

Broads Authority

Planning Committee

Minutes of the meeting held on 8 November 2013

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr C Gould
Miss S Blane	Mr M Jeal
Mrs J Brociek-Coulton	Dr J S Johnson
Prof J Burgess	Mrs L Hemsall
Mr N Dixon	

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 5/10)
Mrs S A Beckett – Administrative Officer
Mr S Bell– for the Solicitor
Miss M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Development Management

Members of the Public in attendance who spoke:

BA/2013/0170/FUL Broads Edge Marina, Mill Road, Stalham-report back

Ms Sally Gibbs	Objector – Mill House, Stalham
Mr Michael Pert	Agent for Applicant, David Philip Investments Ltd

BA/2013/0310/FUL Waveney River Centre, Staithe Road, Burgh St Peter

Mr James Knight	The Applicant
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BA/2013/0208/FUL Ice House Dyke, The Shoals, Irstead

Mr Kevin Cole	Agent Architect for applicant
Mr Andrew Lodge	Applicant

BA/2013/0303/FUL resubmission of BA/2013/0164/FUL York Cottage, Broad Road, Ranworth

Mr Andrew Daniels	M L Oak Buildings and Renovations Agent for applicant
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5/1 Apologies for Absence and Welcome

Apologies were received from Mr P Ollier, Mr R Stevens, Mr J Timewell and Mr P Warner.

5/2 Declarations of Interest

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

5/3 Minutes: 11 October 2013

The minutes of the meeting held on 11 October 2013 were agreed as a correct record and signed by the Chairman subject to an amendment to Minute 4/8(4) top of page 11, Application number to read BA/2013/0264/FUL and not 0254.

5/4 Points of Information Arising from the Minutes

No points of information arising from the minutes reported.

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

No items had been proposed as matters of urgent business.

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

(1) Broads Design Quality Tour – 11 April 2014

The Chairman announced that the Planning Committee's Design Quality Tour was now scheduled for the Spring 2014, 11 April, a scheduled site visit day. The tour would be concentrating in the northern part of the broads. However, it was suggested that the 4 April would be more convenient as it would not be within the school holidays. The Administrative Officer would trawl for dates.

(2) Waveney District – Laurels Farm, Barsham - Public Inquiry

The Chairman reminded members that the Authority had provided objections to the consultation on the various applications for wind turbines in the Waveney district area that would have an impact on the Broad. He reported that the Authority's Landscape Officer had been providing evidence to the public inquiry into the appeal against the decision by Waveney District Council to refuse a large wind turbine at Laurels Farm, Barsham. The public inquiry had been adjourned until the new year.

(3) 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

There were no requests to defer applications. The Chairman reported that he intended to vary the order of the applications so as to deal with application

BA2013/0303FUL York Cottage, Broad Road, Ranworth, Woodbastwick

before

BA/2013/0208/FUL Icehouse Dyke, The Shoal, Irstead.

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/2013/0170/FUL Broads Edge Marina, Mill Road, Stalham - report back

Provision of twelve camping pitches and the demolition of existing and erection of replacement toilet and shower building
Applicant: David Phillip Investments Ltd

The application had been deferred from the previous Planning Committee meeting on 11 October since members had some concerns over the design, access and possible impacts on amenity and had resolved to hold a site inspection prior to determination. Some members of the Committee had had the benefit of a site visit on 25 October, a note of which was attached to the report. The applicant had not submitted any detailed amendments at this stage and therefore members were required to consider the application before them. Since the report had been written, a further letter from the objector had been sent to all members of the Committee expressing concern that the application was inappropriate. No new issues had been raised.

The Head of Development Management reminded members that they had received a full presentation in October but in order to refresh memories and ensure that they were fully appraised of the issues concerned provided a further detailed presentation and full assessment

using aerial photographs as well as photographs from the various vantage points from which the members viewed the site at the visit. She emphasised that the application did not seek consent for a hire boat operation. She addressed the main issues relating to principle, amount of building development, landscape impact, ecology, highways, the key issue of amenity and cumulative impacts.

In conclusion it was considered that the proposal was acceptable and it was in accordance with the Authority's policies as stated within the report and at the previous meeting. The site was an appropriate site for sustainable tourism and recreational development in accordance with Policy DP14. Although it was recognised that there would be some impact on the landscape this was not considered to be detrimental. The new shower block would replace the existing toilet block and provide upgraded facilities. The height of the building was as a consequence of the design to represent a traditional broads' form and was not considered to be overdevelopment. It was recognised that the site was currently amenity grassland and provided a buffer between the public highway and the marina but the development would be limited and seasonal. Although the loss of the hedge was regrettable it would be mitigated by new planting and there would be very limited views into and out of the site. The Highways Authority had not provided an objection and it was considered that there would not be unacceptable impacts on the functioning of the highway network. With regard to noise, no response had been received from the Environmental Health Officer and Planning Officers had made a considered assessment. There was no evidence to suggest that this would have a detrimental impact. These factors were also taken account when considering amenity and it was not considered that the implementation of the proposal would have an unacceptable impact on the amenity of the neighbouring properties.

The Head of Development Management referred to the extant planning permissions for a new clubhouse and 12 holiday cottages and concluded that neither the washroom nor proposed campsite would result in any significant cumulative impacts. Therefore it was considered that the proposal could be recommended for approval.

Miss Gibbs, reiterated her strong concerns and objections to the application as detailed in her letter to members of 1 November 2013 as she considered that the scheme was inappropriate and would have a detrimental impact on the amenity of the area. She referred to previous decisions by the Authority to refuse applications on this site in 1996 which were upheld on appeal. She commented that the Committee had deferred the application at its meeting on 11 October for further negotiations relating to the design, layout and scale of the proposed replacement toilet and shower building and the proposed access as well as landscaping. She did not feel these issues had been addressed and remained concerned about the cumulative impact of

the development. She was concerned that it would take at least five to 10 years to provide protective screening and that there would be additional light pollution from both the washroom and the campsite. She considered that the proposal would result in the loss of tranquillity and have a detrimental impact on the adjacent conservation area and the whole scheme would have a devastating impact on residential amenity.

Mr Pert, the agent for the applicant explained that although permissions were refused for certain buildings on the Paddock/amenity area in the past, planning permission was granted elsewhere. He considered that the proposed campsite would have very little influence or impact on the value of the landscape in this area. His applicant was also prepared to provide additional screening on the eastern boundary adjacent to Miss Gibbs' orchard. With regards to the toilet/shower block, his client was willing to reduce the ridge height by 1.1metres to 6 metres. He explained that the present shower/toilet facilities were now inadequate to provide acceptable facilities to serve the existing 387 moorings in the marina. The replacement block was designed to be associated with the existing group of buildings rather than an isolated building. Although the main access into the toilet block was from the reception side of the site, the wash facilities directly relating to camping would be on the field site. He also clarified that the wash block would be provided with external sensor lighting at night time. With regard to the access into the proposed campsite, Mr Pert explained that an access already existed into that site. It was difficult to see where else the campsite could be located within the Broads edge complex without causing additional difficulties. It was not considered feasible to provide access into the campsite from the main access to the marina and round to the back of the reception area as the ground conditions adjacent to the moorings were inadequate and vehicular access would conflict with the boating activities.

In response to a member's question regarding the appropriateness of the design in relation to the adjacent Conservation Area, the Historic Environment Manager commented that there was a mix of heights and scale of buildings within the area and in his view the design of the toilet block/washroom was appropriate.

The Chairman commented that when members were able to attend site visits but not the actual committee meeting when the application was to be determined, it was appropriate for them to provide comments, particularly for the benefit of those unable to attend. Mr Warner had sent in his comments which had been circulated to all members. The Chairman read these out in full. In summary, Mr Warner's general observation was that the principle of the development was acceptable in the policy context. He did have some concerns over the height of the proposed toilet block and use of the field access and would have preferred an alternative one. However, he recognised that the existing entrance could be used without restriction and that on balance the toilet

block ridge height was unlikely to cause demonstrable harm or visual intrusion in the Broads landscape. He considered that in order to protect amenity of the occupiers of the adjacent property, one or two of the pitches could be temporarily removed until additional screening could be provided. He had concluded that planning consent should be granted subject to conditions in the officer's report and a suggested limitation relating to the phasing of the provision of camping pitches.

The Chairman commented that he concurred with these views. The proposal fell within a very large site already involved with tourism and the provision of a campsite would provide increased facilities in line with the Authority's policies and those of the NPPF. It was important to judge what was before the Committee. Although there would be some impacts he was of the view that these would not be so substantial as to warrant refusal of the application. He considered that the application should be approved.

In discussion members expressed considerable reservations about the application as submitted with some feeling that there could be an alternative solution, particularly relating to the access. Some members expressed disappointment that alternative locations for the campsite had not been explored further. In general, Members had concerns about the scale, height and mass of the proposed toilet block and one member questioned the need for such a size, given that many of the boats moored in the marina would have the necessary facilities available on board not to require the facilities to be provided in the shower/ toilet block. However, it was noted that there was a considerable range of vessels both in size and facilities moored within the marina and improvement of facilities was to be welcomed. Some disputed that the impact on amenity was not substantial. Although some considered that the application constituted two proposals rolled together, members were advised that the application had to be considered as a whole and as submitted.

Members were provided with further information on the historical applications in 1996 relating to the area adjacent to the reception and toilet area and the appeal decisions. The Head of Development Management advised that the site had a considerable complex planning history especially before the adoption of the Broads Local Plan in 1997. It was clarified that the planning policy context had been amended a number of times since 1996 with the introduction of the Broads Plan 1997, the adoption of the Authority's Core Strategy 2007 and Development Management Policies 2011 as well as the National Planning Policy Framework. There were now no longer specific policies or a specific designation for the whole of the site.

The Chairman proposed, seconded by Mr Jeal that the application as submitted be accepted in accordance with the officers' recommendation. On being put to the vote this was lost by 3 votes in favour and 7 votes against.

Members then considered whether to accept the application with a reduction of the roof height of the toilet and shower block by 1.1metres. On being put to the vote, this was lost by 2 votes in favour and 8 votes against.

Following further consideration of policy and on the basis of concerns about the amenity, layout of the scheme, access, design and landscape, Mrs Hemsall proposed, seconded by Mr Dixon, that the application be refused.

RESOLVED by 7 votes to 3

that the application for planning permission be refused on the grounds that the development would have a detrimental impact on Amenity of neighbours especially Mill House due to the use of the campsite and the noise from those using it and the use of the access adjacent to Mill House (including the noise from unbound gravel); Design relating to scale, mass footprint and height of the proposed toilet and shower block; and Landscape in that it will alter the nature of the landscape and there would be loss of a landscape buffer zone between residential development on Mill Road and the marina site. Therefore the application was considered to be contrary to Policies DP4, and DP28 of the adopted DM DPD and Policy CS1 of the adopted Core Strategy.

(2) **BA/2013/0310/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

Proposed six camping pods

Applicant: Waveney River Centre (Ltd)

The Planning Assistant explained that the application was before Committee as the applicant is a member of the Navigation Committee. She provided a detailed presentation of the proposals for the installation of six camping pods each measuring 3.3 metres by 4.3 metres in foot print with a ridge approx. 3.4 metres above ground level in part of a predominantly tourism based complex of the Waveney Inn and River Centre. The pods would provide “glamping accommodation”, that would be integral to the existing operation. They would be built on site using traditional boat building methods, two of which had already been installed thus requiring retrospective permission. They were not permanently attached to the ground but were equivalent to static caravans.

The Planning Assistant recommended approval with conditions as it was considered that the proposed pods were in an appropriate location for additional tourist accommodation, would offer an increased range of accommodation and that the site had sufficient capacity without detriment to amenity or the highway network. The design, scale and form and materials were acceptable but due to the siting on the valley

edge, a landscaping condition was considered essential. However, in order to insure that the camping pods were appropriately sited for operational reasons, and the lay out was working satisfactorily, the applicant wished to delay installing landscaping for a year.

Mr Knight, the applicant explained that although not fixed to the ground the pods were on sleepers and designed to be very stable. They would replace the spaces allocated for touring caravans and therefore use the existing electric hook up points and due to the sloping ground, flexibility was required as to their exact location especially in the first year. There would be no vehicles on the site. The proposal reflected the increased demand for “glamping” provided by pods and TPs and were viewed as an intermediate step between tents and static caravans and were popular with cyclists and canoeists. He explained that he had taken advice from a planning consultant who was of the view that the pods could be legally defined as a caravan and therefore planning consent was not required in this instance. It was for this reason that the application was partly retrospective.

The Planning Assistant commented that there could be a different interpretation as to definition of caravan in relation to static and touring. The pods were regarded as being static.

A member expressed disappointment that part of the application was retrospective although accepted that this had been due to the differing interpretation of legislation and on the basis of advice given. Members concurred with the Officer’s assessment and welcomed the additional tourist facilities in association with the site which were considered to be more sustainable than touring caravans. They supported the condition to restrict the maximum number of pods to six and touring caravans to 14 (currently the maximum number being 17).

RESOLVED by 9 votes to 1 against

that the application be approved subject to conditions as set out in the report to Committee. The proposal was considered acceptable in accordance with Policies of the adopted Development Management Policies DPD (2011) particularly DP2, DP4, DP11, DP14, DP15 and DP28, Policy of the adopted Core Strategy (2007) Policies CS1, CS9, CS11 and CS12 and the National Planning Policy Framework (2012).

(3) **BA2013/0303FUL - York Cottage, Broad Road, Ranworth, Woodbastwick**

Resubmission of BA/2013/0164/FUL for the erection of oak framed two bay car port

Applicant: Mr and Mrs J Muggeridge

The Planning Assistant provided a detailed presentation of the application for the erection of an ancillary oak framed two bay car port with one bay having double doors, in front of the newest part of the

main dwelling. It was before the committee due to the objections received from a number of neighbours and the Parish Council on the grounds of precedent due to the siting in front of the dwelling, impact on character of cottage and surrounding area, impact on trees, drainage issues and impact on amenity of adjoining occupiers, specifically loss of light as well as expressing concerns over the accuracy of plans. An amended plan had since been submitted.

The Planning Assistant expressed appreciation for the concerns about erecting a substantial ancillary building forward of the principal traditional cottage, but having given these careful consideration and assessment, it was considered that the proposal was an acceptable solution given the constraints of the site, and therefore the siting was not inappropriate. She recommended approval subject to conditions including retention of the boundary hedge, on the basis that the proposal would not adversely affect the character of the dwelling or wider area and the trees and hedges would be retained.

Mr Daniels, the agent for the applicant explained that excess water would be collected within a water butt. If an additional soakaway was provided this could divert water away from the boundary hedge and his client was anxious that this was retained. The car port would also be located one metre from the hedge in order to allow sufficient light to enable its growth.

A member expressed concern about the problems of surface water drainage in the area, an additional building in this location nearer to the road would exacerbate those problems, and was concerned that the proposal was an overdevelopment of the plot. In general members concurred with the officer's assessment, were in favour of the design and that the location of the garage/car port was appropriate.

Mr Gould proposed, seconded by Prof Burgess and it was

RESOLVED by 8 votes to 1

that the application (plans as amended) be approved subject to conditions as outlined within the report as the proposal is acceptable and in accordance with Policies DP2, DP4 and DP28 of the adopted DMPDPD (2011), Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012).

- (4) **BA/2013/0208/FUL Icehouse Dyke, The Shoal, Irstead**
Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling
Applicant: Mr and Mrs Andrew Lodge

The Head of Development Management provided a detailed presentation and assessment of the proposal to refurbish the timber framed thatched roofed dwelling of Icehouse Dyke, the Shoal, Irstead

(which was in a poor state of repair) and, in order to “enable” this to take place it would involve the construction of a new three bedroom holiday home within the gardens of the main house. The aim was that the revenue generated from the holiday home would help to offset the refurbishment costs associated with the main house in the long term. In addition to a structural survey the applicant had submitted an indicative cost appraisal of the works required to secure the immediate future of the main property together with costs for the holiday accommodation and a letter from the agent was tabled for members’ information.

The Head of Development Management advised that the application site fell outside the development boundary where holiday accommodation would not normally be permitted. In addition, the main house was not listed, nor was it a designated heritage asset although it was recognised as providing a significant contribution to the cultural heritage and traditional character of the Broads. Therefore in accordance with English Heritage criteria it was a non-designated heritage asset. There were no policies within the Authority’s development plan for enabling development and therefore it was necessary to seek guidance from the NPPF.

Following careful analysis of the evidence, the Head of Development Management explained that officers considered that the character and significance of the Icehouse was sufficient to justify a departure from adopted planning policy as the benefits of enabling development in this instance substantially outweighed the disbenefits. In addition the increase in traffic movements from a single unsustainable site was considered modest and the issue of precedence limited, given the special set of circumstances in this particular case. Therefore on balance it was concluded that the application could be recommended for approval subject to conditions and a legal agreement as it was considered that it passed the tests within the NPPF.

The Historic Environment Manager advised that the Authority became aware of the condition of the property in more detail when it was first advertised for sale three years ago. Approaches were made to English Heritage who had advised that the case for statutory protection was marginal with regard to the strict criteria for National listing. However, it was a significant building in terms of Broads heritage, it did meet the criteria for inclusion as a non-designated Heritage Asset and it would be included in the Local List. He confirmed that it would be necessary to achieve at a minimum the structural stability of the Icehouse building to a sufficient standard to remove it from the buildings at risk register and this would ensure that there was sufficient investment within the property to secure its future before the building of the holiday accommodation could commence. This would be detailed within any legal agreement.

Mr Cole, on behalf of the applicant explained that his client had been well aware of the poor state of the property prior to purchase in April 2013. There had been others who had made offers but on carrying out a survey had pulled out. His client, Mr Lodge had originally considered demolishing the property and replacing it with a new build but was advised and appreciated that it was a non-designated heritage asset of significance in a prominent position and there was significant merit in retaining and preserving it. However, the costs associated with the repairs and renovations were not sustainable or viable and far outweighed the value of the property. Therefore the proposals to construct a holiday let within the grounds of the Icehouse was designed to generate an income and help to recoup the investment in carrying out the work necessary to bring the Icehouse back into full and proper repair. His client was an ideal person to undertake the project with his local knowledge and skills but the whole project could take 6 – 7 years.

Although recognising the value of the property as a significant heritage asset to the Broads landscape character, and wishing to support the application, members had concerns over the matter of “enabling development”. It could be viewed as a grant or public subsidy that would increase the value of the land. Members did not feel that there was sufficient information and a sound enough business case at present to justify making such a difficult decision involving a departure from policy. In addition, before making a decision, Members wished to have greater clarification on the details to be included in the Section 106 Agreement, including timescales and the extent to which the main property should be restored before work on the holiday accommodation was started.

Mrs Blane proposed, seconded by Mr Gould and it was

RESOLVED unanimously

that the application be deferred for further information on details relating to the amount of refurbishment required including the clarification of the structural work of the Icehouse, further details of the business case for the proposal, as well as the details to be included in a Section 106 Agreement including timescales for the refurbishment of the main property and development and use of the proposed holiday accommodation.

**5/9 Enforcement of Planning Control: Item for consideration:
JB Boat Sales Horning BA/2013/0022/BOCP4**

The Committee received a report concerning the building of a new office which had not been completed in accordance with approved plans (BA/2011/0408/FUL) at JB Boats, Horning. Members noted that the design and construction of the new building differed from that of the approved plans in that uPVC had been used rather than timber window frames, and there were also alterations to the pattern of fenestration, alterations to the roof pitch

and changes to the detailing of the eaves. In addition the proposed timber decking around the modular building had not been installed. Following discussions and correspondence, the property owners had since written advising the Authority that the required changes to the building would not be possible.

The development was considered to be contrary to Policy DP4 of the Local Development Framework Development Management Policies DPD 2011-2021 as the design was inappropriate in this location and was unlikely to gain retrospective planning permission. Members considered that it would be expedient to take enforcement action.

RESOLVED unanimously

- (i) that authority is given for officers to consider the expediency of and to determine appropriate enforcement steps in respect of these breaches of planning control and to pursue same;
- (ii) that authority be given to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the prefabricated building and the restoration of the site with a compliance period of three months; and
- (iii) that authority is given to prosecute the owner in the event that the Enforcement Notice is not complied with.

5/10 Consultation Documents Update and Proposed Responses

The Committee received reports on officer's proposed responses to three planning policy consultations recently received:

Broadland District Council – New Potential Sites put forward by Promoters of development

Members endorsed the officer's comments relating to the additional sites in Salhouse and Brundall put forward by promoters of development. It was also considered important to reiterate and emphasise the comments previously submitted by the Authority relating to environmental concerns on water quality and water quantity, access and landscape.

Great Yarmouth Borough Council – Core Strategy

Members noted that in general the Core Strategy was clear and comprehensive and embraced the Broads. They noted and endorsed the range of different comments with some being more significant and others minor and that these could be taken on board through minor modifications. The comments were fully endorsed particularly the references to the Broads and its publications, strategies, studies and action plans relating to Landscape Character Assessment, Landscape Sensitivity for renewables and Biodiversity as well as references within and potential improvements to the maps.

South Norfolk and Broadland District Council Food and Agriculture Hub supplementary Planning Document (SPD)

Members had no objections to the proposed SPD in theory as it supported the rural economy, but noted that details on locations would require more in depth consideration and that the Broads Authority would welcome involvement at an early stage of specific schemes.

RESOLVED

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

5/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. A report on Wayford Mill would be submitted to the full Authority on 22 November 2013.

RESOLVED

that the report be noted.

5/12 Appeals to the Secretary of State: Update

The Committee received a schedule showing the position regarding appeals against the Authority since January 2013 as set out in Appendix 1 to the report.

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 to 25 October 2013.

RESOLVED

that the report be noted.

5/14 Circular 28:83 Publication by Local Authorities of Planning Statistics for Quarter ending 30 September 2013

The Committee received a report setting out the planning statistics for the Authority for the quarter ending 30 September 2013.

RESOLVED

that the report be noted.

5/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 6 December 2013 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 14.35 pm

CHAIRMAN

Code of Conduct for Members**Declaration of Interests**

Committee: Planning Committee – 8 November 2013

Name <i>Please Print</i>	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Items 5/8(1) BA/2013/017/FUL	Letter received from objector.
Colin Gould	5/10(3)	Appointed by South Norfolk Council
Murray Gray	5/10(3)	Appointed by South Norfolk Council