

Broads Authority
Planning Committee

Minutes of the meeting held on 7 November 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr G W Jermay
Miss S Blane	Mrs L Hemsall
Mrs J Brociek-Coulton	Dr J S Johnson
Prof J Burgess	Mr P Ollier
Mr N Dixon	Mr R Stevens
Mr C Gould	

In Attendance:

Ms N Beal – Planning Policy Officer
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Mr S Hooton – Head of Strategy and Projects
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Planning
Ms K Wood – Planning Officer

Members of the Public in attendance who spoke:

BA/2014/0297/FUL Compartment 9: Left bank of the River Bure between Thurne Mouth and Acle Bridge, Ashby-w-Oby

Jeremy Halls BESL On behalf of applicant (Environment Agency)

BA/2014/00336/HOUSEH Landfall, 8 Anchor Street, Coltishall

Mr Peter Cobb/Jonathan Applicant and Agent
Burton
Mr Philip Atkinson Lanpro on behalf of Objectors Mr and Mrs Smith (neighbour)
Mr Alan Mallett District Ward Member.

BA/2014/0307/FUL H E Hipperson Ltd, Gillingham

Mr Simon Sparrow Applicant

5/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from: Mr John Timewell and Mr Peter Warner.

5/2 Declarations of Interest

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

5/3 Minutes: 10 October 2014

The minutes of the meeting held on 10 October 2014 were agreed as a correct record and signed by the Chairman.

5/4 Points of Information Arising from the Minutes

David Matless Lecture in the Julian Centre at UEA

The Chairman reported that David Matless had provided an extremely interesting lecture on 3 November 2014 at the UEA on Nature and Landscape as one of the events to mark the 25th Anniversary of the Broads Authority being set up. The event had been well attended.

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

No items had been proposed as matters of urgent business.

5/6 Chairman's Announcements and Introduction to Public Speaking

(1) Dates for Members to note: BA Planning Policy – Shaping the Broads Local Plan – 5 December 2014

The Chairman reminded members that there would be a workshop for all members of the Authority on Friday 5 December 2014 following the Planning Committee meeting. The aim was to give members the opportunity to help shape the Broads Local Plan in its early stages. All members had received an email and asked to respond as to their intention to attend as soon as possible.

(2) **Public Speaking and Openness of Local Government Regulations**

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.

5/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests for deferral had been received.

5/8 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/2014/0297/FUL Compartment 9: Left bank of the River Bure between Thurne Mouth and Acle Bridge, Ashby-w-Oby**

Removal of piling along the river's edge, and re-grading of the edge and the original bank along the left (eastern) bank of the River Bure between Thurne Mouth and Acle Bridge

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the application for the removal of a total of 1,532 meters of piling in five areas along the eastern bank of the River Bure between Thurne Mouth and Acle Bridge. This was now no longer used for flood defence purposes since the majority of flood defence works within this compartment 9 were now completed. The proposal to remove the piling was as a result of the planning condition imposed on the original permission granted for those works. The application also included re-grading of the original flood bank and installation of temporary channel markers in place. He explained that the techniques to be used would be similar to those used elsewhere. He emphasised that the existing private and short stay moorings including those owned by the Authority would be retained.

The Planning Officer drew attention to the consultation comments received, particularly those of the Navigation Committee which had supported the application provided appropriate planning conditions relating to erosion monitoring, channel marking and timing of works

were attached to any planning permission. He reported that Natural England had reported that it was satisfied with the proposals but nothing officially had been received in writing as yet.

In providing a detailed assessment of the proposals against the relevant core strategy and development management policies as well as the NPPF, the Planning Officer particularly took account of the reservations raised by the Boating Associations in relation to the navigation Issues. The Planning Officer concluded that the scheme was acceptable and recommended for approval subject to conditions.

In response to a member's concerns relating to use of netting in the area which had caused problems elsewhere, Mr Halls, on behalf of BESL confirmed that netting had only been used in areas of significant erosion. BESL in association with Authority rangers would ensure that any remaining obtrusive structures or objects would be removed and this would require underwater survey.

Members welcomed the proposal and concurred with the Officer's assessment. The piling to be removed was no longer required for flood defence purposes. The pile removal would not increase flood risk in the compartments or elsewhere in the area. It was considered that with the imposition of planning conditions; navigation, recreation, ecological, highway, amenity and other interests could be protected

RESOLVED unanimously

that the application be approved subject to the receipt of formal comments from Natural England and conditions as outlined within the report together with an additional condition requiring an underwater survey post removal of the piling to ensure obtrusive artefacts were removed. The permission to be accompanied by an Informative referring to the Memorandum of Understanding between the Broads Authority and the Environment Agency 2003, the Water Resources Act 1991 and flood defence consent.

The proposal would meet the key tests of development plan policy, particularly Policies CS1, CS2, CS3, CS4, CS15 of the adopted Core Strategy and Policies DP1, DP13 and DP29 of the Development Management DPD and would be consistent with NPPF advice.

- (2) **BA/2014/0336/HOUSEH Landfall, 8 Anchor Street, Coltishall**
Resubmission of BA/2013/0313/FUL to remove existing conservatory and provide first floor extension / side extension
Applicant: Mr P Cobb

The Planning Assistant provided a detailed presentation on the proposal for the removal of an existing conservatory and to provide a first floor extension and side extension in its place to form a cross-wing arrangement. It was intended that the materials to be used would

match the existing to include concrete tiles and matching brickwork on the ground floor with the first floor being of timber cladding.

The Planning Assistant drew members' attention to the consultation responses received particularly those expressing concern about the adverse impacts on landscape, Conservation Area and listed buildings, the proximity to existing dwellings and amenity of adjoining occupiers. Since the writing of the report, further consultations had been received from the Broads Society which had not objected (letter circulated).

The Planning Assistant provided photographs to illustrate the proximity of the Grade II Curtilage Listed Building of Old Maltings with views from that property to Landfall. She explained that planning permission had been granted in 1989 to the Old Maltings for an extension adjacent to Landfall part of which had been constructed. Extant permission existed for the remaining conservatory with glass roof, not yet built. The owners had submitted results of a light survey contending that the application before members would result in loss of light to certain parts of the Old Maltings.

Having provided a detailed assessment of the proposals, taking account of the main issues in relation to the design, impact on the Conservation Area and listed building, amenity and trees (notably the copper beech tree,) the Planning Assistant concluded that whilst the objections were appreciated, on balance, the application was acceptable and an appropriate type of development. Although it was appreciated that the relationship with the Curtilage Listed building would change, it was not considered that the listed building or amenity of the occupiers would be detrimentally affected as to justify a refusal. It was considered that the extension would relate far better to the predominant scale and form of dwellings along Anchor Street and within the Coltishall Conservation Area. The recommendation was for approval subject to conditions including a tree protection plan.

Mr Atkinson, on behalf of the objectors expressed deep concerns on the basis that he considered the application to be flawed due to factual inaccuracies and that it had not been properly assessed in relation to rights to light. He provided members with diagrams of the potential light restrictions based on assessments undertaken in line with BRE Good Practice Guidance. He considered that the 25 degree test had not been met. He therefore requested that the application be deferred in order to make the appropriate assessments concerning the impact of the proposed development on the neighbour. The proposal would affect the views into the habitable room of the conservatory which had extant planning permission but had not yet been built. He considered that the impact of the proposal on the Old Maltings would be significant and impact on the sunlight to that property.

Members commented that Mr Atkinson seemed to have mixed up his points of the compass and was confusing north and south.

Mr Burton on behalf of the applicant commented that Anchor street had evolved as an area of mixed development. The existing 1960s bungalow did little to enhance the area and the way in which the proposal had been designed was to provide a more agreeable development harmonious to the setting. It was significantly different to the previous application which had been withdrawn and realigned to minimise the impact on the listed building. He explained that the conifer trees at about 3.5metres to 2metres high, which originally formed part of the boundary between the Old Maltings and Landfall had been removed at the request of the owners of Old Maltings and replaced temporarily by a 2 metre high fence in order to provide privacy.

Mr Mallett the Ward Member commented that he considered there to be a serious matter of procedure. He contended that the first he had been made aware of the application was from a phone call from a fellow District member and from only receiving notification within the last week that the application was to be considered at this planning committee meeting. The Parish Council seemed also to be unaware of the application and therefore there had been insufficient time for either to provide an adequate assessment or comment.

The Case Officer confirmed that consultation letters had been sent out to the Local Member and the Parish Council on 7 October. In addition all ward members would have received the weekly list of validated applications. However, given that there was doubt about whether these notifications had been received, Members considered that the application should be deferred. In addition, it was suggested that due to the complex relationship between the two buildings and the difficulty in appreciating his relationship just in plan form, it would be appropriate for Members to undertake a site visit.

It was RESOLVED by 7 votes to 2

- (i) that the application be deferred to enable the Parish Council and Ward Member sufficient time to provide any comments on the proposal and for issues raised by the objectors to be considered further; and

by 6 votes to 2

- (ii) that the Committee have a site visit to clarify a number of issues raised by the objectors. The site visit to take place on Friday 28 November 2014 at 10.00am in order to gain a full appreciation of the site and examine the proposals in the context of the Conservation Area and the Grade II Listed properties.

- (3) **BA/2014/0307/FUL H E Hipperson Ltd, Gillingham, Beccles**
Change of use of mooring from leisure to residential
Applicant: Mr Simon Sparrow

The Planning Officer provided a detailed presentation of the proposal for the change of use of one mooring plot currently used for leisure to be used as residential mooring in order for the new owners/managers to live on their barge which is on the site of a long established boatyard providing a range of boating and visitor facilities. The 17m mooring was off the main navigation within a mooring basin and was used in association with the wider boatyard use.

The Planning Officer explained that no objections to the application had been received but it was before members on the basis that it was a departure from policy.

The Planning Officer provided an assessment of the application. In particular it was assessed under the criteria within Policy DP25 for Residential Moorings. On this basis with reference to criteria (b) to (i) relating to change of use of moorings, the application was considered acceptable. However, with reference to criteria (a), the application did not fall within or adjacent to a development boundary and was therefore in conflict with this specific criterion. However, with the reduction in the number of development boundaries in the Site Specifics DPD to only 4, the fact that these had been reduced on flood risk grounds, the fact that the site was in a sustainable location with sufficient appropriate facilities and services available nearby, it complied with every other element of Policy DP25 and the general policy support for encouraging residential moorings in suitable locations, it was considered acceptable. In conclusion, it was not considered that there would be an adverse impact on the use of the site as a boatyard, biodiversity, access, navigation safety, flood risk, neighbouring amenity or wider character of the area. Whilst the proposal represented a departure from criteria (a) of policy DP25 it was considered that the conflict with criteria (a) of the policy was outweighed by the specific circumstances of this site and type of departure and therefore the proposals was acceptable despite the departure from policy. The application was recommended for approval.

Some members expressed concern that by granting permission for a residential mooring this could set a precedent for unrestricted residential mooring use and they would not wish to see a proliferation of residential boats in this area. They considered that either a personal condition be imposed or that permission be conditional on association with the operation of the boatyard. Officers clarified that this would then need to be assessed against Policy DP26. The applicant had not specifically applied for permission on the basis that it was necessary or essential to be resident on site for the operation of the business. The boatyard had been managed as such without a resident on site for many years. Policy DP25 related to residential moorings. Policy DP26

related to the operation of boatyards. If members considered that policy DP26 was the appropriate policy against which the application should be assessed, this would not require advertising the application as a departure from policy. However, Members were advised that they would be approving an application under this policy without any justification having been put forward by the applicant.

Mr Gould proposed, duly seconded by Mrs Hempsall, that a condition should be imposed on any approval to restrict the use of the mooring for residential use in association with the running of the boatyard only. This was agreed by 10 votes to 1.

On this basis Members considered that the application could be considered under the criteria of Policy DP26 and as such would not be a departure from policy. It was

RESOLVED by 11 votes to 1

that the application be approved subject to conditions as outlined within the Committee report together with an additional condition restricting the use of the residential mooring in association with the use of the boatyard. In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with the NPPF and Policies CS1 of the Core Strategy (2007) and Policies DP11, DP12, DP20, and DP28 of the Development Management Policies DPD (2011). The proposal is considered to be in accordance with Policy DP26 and therefore does not require being re-advertised as a departure from policy.

5/9 Annual Monitoring Report

The Committee received the Annual Monitoring Report from the Planning Policy Officer for the financial year 2013/14.

RESOLVED

that the Annual Monitoring Report be noted, welcomed and endorsed and be placed on the Future Planning pages of the Authority's website

5/10 Acle Neighbourhood Plan: Inspector's Report

The Committee received a report from the Planning Policy Officer outlining the recommendations from the Inspector on the Acle Neighbourhood Plan.

The member appointed by Broadland District Council informed the Committee that Broadland District had approved the Neighbourhood Plan for a referendum.

It was clarified that with regard to the Acle Bridge Area there were no specific plans to improve the area but that this was a supportive contextual policy.

RESOLVED

that the Broads Authority accepts and endorses the proposed changes to the Neighbourhood Plan as set out in the Inspector's Report and supports the Plan to go forward to referendum.

5/11 Salhouse Neighbourhood Plan Designating Salhouse as a Neighbourhood Area

The Committee received a report from the Planning Policy Officer briefly summarising the comments received during the 6 week consultation period on the whole of Salhouse Parish becoming a Neighbourhood Area in order to produce a Neighbourhood Plan. Since the writing of the report an additional representation had been received from a resident concerned about the inclusion of a particular site and suggesting a boundary change. The site fell outside the Broads Authority's area. The parish council would be discussing the matter on 10 November and Broadland District Council subsequently assessing the objection. Therefore members considered that it would be inappropriate to approve designation until this matter had been fully assessed.

RESOLVED

- (i) that the comments received be noted; and
- (ii) that, subject to the Parish Council and Broadland District Council assessing and coming to a conclusion on the objection, the Chairman of the Authority's Planning Committee in consultation with the Director of Planning and Resources be delegated to approve the whole of the Salhouse Parish being designated as a Neighbourhood Area as the first step in the process of preparing a Neighbourhood Plan.

5/12 Consultation Documents Update and Proposed Responses Norwich City Council: Affordable Housing Supplementary Planning Document (SPD)

The Committee received a report from the Planning Policy Officer on the publication by Norwich City Council of its Affordable Housing Supplementary Planning Document which would provide further detail to support the adopted *Joint Core Strategy* Policy 4 (JCS4) and the Development Management Policies Plan Policy DM33, which was due to come into force in late 2014. The SPD would form part of the new local plan for the city which set out policies and proposals to guide development and change in Norwich until 2026. As the Authority sought guidance in respect of housing policy from its adjoining Districts, this was important when considering affordable housing. The policies would be taken into account when the Authority was required to make decisions within the area.

Members welcomed and endorsed the proposed comments.

RESOLVED

that the proposed consultation response together with the comments made be endorsed.

5/13 Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan 2014 – 2019

The Committee received a report from the Head of Strategy and Projects, advising it of the contents of the Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan for 2014 – 2019. This was produced by the Norfolk Coast Partnership which managed the area and consisted of relevant local authorities with other public sector agencies including Natural England. It was noted that the plan built upon the previous five year period plan, and was designed as a framework for all the organisations involved in it, similar to the Authority's approach to its own Broads Plan. Although there was only a small section of the Authority's area which came within the AONB area it was appropriate to be included in association with the duty to cooperate. The Planning committee on behalf of the Authority was requested to consider the document and formally adopt it.

Members considered that the AONB Management Plan was consistent with and did not appear to be in conflict with the aim and objectives of the Broads Authority or the Broads Plan, in many cases was complementary and would be useful with regard to the review of the Broads Plan 2011.

RESOLVED

- (i) that the report be noted and it be
- (ii) RECOMMENDED to the Broads Authority

that the Norfolk Coast AONB Management Plan 2014 – 2019 be adopted.

5/14 Consultation on Sustainable Urban Drainage Systems (SUDS)

The Committee received a report by the Head of Planning on the Government's consultation document relating to Sustainable Urban Drainage Systems (SUDS). Following consultation in 2013, the proposals for dealing with drainage had been revised. The closing date for consultation was 24 October 2014 and therefore officers had responded on the Authority's behalf. Members noted that the revised proposals were significantly reduced in both scale and complexity compared to the former proposal to establish and administer separate SUDS Approval Body (SAB)s. The revised proposals were intended to build on the existing planning system and planning guidance provided to LPAs and Developers on SUDS based on the National Standards and Specified Criteria published in early 2014. The precise details were not set out in the consultation and Officers had provided a number of key questions and issues which needed to be addressed. It was noted that there would be

significant operation issues to be addressed if the objectives were to be achieved. The proposed implementation timetable of Spring 2015 would be challenging to meet.

RESOLVED

that the consultation response be noted and endorsed.

5/15 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. Members noted the decision by the Planning Inspector on the Enforcement Appeal relating to Thorpe Island which was part allowed and part dismissed. Members noted that the Authority's legal and planning case had been accepted. The Inspector had considered that the area would be appropriate for the mooring of 25 boats within the marina and therefore planning permission had been granted for these but this was dependent on the fulfilment of a number of conditions within a limited timescale of three months from the date of the decision (20 October). Compliance was required by 20 January 2015 and Officers had provided the landowner with guidance.

RESOLVED

that the report be noted.

5/16 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. In particular the Head of Planning reported that in accordance with the Committee's decision on 10 October (Minute No 4/9(iii), direct action had been undertaken on the land at Thurlton and the fence had now been removed.

Members congratulated officers on the successful outcome.

RESOLVED

that the report be noted.

5/17 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 29 September 2014 to 27 October 2014.

RESOLVED

that the report be noted.

5/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 5 December 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by a Member Workshop to help frame policies for the new Broads Local Plan.

Today's session would be followed by a meeting of the Member Working Group the Heritage Asset Review Group.

The meeting concluded at 12.25pm

CHAIRMAN

Code of Conduct for Members**Declaration of Interests****Committee:** **Planning** 7 November 2014

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Lana Hempsall	5/10	Acle Neighbourhood Plan (Member of Broadland District Council)