

Broads Authority

Planning Committee

Minutes of the meeting held on 12 October 2012

Present:

Dr J M Gray – in the Chair

Mr M Barnard
Miss S Blane
Prof J A Burgess
Mr N Dixon

Dr J S Johnson
Mr A S Mallett
Mr P E Ollier
Mr P Rice

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr S Bell – for the Solicitor
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Ms A Macnab – Planning Officer
Ms C Smith – Head of Development Management

Members of the public in attendance who spoke:

BA/2012/0239/FUL The Vintage Boat Company, Wayford Road, Wayford Bridge

Mrs A Brown Applicant

BA/2012/0255/FUL Mallards Reach, Thrigby Road, Filby

Mr and Mrs Spooner Applicants

4/1 Apologies for Absence and Welcome

Apologies for absence were received from Mrs J Brociek-Coulton, Mr C Gould, Mr M T Jeal and Mr R Stevens.

The Chairman welcomed everyone to the meeting and gave an outline of the composition of the Planning Committee.

4/2 Declarations of Interest

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes.

4/3 Minutes

The additional two paragraphs to Minute 2/9(1) of the meeting held on 17 August 2012 were tabled and agreed as a correct record. The minutes for the

meeting held on 14 September 2012 were also agreed as a correct record and both sets of Minutes were signed by the Chairman.

4/4 Points of Information Arising from the Minutes

Minute 3/9 LDF: Preparation of Site Specific Policies Development Plan Document Report on Preferred Option Consultation and Proposed Development Plan Document

The Chairman confirmed that the Authority had agreed a revised wording to the PINS Model Policy to take account of the Planning Committee's views and make specific reference to the treatment of sensitive and special areas such as the Broads in accordance with the National Planning Policy Framework.

4/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

4/6 Chairman's Announcements and Introduction to Public Speaking

- (1) The Chairman gave notice of the Fire Regulations.
- (2) RTPI PIPA Annual Conference: 3 November 2012 Delivering Local Planning: getting the most from the new framework.

The Chairman informed members about the PIPA Annual Conference on 3 November 2012. This would be for one day in Derby and anyone interested should inform the Administrative Officer. One expression of interest had been received.

(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, and that the time period was five minutes for all categories of speaker. Those who wished to speak were requested to come up to the public speaking desk at the beginning of the presentation of the relevant application.

4/7 Requests to Defer Applications and /or vary the order of the Agenda

No requests had been made to defer any applications.

4/8 Code of Conduct for Planning Committee Members and Officers

Members of the Committee had received copies of the Revised Code of Conduct for Planning Committee Members and Officers following the introduction of the new standards arrangements brought in by the Localism

Act 2011 and the subsequent adoption of the Code of Conduct at the Authority's meeting on 13 July and briefings from the Solicitor.

Members present all confirmed that they had received the Code, read and understood it, and signed an undertaking that they agreed to abide by the Code. This was a requisite for members to serve on the Planning Committee.

4/9 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/2012/0239/FUL The Vintage Boat Company, Wayford Road, Wayford Bridge**

Proposed new holiday unit, boat shed and moorings
Applicant: The Vintage Boat Company

The Head of Development Management explained that the application was for the expansion of moorings and additional holiday accommodation at an existing boatyard where planning permission had already been permitted as part of a comprehensive scheme. This application would bring the total number of holiday cottages to five, which was not considered unacceptable with the scale also being similar to the other approved holiday cottages. The design and materials of the new holiday unit were intended to be in keeping with the dwelling of Wayford Lodge, the business' proprietor's own residence. The extension of the moorings would bring the total number to 14 with six being private, six for visitors and two for the owners of the boatyard which was to be welcomed, particularly in association with the Authority's own 24 hour moorings adjacent to the site.

The Head of Development Management addressed the comments from the Broads Society which had not objected in principle but had objected to the siting of the proposed new boatshed near to existing public moorings and its design. However, it was considered that the boatshed would not be over prominent, was designed to house two moored boats and the existing fence and vegetation provided screening. It was considered that it would be difficult to raise an objection to the proposal solely on the grounds of design.

No further comments had been received since the report had been written. There had been concern that the development was piecemeal; and therefore the applicant had submitted a phasing plan which

prioritised building including the previously approved work – the moorings, workshop, toilet and shower block would be developed in the first instance. The phasing plan could be dealt with by condition and this was considered acceptable.

The siting, design, scale, form and materials of the proposed cottage and boatshed were considered acceptable, appropriately located with satisfactory access. The provision of additional visitor moorings was to be welcomed and these together with the existing private moorings would not have adverse effects on navigation. The proposals were in accordance with the Authority's policies and therefore the application was recommended for approval.

Mrs Brown confirmed that the access to be closed would be next to the new holiday cottage. However, this would need to be left open until the dredging and removal of soil required had been completed. The moorings were to be moved further back so as to provide a more open view from the cottages. The moorings were created for the larger cruisers that could not navigate under the bridge thus providing a facility that would meet demand. She explained the location of the shared access.

Members noted the objection from the adjoining landowner in association with the shared access but acknowledged that this was not a planning consideration. Members were satisfied that the proposals were acceptable and that there were suitable screening and mitigating measures in place to overcome the concerns of the Broads Society. They welcomed the provision of moorings and concurred with the officers' assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report including an additional condition relating to the phasing of the development in accordance with the submitted plans and access arrangements. The proposal was therefore considered to be acceptable in accordance with Policies DP4, DP11, DP13, DP14, DP15, DP16, DP20 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1, CS9, CS11, CS18 and CS22 of the adopted Core Strategy (2007) and the National Planning Policy Framework.

(2) **BA/2012/0213/REM Land South of Loke Cottage, Thrigby Road, Filby**

Reserved Matters Application for three detached dwellings following outline approval on planning permission BA/2009/0257/OUT
Applicant: Mr Scott Bird

The Planning Officer explained that the application was for reserved matters following outline planning permission being granted for three

(two storey) dwellings, the actual siting of which had been the subject of lengthy pre-application discussions and their footprints designed and laid out to avoid any loss of privacy between the properties. The Planning Officer addressed the concerns expressed by the Broads Society and others in relation to the scale of the proposed buildings and the design being too urban in character for the rural location. It was considered that the scale and character of the existing dwellings within Filby was varied and mixed in style and the detailing in design complemented the character of the area and the houses immediately surrounding the site and therefore the scale and design was considered acceptable. With regard to the desire for single storey dwellings, the outline planning permission had been for two storeys.

Although one representation had advocated the continuation of the 1.8m high boundary fence being extended along the full length of the boundary, it was considered that the landscaping scheme would be preferable and together with the installation of bat and bird boxes, would help to enhance the biological and ecological value of the site in keeping with the adjacent SSSI. In conclusion the Planning Officer recommended approval of the Reserved Matters application as it was considered that it satisfactorily addressed all the requirements and conditions of the outline permission BA/2012/0257/OUT.

The Committee concurred with the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as the proposal is considered to be in accordance with Policies DP1, DP2, DP3, DP4, DP7, DP11, DP22, DP28 and DP30 of the adopted Development Management Policies DPD (2011) and Policies CS1, CS7, CS8, CS18 and CS24 of the adopted Core Strategy (2007).

- (3) **BA/2012/0255/FUL Mallards Reach, Thrigby Road, Filby**
Proposed Cart Lodge
Applicant: Mr and Mrs Spooner

The Head of Development Management explained that the application was for a four bay cart lodge within the curtilage of a 1970s bungalow with roof extension together with a number of other ancillary buildings (double garage, two sheds, a green house, polytunnel and two further small storage structures). An open lawn extended to the Broad. The cart lodge would have three open fronted bays and the fourth would be enclosed to provide storage space. Attention was drawn to the representations received expressing concerns about construction deliveries and future use of the building and these were addressed.

In conclusion, the Head of Development Management considered that the detailed design and materials were acceptable and subject to conditions the application could be recommended for approval as it

was considered that the curtilage was large enough to take the building and it would not result in overdevelopment or adverse impacts on landscape residential amenity or highway safety.

Members were satisfied that subject to conditions, including the removal of permitted development rights for outbuildings and the cart lodge being used solely for the purposes incidental to and in connection with the use of Mallards Reach as a dwelling, the proposal was acceptable.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as the proposal is considered to be in accordance with Policies DP4, DP11 and DP28 of the adopted Development Management Policies DPD (2011), Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012).

- (4) **BA/2012/0224/FUL Campbell Cottage, Beech Road, Wroxham**
Proposed front boundary fence and gate
Applicant: Mr Tom Rose

The Head of Development Management explained that the application was for a front boundary fence and gate to delineate the curtilage of Campbell Cottage, a substantial Edwardian House on Beech Road, within the newly designated Wroxham Conservation Area. The proposal involved the construction of a 1.8metre high fence *part of which would be behind the existing planted hedge* with the purpose of increasing security for the property. (A fence of one metre in height would be within permitted development). The application was before the Committee due to the objection received from the Parish Council which considered it could be an unfortunate precedent and a breach of the Conservation Area through the loss of traditional hedge boundaries and a change to the character of the access road.

The Head of Development Management drew attention to the fences on the opposite side of the entrance to Campbell Cottage which had been granted permission in association with new development within the jurisdiction of Broadland District Council as the LPA. She emphasised the relevance of Policy DP5 concerning the Conservation Area and commented that in this instance the arguments were finely balanced. It was considered that there would be some harm but it was considered that it would not be so substantial as to affect the heritage asset. Therefore it was recommended, with reluctance, that in principle the application could be approved subject to the retention of a hedge at the front of the property and details of the materials and finish of fence post, panels and gravel boards to be agreed.

Given the existence of the fences on the opposite side of the road, initially some members considered that it would be difficult to justify

refusal of the application. However, on further consideration, it was agreed that approval of such a fence could substantially harm the character of Beech Road with its significant name and therefore result in incremental change and thus have serious implications for the Conservation Area, which had only recently been designated in July 2010. Members queried whether the planning permissions had been granted for the fencing in association with the development within Broadland District's area prior to the adoption of the revised Conservation Area for which the Authority had a duty to protect and enhance. It was therefore proposed, duly seconded and

RESOLVED

that the application be deferred pending further investigations to establish the timing of the planning consents for development involving fencing on the opposite side of Beech Road which fell outside the Authority's area.

Further investigations were made while the other items on the agenda were given consideration. The Committee then gave further consideration to this item on receipt of additional information.

The Head of Development Management further reported that the planning consents for development on the opposite side of the road at the western end of Beech Road had been granted in 2008, 2009 and lastly 15 July 2010, prior to formal designation of the Wroxham Conservation Area by the Authority and Broadland District Council.

Members considered that this was one of the first substantial decisions to be taken following the designation of the Conservation Area and they had to be exceedingly mindful of the consequences. It was considered that to approve the erection of a 1.8m high fence would set an undesirable precedent in relation to the character of the rest of Beech Road, which would signal an incremental change and result in harm to the Conservation Area. It was therefore considered that the application would conflict with Policy DP5, as a consequence of the height, materials and alignment of the fence, as well as the National Planning Policy Framework (Section 12 para 132).

Mr Johnson proposed, seconded by Mr Mallett and it was

RESOLVED unanimously

that the application be refused as the proposal would conflict with Policies DP4 and DP5 of the adopted Development Management Policies DPD (2011), Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012).

4/10 Enforcement of Planning Control: Items for Consideration

(1) Land at North End, Thurlton

The Committee received a report relating to non-compliance with an Enforcement Notice for the unauthorised use of land for storage of non-agricultural scrap and other items on approximately 1.2 hectares within North End, Thurlton, part of the parish of Thorpe-next-Haddiscoe. Members were reminded of the history of the site which had been the subject of various reports to Committee in the past as well as prosecutions. It was noted that much of the harm to the protected landscape as a consequence of the unauthorised development came from the siting of the 2 metre high metal screening fence, which was considered to be unsightly and inappropriate in this rural location. As there was a functional link between the fence and the unauthorised development behind the fence, this could be treated as part of the unauthorised development, all of which was clearly contrary to the Authority's policies, particularly DP2 and DP4 of the Adopted Development Management Policies DPD (2011).

The Committee considered the options to resolve the situation – to prosecute the landowner for non-compliance with the Enforcement Notice which was a criminal offence; or to take direct action in order to seek compliance. In addition members also noted another avenue of pursuing an injunction against the landowner requiring him to cease activities on the land. With regard to the latter, failure of the landowner to comply with any injunction would require the case to be brought back before the Courts and possible imprisonment of the landowner for contempt. An injunction would not in itself result in the removal of the unauthorised items from the land. Members noted that the costs involved in respect of Option 2 were likely to be higher than those in relation to Option 1 and that the Authority might not recover all its costs. However, it was considered that this would achieve compliance in a shorter timescale than through the prosecution route.

Members were particularly concerned about the continuation of unauthorised development despite protracted negotiations and attempts to resolve the situation. It was noted that prosecution and injunction did not totally deal with the breaches of planning issues. Therefore members were in favour of the principle of taking direct action and required officers to further investigate the detailed costs, implications and means of undertaking this. It was agreed that the landowner be informed of the Authority's concerns and intentions. It was noted that Section 171C(2) and (3) of the Town and Country Planning Act 1990 as stated in the report should be replaced by Section 178 of the same Act.

RESOLVED

that authority be given to officers in consultation with the Solicitor to explore the feasibility of direct action against the landowner for failing to comply with the requirements of the Enforcement Notice and inform the landowner of the Authority's intentions.

(2) **Manor House Farmhouse, Dunburgh Road, Geldeston**

The Committee received a report concerning unauthorised works to Manor Farm House, a Grade 2 Listed Building situated between Geldeston and Gillingham. The unauthorised works included among other matters, replacement windows as well as formation of a brick pier within the kitchen, removal and replacement joists, formation of fire place, and removal of render. In the main, the work undertaken was acceptable although there were aspects which required revision and proper regularisation was required. Although a retrospective application for the unauthorised works had been promised and anticipated, it was noted that this had not yet been received despite negotiation and correspondence. It was therefore considered that an Enforcement notice was required although voluntary compliance would be preferable.

It was noted that phasing to rectify the unauthorised works could be agreed under a Listed Building Enforcement Notice. The property owners had been cooperative in relation to other Broads Authority projects and it was hoped that regularisation of unauthorised works could be achieved.

RESOLVED

- (i) that authority be given to serve a Listed Building Enforcement Notice, if voluntary compliance was not achieved; and
- (ii) that authority be granted to seek prosecution if voluntary compliance was not achieved.

4/11 Ellingham, Geldeston and Ditchingham Dam Conservation Area Re-Appraisals

The Committee received a report and detailed presentation on the public consultation exercise carried out in the Spring and Summer for the Re-Appraisal of the existing Conservation Areas for Geldeston, Ellingham and Ditchingham Dam. Members received a summary of the consultation responses and gave consideration to the management proposals and proposed amendments to the existing boundaries for those parts of the extension within the Broads Authority's executive boundary.

Members noted that the response to all three consultations had been very positive with only two negative comments.

In particular members gave consideration to the draft boundary of Geldeston. Originally the Authority had proposed an omission to the draft boundary relating to an area of land consisting of a field to the north east of the area within the South Norfolk District as it was no longer within the development boundary of the village. However, significant concerns were raised as locally this was viewed as an important green space within the village envelope, providing biodiversity value, together with views in and out of the area. The owner of the land in question was also keen to retain the field within the Conservation Area. Following a reassessment of the field against the English Heritage guidance, the fact that it was already within the existing Conservation Area as well as the level of support for retention, it was considered unnecessary to omit it. The field came within South Norfolk's area and therefore the ultimate decision for its retention would lie with that LPA. Members agreed to recommend its inclusion.

With regard to Ellingham, a few people had proposed a further extension to include School Road down to Station Road. The area was agricultural in character and contained very few buildings apart from a farm complex and the village school. This had been examined in accordance with the recent advice published by English Heritage and although recognising that there was a desire for a buffer zone in relation to development, it was considered that it would not be appropriate to extend the Conservation Area further to include this.

Members welcomed the positive feedback received from the consultation process and considered that in accordance with its statutory duties the areas identified in the boundary maps and described in the appraisals, for the parishes of Geldeston, Ellingham and Ditchingham Dam were worthy of Conservation Area designation and that these be adopted.

RESOLVED

- (i) that the consultation responses be noted;
- (ii) that the Conservation Area Appraisals for Geldeston, Ellingham and Ditchingham Dam be adopted; and
- (iii) that authority be delegated to officers to make the appropriate minor amendments to the Conservation Area Appraisals, management proposals and the proposed amendments to the existing boundaries as a result of the consultation process.

4/12 Consultation Documents Update and Proposed Responses

The Committee received a report on the planning policy consultation documents received together with a schedule of the proposed responses for:

- South Norfolk Council Site Specifics Allocation and Policies Development Plan Document, Regulation 18 Consultation (previously Reg.25); and
- Norwich City Council LDF Development Management Policies and Site Allocations and Site Specific Policies DPDs, Policies Map – regulation 19 Consultation.

RESOLVED

that the report be noted and that the proposed responses be endorsed.

4/13 Enforcement Update

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

RESOLVED

that the report be noted.

4/14 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since April 2012 as set out in Appendix 1 to the report.

Members welcomed the decision in relation to:

- E9505/A12/2174341 and BA/2011/0040/COND Fairview Park Homes, Wayford Road, Smallburgh for the removal of condition

where the appeal was dismissed and the Authority's policies and conclusions upheld.

RESOLVED

that the report be noted.

4/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 6 August 2012 to 1 October 2012.

RESOLVED

that the report be noted.

4/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 9 November 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

The meeting concluded at 13.02pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 12 October 2012

| Name | Agenda Item/Minute No(s) | Nature of Interest (Please describe the nature of the interest) |
|-------------|---------------------------------|--|
| P Rice | 4/13 | Enforcement Update – involved in working on compliance with the owner of the Ferry Inn. |
| A S Mallett | General 4/3 4/13 | Appointed by Broadland District Council. Minutes as per previous meeting Member of BDC and Norwich Frostbite Sailing Club (NFSC) consultees |