

Broads Authority

Planning Committee

Minutes of the meeting held on 1 May 2015

Present:

Dr J M Gray – in the Chair

Mr M Barnard
Miss S Blane
Prof J Burgess
Mr N Dixon
Mr C Gould

Mrs L Hempsall
Mr R Stevens
Mr J Timewell
Mr P Warner

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – For Solicitor
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer
Mr G Papworth – Planning Assistant
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2015/0055/COND Model Aircraft Flying Ground, St Marys Road, Aldeby

Mr Richard Smith on behalf of Applicant

BA/2015/0084/FUL Icecream Parlour, Norwich Road, Hoveton

Mr Nick Stone Applicant

BA/2015/0087/FUL Cary's Meadow, Thorpe Road, Thorpe St Andrew

Mr Mark King On behalf of Applicant

11/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from Mr G Jermany.

11/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2015/0087/FUL as this was a Broads Authority application.

Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

11/3 Minutes: 2 April 2015

The minutes of the meeting held on 2 April 2015 were agreed as a correct record and signed by the Chairman.

11/4 Points of Information Arising from the Minutes

None reported.

11/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

11/6 Chairman's Announcements and Introduction to Public Speaking

(1) Mr Cyril Durrant

The Chairman announced that the Mr Cyril Durrant, a former member of the Authority (1991 to 2007) who had been Vice-Chairman of the Planning Committee for part of that time had sadly died. The memorial service would be on Wednesday 6 May 2015 at 2.00pm at St Michael's Church Barton Turf.

(2) **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.

11/7 Requests to Defer Applications and /or Vary the Order of the Agenda

The Chairman had received a request to vary the order of the agenda to take Item 11 on the Diversion of a Public Footpath prior to the applications in light of the availability of the landowner. The Committee agreed.

**Item 11/11 concerning the Public Footpath Diversion was taken at this point.
(See below)**

11/8 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/2015/0055/COND Model Aircraft Flying Ground, St Marys Road, Aldeby**

Variation of Condition 3 on pp BA/2008/0212/CU to allow electric silent flight only on Mondays and Fridays. No Internal Combustion powered planes to be flown. Flying times 10am til dusk

Applicant: Mr Richard Smith

The Planning Officer provided a detailed presentation of the proposals to vary a condition of a previous planning permission to allow additional flying times. Since the original submission of the application the applicant had agreed to reduce the hours so that these would be in line with the hours already permitted during the week to minimise the impact on the amenity of the surrounding area. The application was therefore amended to allow for flying on Mondays and Fridays between the hours of 14.00 to 21.00 hours but for silent flight only between 1 May to 31 August inclusive and for Mondays and Fridays between 13.00 hours to dusk (silent flight only) between 1 September to 30 April inclusive. The previous hours for flying conditioned as part of the previous application would remain the same including the areas of no fly zones. The Planning Officer commented that no complaints had been received by the Authority or Environmental Health since 2005. Although the club was applying to operate over 7 days, the actual amount of flying was more likely to be only an average of 50% of the agreed times due to weather conditions and or member availability.

The Planning Officer drew attention to the consultation responses including two objections and referred to the further consultation responses received since the report had been written from Mr Brown, details of which had been circulated to members and were taken account of in considering the application.

In response to the concerns relating to the effect on wildlife, Natural England had been consulted and had not raised an objection.

Having provided a detailed assessment against the Authority's policies taking account of the main concerns and issues relating to noise, public amenity, highways, and ecology, the Planning Officer concluded that there would be no significant adverse impacts on wildlife or highway safety and the application could be recommended for approval. The imposition of planning conditions including the re-imposition of those on the previous planning permission (BA/2008/0212/CU) would ensure that the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice.

Mr Richard Smith on behalf of the applicants provided clarification and explanation in relation to the potential effects on wildlife, electric craft used and the definition of “silent flight”. He considered that the increase in hours would not have a detrimental impact. He explained that at 7 metres the largest most powerful model craft produced a maximum noise of 74 Db(A) but this would be reduced to approximately 45 DB(A) at 200metres. In open air the ambient noise when not too windy was more likely to be 40Db(A). The maximum noise for internal combustion powered models was 82 Db(A) and only two planes associated with the club could actually reach 74 Db(A).

Members considered that the increase in times over the additional two days would not lead to a significant adverse impact on the environment or generate any unacceptable impact on the amenity of the surrounding rural area or residential properties. They concurred with the officer’s assessment.

Mr Warner proposed, seconded by Mr Dixon and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report.

It is considered that the works are in accordance and consistent with the aims of the development plan policies particularly Policies CS1, CS2, of the Core Strategy (adopted in 2007) and Policies DP1, DP11and DP28, DP29 of the Development Management Plan DPD (2011) and the National Planning Policy Framework (NPPF).

- (2) **BA/2015/0084/FUL Ice Cream Parlour, Norwich Road, Hoveton**
Remove existing wooden window frame and replace with softwood with hardwood sill with 4 lift out panels
Applicant: Mr Nick Stone

The Planning Assistant provided a detailed presentation of the proposal for the removal of the existing timber window frame of a shop previously called Yankee Candy and Soda and replacing it with a softwood timber frame with hardwood timber sill with four lift out panels. The overall size of the window frame would remain the same with the purpose of enabling the unit to trade directly to the street for the selling of ice creams. He pointed out that the area directly in front of the premises was privately owned and not part of the public highway and its use was at the discretion of the landowner. The application was before members due to the Local Member calling it in and on the basis of concerns that an expected queue at the hatch would be likely to create a significant risk to pedestrian road safety.

The Planning Assistant referred to the updated consultations received since the report had been written which had been circulated to Members:

- Hoveton Parish Council – no objections
- Highways – suggesting an appropriate condition to ensure the private land was kept clear of any advertising material, barriers or similar obstructions to ensure the area was available for use by customers.

The Planning Assistant explained that the main issues to consider were the principle of the design and the impact on pedestrian safety. He concluded that the development was of a small scale and the design considered to be appropriate in the context of the surrounding area. It was not considered to impact on pedestrian road safety.

Mr Stone, the applicant, explained that he had been operating his business at these premises for some 34 years and this included having an ice-cream cone placed outside in order to advertise the product, which was removed on a daily basis when the shop was closed. To have a condition imposed as suggested by the highway authority would be restrictive to his trade and would be unreasonable particularly in light of the amount of advertising boards on the private land immediately adjacent to nearby establishments from other premises in the vicinity and more specifically adjacent to his own. Customers would still be able to come into the premises to be served rather than be restricted purely to the serving hatches.

Some members were concerned about the potential obstructions to pedestrians and as a consequence of narrowing the footway causing pedestrians to walk in the road and being in danger. They were of the view that a condition should be imposed to restrict advertising material in this location.

Other members considered that it would be unreasonable and unfair to impose such a condition in this area, given that advertising was already prevalent and was also a necessary part of the applicant's business.

Mr Warner proposed, seconded by Mrs Hempsall that the application be approved with conditions and an additional condition, as suggested by the highways authority, that the private land in front of the premises be kept clear of obstruction, and that separately officers negotiate with the applicant on the siting of the ice cream cone used for advertising purposes.

On being put to the vote the motion was lost by 4 votes in favour, 5 votes against.

Prof Burgess proposed, seconded by Mr Barnard that the application be approved in accordance with the officer's recommendation.

RESOLVED by 6 votes in favour to 3 against with one abstention

that the planning application be approved subject to conditions as outlined within the report. The application was considered to be in accordance with development plan policy, in particular Policies CS9 and CS11 of the adopted Core Strategy 2007 and Policies DP4 and DP 11 of the Development Management Plan DPD (2011) as well as Policy HOV4 of the Site Specifics DPD and the National Planning Policy Framework (NPPF).

(3) **BA/2015/0087/FUL Cary's Meadow, Thorpe Road, Thorpe St Andrew, Norwich**

Provision of two angling Platforms, Bank Protection and Landscaping
Applicant: Broads Authority

The Planning Assistant provided a detailed presentation of the application for the provision of further facilities at Carey's Meadow, an area of public open space and marshland designated as a Local Nature Reserve. He explained that since the writing of the report further consultations had been received from Thorpe St Andrew Town Council expressing major concerns about the impact on passing boats especially the new ferry services, rowing and canoe clubs.

The Planning Assistant explained that the angling platforms would be 1.8 metres by 1.8 metres and would not impinge on boating as the river was wide enough and also a quiet stretch. They would be in an area already heavily used by anglers and the proposed bank protection and landscaping would improve the heavily eroded riverside and protect it against further erosion. He considered that the proposals would have a positive impact on the landscape, encourage the use of visitor facilities appropriately, not have an adverse impact on neighbouring amenity or on boating. He therefore concluded that the application could be recommended for approval subject to conditions.

Mr King on behalf of the applicant commented that as a result of the proposals granted planning permission at the previous Planning Committee meeting for the enhancement of the car park (Application BA/2015/0072/FUL Minute 10/8(3)), that the facilities provided would be sufficient to service the proposed enhancements.

Members considered that the application would provide suitable, appropriate and worthwhile enhancements.

Prof Burgess proposed, seconded by Mr Timewell 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 DP1, DP2, DP4, DP13, DP27 and DP28 of the Development Management Plan DPD (2011), Policy TSA1 of the Site Specifics DPD and the National Planning Policy Framework (NPPF).

11/9 Local Plan Update

The Committee received a report which provided an update on the key issues being examined for the development of the Local Plan. This largely related to Housing, Settlement Hierarchy/Development Boundaries, Light Pollution/Dark Sky status, Riverbank stabilisation, Moorings, Second Homes and Holiday Homes, Economic Development Sustainability Appraisal Scoping Report and Statement of Community Involvement as well as an assessment of the Existing Policies.

It was noted that the work had started on the research phase of the Local Plan. It was noted that the first round on the consultation draft issues and options was likely to be towards the end of 2015.

Members were reassured that due regard would be given to the Disabilities Discrimination Act and that there would be sufficient policies and assessments within the emerging local plan to take account of this.

With regard to housing, under the requirements of the NPPF, the Authority was now required to assess its own housing need within the area but not necessarily meet the need. This would be assessed in association with the District Authorities as part of the Duty to Co-operate.

RESOLVED

that the report be noted and welcomed.

11/10 Duty to Cooperate: Norfolk Non-Strategic Shared Statutory Framework and Duty to Cooperate Member Group

The Committee received a report relating to the Duty to Cooperate and in particular the progress on the Norfolk Non-Strategic Shared Statutory Framework being developed and the proposed amendments to the Duty to Cooperate Forum Terms of Reference. Members noted that the sums proposed to be committed had been included within the existing Planning Policy Budgets and were considered to be reasonable and good value. Members were pleased to note that the Authority was making a positive contribution demonstrated by the inclusion of environmental resources based issues.

RESOLVED

- (i) that £7,500 in 2015/16 and £5,000 in 2016/17 be committed to the production of the NSSF;
- (ii) that the proposed scope, timeline and process included in the Strategic Framework be supported as set out in Appendix A of the report;
- (iii) that the amendments to the Terms of Reference (Appendix B of the report) be supported; and
- (iv) that the Vice-Chairman of the Planning Committee be appointed as a substitute to the Chairman of Planning Committee to represent the Broads Authority on the Forum if required.

11/11 Public Footpath Diversion (Item taken following 11/7)

The Committee received a report relating to the proposed permanent diversion of the public right of way on foot at Oby to enable the development and use of a new boat dyke following the granting of planning permission for flood defence works from Boundary Farm Dyke to Stokesby in 2010 and use of a new boat dyke granted permission in 2013. The diverted footpath would then run south of the new mooring dyke and would be of a similar surface to that which already existed. The approval of the diversion was to be in accordance with Section 257 of the Town and Country Planning Act 1990 as amended.

RESOLVED unanimously

that the diversion for the public right of way on foot be agreed as being necessary to enable the approved development (Application BA/2013/0138/FUL) to be carried out and that officers be given authority to make any orders necessary to divert the public footpaths in the Boundary Dyke area as referred to in the report.

11/12 Local List Adoption: Waterside Chalets

The Committee received a report which contributed to the management of the historic landscape of the Broads and provided it with the opportunity to consider the formal adoption of 58 Waterside Chalets on the Local List as recommended by officers and by the Heritage Asset Review Group. (HARG). The identification and formal adoption of Locally Listed Buildings was in line with Government Guidance and was a continuing process. Members noted the details and the considerations of the HARG including the sensitivities associated with some of the properties and endorsed its recommendations.

The Committee commended Kayleigh Wood for her excellent work on the Local List which had formed part of her dissertation for her MSc in Building Conservation.

RESOLVED to include RECOMMENDATION to the Authority (i)

- (i) that the (58 Waterside Chalets) buildings recommended for inclusion on the Broads Local List be formally adopted by the Authority at its July meeting and the owners notified.
- (ii) that the amount of information to be made available on the Authority's website be limited to a list of properties with only the parish and brief synopsis of significance with the additional detailed information being held by officers only.
- (iii) Options for a formal recognition of inclusion on the Local List, such as a plaque scheme be agreed and that it be optional for owners.
- (iv) A further report be brought to Members regarding those chalets considered suitable for inclusion on the National List following further survey and assessment work.

11/13 Heritage Asset Review Group – notes from meeting held on 2 April 2015

The Committee received the notes from the Heritage Asset Review Group meeting held on 2 April 2015 which included the deliberations on the Local List as well as an update on the Landscape Partnership Project bid to the Heritage Lottery Fund, progress on which would be provided to the full Authority on 15 May 2015.

RESOLVED

that the minutes be received.

11/14 Enforcement Update

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

RESOLVED

that the report be noted.

11/15 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 March 2015.

RESOLVED

That the report be noted.

11/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers 23 March 2015 to 21 April 2015.

RESOLVED

that the report be noted.

11/17 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications for the quarter ending 31 March 2015

The Committee received the report with set out the development control statistics for the quarter ending 31 March 2015. It was noted that the Authority was dealing with applications within Government targets and officers were to be commended.

RESOLVED

that the report be noted.

11/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 29 May 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich,

The meeting concluded at 12.23 pm.

CHAIRMAN

Code of Conduct for Members**Declaration of Interests****Committee:** **Planning** 1 May 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	11/8(3)	Application BA/2014/0087//FUL As Members of the Broads Authority
Mike Barnard	11/13	District Councillor for Oulton Broad Conservation Area