

Broads Authority

Planning Committee

Minutes of the meeting held on 30 March 2012

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr G W Jermany
Mrs J Brociek-Coulton	Dr J S Johnson
Mrs S Blane	Mr A S Mallett
Mr N Dixon	Mr P E Ollier
Mr C Gould	

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr F Bootman – Planning Officer
Mr J Clements – Planning Policy Officer
Mr S Hayden – Arboricultural Consultant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Mr D Lowens – for the Solicitor
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Development Management
Ms K Wood – Planning Assistant

Members of the public in attendance who spoke:

BA/2012/0046/FUL Compartment 6a, Land adj to Hill Common, Hickling

Mr Jeremy Halls BESL	On behalf of the Applicant
Mrs Sandra Clarke	Hickling Parish Council

BA/ 2012/0045/FUL Stokesby Floodwall, Ferry Lane, Stokesby with Herringby

Mr Jeremy Halls BESL	On behalf of the Applicant
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BA/2011/0292/FUL Dockyard, Griffin Lane, Thorpe St Andrew

Mr Rob Rogers	Head of Construction and Maintenance
Mr Phillip Duncan Corylus Ltd	On behalf of the Applicant

BA/2012/0060/COND Maltings Meadow Sports Ground, Pirnhow Street, Ditchingham

Mr Jon Fuller	On behalf of the Applicant
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**BA/2011/0040/TPO Willow Tree, The Haven, Ropes Hill Duke,
Horning**

Mr D A Broad

On behalf of Objector

7/1 Apologies for Absence and Welcome

Apologies for absence were received from Mr S Dorrington and Mr R Stevens.

The Chairman welcomed members of the public.

7/2 Declarations of Interest

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes. The Chairman declared an interest on behalf of all members in relation to application BA/2011/0292/FUL.

7/3 Minutes

The minutes of the meeting held on 2 March 2012 were confirmed as a correct record and signed by the Chairman subject to the inclusion of Mr J Clements – Planning Policy Officer as having been in attendance and apologies having been received from Mrs J Brociek-Coulton.

7/4 Points of Information Arising from the Minutes

(1) Minute 6/10: Upper Waveney – Ditchingham Dam, Geldeston and Ellingham Conservation Areas

It was noted that the boundaries to the Conservation Areas had been amended in accordance with the deliberations of the Planning Committee and these would now be published for public consultation.

(2) National Planning Policy Framework

Members noted that the final National Planning Policy Framework had been published on 28 March 2012 and therefore any implications for the applications to be considered for this meeting would be referred to by officers. A report would be provided for the next Planning Committee meeting on the implications of the framework more generally.

(3) Stubb Mill

Members were pleased to note that Stubb Mill had been given third place in the East of England RTPI Awards.

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

There were no items of urgent business.

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

(1) The Chairman gave notice of the Fire Regulations.

(2) Public Speaking

The Chairman reminded everyone that the new scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for Members and Officers, and that the time period had been extended from three minutes to 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.

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

A request had been made from officers to defer the application BA/2012/0041/FUL Waveney River Centre, Staithe Road, Burgh St Peter in order to clarify some legal matters raised in objection to the application. Members agreed to defer the application.

It was proposed to vary the order of the agenda to deal with application BA/2012/0045/FUL Stokesby Floodwall, Ferry Lane, Stokesby following BA/2012/0046/FUL Hill Common, Hickling as both applications were from the same applicant.

7/8 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/2012/0046/FUL Compartment 6a, Land adjacent to Hill Common, Hickling

Resubmission of withdrawn PP BA/2011/0337/FUL for the provision of access for boats and people following the installation of flood defences
Applicant: Environment Agency

The Planning Officer explained that the application was connected to a previous application granted permission in February 2010 for a 6.7 kilometre length of flood defence improvements in Compartment 6 (Somerton to Hickling), where previously there had been none. Works had now been substantially completed. The application sought consent

for enhancements to provide safe access to the water users over flood defences in two areas omitted from the original approved scheme. These were opposite the properties known as Waters Edge near to Timber Gables, and Broad House. Since writing the report further concerns had been submitted by the Parish Council and the objector, Mr Mann from Timber Gables (Letters dated 16 and 23 March). As a result, the applicants had subsequently withdrawn the controversial section of the application relating to the area opposite Waters Edge and therefore members were being asked to consider an amended application which only related to the two sets of timber steps recessed into the bank and a timber post and decking jetty at the eastern end of Hill Common (close to Broad House). It was recognised that the area had been the subject of significant change over the last two years, however, this scheme proposed very limited further changes. The Parish Council was due to consider the amended application at a meeting scheduled for 3 April 2012. In light of this, the Planning Officer recommended that authority be delegated to officers to approve the amended application to allow for any additional views of the Parish Council to be considered.

Mrs Clarke, on behalf of the Parish Council, was given the opportunity to address the Committee explaining that the Council was relatively new. There had been difficulties where the planning application drawings for the scheme did not appear to match up with the work carried out or now being proposed. That aside, the Parish Council had reservations over the use of decking where previously there had been none. They were also concerned about flooding issues in the nearby lane. The Parish Council considered that the application should be deferred.

Mr Halls responded on behalf of the applicant. He explained that the original application had been submitted in October 2011 when the Parish Council had no objections. The application had been withdrawn at that time due to concerns from a resident and the Authority's Landscape Architect. The flood defence works had reduced the area of flood bank and therefore the available space for walking; hence the need for the decking. At that time, the Parish Council had not expressed objections to the proposals opposite Broad House. With regard to the drawings, the original ones would have been for consultation prior to the submission of the planning application. With regard to the flooding of the lane, this was surface water and would need to be investigated with the Environment Agency separately. He hoped that permission could be granted in order to complete the works as soon as possible.

Members noted the detailed representations received, taking account of the timing of the application as well as the concerns over human rights. They also noted the clarification on the maintenance of the proposed steps and decking close to Broad House.

Members were particularly mindful of the Authority's policies in relation to the application, notably DP12. They were supportive of the officer's assessment and considered that the proposal would provide enhanced access to the water, would not represent an unacceptable intrusion or change into the area, was acceptable in design terms and would not damage the first time flood defences recently provided in the area.

RESOLVED unanimously

that authority be delegated to officers to approve the amended application (relating to the area opposite Broad House) to allow for any further representations from the Parish Council to be considered and to conditions as set out in the report to committee. The application was considered to meet the requirements of the Core Strategy DPD policies and Development Management Policies DPD (notably Core Strategy Policies CS3 and CS4 and Development Management Policies DPD Policies DP4, DP12 and DP28) and would not materially conflict with other policies. The proposal was considered to represent an appropriate design of development associated with existing flood defence work in this location.

(Application (7) BA/2012/0045/FUL was dealt with at this point in the meeting)

- (2) **BA/ 2011/0292/FUL Dockyard, Griffin Lane, Thorpe St Andrew**
Removal of various existing buildings and relocation of access/
associated boundary treatment. Extension to existing workshop to
provide additional boatshed/workshop with first floor office and welfare
facilities. New Broads launch shed and new inlet. Removal of one
existing slip with associated piling. New aggregate bays and
associated works
Applicant: Land and Water

The Planning Officer reminded members that the application involved the site relating to the Authority's operational premises and had originally been considered in October 2011. Following deferral from that meeting and protracted discussions, amended plans were submitted on 15 February 2012. These included amendments to the contentious elements including the eaves height, the span of the building, fenestration and provided clarification of materials. These were now considered to represent an appropriate design for this long established boatyard and were a significant improvement on the previous plans whilst retaining the functionality of the building and providing sufficient office accommodation. The Planning Officer concluded that it would provide a welcome rationalisation of the site and meet the policy requirements. This was supported by the Historic Environment Manager who confirmed that officers had been involved in detailed negotiations with the applicants' agent. Cumulatively, it was hoped that all the previous concerns had been addressed and the design was now acceptable.

Since the report had been written, consultation responses had been received from Thorpe Town Council who had no objections but flagged up concerns relating to Griffin Lane and the impact on its surface from construction traffic during development. The Planning Officer confirmed that the proposal was on an established dockyard site and represented a continuation of the existing use and the traffic generated by the proposal would not be so significant to result in unacceptable harm to highway safety.

The Head of Construction and Maintenance clarified that Griffin Lane was a private lane and the owners of properties using the lane contributed towards the costs of upkeep. The Authority paid a 45% share of the costs. Mr Durrant, on behalf of the applicant, thanked the planning officers for their constructive help in the negotiations.

Members welcomed the amended proposals and considered that they provided a significant improvement to the original design, recognising that it was a large building adjacent to the river system and its functionality required the size and mass proposed. They concurred with the officers' assessment.

RESOLVED unanimously

that the application be approved subject to conditions and an Informative concerning contamination as set out in the report. The application was accompanied by a wider range of supporting information including a design and access statement, flood risk assessment, transport statement, ecology report and a landscape and visual assessment.

It was considered that the proposal was on an established dockyard site and represented a continuation of the existing use. It was considered to meet the thrust of development plan provisions most notably those contained within Core Strategy Policies CS13 and CS20, adopted Development Management Policies DPD DP1, DP4, DP11, DP18, DP28 and DP29 as well as 'saved' Broads Local Plan Policies TSA3 and TSA4 and PPS25 advice.

(3) **BA/2012/0020/FUL and BA/2012/0021/CON Utopia and Arcady, Mill Road, Stalham**

Replacement of existing cottages Utopia and Arcady with two new cottages

Applicant: Mr and Mrs Hugh Leventon

It was noted that there was considerable public interest in the two applications and a request for a site visit had been received. The Planning Officer explained that the proposals were for conservation area consent to demolish two existing cottages and planning permission for the replacement with two new arts and craft style

cottages. Since the report had been written, two additional representations had been received both of which reiterated the objections already received.

Members agreed that a site visit would be beneficial in order to view the existing cottages and the potential impact of the proposed development on the Stalham Conservation Area, the relationship to the development boundary and in the context of the Authority's Development Plan policies, particularly DP24 Replacement Dwellings of the adopted Development Management Policies DPD.

RESOLVED unanimously

that a site visit be held on Friday 20 April 2012 prior to the determination of the two applications in order to view the proposals in the context of the Conservation Area and the Authority's Development Plan Policies.

- (4) **BA/2012/0050/FUL 13 Thorpe Hall Close, Thorpe St Andrew**
Erection of one and half storey dwelling house (Revised scheme following withdrawal of BA/2011/0286/FUL)
Applicant: Mr Alan Adler

The Planning Officer explained that the application was before the Committee due to the objections received from a number of neighbouring residents. It was on an empty plot part of which had extant planning permission for a five bedroomed dwelling, the piles already having been installed. The proposal site fell within the development boundary and Thorpe St Andrew Conservation Area adjacent to the Grade II* Listed Thorpe Hall. The contemporary design took account of the varied character of the Conservation Area and picked up from traditional architectural detailing as well as the swimming pool building on the immediate adjacent plot. The overall form, mass, scale and design were considered to be appropriate to the varied character of the area. The majority of the glazing was on the riverside of the property, with limited or obscure glazing facing the neighbouring properties including the flats behind, thus reducing the impact on neighbour amenity. There had been a high level of support from residents within the Close on the basis of an appropriate use of an un-used site. However, there were objections from those living in the flats to the rear citing concerns over loss of light, design, reduction in privacy and loss of view. The officer assessed that the distance from the flats to the proposal was an acceptable distance and significant enough so as not to create overshadowing or impact upon diffused light. Although the flats currently had the benefit of a view to the river, the loss of this was not a material planning consideration.

Since the report had been written a further consultation response had been received from:

- Thorpe St Andrew Town Council – no objections.

The Planning Officer recommended the application for approval subject to conditions.

Mr Chapman, the agent for the applicant, commented that the building would be of sustainable construction and that there should not be a significant effect on the light of those properties to the rear of the proposed development. He considered that it fully accorded with the new National Planning Policy Framework and met the criteria for sustainability.

Members concurred with the officer's assessment and considered that there would not be a significant adverse impact on neighbouring amenity as to warrant a refusal of the application.

RESOLVED unanimously

that the application be approved subject to conditions as set out in the report. The proposal is considered to be in accordance with National and Local Plan Policy and in particular considered to be in accordance with National Policies PPS1, PPS5, PPS9 and PPS25 and Core Strategy (2007) Policy CS1 and Policies DP 2, DP 4, DP 5, DP 7, DP 22, DP 28 and DP 29 of the adopted Development Management Policies DPD.

(5) **BA/2012/0041/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

Installation of two mooring posts
Applicant: Mr James Knight

This application was deferred.

(6) **BA/2012/0060/COND The Maltings, Meadow Sports Ground, Pirnhow Street, Ditchingham**

Variation of Condition 1 of Planning permission BA/2008/0236/COND to allow for the extension of late night opening hours
Applicant: Mr Jon Fuller

The Planning Assistant explained that the application was for the variation of a condition to allow for extended opening hours of the sports club as part of the sports facilities on a more frequent basis. At present the permission allowed for use between 9.00am and 23.30 and up to 15 days per calendar year between 9.00 and 1.00am on the following day. The proposal was requesting a variation from 15 days to 52 days per calendar year.

Since the report had been written, a further consultation response had been received from the Parish Council who considered that 52 per year was too many and suggesting a restriction to 26 subject to noise

monitoring. The Environmental Health officer had no objections. It was recommended for approval subject to conditions including the suggestion that there be no more than two extended hour openings per week.

Mr Fuller, as the applicant, was given the opportunity to address the Committee and explained that in the current economic climate, the centre wished to be able to increase the number of times available for functions and increase revenue. Fifteen was restrictive. Although it was unlikely that there would be demand for 52 functions in the first instance, the application was submitted in order not to have to keep returning to the Committee. He explained that the Sports Club did not hold "events" as such; the premises were mainly used for private functions. He confirmed that an application for an extension to the licensing hours had been submitted to South Norfolk Council simultaneously.

The Committee recognised that it needed to be concerned with the land use issues and the neighbour amenity. Noise would be monitored under the Licensing and Environmental Health regulations, although it was appreciated that there was some conflict between the various legislations, which was of concern. It was noted that there had been no complaints about the existing activities. The possibility of a temporary consent was suggested but considered to be inappropriate.

In light of the comments from the Environmental Health services, in general members concurred with the officer's assessment in that the proposal sought to improve an existing successful community facility and that the impact on neighbouring amenity would not be significant, and there would be no adverse impacts on highway safety.

RESOLVED by 8 votes to 0 with 2 abstentions

that the application be approved subject to conditions as set out within the report as it was considered that the variation of condition was in accordance with the development plan policy and in particular Policies DP14, DP27 and DP28 of the adopted Development Management Policies DPD.

(7) **BA/2012/0045/FUL Stokesby Floodwall, Ferry Lane, Stokesby with Herringby**

Installation of three bollards to protect from damage by vehicles
Applicant: Environment Agency

The Planning Officer explained that the application was for the installation of three timber bollards to protect a vulnerable section of the flood wall in the village of Stokesby. The original proposal was for concrete bollards and these had now been amended to timber with red reflective stripes following objections from a local resident and the concerns expressed by officers. The objection from the local resident

was subsequently withdrawn. However, the Parish Council had objected on the grounds that the development would be inappropriate for the area. Officers considered that the bollards were appropriately sited, were of a high design quality and matched others sited within the vicinity. It was clarified that the height of the bollards would be the same as the floodwall behind.

Members noted that this was not within a Conservation Area. They concurred with the officer's assessment.

RESOLVED unanimously

that the amended application be approved subject to conditions as set out in the report as the application was in accordance with Policy DP4 of the adopted Broads Development Management Policies DPD and there were no material considerations which could justify the refusal of the application.

7/9 Enforcement Item for Consideration: 7 Bungalow Lane, Thorpe St Andrew Unauthorised Stationing of Two Static Caravans

The Committee received a report concerning the unauthorised stationing of two static caravans on land at 7 Bungalow Lane, Thorpe St Andrew, on the northern bank of the River Yare (Old Kingfisher Boat Yard). Despite assurances that a retrospective planning application would be submitted, this had not yet been received.

It was noted that static caravans on the site were not a form of development that would be encouraged especially as this was a riverside site, and was unlikely to be acceptable on a permanent basis due to the adverse visual impact. As such the development would be contrary to Development Plan Policies CS1 and CS20 of the Core Strategy.

RESOLVED

- (i) that officers in consultation with the Solicitor be authorised to serve a Planning Enforcement Notice requiring the removal of the two static caravans; and
- (ii) that prosecution be instigated should there be non-compliance with the Planning Enforcement Notice.

7/10 Tree Preservation Orders (TPO) – Objection

Mr Ollier, having declared an interest, took no part in the discussion or voting on the matter.

The Committee received a report relating to a Tree Preservation Order that had been issued at The Haven, Ropes Hill Dyke, Horning as part of the Authority's ongoing process of identifying trees worthy of preservation and protection, and now required confirmation. In accordance with the Authority's

procedures for dealing with objections, the Committee had held a site visit on 23 March 2012, a note of which was circulated and photographs of the site from the river were shown to the Committee.

Following the site visit a further objection had been received from the Horning Sailing Club referring to concerns over safety to navigation. In addition, the local District Member, who had attended the site visit, had written in support of the confirmation of the TPO. Mr Stevens, who had sent his apologies for this meeting, had also written in support of the TPO.

The Arboricultural Consultant emphasised that a TPO did not necessarily prevent the owner of the tree from carrying out appropriate works provided they had the approval of the Local Planning Authority. Provided the works were deemed to constitute sound arboricultural practice, works could proceed. This could be arranged through a management agreement with the Authority to include a rolling programme of management. If the tree was dead, dying or dangerous then appropriate measures would be permitted including, if necessary, the felling of the tree. If this was the case replacement planting could be required. Appropriate management could also extend the life of that tree.

Mr Broad, as the objector and as Chairman of the Ropes Hill Dyke Residents Association addressed the Committee explaining the objections to the TPO on grounds of safety, environment, access and amenity and navigation issues as detailed in the report. He referred to the Authority's strategic objectives (NA2) and priorities for managing trees and scrub along the river corridors which involved "...reducing erosion risk and improve safety and sailing conditions within the navigation area by creating a 10m clear width of river bank where possible". He referred to the TEMPO assessment and considered that some of the scores could be contended particularly with regard to life expectancy, character and expediency. He was of the view that as a responsible owner, the current owner was ideally placed to manage the tree in association with neighbours and a TPO would create unnecessary bureaucracy and delays if emergency works were required.

Members considered the objections very carefully and accepted that some could have merit. However, they were mindful that although the present owner of the tree might be responsible in managing the tree currently, a change of heart or a change in ownership could jeopardise that management. The TPO related to the tree not to the owner. They considered that the tree was of considerable amenity value in one of the most prominent locations within the village, provided a softening effect on the properties within the vicinity of the river and therefore was worthy of protection. Although accepting the concerns in relation to navigation, it was important to consider the planning policies and it was considered that in this instance the value to the landscape outweighed the navigation objections. They were in favour of a rolling programme of management being agreed.

RESOLVED by 8 votes to 1 against

that the TPO BA/2011/0040/TPO on the Willow Tree at the Haven, Ropes Hill Dyke, Horning be confirmed.

7/11 Consultation Documents Update and Proposed Responses

The Committee received a report setting out the planning policy consultations recently received on:

- North Norfolk District Council in partnership with Great Yarmouth Borough Council, Waveney District Council and the Environment Agency: Strategic Environmental Assessment of the Shoreline Plan (Cell 3b: Kelling to Lowestoft)
- Waveney District Council Draft Affordable Housing Supplementary Planning Document February 2012.

RESOLVED

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

7/12 Enforcement Update

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

(1) Wayford Mill

It was reported that the owner of Wayford Mill had attended the scheduled court hearing on 28 March 2012. The hearing had been adjourned and referred to a Judge.

RESOLVED

that the report be noted.

7/13 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since September 2011 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

7/14 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 17 February 2012 to 15 March 2012.

RESOLVED

that the report be noted.

7/15 Date of Next Meeting

It was noted that the next meeting of the Planning Committee would be held on Friday 27 April 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

The meeting concluded at 13.00 pm

CHAIRMAN

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 30 March 2012

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest √
All Members	7/8(2)	BA/2011/0292/FUL The Broads Authority has an interest in the land	
G W Jermany	General	Great Yarmouth Borough Council, Toll Payer	
M Barnard	7/11	Member of WDC and SCC	
P E Ollier	General 7/8 7/10	Member of Navigation Committee, Toll Payer, Member of a number of Broads Sailing Clubs. Member of Horning Sailing Club - will not discuss or vote	
A S Mallett	General 7/3 7/8 (1) and (2) 7/8(3) 7/12	Minutes as per previous meeting Appointed by Broadland District Council, Member of Navigation Committee (but did not take part in the debate when considered.) Have been lobbied Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed	√
C Gould	7/8(1) and 7/8(3)	Lobbied by objectors	
N Dixon	All	General Member of Norfolk County Council	