

9/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2014/0394/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered.

9/3 Minutes: 6 February 2015

The minutes of the meeting held on 6 February 2015 were agreed as a correct record and signed by the Chairman.

9/4 Points of Information Arising from the Minutes

There were no points of information arising from the minutes to report.

9/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

9/6 Chairman's Announcements and Introduction to Public Speaking

(1) Heritage Asset Review Group

The Chairman announced that the HARG meeting would now follow the next scheduled meeting of the Planning Committee on Thursday 2 April 2015.

(2) Retiring Members

The Chairman announced that this would be the last Planning Committee meeting to be attended by Stephen Johnson and Phil Ollier as their terms of office would be coming to an end by the end of March 2015. He thanked them both for their valuable contributions to the Committee acknowledging Stephen Johnson's excellent ability of ensuring that decisions were policy based, effectively demonstrated when the committee was being reviewed, and Phil Ollier's role in liaising between the Navigation Committee and Planning Committee.

The Committee endorsed the appreciation expressed by the Chairman.

(4) 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. No member of the public indicated that they intended to record or film the proceedings.

9/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests had been received.

9/8 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 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/2014/0423/FUL Compartments 5 &6 Sections of Womack water, Right bank of River Thurne and left banks of Rivers Bure and Ant

Crest Raising and Piling Removal

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposals for crest raising and piling removal in Compartments 5 and 6 of the Broadland Flood Alleviation Project. The proposals involved crest raising works on a number of sections in Compartment 5 where bank settlement had taken place and the removal of 927 metres of piling in four areas (three in the Compartment 5 and one in Compartment 6) which had been the subject of the works relating to the Broads Flood Alleviation Project approved in 2005, 2008 and 2010 and which was now no longer required for flood protection purposes. He explained that the techniques for both the crest raising and piling removal had been used effectively in a number of other sites within the Broads and the scheme would also involve monitoring. The two sections of 24 hour public moorings would not be affected and although there were a number of SSSIs close by none would be directly affected by the works.

The Planning Officer emphasised that the access route for construction traffic had now been redirected from that in the original proposal and the material for the improvements to the path would be brought in by river.

The Planning Officer drew attention to the consultation responses particularly those from the NSBA which had no objections but had concerns over safety, and times of working and would wish to have conditions to be attached to any planning permission which would minimise any such impacts. Since the report had been written, further consultation responses had been received from Natural England with

no objections and NCC Highways which had no objections and was in support of the alternative route for the traffic to Little Reedham.

The Navigation Committee had considered the matter at its meeting on 26 February 2015 and supported the Officer's views expressed in his report in that they had no concerns over navigation provided that appropriate conditions were placed on any permission requiring adherence to standard methodology, timing of works, channel marking and removal of channel marking, and erosion monitoring.

In addition to the consultation responses within the report a further letter had been received expressing concerns over the use of the access route and footpath and traffic damage.

Having provided a detailed assessment against policies taking account of the main concerns and issues relating to navigation, recreation, highways and ecology, it was concluded that the piling 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, and other interests could be protected and the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice. Therefore the recommendation was for approval with conditions and two Informatives, one of which was additional to that documented in the report and would make reference to any temporary footpath closure requiring full consultation with Norfolk County Council PROW and the necessary footpath diversion orders being in place.

Mr Flett, a resident of Turf Fen Lane, Ludham expressed concerns over the application notably the use of "heavy" granite material for the path which would again result in settling and provide a detrimental and an alien urban walkway in an unspoilt part of the Ant Valley. He considered that the crest was unnecessary and inappropriate. He also considered that the nature of the work would be intrusive and disruptive at a time of year when a large number of visitors used the area, the revised access route to the site would destroy an existing mature grassed public footpath and therefore he advocated deferring a decision for consideration of an alternative of the crest raising aspect of the application and the soke dyke being assessed by the IDB. He also suggested a site visit prior to determination.

Mr Halls, BESL on behalf of the applicant, responded to the concerns explaining that the section in question was part of the flood defence improvement works 10 years previously and was in a section where the geology changed. Given the heavily pedestrian use of the path and the fact that it would follow on from the How Hill staithe area recently improved by the Authority, it was considered that the proposed footpath surface was appropriate and it would provide an enhancement. He explained that the semi-bonded surface had been used elsewhere and was a compromise. Mr Flett's concerns relating to the Blind Lane

aspect had been taken into account and an alternative was now proposed.

Members acknowledged Mr Flett's concerns that the proposed harder surface for the footpath would appear more manicured particularly when first installed. However, it was considered that this area was very heavily used and it was considered necessary to provide a more robust surface. One member expressed considerable distaste at the use of crushed granite, particularly in the vicinity of mooring boats due to the effect it had on boats, although others considered that the path was furthest away from the boats not to have an effect. Other members suggested the use of an alternative material to crushed granite. With reference to the timing of the works, members accepted that a balance needed to be struck between what was practical and achievable and therefore a condition requiring a detailed programme and timing of works for each area was appropriate, noting that each section was likely to take a maximum of 6 – 8 weeks.

In conclusion, Members considered that the majority of the concerns had been addressed and endorsed the Officer's assessment, particularly on the basis of the conditions to be imposed.

Mr Dixon proposed, seconded by Mrs Hemsall and it was

RESOLVED by 10 votes to 0 with 3 abstentions.

that the application be approved subject to conditions as outlined within the report and informatives which

- required the permission to be granted in the context of the Memorandum of Understanding between the BA and the Environment Agency on 25 April 2003; and
- Any temporary footpath closure will require full consultation with Norfolk County Council Public Rights of Way and the necessary footpath diversion orders to be in place.

It is considered that the works are in accordance and consistent with the aims of the development plan policies particularly Policies CS1, CS2, CS4, CS15 of the Core Strategy (adopted in 2007) and Policies DP13 and DP29 of the Development Management Policies DPD (2011) and the NPPF.

(2) **BA/2014/0394/FUL Upper River Bure at Anchor Street Coltishall, Top Road Belaugh and Skinners Lane Wroxham**

Erosion protection works on the Upper River Bure at Coltishall, Belaugh and Wroxham

Applicant: Broads Authority

The Planning Officer provided a detailed presentation of the application to provide the necessary erosion protection works mainly in three

sections on the Upper River Bure between Coltishall and Wroxham. The works related to 170metres of river bank in Coltishall, 205 metres in Belaugh and 80metres at the southern end of Skinners Lane in Wroxham. All sites were within Conservation Areas. The scheme involved the dredging and removal of accumulated sediment which restricted navigation from narrow stretches of the Upper Bure and therefore was in accordance with one of the Broads Plan objectives to open the River Bure to effective depths. Some 3,000m³ of sediment would then be used to provide the erosion protection in the three identified areas.

Since the writing of the report consultations had been received from Hoveton Parish Council stating it had no objections. In addition, the scheme had been modified to take account of other representations received, particularly those relating to the Coltishall stretch resulting in the creation of an access area to the river in the position currently used by cattle as a drinking area, the realignment of the erosion protection works, and alteration of the species of plants to create the riverbank so as to keep these as low growing as possible to ensure that the views of the river would not be diminished from the meadow and public footpath in Coltishall and from the meadow in Belaugh. A member commented that the Local District Member for Coltishall had not raised any objection to the proposals.

The Planning Officer commented that the proposed development was considered necessary for the management and maintenance of the River Bure and was in accordance with the wider objectives of the Broads Plan NA.1 and the Authority's Sediment Management Strategy. Having assessed the proposals against the potential impacts on landscape, Conservation Area, ecology, navigation and flood risk the Planning Officer concluded that the application could be recommended for approval subject to conditions.

Having sought reassurances on the materials and techniques to be used as well as plant species, members were satisfied that the concerns had been addressed and concurred with the Officer's assessment.

Mrs Hemsall proposed, seconded by Mr Jermany and it was

RESOLVED unanimously

that the application be Approved subject to conditions as outlined within the report The Application is considered to be in accordance with the aims of the development plan policies particularly with Policies CS1, CS2, CS3, CS5, CS7, CS15 and CS20 of the Core Strategy (2007) and Policies DP1, DP2, DP3 and DP 29 of the Development Management Policies DPD and the NPPF.

9/9 Enforcement of Planning Control: Enforcement Items for Consideration

(1) Bathurst, PH51 North East Riverbank, Potter Heigham

The Committee received a report providing an update concerning the unauthorised installation of decking at a riverside property in Potter Heigham and prevalence of comparable decking in the vicinity. The Planning Committee on 9 January 2015 deferred making a decision on the report in order to clarify the extent of the ownership of the plot and for officers to provide information on the number of other plots in the area which had installed comparable decking.

Having made detailed investigations it was appreciated and recognised that the riverside plots in this vicinity often had an associated mooring facility. It was therefore not considered wholly uncharacteristic to have structures like decking by the water to create a safe at level access for boats. It was noted that there was one or two other properties with decking extending over much of the plot, although not having the benefit of planning permission would now have established use. Members noted that Site Specifics Policy POT2 of the development plan had the intention to restrict domestic development favouring the small scale and more open character of the riverside plots with front lawns adding significantly to their character. Although it was preferable to see as much open and green space on plots as possible, and the decking installed at Bathurst presented a full decked frontage to the property which did appear excessive, it was noted that the adjacent grassed area next to Bathurst was in the same ownership. They therefore considered that in this instance it would be unreasonable to take full enforcement action. However, they did recognise the concern that retention would establish an undesirable precedent and lead to increased urbanisation.

It was noted that officers had discussed the increasing level of decking and external structures and its impact on the character of the area with the River Thurne Tenants Association and a joint site visit was proposed to look at the extent of the issue and to agree best practice. It was considered that it would be appropriate to provide more detailed guidelines for development and that POT2 be reviewed and examined in more detail.

Members noted that the owner had previously declined to submit a planning application for a reduction in the decking as he had considered that it was permitted development. Members were in favour of a negotiated settlement and it was suggested that a personal condition would be appropriate on a planning permission.

RESOLVED unanimously

- (i) that it would be inappropriate and not expedient to pursue enforcement action in this particular instance in light of the size of the entire property in the ownership of Bathurst as well as the personal circumstances of the owner; and
- (ii) that officers be encouraged to go back to the chalet owner to seek a retrospective planning application for the extended decking and limit any permission by personal condition.

(2) **Land at North End Thurlton**

The Committee received a report on the options available to Members to recover the costs of the Authority having taken direct action to remove a fence which was the final unauthorised use of the land at North End Thurlton amounting to some £3,880. This had been the result of long standing issues of planning control and had resulted in almost complete compliance. Members noted that invoices for the cost of the works had been submitted to the landowner and separate occupier, but no payment had as yet been made. There were still a few articles remaining on the site.

Members considered various scenarios including that of doing nothing. The possibility of clearing the site totally in order to improve it and to reduce the possibility of fly tipping prior to pursuing claims through the courts was considered although it was recognised that this would increase the costs. It was noted that advice had been received from NPS on the potential value of the land and this was taken into account in considering the line to take. It was considered important to be able balance costs against potential retrieval.

In conclusion, Members considered that it was important to pursue the operator/alleged landowner for the costs of this action through a County Court claim and charging order which, in addition to enabling the recovery of costs, would act as a deterrent to further breaches.

Mr Jermany proposed, seconded by Mr Barnard and it was

RESOLVED: by 9 votes in favour, 0 against and 2 abstentions.

that a county court judgment and charging order are sought and the costs recovered through a forced sale if necessary.

9/10 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and provided further information on the following:

Thorpe Island

The court date concerning the amended Section 288 challenge against the Planning Inspector/Secretary of State's decision had been fixed for 19 May 2015. The Authority has made an application to the Court for summary judgment. The Authority's intention is to seek injunctions relating to the breaches and further breaches of planning control on the site and in the adjacent river. The Authority was still awaiting the decision by the Planning Inspector on whether or not to accept the appeal against non-determination of the planning application for the variation of conditions. This had not been validated and the Planning Inspectorate are considering their position.

Former Piggery Building adj to Heathacre, Chedgrave Common

The Head of Planning reported that following a site visit, it was confirmed that compliance had now been achieved. The site would be monitored but this would no longer appear on the schedule.

Land at Newlands Caravan Park, Geldeston

Following a site visit, there appeared to be further breaches of planning control and therefore further Enforcement action was required.

In response to Members' queries, the Head of Planning confirmed that a report would be brought to the next Planning Committee meeting on potential enforcement relating to a site at Oby and progress on the removal of office and equipment by BAM Nuttall from the Site at Acle.

RESOLVED

that the report be noted.

9/11 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 26 January 2015 to 24 February 2015.

RESOLVED

that the report be noted.

9/12 Date of Next Meeting

The next meeting of the Planning Committee would be held on **Thursday 2** April 2015 starting at **10.00 am** at Yare House, 62- 64 Thorpe Road, Norwich, This would be followed by a meeting of the Members' Heritage Asset Review Group.

The meeting concluded at 1.00 pm.

CHAIRMAN

Code of Conduct for Members**Declaration of Interests****Committee:** **Planning** 6 March 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	9/8((3	Application BA/2014/0394/FUL As Members of the Broads Authority...