

Broads Authority

Planning Committee

Minutes of the meeting held on 8 February 2019

Present:

In the Chair - Mrs M Vigo di Gallidoro

Mr M Barnard
Mr L B Keith
Mr R Hanton
Ms G Harris

Mrs L Hempsall
Mr H Thirtle
Mr J Timewell

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Ms N Beal – Planning Policy Officer (Minute 7/10)
Mr R Rogers – Director of Operations (up to and for Minute 7/8)
Mrs R Sainsbury – Planning Officer (up to and for Minute 7/8)
Ms C Smith – Head of Planning
Mrs M-P Tighe – Director of Strategic Services

Members of the public in attendance who spoke:

Application BA/2018/0466/FUL Land at Burgh Castle

Dr Kevin Marsh On behalf of Applicant

7/1 Apologies for Absence, Welcome and Housekeeping Matters

The Chair welcomed everyone to the meeting.

Apologies had been received from Prof J Burgess, Mr W A Dickson, Mr P Rice and Mr V Thomson.

The Openness of Local Government Bodies Regulations

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

7/2 Declarations of Interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

7/3 Minutes: 11 January 2019

The minutes of the meeting held on 11 January 2019 were agreed as a correct record and signed by the Chair.

7/4 Points of Information Arising from the Minutes

The Director of Strategic Services referred to a recent case DOVER DC v CPRE Kent 2017 at the UK Supreme Court, which related to the procedures for taking decisions at Planning Committee where a decision may be contrary to the Officer's recommendation. It was understood that North Norfolk District Council had recently adopted new procedures as a result of the court case. Officers would be looking into the details and legal implications of this and examine the rules on committee voting against Planning Officers' recommendation before presenting any formal proposals for changes to the procedures to the Committee.

7/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

7/6 Chairman's Announcements and Introduction to Public Speaking

Public Speaking

The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Members of the public were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented. They were reminded that, as the meeting was being recorded, any information they provided should be appropriate for the public. They were requested not to give out any sensitive personal information unless they felt this was necessary to support what they were saying and would not mind others being aware of it.

7/7 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.

7/8 Applications for Planning Permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decision.

The following minute relates to further matters of information, or detailed matters of policy not already covered in the officer's report, and which were given additional attention.

(1) BA/2018/0466/FUL Right bank of River Waveney, Compartment 34 of BFAP.

Installation of new piling in front of existing to maintain the long-term integrity of this section of flood defences.

Applicant: Environment Agency

The Planning Officer gave a detailed presentation and assessment of the application to install a total of 211 metres of piling in front of existing piling. This was intended to maintain the long-term integrity of a section of flood defences on the right bank of the River Waveney immediately upstream of Burgh Castle Mariana. The proposal related to a previous application for flood improvement works, as part of the Broads Flood Alleviation Project (BFAP) which had been completed. It had been agreed to leave the piling in place due to the importance of the mooring provision this provided, particularly for safety reasons and prior to entering Breydon Water. The piling edge had been managed by the Broads Authority for 24 hour moorings but had been closed due its poor condition in 2018 and the lease with the landowner having expired. The aim of the current application was to restore the piling so the moorings could be brought back into use.

There had been no objections to the proposal. The Navigation Committee had considered the application at its meeting on 17 January 2019 and was supportive, considering that, with the width of the river at this point being 50 metres, there would not be a negative impact on navigation.

The Planning Officer concluded that the proposal could be recommended for approval as it was in line with the previously approved flood defence work in the location. It would provide clear benefits, including flood defence and nature conservation management, as well as satisfactorily protecting and enhancing recreation and navigation interests with access to water space maintained. The conditions proposed were standard but with a 5 year expiry date instead of 3 years, to increase the time to carry out the works.

The Director of Operations explained that the Environment Agency had overspent on its capital programme and therefore was not in a position to complete the works at this time.

Kevin Marsh on behalf of the applicant confirmed that the Environment Agency budget was constrained. Following the end of the BFAP, as from 2021 there would be new arrangements with a new spending plan.

It was noted that the factors relating to funding and deliverability were not a planning consideration and did not affect the planning decision.

A member suggested, that it might be worth considering a collaborative effort in raising funding for the works, given that the moorings were so important in this location particularly for safety as well as recreational reasons. Members supported such an idea for consideration. It was hoped that the works could be undertaken well before the 5 year expiry.

Members fully supported and commended the application.

Haydn Thirtle proposed, seconded by Bruce Keith and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report including a 5 year time limit condition and further details being submitted as required by the Operations team.

The proposal is considered to be in accordance with Policies CS1, CS3, CS4, CS9 and CS14 of the Core Strategy (2007), Policies DP1, DP4, DP12, DP13, DP28 and DP29 of the Development Plan Document (2011).

7/9 Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

Burghwood Barns, Burghwood Road, Ormesby St Michael.

Ron Hanton and Haydn Thirtle declared an interest as County Councillors for the area.

Members were reminded that they had agreed to proceed to prosecution as compliance with the Enforcement Notice had not been achieved. The applicant had subsequently indicated that he intended to comply with the Notice and therefore a court appearance on 18 December 2018 had been adjourned. Monitoring had continued and further works to comply with the Enforcement Notice had been undertaken. This included dismantling of the gazebo and removal of the slates from the path. The concrete sub base was yet to be removed. A further inspection would be made on 24 February 2019, two days before the next court hearing. The landowner had agreed to pay a contribution of £1,000 towards the Authority's legal costs and had already contributed in part.

Marina Quays. The initial application had been withdrawn and it was understood that the applicants would be submitting a new application following negotiations in the near future.

Members supported the action being taken and noted the progress made.

RESOLVED

that the report be noted.

7/10 Wroxham Neighbourhood Plan – proceeding to Referendum

The Committee received a report on the progress of the Wroxham Neighbourhood Plan. The submitted Neighbourhood Plan was approved by the Broads Authority Planning Committee at its meeting In November 2018, following which there was a statutory six week publication period for consultation. The representations received from this were submitted with the published Neighbourhood Plan for independent examination.

The Independent Examiner's report had been received in the last few days and this had been circulated separately to Members and incorporated into the agenda on the website. The Planning Policy Officer provided the Committee with the findings of the report together with the LPA response.

The Examiner had assessed the Neighbourhood Plan and taken on board the comments received and concluded that the Plan could now proceed to referendum subject to the Modifications listed in his report.

The Planning Policy Officer had made comments on the Plan, to improve clarity, particularly as it would be the development control officers who would need to implement the proposals and they had not been involved in their writing. She explained that not many of the comments the Authority had made had been taken on board. However, the Inspector had agreed with the Authority on two main issues. One related to a policy that seemed to conflict with an adopted Broads policy, the other to the relief road where the Authority had commented as to the uncertainty of how this could be achieved, given the land constraints.

The Wroxham Neighbourhood Plan group had discussed the Examiner's report at a meeting on 7 February 2019 and were satisfied that it could proceed to referendum. Broadland District Council was also required to agree to the next step.

RESOLVED unanimously

that the Authority endorses the Examiner's Report and supports the amended Wroxham Neighbourhood Plan proceeding to referendum.

7/10B Consultation Documents and Proposed Response: Norwich City council Affordable Housing (Supplementary Planning Document)

The Committee received a recent consultation from Norwich City Council on its Affordable Housing SPD together with the proposed response provided by the Authority's officers. The SPD had been updated in light of the changes to the NPPF and to reflect the practises over the last few years. It was relevant to the Authority since it deferred to the Housing Policies of the Districts.

Members congratulated the officers on the detailed diligence with which they scrutinised the consultation documents.

RESOLVED unanimously

that the report be noted and the proposed response be endorsed for forwarding to Norwich City Council.

7/11 Appeals to the Secretary of State

The Committee received a schedule of decisions to the Secretary of State since 1 June 2018. The Authority had submitted the statement on the appeal concerning the conditions attached to the outline permission for development at Hedera House, Thurne. The Authority was now awaiting a date from the Planning Inspector for a site visit. There were now two more appeals on the schedule received within January 2019 for which a start date was awaited from the Planning Inspectorate.

With reference to the appeal at Nursery View Burghwood Road, Ormesby where the Authority had refused permission for 4 detached dwellings under delegated powers, the Head of Planning explained that the site fell outside the development boundary and was contrary to policy. Under the scheme of delegation, applications for development below a maximum of 10 properties could be dealt with by officers. The application would have been determined by Planning Committee, if officers had proposed to recommend approval contrary to development policy (ie: Departure).

RESOLVED

that the report be noted.

7/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 28 December 2018 to 23 January 2019.

RESOLVED

that the report be noted.

7/13 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications

The Committee received a report setting out the development control statistics for the quarter ending 31 December 2018. The Head of Planning commented that the performance levels had fallen and this reflected the changes in staff. Now the new staff had been in post for some months, it was anticipated that the figures for the next quarter would be more favourable.

RESOLVED

That the report be noted.

7/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 8 March 2019 (International Women's Day) starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 10.42 am.

CHAIRMAN

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 8 February 2019

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Haydn Thirtle	7/8	Board member (Internal Drainage Board) Previously attended Navigation Committee when matter discussed.
Gail Harris	7/10B	Consultation Norwich City Council Affordable Housing SPD. Appointed by Norwich City Council
Ron Hanton	7/9 and 7/11	Borough Councillor and County Councillor for Ormesby.