

Planning Committee

Minutes of the meeting held on 16 August 2019

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Present

Jacque Burgess, Harry Blathwayt, Bill Dickson, Andree Gee, James Knight, Tim Jickells, Leslie Mogford (Minutes 1 – 10), Vic Thomson, Melanie Vigo di Gallidoro, Fran Whymark.

In attendance

Natalie Beal – Planning Policy Officer (For minute 11), Sandra Beckett – Administrative Officer (Governance), Steven Bell – Solicitor and Monitoring Officer, Jack Ibbotson – Planning Officer (For minute 10.1), Cheryl Peel – Senior Planning Officer, and Marie-Pierre Tighe – Director of Strategic Services.

Members of the public in attendance who spoke:

Mr Jerry Stone – Agent for application BA/2019/0112/FUL Land adjacent to Cordova Cottages, the Staithe, Stalham.

Mr Mark Alsop – Vice-Chair of Wroxham Parish Council and Fergus Bootman – agent on behalf of applicant - for application BA/2019/0214/FUL Redundant car park (serving former Windboats Marine site), Grange Walk, Wroxham

1. Apologies and welcome

The Director of Strategic Services welcomed everyone to the meeting.

Apologies had been received from Julie Brociek-Coulton, Lana Hemsall, Bruce Keith, Tristram Hilborn and Vic Thomson.

2. Appointment of Chair

The Director of Strategic Services reported that, in accordance with standing order procedures, nominations had been invited for the Chair and Vice-Chairman by 2 August 2019, 14 days before the meeting. A nomination for the Chair of the Committee had been received for Melanie Vigo di Gallidoro, proposed by Bill Dickson and seconded by Jacque Burgess. Melanie Vigo di Gallidoro had confirmed that she was willing to stand. As no other nominations had been received,

It was resolved to appoint Melanie Vigo di Gallidoro as Chair of the Planning Committee for the year 2019/20.

Melanie Vigo di Gallidoro in the Chair.

3. Appointment of Vice Chair

The Chair stated that a nomination for the Vice-Chair of the Committee had been received for Bruce Keith, proposed by Jacque Burgess and seconded by the Chair. Although Bruce was not in attendance today, he was willing to be appointed.

It was resolved to appoint Bruce Keith as Vice-Chair of the Planning Committee for the year 2019/2020.

4. 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. The Chairman declared an interest on behalf of all members at Minute 10.2 for application BA/2019/0214/FUL as the applicant was a member of the Planning Committee.

5. Minutes of the Planning committee meeting held on 19 July 2019

The minutes of the meeting held on 19 July 2019 were approved as a correct record and signed by the Chairman.

6. Points of information arising from the minutes

The Senior Planning Officer reported on the following items at Minute 8 (1) and (2) of the previous meeting:

- (1) BA/2019/0118/FUL Former Marina Quays, Caister Road, Great Yarmouth - The Section 106 Agreement was being drawn up.
- (2) BA/2018/0149/FUL Broadlands Marina, Marsh Lane, Oulton Broad.
The conditions were being agreed.

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

There were no items of urgent business.

8. Chairman's announcements and introduction to public speaking

Openness of Local Government Bodies Regulations 2014

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.

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wished to speak were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented.

9. 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.

10. Applications for planning permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions 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 officer's report, and which were given additional attention.

(1) BA/2019/0112/FUL Cordova Cottages, Stalham Staithe

Erection of 3 terraced houses and associated parking and storage

Applicant: Mr John Stares

The Planning Officer explained that the application was before members as it involved a departure from Local Plan policies. It was a resubmission of a previous application which had included a fourth dwelling and a bungalow to the rear of the site and had been withdrawn.

The Planning Officer provided a detailed presentation of the application for a block of three south-facing terraced houses within the Stalham Staithe Conservation area along the site boundary with Staithe Road but outside the development boundary. The proposals would include a new vehicular access into the communal parking area along the eastern side of the site onto Staithe road. The scheme involved the removal of the hedge along the southern and western boundaries.

The Planning Officer assessed the application taking account of the key issues of principle, particularly relating to the fact that the application site was outside the development boundary but within a sustainable settlement, housing need, design and impact on the conservation area and amenity. The Planning Officer explained that technically the proposal was outside the development boundary where there was a presumption against residential development. The question of the development boundary had been thoroughly assessed during the Local Plan process and the site had not been specifically allocated for housing. The application was required to be considered on its merits and given that it was located within a sustainable settlement with easy access to the town, the Highways Authority had not objected and there had been no other objections, it was considered to be in accordance with the principles of the NPPF and reasoned justification of Policy DM35 of the Local plan.

The Planning Officer concluded that the proposal would not result in unsustainable development nor have an adverse impact upon the character and appearance of the Conservation Area or the amenity of the residents; the design was considered to be of high quality and in keeping with the local setting and make a positive contribution to the Conservation Area. It would not cause significant harm to the objectives of the policy or wider plan as departure from the development plan nor create an undesirable precedent. No objections have been received and therefore he recommended that the proposal be approved subject to conditions.

The Planning Officer clarified that the site had been used as a garden and the proposed dwellings were for residential purposes, not for affordable housing or holiday cottages. Anglian Water had not responded to the consultation with regard to foul and surface water drainage but the agent would confirm this with the applicant if the application was approved. The area was connected to mains drainage and the scheme was acceptable under Environment Agency criteria.

Jerry Stone, the agent for the applicant, thanked the Authority's Planning Officer and Historic Environment Officer as well as the officer from the Highways Authority for their advice on the application. He explained that within the Conservation Area Appraisal for Stalham Staithe, it was noted that there had originally been 4 cottages on the application site and latterly it had been used as domestic garden. He referred to the views of the Historic Environment Manager, where he considered that the now amended scheme was considered to result in a positive contribution to the Conservation Area.

Some members were concerned about the site being adjacent to the busy A149 and the access to the main town of Stalham. Although acknowledged, it was clarified that the pedestrian access to the town was already used by many and the Highways Authority had no objections.

Members were appreciative of the comments from the Historic Environment Manager, particularly relating to the Conservation Area, and considered that the development was in keeping with other development on Stalham staithe. A member commented that it was pleasing to note that suitable car parking provision had been made to the rear of the proposed properties.

Jacque Burgess proposed, seconded by Bill Dickson and **it was resolved** unanimously

To approve the application subject to the conditions outlined within the report and Informatives relating to requirement to gain IDB consent for SUDs, requirement to gain Highways Authority Consent for works to highway and requirement to clarify with Highways Authority the Highway boundary.

The application is considered acceptable as a departure from adopted Policy DM35 of the Local Plan for the Broads but is in accordance with Policy DM11, DM21, DM23, DM43 and SP15 of the Local Plan for the Broads and having due regard to statutory requirements of the LPA in considering planning applications within Conservations Areas as set out within section 72 of the Planning (Listed Building and Conservation Areas) Act 1991 the proposal is considered preserve the character and appearance of the Conservation Area.

(2) BA/2018/0214/FUL Redundant Car Park (serving former Windboats Marine Site) Grange Walk, Wroxham.

Erection of two dwellings.

Applicant: Mr James Knight for LEF Trading Ltd

The application was before members as a Director of the application company was a member of the Broads Authority and the Planning Committee. Having declared an interest, James Knight left the room for this item.

The Senior Planning Officer gave a detailed presentation and assessment of the application for the erection of two detached residential dwellings on the site of a redundant car park which had served the former Windboats Marine. She provided the context of the application site and emphasised that it was currently classified for commercial and employment use. It was clarified that the adjacent former Windboats Marine site was in the same ownership as for the application site and had prior approval for permitted development to demolish some of the redundant buildings. This was apart from one parcel of land that had been sold to the adjacent Broads Tours. As the application site formed part of the larger commercial site, Policy DM26 of the Local Plan was relevant and a sequential approach to permitting change of use for redevelopment was required. Although the issues of the design, residential amenity and flood risk were given consideration and were acceptable, the overriding consideration was the principle. The Senior Planning Officer confirmed that with regards to possible contamination of the site, the Environmental Health Officer would require a condition addressing this matter, if planning permission was to be granted.

The Senior Planning Officer concluded that the proposal for two residential properties on an existing commercial employment site was considered to be premature as it had not been robustly marketed for a continuous period of 12 months, the unviability of the site had not been demonstrated or justified, and the sequential approaches defined in Policies DM26 and DM28 of the Local Plan for the Broads had not been followed. Due to the importance to the local economy, the benefits of any proposed change of use needed to be demonstrated. Therefore, the proposal was recommended for refusal as being contrary to Policies.

Malcolm Alsop, Vice-Chairman of Wroxham Parish Council, referred to the Localism Act and empowerment of local communities to provide Local Plans and shape their own futures. He commented that this application spoke to the heart of the Wroxham Local Plan that had been adopted by the Authority. The parish council did not wish for or consider there was a need for more commercial operations in this brownfield landlocked site. They wished members to consider the Windboats Marine site in its totality. The aspiration was for more residential dwellings for the elderly since many of the residents in larger houses wished to downsize but remain within the vicinity. This would free up the larger houses for families and help to rejuvenate the area with younger people. The need identified in the Local Plan was for high quality smaller residential units. This former Windboats site appeared to be the only viable site for such development in Wroxham. The parish council wished to support this application subject to a legally binding covenant to restrict the dwellings for people of 55 and over. From discussions with the applicant, it was understood that it was his intention to develop the adjacent site and he had given written assurances that he would be willing to provide suitable properties with serviceable facilities for the elderly. Therefore, the parish council had withdrawn this proviso for this application from its initial comments. Mr Alsop urged the Committee to be flexible and honour the democratic process and listen to the local residents and their needs. He considered that to refuse the application would be contrary to Policy

HBE2 of the Wroxham Neighbourhood Plan. He urged the Committee to agree this application as a prelude to a full-scale development of the rest of the site and for the Authority's officers to work with the applicant to develop the housing the community desperately needed. In response to a member's question referring to paragraph 6.4 in the report where the Neighbourhood Plan discussed the lack of larger community facilities, Mr Alsop confirmed that the site was not considered suitable for resource reasons. Other sites, such as the library site which had been designated as a community asset, would be more appropriate and practical. He emphasised that the priority was for residential properties for the elderly.

Fergus Bootman, the applicant's agent, stated that the applicant had acquired the site when the previous business on the site had found it to be restrictive for its needs and relocated. The applicant was looking for opportunities to develop the site given the dilapidated state of the redundant buildings and the views of the residents contained in the emerging policies of the Neighbourhood Plan. The agent commented that it had been difficult to obtain pre-application feedback and advice from officers on the whole of the site, although the principle of the policy relating to commercial use was understood. He confirmed that the remainder of the former Windboats marine site was being marketed for commercial purposes for the 12-month requirement but within the last 10 months there had been very limited interest. The advertising time period for the adjacent site to the car park was coming to an end. The current application was submitted in order to progress matters, so that development could be progressed more quickly which would present no conflict with policy and could be designed to be developed independently or fit in with a master plan for the area if no viable commercial use was forthcoming. He emphasised that the site was within a residential area, had been identified for residential use and was within a sustainable location within the development boundary of Wroxham. It had previously been part of the residential site of the Grange and was not considered as part of the commercial site or in employment use but was cited as a residential site. He stated that part of para 6.9 of the officers' report was incorrect in that it implied the applicant had subdivided the plot and sold off the access to the water. The site has no access to the water and this had been the case for a number of years. It was a car park serving independent commercial use. It was considered that the application was the redevelopment of a redundant brownfield site within a development boundary in accordance with the policies of the Local Plan and the Wroxham Neighbourhood Plan and the NPPF para 18. He emphasised that regard must be given to the other policies in the Broads Local Plan and urged the Committee to approve the application.

The Senior Planning Policy Officer commented that the Authority had adopted the Broads Local Plan and the fundamental principles and policies required the necessary sequential approach to be taken. Justifiable evidence demonstrating that the existing use was not viable was required in advance of consideration or detailed discussion on other aspects.

The Solicitor commented that members needed to confine consideration to the specific site and the application before them which was for two residential houses.

Members were generally very sympathetic to the needs of the Wroxham residents and fully supported the policies within the Neighbourhood Plan, recognising that it was a sensitive site.

Some members considered that the application should be approved on the grounds that it was in accordance with the Wroxham Neighbourhood Plan policy, there were no objections from residents or the Highways Authority and there was unlikely to be demand for other commercial uses given the state of flux of the boating industry. Other members, being mindful of the Broads Local Plan especially given that most of the Windboats marine site was within one ownership, considered that a more strategic approach was required. On the basis that no justifiable evidence had yet been received, some members considered that the current application was premature.

The Solicitor emphasised and reiterated that members were required to consider the specific application before them, and that there was no application before them for the wider site to consider.

Leslie Mogford proposed, seconded by Harry Blathwayt to approve the application as it was considered an appropriate form of development for the site and on the basis of an alternative interpretation of the policies and a material consideration.

On being put to the vote, the motion was lost by 3 votes in favour and 4 against, the Chairman did not vote.

Bill Dickson proposed, seconded by Andree Gee and it was **resolved** by 5 votes in favour and 3 against

To refuse the application for the following reasons:

The application seeks full planning permission for the erection of two detached dwellings on an existing commercial employment site. Policies DM26 and DM28 of the Local Plan for the Broads follow a sequential approach which requires the marketing of the site for a period of twelve months and a statement completed by an independent chartered surveyor which demonstrates that other employment uses, community facilities or tourism and recreation uses have been fully considered but are unviable. The application confirms that the site has not been marketed either in association with the wider, former Windboats Marine site or separately and it therefore fails to comply with Policies SP11, DM26 and DM28 of the Local Plan for the Broads (2019), Policy HBE1 of the Wroxham Neighbourhood Plan 2019 and the National Planning Policy Framework (2019).

Leslie Mogford left the meeting. James Knight returned to the meeting

11. Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. The Senior Planning Officer provided further updates on

(1) Former Marina Quays site - referring to Minute 6. Progress on the Section 106 Agreement as a condition for planning permission BA/2018/0118/FUL was being made.

(2) Land at Beauchamp Arms, Public House, Ferry Road, Carleton St Peter - A site inspection had taken place on 15 August 2019 as part of the monitoring. It was confirmed that the static

caravans were not in use and no action was required. Officers would continue to monitor the site.

Fran Whymark proposed, seconded by James Knight and **it was resolved** unanimously

To include dates when actions were taken within the Enforcement schedule.

It was resolved to note the report.

12. Norfolk Strategic Planning Framework version 2 - endorsement

The Committee received a report on the Norfolk Strategic Planning Framework version 2 (NSPFv2) with the amendments to version 1 highlighted as track changes. The Planning Policy Officer explained that the document was to illustrate how the Norfolk Local Authorities were cooperating on cross boundary/strategic matters, mainly through agreements on these various strategic issues. This was the second version before members (with the first being in Spring 2018) and would be a living document that would need regular updates. Work was already being undertaken on Version 3 to involve reference to climate change and facilities and housing for the elderly. The Committee had also received an update on additional minor amendments that were proposed by the New Anglia Local Enterprise Partnership to reflect the most up to date position. These were:

- i. Change the references from SEP to Norfolk and Suffolk Economic Strategy on Pages 35 and 40 and in Table 8
- ii. Change page 33: “Additionally, local authorities within Norfolk are working to produce a local industrial strategy” To: Additionally, local authorities are working with the New Anglia LEP to support the production of a local industrial strategy.
- iii. Change page 40: “Following the formation of the Combined Authority (in part replacing the old LEP organisation for greater Cambridgeshire and Peterborough, including some surrounding authorities)” To: “Following the formation of the Combined Authority (replacing the old LEP organisation for Greater Cambridgeshire and Peterborough, which included some surrounding authorities)”.’

It was confirmed that the Chairman and/or Vice-Chairman of the Planning Committee attended the Norfolk Strategic Planning Member forum.

Members were supportive of the amendments.

It was resolved unanimously to note and endorse the Norfolk Strategic Planning Framework version 2 for recommendation to the Authority.

13. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since 1 January 2019, of which there were five. The Senior Planning Officer reported that a decision on the appeal at

Riversdale Cottage, the Shoal, Irstead had been received from the Planning Inspectorate this morning. This was an appeal against the Authority's decision of refusal to remove planning conditions (Application BA/2018/0364/COND). The appeal was dismissed and the Authority's decision upheld. Details of the decision would be circulated to Members.

It was resolved to note the report.

14. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 8 July 2019 to 5 August 2019.

It was resolved to note the report.

15. Date of next meeting

The next meeting of the Planning Committee would be held on Friday 13 September 2019 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. The meeting would be followed by training on planning for Planning Committee Members.

The meeting ended at 11.54 am

Signed by

Chairman

Appendix 1

Declaration of interests Planning Committee, 16 August 2019

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all Members	10(2)	Application BA/2019/0214/FUL Redundant car park (serving Windboats Marine site) Grange Walk, Wroxham. Applicant a Member of the Authority and the Planning Committee.
James Knight	10(2)	BA/2019/0214/FUL Pecuniary interest
Fran Whymark	10(2)	BA/2019/0214/FUL District and County Councillor. At Wroxham Parish Council saw plans, discussed with James Knight