

Broads Authority

Planning Committee

Minutes of the meeting held on 9 November 2012

Present:

Mr C Gould – in the Chair

Mr M Barnard	Dr J S Johnson
Miss S Blane	Mr A S Mallett
Ms J Brociek-Coulton	Mr P Rice
Prof J A Burgess	Mr R Stevens
Mr N Dixon	

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 C Smith – Head of Development Management
Miss K Wood – Planning Assistant

Members of the public in attendance who spoke:

BA/2012/0121/FUL: Brundall Gardens Marina, Postwick Lane, Brundall

Mr Les Brown	Agent on behalf of the Applicant
Mr Ian Walters	Brundall Parish Council

5/1 Apologies for Absence and Welcome

Apologies for absence were received from Dr J M Gray (Chairman) and Mr P E Ollier.

The Vice-Chairman, acting as Chairman in Dr Gray's absence, welcomed everyone to the meeting and gave an outline of the composition of the Planning Committee.

5/2 Declarations of Interest

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

5/3 Minutes

The minutes of the meeting held on 12 October 2012 were agreed as a correct record and signed by the Chairman.

5/4 Points of Information Arising from the Minutes

There were no points of information arising from the minutes.

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

There were no items of urgent business.

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

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

(2) Move to Yare House, 62-64 Thorpe Road, Norwich

The Chairman announced that this would be the last Broads Authority Planning Committee meeting before the move to new offices in Yare House. Cards giving notice of the new office location together with parking, train and bus connections were tabled. Further details relating to parking would be circulated nearer to the date of the move.

(3) Pedestrian Bridge of the Year 2012

The Committee was informed that the Jarrolds Bridge adjacent to Dragonfly House had been awarded the Pedestrian Bridge of the Year by the Institute of Structural Engineers.

The Judges' comments were as follow:

"This bridge is an outstanding example of innovation, structural efficiency, and aesthetic simplicity. The minimalist internal supports and bold abutments result in a structure that appears to defy structural principles and is extremely eye-catching. It greatly enhances its environment."

Members wished to commend Jarrolds on their foresight in designing such a bridge as well as congratulate them on the award.

(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, 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.

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

No requests had been made to defer any applications.

5/8 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/2012/0121/FUL: Brundall Gardens Marina, Postwick Lane, Brundall

Renewal of existing quay heading to east of existing basin. Extension of basin to north-west with new quay heading. Renew central jetty and extension to south western side of existing basin with new quay heading and jetty. Retention of vehicle entrance barrier
Applicant: Mr Samuel Dacre

The Head of Development Management explained that the application was for the creation of a new mooring basin, expansion of an existing mooring basin and the installation of an entrance barrier on the private access to the site, works for part of which were retrospective. These related to the access barrier and realignment and replacement of the quay heading and boardwalks along the northern and eastern boundary of the existing mooring basin, which until corrected, the applicant had considered were maintenance. The scheme would provide an additional 14 moorings as well as provision for larger boats. The policies most relevant to the application were DP1, DP2 and notably DP16 and the main issues were those of landscape and ecology.

The Head of Development Management addressed the criteria in relation to DP16 explaining that this was one of the first applications for providing additional moorings where the policy was applicable. The Authority's Ecologist had strong objections relating to the loss of wet woodland habitat and notably the damage to the deep peat due to the importance to the sequestration of carbon within the Broads. However, refusal for the new basin on grounds relating to loss of carbon was considered to be very difficult to justify as there were no specific planning policies relating to this and the matter was very complex. In addition, some of the underlying peat had been covered by a car park and originally by a hotel. With regard to loss of wet woodland, the applicant had submitted a woodland management plan and a number

of enhancements, together with a draft Section 106 Agreement, incorporating boat wash down facilities in order to minimise pollutants and control the spread of non-native species, which was becoming a significant consideration.

The Head of Development Management concluded that the proposed development represented a comprehensive package of works, and although the loss of wet woodland was regrettable, the mitigation proposals and enhancements to be provided, on balance, satisfied all the requirements of the policies, particularly DP16. She therefore recommended approval subject to detailed conditions relating to phasing and prior completion of a Section 106 Agreement. She further added that the Section 106 Agreement was necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore met the tests in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

In answer to a member's question in relation to the Broads Society's comments that the permission should be conditional on the provision of pump out facilities, the Head of Development Management explained that although feasible this would be very expensive and would have a significant adverse impact on the viability of the business. There were other pump out facilities within the vicinity and therefore it would be difficult to justify the imposition of such a condition.

Mr Walters, on behalf of Brundall Parish Council, confirmed the support of the Parish Council and the officers' case and presentation of the report.

Mr Brown on behalf of the applicant confirmed that the arboricultural survey undertaken had identified how the woodland should be managed and included ecological recommendations such as sites for otter holts, piles of logs and re-creation of tracts for wildlife. The soil and peat to be removed from the basin would be stored on site until it had drained and dried out before it was removed from the site. There would be no increase in the width of the opening to the basin, and the quayheading would be anchored back into the subsoil as customary.

Members welcomed the benefits of the proposals for the provision of additional moorings, the enhancement and improvements to the site and the additional facilities to be provided. Following clarification and assurances they were satisfied that the woodland management proposals would compensate for the approximate 4% loss of woodland from the whole of the site, and this together with the other recommended conditions would take account of the environmental sensitivities of the site. Members were concerned about the Ecologist's objections concerning the removal of peat and queried whether the peat could be used elsewhere and whether the site could be used as a scientific case study on carbon release to provide information for future

developments and/or sites within the Broads, although it was recognised that part of the site was brownfield. Officers undertook to discuss this with the Ecologist.

Having given very careful consideration to the proposals and been satisfied with regard to the environmental concerns, members concluded that, on balance, the scheme would provide welcome benefits and subject to the mitigation measures was acceptable.

Mr Mallett proposed, seconded by Dr Johnson and

RESOLVED unanimously

that, subject to the prior completion of a Section 106 Agreement and detailed conditions as outlined in the report to Committee, the application be approved as the development proposed is considered to satisfy the requirements of Policy DP16 of the Broads DM DPD.

- (2) **BA/2012/0313/RENEWT Beccles Lido, Puddingmoor, Beccles**
Proposed retention of the portakabins used for male and female wc's, disabled toilet and shower facility
Applicant: Mrs Maureen Saunders, Beccles Lido Ltd

The Head of Development Management explained that the application was for a further temporary planning consent of four years for a temporary consent originally granted in 2006, renewed in 2008 and 2010 and due to expire in June 2013. The application was seeking consent for the retention of two portacabin style static changing room units. Full consent had not been considered appropriate as the units were not considered to be of a sufficiently high standard of design to be retained permanently at this prominent and sensitive location within the Beccles Conservation Area.

Since the report had been written an additional consultation response had been received from Beccles Town Council in support of the application. No objections had been received at all in relation to the portacabins. It was recognised that further temporary consents were not good practice nor in line with Government Circular Guidance. However, in this case it was accepted that the lido site made an important contribution to the character of the area and was a valuable community facility and this was a strong material consideration in the assessment of the proposal. The Head of Development Management explained that a permanent permission would not be appropriate but in light of the notable local demand for the facility the recommendation was for approval for a further four years.

Members were concerned that providing a further temporary consent could enable the existing facilities to become permanent by default and prejudice the opportunity for a more appropriate design of facilities in keeping with the Beccles Conservation Area. However, members were

sympathetic to the application since it was recognised that the new independent managers of the lido were working hard to provide a viable facility, raise the necessary funds and were providing a valuable community facility which fell within the spirit of the Localism Act. In granting a further temporary consent, members wished to make it clear that the portacabins did not enhance the Conservation Area and the Authority would require a more permanent solution appropriate to the vicinity at the end of the period. It was considered that a four year consent should be sufficient.

RESOLVED unanimously

that the application be approved for a period of four years subject to conditions as set out in the report and an Informative letter to the applicant expressing the Authority's concerns that a temporary consent has not led to a permanent solution and that a more permanent solution should be sought, as well as expressing the Authority's general support for the facility as a whole.

The retention of the static changing room units on a temporary basis would assist the operation of the Beccles Lido site which, through both built form and as a valuable community facility, makes a significant positive contribution to the character of the Beccles Conservation Area. Consequently, the development proposed is considered to be in accordance with Policies DP4 and DP27 of the Broads DM DPD (2011) and the National Planning Policy Framework.

- (3) **BA/2012/0297/FUL The Waterside, Main Road, Rollesby**
Proposed erection of a new barn to hold a shop, museum and events area and erection of extension to boathouse to hold a children's wildlife activity room
Applicant: Mike Minors, The Waterside (Rollesby) Ltd.

The Planning Assistant explained that the proposal involving a new barn and extension of the boathouse was designed to improve the existing local and visitor facilities associated with the Restaurant. A revised application boundary had been circulated since the report had been written. She explained that the application was before the Committee due to a number of objections being received from the owners of residential properties on the main road opposite the application site and the garden areas to the north eastern boundary of the site.

Following detailed assessment of the proposal, the Planning Assistant concluded that subject to conditions the application could be approved as the design and scale of the proposal complemented the existing built development, and the further amendments relating to parking and bus turning provision had been submitted and met the Highway requirements in full. Environmental Health had no objections. The application would also require the existing Section 106 Agreement

relating to the hiring of boats and the use of the water area being carried over and linked to it. She further added that the Section 106 Agreement was necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore met the tests in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Some members expressed concern that the proposals could lead to overdevelopment of the site as there were concerns over the size of the proposed building and its relationship to the existing, and the potential loss of car parking balanced against generation of additional need.

Members asked what the criteria was for site visits as it was considered by some that this may assist their decision as the impact of the development was difficult to visualise. The Solicitor explained that the criteria for committee site visits were at paragraph 12 of the Planning Committee Code of Conduct for Members and Officers (October 2012). One of the criteria was that the impact of the proposed development was difficult to visualise.

In view of the fact that the impact of the development was difficult to visualise, Mr Rice proposed, seconded by Mr Dixon and it was

RESOLVED by 7 votes to 2

that prior to determination, the application be deferred for a site visit to give members an opportunity to examine the concerns in relation to the layout of the buildings, potential issue of overdevelopment and neighbouring amenity. The date for the site visit would be confirmed in due course.

5/9 Enforcement of Planning Control: Items for Consideration

(1) Land at Plots 38 and 39, Crabbetts Marsh, Horning

The Committee received a report relating to non-compliance with an Enforcement Notice for unauthorised quay heading which had been upheld on appeal. The period for compliance following the appeal decision had been 13 October 2012. It was noted that failure to comply with an Enforcement Notice was a criminal offence and that there was a need to protect the area from harm and demonstrate that the Authority takes these matters seriously. Therefore authority was sought to prosecute. If this still did not prompt compliance, regrettably it might be necessary to consider direct action.

RESOLVED

that authority be given to officers in consultation with the Solicitor to prosecute the landowner for non-compliance with the Enforcement Notice.

5/10 Benchmarking for Planning Services

The Committee received a report and presentation on the benchmarking exercise carried out in 2011 in response to Government proposals for setting local fees. It was noted that although the Government no longer appeared to be promoting local fee setting, the exercise in calculating the cost of the planning service had provided very useful data. It was pleasing and encouraging to note that the cost of the Authority's planning service compared favourably with the costs of those of its peers. Although it had to be borne in mind that it was a snapshot over a relatively short period of time, members considered that the Broads Authority's planning service appeared to represent good value for money especially when taking into account the performance figures.

RESOLVED

that the report be noted.

5/11 Enforcement Update

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

The Head of Development Management further reported on:

Broad Farm Caravan and Camping Park, Main Road, Fleggburgh – unauthorised stationing and occupation of two static caravans where compliance had now been achieved. This would now be deleted from the schedule.

RESOLVED

that the report be noted.

5/12 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.

Since the report had been written, a decision from the Secretary of State had been received in relation to the appeals dealt with at Public Inquiry for:

Wayford Holiday Cottages, Wayford Bridge, Smallburgh – variation of condition from use as holiday cottages to residential.

The Inspector had allowed the appeals on 7 November 2012, although the details of the decision required further investigation.

RESOLVED

that the report be noted.

5/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 1 October 2012 to 26 October 2012.

RESOLVED

that the report be noted.

5/14 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications (for quarter ending 30 September 2012)

The Committee received a report setting out the development control statistics for the quarter ending 30 September 2012.

RESOLVED

that the report be noted.

5/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 7 December 2012 at 10.00am at **Yare House, 62- 64 Thorpe Road, Norwich**

The meeting concluded at 12.15pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 9 November 2012

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)
P Rice	5/11	Enforcement Update – involved in working on compliance with the owner of the Ferry Inn.
A S Mallett	General 5/3 5/11	Appointed by Broadland District Council Minutes as per previous meeting Member of BDC and Norwich Frostbite Sailing Club (NFSC) will leave meeting if discussed as prejudicial
J Brociek-Coulton	5/9 (3)	BA/2012/0297/FUL Personal interest. Niece works at The Waterside Restaurant occasionally.