

Broads Authority

Planning Committee

Minutes of the meeting held on 21 July 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard (Minute 8(3) onwards)	Mr P Rice
Prof J Burgess	Mr H Thirtle
Mr W Dickson	Mr V Thomson
Ms Gail Harris	

In Attendance:

Ms N Beal – Planning Policy Officer
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Ms M Hammond – Planning Officer
Mr N Catherall – Planning Officer
Ms A Cornish – Planning Officer
Mr G Papworth – Planning Assistant
Mr R Rogers – Director of Operations/on behalf of Director of Planning and Resources
Ms C Smith – Head of Planning

14/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr J Timewell. Mr M Barnard had apologised that he would be slightly late.

14/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared an interest on behalf of all members in relation to Applications BA/2017/0190/FUL and BA/2017/0164/FUL since they involved a member of the Navigation Committee and a member of the Authority respectively.

14/3 Chairman's Announcements and Introduction to Public Speaking

(1) Director of Strategy and Sustainable Communities

The Chairman welcomed Ms Marie Pierre Tighe as an observer. She would be joining the Authority as the Director of Strategy and Sustainable Communities later in the year.

(2) 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 2017 to record all its public meetings on a trial basis. The copyright remained with the Authority and the recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. 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.

- (3) **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.)

14/4 Minutes: 23 June 2017

The minutes of the meeting held on 23 June 2017 were agreed as a correct record and signed by the Chairman.

14/5 Points of Information Arising from the Minutes

There were no points of information to report.

14/6 To note whether any items have been proposed as matters of urgent business

No matters had been proposed as items of urgent business

14/7 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.

14/8 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 decision.

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/2017/0078/FUL Tipperary Cottage, Thimble Hill, Wayford Road, Smallburgh** Single storey dwelling house to be used as an annexe to the existing dwelling house on the site.
Applicant: Mr Neil Cousins

The Planning Officer provided a detailed presentation with assessment of the application proposing the development of a dwelling house in the form of a 2 bedroomed modest bungalow to be used as an annexe, sited in the curtilage of Tipperary Cottage towards the rear of the site. The annexe was intended as ancillary to the existing dwelling house on the site to accommodate a family member. Members of the Committee had had the benefit of a site visit on 6 July 2017 in order to fully appreciate the relationship between the existing and the proposed units within the local context.

The Planning Officer explained that the application proposed a new form of residential accommodation ancillary to the main dwelling. He explained the complexities involved in this instance since the definition of an annexe in planning terms was not precise and could result in a level of ambiguity as to where a proposal ceased to be an annexe and could in fact be an independent form of residential accommodation. The applicants had signed a Section 106 Agreement in order to protect the main dwelling from being sold separately from the proposed ancillary dwelling and for it to be maintained as integral to the whole unit. The Planning Officer drew attention to the adjacent holiday site, pointing out that the proposal would not be visible from the highway or neighbouring footpath, as well as being well screened. Its siting would ensure that it did not contribute to a cluttered or overdeveloped appearance of the site. Although the extent of the separation of the building from the main dwelling unit was not insignificant, the Planning Officer considered that there were unique circumstances associated with the site. When assessing the application, he emphasised that account had been taken of the context of the site. It was considered that the proposal would not harm or be detrimental to the Broads landscape or have a detrimental effect on the neighbouring amenity. Therefore he concluded that the application could be recommended for approval subject to the Section 106 Agreement and conditions.

In answer to Member's questions, the Solicitor confirmed that the Section 106 Agreement related to securing a restriction on the sale of the dwelling separately from the proposed dwelling and this could not be challenged for five years, although after that period it could be negotiated. Any other issues such as the use would be covered by planning conditions. If a planning condition that had been imposed was not observed, it would be open to the Authority to serve a breach of condition notice for which there was no right of appeal.

A member queried as to the size of the proposed dwelling being modest given that the total floor area appeared to be greater than that of the average three bedroomed modern properties. He considered that in his view it was a substantial property that was not subservient to the main dwelling and could not be described as an annexe. He considered that there were other opportunities within the site. He considered that it was an application for a new build in an

unsustainable location outside the development boundary and could therefore set a precedent and could be of considerable harm.

Other members considered that it was a unique and unusual site and in the context in which it was set would not be out of place, cause harm or set a precedent. They were particularly mindful of the recent appeal decisions and the issues discussed at their previous meeting. They considered that the Officers had provided a thorough assessment, there was a clear justification for approving this scheme and which would not set a precedent given the particular circumstances here (as outlined in the report and presentation) and provided the application was carefully conditioned in association with the Section 106 Agreement should be accepted.

Paul Rice proposed, seconded by Jacquie Burgess and it was

RESOLVED by 5 votes to 2 against

- (i) That the application be approved subject to the prior completion of a Section 106 Agreement and conditions outlined within the report as the proposal is considered to be in accordance with Policy CS1 of the Core Strategy (2007), Policies DP2, DP4, 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.
 - (ii) That any proposal to vary the section 106 Agreement in relation to this proposal be brought to the Planning Committee for consideration.
- (2) **BA/2017/0103/OUT Hedera House, the Street, Thurne**
Demolition of existing buildings and redevelopment of Hedera House to form 6 residential dwellings and ten new holiday units.
Applicant: Burlington Hotel (Great Yarmouth) Ltd.

The Planning Officer provided a detailed presentation of the outline proposal for planning permission to demolish existing buildings and provide a comprehensive redevelopment of the site at Hedera House to provide a mixture of replacement holiday accommodation comprised of 10 new holiday cottages of different building designs and six new residential dwelling houses as enabling development. He explained that a number of objections had been received including those from the Thurne Community Action Group, the Parish Council and the Thurne Archive Group. He provided the assessment giving particular attention to the criteria in Site Specific Policy THU1 that related to Thurne and specifically the Hedera House site.

The issues related to site use distribution, layout and design, landscape, neighbour amenity, biodiversity, landscaping and trees, flood risk, drainage, sewerage, all of which were considered to be

satisfied and in accordance with policy and the development would be appropriate within the existing village and not adversely impact on the surrounding landscape character. He explained that the site was allocated for a mixed holiday/residential use in the Local Plan and the Site Specifics Local Plan allowed for a proportionate amount of enabling development subject to a viability assessment and this had been submitted with the application together with an Ecological and Protected Species Survey. The Viability Assessment had been undertaken by an independent expert and independently reviewed to test the accuracy of the conclusions that a minimum of 6 general market houses would be required to make the proposed development viable. The conclusions of the independent review was that the appraisals had provided a fair assessment to provide both landowner and developer a fair return to ensure that the development of the proposed open market housing would enable delivery of the new holiday accommodation. The Planning Officer concluded that the objections had been adequately addressed and the application could be recommended for approval.

The Planning Officer clarified that the question of affordable housing had been considered in association with Great Yarmouth Borough Council and the site had not been identified as one of the key areas for such a scheme.

Members considered that they had been presented with a lot of information and that the issues were very finely balanced. Thurne was a small community and they considered that a site visit would be useful.

The Head of Planning clarified that the site had been allocated within the Local Plan Site Specifics Policies and therefore the principle of development for the Hedera House site was already established. One of the members noted that the Committee would not be able to consider the principle of viability, but they did request that further information on the detailed submission be provided. Members would need to have regard to whether the proposals met the 8 criteria of the Site Specifics policy and that they could be satisfied with the arguments made about the balance of development and whether the mix and configuration of the proposed units were appropriate given the local context.

Bill Dickson proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

That Planning Committee undertake a site visit on Friday 4 August 2017 prior to determination of the application in order to achieve a greater understanding of the development in the context of the village of Thurne to have regard to whether the proposal meets the policy criteria required.

(3) **BA/2017/0147/FUL Peto's Marsh (Compartment 28) Carlton Colville**

Excavation of a series of ponds to provide material for adjacent flood defence improvements.

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the application to create a series of ponds on an area of flat marshland area to generate material required by BESL to reshape and strengthen the existing flood bank running along the eastern boundary of Peto's Marsh. The area had recently been acquired for the Suffolk Wildlife Trust who had a vision and plans for the future development and management of the area to increase biodiversity and improve the ecology of the site, which had previously been under arable cultivation. Works to the floodbank were not part of the application. Some members had had the opportunity to view the whole site on the Members Annual Site visit, although this application had not been discussed

Having assessed the major issues in relation to the application, the Planning Officer concluded that although the purpose of the application was to generate sufficient material to strengthen and re-profile the existing flood bank on the eastern boundary of the site, part of the overall BESL flood defence programme, the application would also provide welcome biodiversity benefits and significantly improve the habitat value of the land as well as the landscape value. The scheme was therefore recommended for approval.

Having been satisfied on possible safety issues, Members were very supportive of the proposals and commended the application.

The Chairman put the Officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to conditions as the development was considered to be in accordance with policies CS1, CS2, CS4 and CS20 of the Core strategy and Policies DP1, DP2, DP11 and DP29 of the Development Management Policies DPD(2011) and an appropriate form of development, with no detrimental impact on ecology and designated sites or the landscape.

(4) **BA/2017/0190/FUL Ferry Marina, Ferry Road, Horning**

Extension to Boatshed

Applicant: Ferry Marina Ltd.

The application was before the Committee as a member of the Navigation Committee was a director of the company submitting the application. It was noted that the Solicitor had confirmed that the

application had been dealt with in accordance with the normal processes and procedures and the recommendation appeared uncoloured by the relationship noted in the report.

The Planning Officer provided a presentation of the application to add a subservient extension to an existing substantial commercial boatshed as part of the Ferry Marina boatyard site, on the northern side furthest from the river. The extension would occupy an area currently open grass, to be used as an additional workshop space and ancillary facilities to the boatyard.

The Planning Officer concluded that on balance and having taken into account the representations received, the extension was acceptable in design, would not result in any unacceptable impacts on amenity and therefore subject to a landscaping condition would comply with policy, including Policy HERR7 and was recommended for approval.

Members concurred with the Officer's assessment and on being put to the vote

RESOLVED unanimously

that the application be approved subject to conditions outlined within the report as the proposal is considered acceptable in accordance with Policies CS1 and CS9 of the adopted Core Strategy (2007), Policies DP2, DP4, DP20, DP28 and DP29 of the adopted Development Management Policies (2011), Policy HOR7 of the adopted Site Specific Policies (2014) and also the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (5) **BA/2017/0164/FUL Fineway Cruisers, Fineway Boatyard, The Rhond, Hoveton** Replacement Quay Heading
Applicant: Richardsons Leisure Ltd.

The application was before the Committee as a member of the Authority was the Managing Director of the company submitting the application - Richardsons Leisure Ltd. It was noted that the Solicitor had confirmed that the application had been dealt with in accordance with the normal processes and procedures and the recommendation appeared uncoloured by the relationship noted in the report.

The Planning Assistant provided a presentation of the part retrospective application to replace approximately 112 metres of timber quayheading at the Fineway Boatyard with steel piling and timber capping and waling. Additional information had since been received which satisfied the Environment Agency and they had no objection. In conclusion, the Planning Assistant recommended approval as the application was in accordance with policy.

Members concurred with the officer's assessment.

RESOLVED unanimously

That the application be approved subject to conditions outlined within the report as the development is considered to be acceptable in respect of Planning Policy and in particular in accordance with policies DP4, DP13 and DP29.

14/9 Enforcement Update

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

RESOLVED

that the Enforcement Update report be noted.

14/10 Code of Conduct for Planning Committee Members and officers

The Committee received a report updating the ' Code of Conduct for Planning Committee Members and Officers' which had been revised to ensure consistency with the recent revisions to other governance documents particularly the Authority's Code of Conduct adopted in 2016 and the Protocol on Member and Officer relations adopted in May 2017 and the latest best practice. The Committee was supportive of the proposed amendments and it was

RECOMMENDED to the Authority

that the Code of Conduct for Planning Committee Members and Officers be adopted.

14/11 Broads Local Plan: July Bite Size Piece

The Committee received a report introducing the latest topics to inform the publication version of the Local Plan set out as the July 2017 Bite Size pieces.

This included policies on Design (Appendix A), the Central Norfolk Strategic Housing Assessment (CNSHMA) (Appendix B) which informed the Revised Housing Topic. (Appendix C).

Members welcomed and endorsed the proposed policies. They noted that the amendments to the proposed policies on Design took account of the discussions at the previous meeting particularly in light of recent appeal decisions.

It was noted that with regard to CNSHMA the Authority's need was calculated on the basis of its neighbouring Districts and Members were pleased to see

the improved cooperation with those adjacent LPA colleagues which were beneficial.

The Planning Policy Officer provided notice of the considerable number of policy items as part of the Broads Local Plan for consideration at the next two Committee meetings.

RESOLVED

that the proposed revised policies within the July Bite Size Pieces on Design and Housing for the Broads Local Plan be noted and endorsed.

14/12 Landscape and Landscaping Guides for Adoption

The Committee received a report which provided an information guide to help applicants address landscape and landscaping in relation to their schemes. This had been the subject of public consultation, the responses of which were contained in the report at Appendix A.

The Committee endorsed the proposed Guide and recommended that it be adopted. Once approved the Guide would be produced in paper format only on request.

RECOMMENDED to the Authority

that the responses and amendments to the Guide are noted and endorsed and the Broads Authority adopt the Landscape and Landscaping Guides

14/13 Salhouse Neighbourhood Plan for Adoption

The Committee received a report setting out the details of the referendum held in relation to the Salhouse Neighbourhood Plan. Members noted the progress of the Plan, all of which were in accordance with the statutory procedures including those encompassed in the appropriate Planning legislation. The Referendum was held on 19 July 2017 and in order for the Neighbourhood Plan to be successful, greater than 50% of those that voted on the Plan needed to vote in its favour. The Planning Policy Officer informed members that the Referendum vote had provided a resounding "Yes" with 288 votes in favour and 24 against. It would be up to the Authority as to whether to adopt the Neighbourhood Plan.

RECOMMENDED to the Authority

that the Salhouse Neighbourhood Plan be adopted and therefore become part of the Broads Development Plan, a major consideration in the determination of applications with Salhouse Parish.

14/14 Consultation Documents Update and Proposed Responses

The Committee received a report on the latest Consultation Document received from South Norfolk council on its proposed Supplementary Planning Document setting out guidelines for recreation provision in new residential developments. The Committee considered the proposed response to the consultation. The local authority members appointed by South Norfolk and North Norfolk Districts commented that the costs of managing recreational areas were increasing and proving to be difficult to sustain.

Members welcomed the proposed response

RESOLVED

that the report be noted and the proposed response be endorsed and forwarded to South Norfolk Council.

14/15 Appeals to Secretary of State

The Committee received a report on the current appeals against the Authority's decisions since April 2017. The Authority had received a start date of 19 July for the appeal relating to Eagles Nest, Ferry Road, Horning.

RESOLVED

that the report be noted.

14/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 9 June 2017 to 4 July 2017. It was noted and welcomed that there was only one application within the schedule which had resulted from the monitoring being undertaken by officers. A report on Monitoring would be brought to a future meeting.

RESOLVED

that the report be noted.

14/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 18 August 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: 21 July 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Items 8(4) and Item 8(5)	Member of Navigation Committee Director of the Company making the application. Member of the Authority is the Managing Director of the company making the application.
Mr W A Dickson	Item 8(5)	Near Neighbour
Paul Rice	Item 8 (4) Item 8 (2)	Chairman of Broads Society Boat temporarily in Ferry Marina boatyard Member of IDB
Haydn Thirtle	Item 8(2)	Know applicant, have been lobbied. Norfolk County Councillor for area