed back to the developers. However, this did not include the views of third parties. In addition, some of the developments chosen were not necessarily considered worthy of a design award but were included in the Design Tour for other reasons.

Members were informed of some of the procedures for providing awards in other District Authorities which included a selection of differing categories of development, nominations from individuals and parish councils, short listing procedures as well as possible site visits and a Selection Panel followed by an award ceremony in some cases.

Three possible options were posed:

- Continue with the status quo of a Design Tour for members and feed back comments to property owners
- Use the existing Design Tour to select Projects for an Award
- Launch a Design Award with single categories and choose an outstanding Design.

Members were mindful that to run a Design Award scheme would have an impact on resources. There were other awards available from organisations such as RIBA, CPRE and the Authority could recommend developments for such and encourage owners to apply. Members considered that any selection process should involve independent persons. It was considered that

the current Design Tour provided a specific purpose for members to view design which had worked well and to learn from other developments which had not been so successful. They therefore considered that the current Design Tour should be kept separate from any Award Scheme. Although one member suggested that a design award within the Broads area should be administered by another group rather than be undertaken by the Authority itself, others considered that it was important that it was seen as a Broads Authority Design Award.

The Committee considered that further investigations could be undertaken, particularly with the National Park Authorities as well as other Authorities, such as Southend, in order to examine other options as well as the resources and timescales required. They did not consider that a lot of time should be spent on this as it was not a priority.

RESOLVED

- (i) that the report be noted and low level further investigations be made into the options for setting up a Design Award;
- (ii) that the current format for the Authority's Design Quality Tour be retained; and
- (iii) that the provisional date of the next Authority Design Quality Tour be 12 June 2015.

8/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 6 March 2015 starting at **10.30am** at Yare House, 62- 64 Thorpe Road, Norwich. Prior to the meeting members should receive a presentation on pre-application proposals for development at the Utilities Site, Norwich with the main decision making committee starting at 10.30am.

The meeting concluded at 13.40pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 6 February 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	8/8((3	Application BA/2014/0411/FUL 3 Bayed areas of Reedswamp protection fronting Hill Common, Hickling As Members of the Broads Authority...