

Broads Authority
Planning Committee

Minutes of the meeting held on 18 July 2014

Present:

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| Mr M Barnard | Dr J M Gray |
| Miss S Blane | Mr C Gould |
| Prof J Burgess | Mr P Ollier |
| Mr N Dixon | Mr J Timewell |
| Mr G W Jermany | Mr P Warner |
| Dr J S Johnson | |

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Mr F Bootman – Planning Officer
Mrs A Macnab – Planning Officer
Ms C Smith – Head of Development Management

1/1 Apologies for Absence and Welcome

The Head of Development Management welcomed everyone to the meeting, particularly members of the public.

Apologies were received from Mrs J Brociek-Coulton, Mrs L Hemsall, and Mr R Stevens.

1/2 Appointment of Chairman for the forthcoming year 2014/15

The Head of Development Management invited nominations for the appointment of Chairman.

Miss Blane proposed, seconded by Professor Burgess the nomination of Dr Murray Gray. There being no other nominations, it was

RESOLVED

that Dr J Murray Gray be appointed as Chairman of the Committee for the year 2014/2015.

Dr Gray in the Chair

1/3 Appointment of Vice-Chairman

The Chairman invited nominations for the appointment of Vice-Chairman.

Professor Burgess proposed, seconded by Miss Blane the nomination of Mr Colin Gould as Vice-Chairman. There being no other nominations, it was

RESOLVED

that Mr Colin Gould be appointed as Vice-Chairman of the Planning Committee for the year 2014/15.

1/4 Declarations of Interest

Members introduced themselves and indicated that they had no declarations of pecuniary interests other than those already registered and those set out in Appendix 1.

1/5 Minutes: 20 June 2014

The minutes of the meeting held on 20 June 2014 were agreed as a correct record and signed by the Chairman.

1/6 Points of Information Arising from the Minutes

(1) Minute 13/10: Pre-Application Advice and the Options for Charging

The Chairman reported that the Authority resolved not to charge for Pre-Application Planning Advice at the meeting on 11 July 2014. Although the Authority had not resolved to set specific service standards, Officers would be reviewing these as part of good practice and would update the Planning Committee in due course.

(2) Minute 13/6(3): Broads Site Specifics Development Planning Document and Minute 13/9(2): Strumpshaw Neighbourhood Plan

The Chairman reported that the Broads Site Specifics Development Planning Document had been formally adopted at the Authority's meeting on 11 July 2014 as well as the Strumpshaw Neighbourhood Plan. Both of these would now become part of the Authority's development plan.

(3) Minute 13/14: Planning Advisory Service

The report from the Planning Advisory Service had not yet been received.

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

No items had been proposed as matters of urgent business.

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

(1) Welcome: Mr George Jermany

The Chairman welcomed Mr George Jermany back on to the Authority and in particular the Planning Committee.

(2) Production of Local Plans. Warwick Conference Centre 22 and 23 October and 15 and 16 November 2014.

The Chairman drew members' attention to the two 2 Day courses arranged and fully subsidised by PAS (Planning Advisory Service): specifically for councillors leading the production of councils' local plans, to advise them on how to be NPPF compliant. There is an opportunity for a member(s) to attend. The Chairman expressed an interest and, members agreed that it would be appropriate for him to attend.

(3) 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.

1/9 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests for deferral of any applications had been received.

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 below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) BA/2014/0204/FUL Whitlingham Country Park, Whitlingham Lane, Trowse

Temporary Toilet Building with Ramp for Disabled Access for Period of up to Three Years
Applicant: Whitlingham Charitable Trust

The Planning Officer provided a detailed presentation on the proposal for the provision of a temporary toilet building with disabled access to be situated within the car park adjacent to and on the eastern side of

the Flint Barn in Whitlingham Country Park where it would be well screened. The temporary provision was to address an urgent welfare situation. The application also included provision for additional directional signs at the entrance of the Flint Barn and in the south east corner of the Little Broad Car Park. She provided corrections to the report by explaining that the applicant was in fact, the Whitlingham Charitable Trust (WCT), although the Authority was a partner of the Trust. It was intended that the opening hours would be 9am to 5pm to coincide with the opening of the Flint Barn.

Although there would be the loss of nine car parking spaces within the existing car park, the Highways Authority had considered that given that there were other car parks in the near vicinity and Whitlingham Lane was controlled by a clearway order, they had no objection.

Following assessment, the Planning Officer concluded that the scale and design of the proposed building was suitable for its intended use on a temporary basis, the siting was appropriate being at the hub of the park and in an area where there was a distinct lack of such facilities available at present, and it would be suitably screened. It was also in accordance with the development plan policies including the newly adopted Site Specifics Policies (Policy WH1). She therefore recommended approval subject to conditions.

Members gave careful consideration to the proposal, recognising that it would provide a temporary solution to an immediate problem which was urgent and essential, although they would not wish to encourage such a building on a permanent basis. They considered that a three year temporary consent was acceptable. Concern was expressed about the treatment of the building with the bonded vinyl cladding depicting a woodland setting, with members stating preference for a simpler painted effect using colours that blended in more with setting eg: green(s). There was also concern about security and external lighting and this should be included as a condition.

Members considered that longer opening times of the toilet building would be desirable. However, they recognised that there were practical problems of servicing as well as issues of anti-social behaviour which needed to be addressed. The hours were suggested as part of the application and as members considered it should be open for longer periods it would be inappropriate to place a condition restricting opening times on the development. It was noted that the Trustees for the Arminghall Settlement (TAS) had not been formally consulted as part of the consultation process although it was recognised that TAS should be aware of the application as part of the WCT and the WCT was required to seek the TAS/Crown Point Estate's permission as the landlord to carry out any development. Members considered that it should be clarified that the TAS were supportive.

It was RESOLVED unanimously

that the application be approved in principle and delegated authority be given to officers to approve the temporary proposal for three years, subject to clarification that the Trustees of the Arminghall Settlement are aware and supportive of the scheme, amendments to the appearance/ treatment of the building being made and conditions as outlined within the report as well as additional conditions concerning lighting and external treatment being agreed with the LPA. Subject to the above, the proposal is considered to be in accordance with the relevant Development Plan Policies and the NPPF. In particular Policies CS5, CS6, CS9 and CS11 of the Adopted Core Strategy (2007) and Policies DP1, DP3, DP4 and DP5 of the Development Management Policies DPD as well as Policy WH1 of the Site Specific Policies DPD.

Dr Gray, having declared that he had an interest which was likely to be seen as prejudicing his impartiality, left the meeting for the following item.

Mr Gould in the Chair

(2) BA/2014/0166/FUL Brundall Gardens Marina, Postwick Lane, Brundall

Temporary soil storage area, formation of bund to footpath and wet woodland and formation of North car park access track.
Applicant: Mr Samuel Dacre

The Planning Officer provided a detailed presentation and explained that the application sought retrospective consent for an additional temporary storage area on an agricultural field and for the permanent disposal of a proportion of the spoil arising from the digging of a new basin (granted permission in 2013), in a series of bunds on land outside the previously approved red line boundary, but within the wider Brundall Gardens Marina site. The area used for storage on the field would be on a temporary basis until 1 September 2014 when the area would be levelled. He explained that due to concerns over the landscape and ecological impact, a revised application providing greater specifications on the bunds and proposals for new hedgeline interspersed with trees had been received and the necessary consultations undertaken. The Planning officer clarified that the footpath referred to in the report already existed and this would be screened by the new hedge.

The Planning Officer reported that the Environment Agency had no objections as there would in fact be a net increase in flood storage capacity on the Brundall Gardens Marina site following the excavation of the mooring basin.

Following assessment of the application he concluded that the development proposed was modest in scale and did not have any unacceptable impacts on the landscape, ecology of flood risk situation within the Broads and therefore could be recommended for approval.

Members gave careful consideration to the application. Although exceedingly regrettable that the application was retrospective in nature, they concurred with the Officer's assessment and the proposed conditions, including those suggested by Railtrack/Network Rail.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report together with those suggested by Rail Track relating to drainage and landscaping. The development is considered to be in accordance with the development planning policies within the adopted Core Strategy (2007) and the Development Management Policies (2011) particularly Policies CS1 and DP1, DP2 and DP29 and in accordance with the NPPF.

Dr Gray returned to the room and took the Chair.

1/12 Enforcement Item for Consideration Land to rear of Bishy Barneybee, Back Lane, Burgh Castle Construction of barn and other buildings, plus standing of structures, without planning permission

The committee received a report concerning the unauthorised construction of a barn and other buildings on land to the rear of the residential property known as Bishy Barneybee near to Burgh Castle marshes. Members noted that although permitted development rights applied to agricultural buildings in certain circumstances, these would not apply in this instance as the site was not an agricultural unit, and there was no evidence to demonstrate that the buildings were reasonably necessary for agricultural purposes. It was noted that certain procedures were required in such circumstances which could not be followed retrospectively. In addition, the buildings did not benefit from householder permitted development rights as they did not fall within the curtilage of the adjacent cottage, Bishy Barneybee which was in the same landownership. A considerable number of objections and concerns had been raised by local residents including concerns that the site was being used for shooting purposes, although there was no evidence that shooting had taken place at this site. It was noted that the RSPB were aware of the situation.

Members noted that the buildings and structures which had been erected were located within the open countryside and were considered to have a detrimental impact on the appearance of the landscape and were therefore contrary to development plan policy.

Members noted that it was important to be consistent and fair in approach and the use and permissions for any other buildings within the vicinity be clarified and investigated.

RESOLVED unanimously

that authorisation is granted for the serving of an Enforcement Notice (in consultation with the Solicitor) requiring removal of the unauthorised building and structures and reinstatement of the land with a compliance period of 3 months and for prosecution in the event that the enforcement notice is not complied with.

1/13 Enforcement Update

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

RESOLVED

that the report be noted.

1/14 Appeals to the Secretary of State: Update

The Committee received a schedule showing the position regarding appeals against the Authority since May 2013 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

1/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 9 June 2014 to 7 July 2014.

RESOLVED

that the report be noted.

1/16 Circular 28/83: Publication by Local Planning Authorities of Information about the Handling of Planning Applications

The Committee received the development control statistics for the quarter ending 30 June 2014 and were pleased to note that these were well within the targets set.

RESOLVED

that the report be noted and welcomed.

13/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 15 August 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 11.30 am

CHAIRMAN

Code of Conduct for Members**Declaration of Interests****Committee:** **Planning** 18 July 2014

| Name | Agenda/ Minute No(s) | Nature of Interest (Please describe the nature of the interest) |
|--------------|---------------------------------|--|
| Sholeh Blane | Items 1/10(1) | Application BA/2014/0204/FUL Trustee of Whitlingham Charitable Trust |
| Murray Gray | Item 1/10(2) | Application BA/2014/0166/FUL Opposed to most bunding and therefore biased. |