

Broads Authority

Planning Committee

Minutes of the meeting held on 27 April 2012

Present:

Dr J M Gray – in the Chair

Mr M Barnard
Mrs S Blane
Mr C Gould

Mr A S Mallett
Mr P E Ollier
Mr R Stevens

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr S Bell – for the Solicitor
Mr F Bootman – Planning Officer
Mr J Clements – Planning Policy Officer
Ms M Hammond – Planning Officer
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Ms A Macnab – Planning Officer
Ms C Smith – Head of Development Management
Ms K Wood – Planning Assistant

Mr P Rice – new member of the Authority as an observer

Members of the public in attendance who spoke:

BA/2012/0020/FUL L and BA/23012/0021/CON Utopia and Arcady, Mill Road, Stalham

Mrs Deborah Leventon	Applicant
Mr Michael Haslam	Agent for the applicant
Ms Sally Gibbs	Objector on behalf of other local residents.
Mrs Sheila Cullingham	Presenter of petition on behalf of residents and others concerned about Utopia and Arcady

BA/ 2012/0005/FUL The Maltings, Pirnhow Street, Ditchingham

Mr Julien Green	Chairman of Ditchingham Parish Council
Mr R Brockelhurst and }	On behalf of the applicant P J Livesey
Ms Kate Bailey }	Country Homes (Eastern) Ltd
Ms Pauline Allen	Local District Council member
Mr Tony Sprake	Chairman, Bungay and District Sports Association

BA/2012/0103/FUL River Bank adjacent to Friars Quay, Norwich

Mr Ashley Dalton	On behalf of the applicant
Ms Moire Lennox	On behalf of local residents
Ms Linda Chivers	City Boats

8/1 Apologies for Absence and Welcome

Apologies for absence were received from Mrs J Brociek-Coulton, Mr G W Jermany, Dr J S Johnson and Mr N Dixon.

The Chairman welcomed members of the public and Mr Paul Rice who had been appointed to replace Mr Stephen Dorrington as one of the Norfolk County Council representatives on the Authority. He was due to be officially appointed to the Planning Committee at the full Authority meeting on 18 May 2012 following the necessary Code of Conduct Training.

8/2 Declarations of Interest

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes. The Chairman declared a general interest on behalf of all members in relation to applications: BA/2012/0020/FUL and BA/2012/0021/CON as having been lobbied by both objectors and the applicants.

8/3 Minutes

The minutes of the meeting held on 30 March 2012 were confirmed as a correct record and signed by the Chairman.

8/4 Points of Information Arising from the Minutes

- (1) **Minute 7/7 and 7/8(5): BA/2012/0041/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**
Installation of two mooring posts

The Director of Planning and Strategy reported that the application had now been withdrawn.

8/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

8/6 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.

8/7 Requests to Defer Applications and /or vary the order of the Agenda

No requests for deferral had been received.

8/8 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/2012/0020/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

Mrs Cullingham presented the Chairman with a petition which she stated contained approximately 100 signatures from both residents of Stalham and visitors to the area, strongly objecting to the applications to demolish the historic wherryman's cottages in Stalham and urging the Authority to oppose the plans. The petition was passed round to all members.

Further to Minute 7/8(3), members of the Committee had visited the site on Friday 20 April 2012, a note of which had been circulated. They had viewed the existing cottages and considered the potential impact of the proposed development on the Stalham Staithe Conservation Area.

The Planning Officer gave a detailed presentation reminding members that there were two proposals, one for conservation area consent to demolish two existing cottages and the second for planning permission for the replacement with two new arts and craft style cottages. He drew attention to an omission from the Site History of the report explaining that an additional application had been submitted in 2007 -

BA/2007/0020/FUL for the demolition of the cottages and their replacement with a single house with boathouse and holiday flat refurbished, but this had been withdrawn.

In presenting the proposals, the Planning Officer referred to the variety of styles within the Conservation Area, with there being no single dominant style. He emphasised that the access to the property would remain the same and there would be no loss of significant trees. Although some fruit trees would be affected, the applicant intended that these would be replaced.

Since the report had been written there had been a number of additional representations received. In total there had been 16 letters of objection, a petition (as presented) and one letter in support. (Letters from one of the Local District members, Ms Pauline Grove Jones and the comments from the County Council member, Nigel Dixon and a member of the Planning Committee, Stephen Johnson, all of whom were unable to attend the meeting, had also been circulated.)

In providing assessments of the applications, the Planning Officer dealt with each of these separately. He emphasised that with regard to the Conservation Area consent, Policy DP5 of the adopted Broads Development Management Policies DPD was relevant. Since the report had been written, the previous Planning Policy Statement PPS5 against which the original assessment was made had been deleted and the application now needed to be assessed in light of the newly published National Planning Policy Framework (NPPF) with specific reference to paragraphs 126 – 141, Planning and the Historic Environment, notably paragraphs 133 and 134, details of which he quoted and displayed. He explained that, in this case, the designated “Heritage Asset” as defined in the NPPF was the whole of the Stalham Staithe Conservation Area. Although the cottages were within the Conservation Area and contributed to its character, they were not listed in their own right and had not been put forward for inclusion on the Authority’s own Local List. He therefore emphasised that the key consideration was the degree to which the cottages made a positive contribution to the character of the Stalham Conservation Area and whether the loss of the cottages would cause substantial harm to the significance to the Conservation Area as a whole. It was noted that the cottages formed an attractive feature and made a positive contribution to the area and any decision regarding their loss would be finely balanced. However, they were in poor condition, had been significantly altered and required substantial further works, possibly alterations to repair. He emphasised that the Conservation Area was the designated Heritage Asset and Conservation Areas were not areas where new development should be prohibited, but were areas where new development should preserve or enhance the special character of the area.

In conclusion, the Planning Officer considered that the loss of the cottages and their replacement would cause less than substantial harm to the significance of the Conservation Area and therefore Para 134 of the NPPF was considered appropriate – the harm should be balanced against the public benefits of the proposal, including securing the optimum viable use of the site. The Planning Officer considered that the proposal would allow for an appropriately designed new set of cottages, offer increased flood resilience and preserve the amenity value of the Conservation Area. In addition the new build would give the Authority control over future development of the site through the removal of permitted development rights. The cottages at present were not listed and could be renovated to a degree without control, although the permitted development rights would not be substantial. He considered that on the basis of the argument set out, there would not be sufficient grounds for refusal of conservation area consent.

With regard to replacement, the Planning Officer referred to Policy DP24 of the Development Management Policies DPD which permitted replacement dwellings and therefore the application was acceptable in principle. The policy did not seek to restrict replacement dwellings to the size of the previous development on the site but the development should also consider other factors such as impact on the area, amenity and whether it would be overdevelopment. With regard to Policy DP5, it was considered that the design was appropriate and the reuse of the materials from the existing cottages was welcomed. The concerns over sewerage and access had been resolved and the Environment Agency had no objections. The Planning Officer therefore recommended approval subject to conditions.

In answer to members' questions, the Historic Environment Manager commented that a structural survey had been provided by the applicants which indicated that the cottages were in a poor state of repair and renovation would not be economic. They had been altered and extended over the years. In his view, even if they were to be refurbished, there would be very little of the original fabric left and works would result in potentially significant changes to the site, particularly when building regulations were applied. He concurred with the application of the NPPF tests set out by the Planning Officer. The cottages were in a sensitive site in the Stalham Conservation Area and did make a contribution to that. However, they were in poor condition, were not a designated asset in their own right and, given the context of the overall character of the whole Conservation Area, he considered that it would be difficult to justify preventing demolition and replacement. The whole Conservation Area was the heritage asset and therefore, given the conditions, he considered that the development would lead to less than substantial harm to the overall significance of a designated heritage asset, and therefore "this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

With regards to the design of the proposed replacement property, the Historic Environment Manager commented that the Arts and Craft style proposed, although not particularly characteristic of Stalham, was widely found within the Broads area. The Arts and Craft style was a "broad church" whose ethos was to use local craft skills and local materials. He emphasised that the Stalham Conservation Area contained a variety of styles. Although not typical, the proposal could provide a positive contribution to the area. In addition the applicant would be using materials from the existing cottages where possible. With regard to the realignment, given the varied layout of development within the Conservation Area, and the limited views from the public highway, although more visible from the river, he did not consider that this would adversely impact on the Conservation Area. In conclusion he was of the view that the proposed design was appropriate and acceptable in terms of the Conservation Area.

Ms Gibbs, the neighbouring resident from Mill House, Stalham, was given the opportunity to address the Committee on behalf of the objectors. She acknowledged that something had to be done to the cottages, but contended that the proposed design plan was not the solution. She drew attention to the comments from the Broads Society and the Campaign for the Protection of Rural England, and particularly the strong objections from Stalham Town Council, being representative of the local residents, relating to the proposed height and style of the proposed development. She emphasised that the quality of the Conservation Area must be retained. It was considered that the proposed design of the replacement cottages, the strident height of the chimneys and the use of plain tiles would not be appropriate and would be out of keeping with the area and would change the aspect of Mill Road with curtilages being overlooked. In addition, the repositioning of the drainage ditch/culvert as seen on the site had not been mentioned in the plans. She considered that demolition would be cruel but that the proposed replacement would be much worse. She emphasised that the proposals ignored the history of the site and that the proposals would result in the character being diminished forever. She urged members to consider the strength of feeling as set out in the petition.

Mrs Leventon, the applicant, explained that the property had been in the ownership of her family since the 1920s. She had strong family connections to it and had visited it frequently since the 1960s. The property had come into her sole ownership in 2005 following the death of an elderly tenant. She felt passionately about the site, loved the Broads and was an active member of the punt club. The area had changed considerably within her lifetime. She was keen to retain the character of the area but also provide a sustainable property suitable for family needs which would provide a viable solution for future generations.

Mr Haslam, the agent for the applicant commended the quality of the officers' report and presentation. He commented on the refurbishment

of the property explaining that new building regulations would have a significant impact and the end product would be very different. He emphasised that there was no intention to use upvc windows. He explained that the Arts and Craft style was widely used in the Broads and the proposal was a good example of its type. The present scheme had evolved as a result of the current economic climate and from long discussions with officers. In answer to members' questions, he explained that the ditch referred to was not adopted by the IDB, and would be dealt with appropriately under building regulations.

The Chairman referred the Committee to the comments received from two members of the Committee who had been at the site visit but were unable to attend the meeting, Mr Dixon and Dr Johnson, which he read out.

The Committee considered each of the applications in turn, dealing with the application for Conservation Area consent first.

BA/2012/0021/CON

Members considered that these applications had been among the most difficult with which they had had to deal. They considered that the cottages were unique and picturesque and contributed to the character of the Conservation Area. However, they were not a designated heritage asset in themselves. They considered that the question of public benefit was difficult to assess. Although attractive, the existing cottages consisted of a variety of materials, with fenestration which was not original, and two side extensions on each gable, one of which consisted of a mismatch of materials and was insubstantial. Although having sympathy with the objectors, they also considered and accepted that it would not be economic to restore the cottages to an acceptable and/ or modern standard now required.

Mr Mallett proposed, seconded by Mr Stevens and it was

RESOLVED unanimously

- (i) that the application for conservation area consent BA/2012/0021/CON for the demolition of the two cottages be approved subject to conditions as stated in the report as the application is considered to be in accordance with the National Planning Policy Framework guidance assessed against paragraphs 133 and 134, and Policy DP5 of the adopted DM DPD, and there is no objection to the granting of Conservation Area Consent for demolition of the cottages.

BA/2012/0020/FUL

Although members had agreed to granting consent for the demolition of the cottages, concerns were expressed over the

“arts and crafts” style of the proposed replacement cottages. One member expressed the view that the proposed development was a very attractive style and could be an asset to the Conservation Area. He considered that the landscape and screening could be dealt with by conditions and therefore he supported the officers’ recommendation for approval. Mr Barnard proposed that the application be approved with conditions as recommended by the officers. There was no seconder for the motion.

Members again stated that this was a very difficult decision to make and one member in particular stated that this was one of the most challenging decisions he had been faced with. Although some members expressed the view that they liked the design per se, there were reservations as to whether this was appropriate for the site. There were also some concerns over the footprint, the increased height of the ridges and particularly that of the chimneys and the overall size and scale. There was concern that the overall effect could be more prominent than might be appropriate and a more simple design would be more suitable. It was suggested that the application be deferred to give the applicant the opportunity to consider the Committee’s reservations and vary the plans. Mr Mallett proposed, seconded by Mr Stevens deferral of the application.

The Director of Planning and Strategy advised the Committee that there was a point when amendments proposed might be so significant as to require a new application. However, this would be assessed on the basis of any amendments that might be made in the future. It would be up to the applicant to decide on what course of action to take and what amendments they might wish to make.

The motion to defer was put to the vote and it was

RESOLVED by 5 votes to 0 with one abstention

- (ii) that the application for the erection of replacement cottages **BA/2012/0020/FUL** be deferred for further negotiations on the design, with a view to being more sympathetic to the Stalham Conservation Area .

Dr Gray having declared an interest, stood down from the Chair for the following application and took no part in the debate or decision.

Mr Gould (Vice-Chairman) in the Chair.

- (2) **BA/2012/005/FUL The Maltings, Pirnhow Street, Ditchingham**
Proposal to create 92 houses and 13 residential apartments with 216 car parking spaces. All buildings and ancillary structures on the North side of Alma Beck to be demolished with the original silk mill building to be retained and converted.

Applicant: P J Livesey Country Homes (Eastern) Ltd.

The Planning Officer explained that this was a major development for a site which lay outside the development boundary but for which planning permission had already been granted in 2003 and subsequently in 2007 and 2008 together with Section 106 Agreements. The application would need to be considered as a departure from policy.

The development included 105 residential units comprising a mix of units of 56 three bed houses, 28 two bed houses, 8 four bed houses and 13 two bed apartments. The IDB drain Alma Beck was a focal point in the development and the Maltings building would be kept as a focal landmark. Approximately 1 ha of the 3 ha site would remain undeveloped and would be landscaped to provide open space with recreational and ecological value. The site would have two main points of vehicular access and a new footpath would be constructed along Pirnhow Street, providing highway and pedestrian benefits.

The Planning Officer emphasised that the application had been assessed and considered to be in accordance with the National Planning Policy Framework as well as the Authority's adopted Core Strategy (2007) and Development Management Policies DPD (2011) which, were considered to be consistent with the NPPF. The proposals would achieve a sustainable development in a sustainable location, would provide housing on a brownfield site which was currently in poor condition as well as safeguard the silk mill building, which was of cultural heritage value, and the proposal as a whole would provide public interest benefits. There were no objections from Highways and the concerns expressed by third parties were addressed. Having addressed the other main issues relating to ecology, flood risk, archaeology, utilities, infrastructure, open space and affordable housing the Planning Officer gave detailed attention to the proposed Section 106 Agreement and the Draft Heads of Terms with which the applicant had indicated general agreement. She pointed out that with regard to the proposed payment to the Suffolk Wildlife Trust for habitat lost this would need to be paid to the Broads Authority in the first instance. In addition payment of the monitoring fee to Norfolk County Council on commencement of development would need to be incorporated into the Section 106 Agreement. Although not ideal, the sums and Heads of Terms were considered to be satisfactory within the current economic climate, although they would require further negotiation. In conclusion, it was recommended that officers be given delegated authority to approve the application subject to advertisement as a departure from policy, negotiations on the Section 106 Agreement and appropriate conditions.

Mr Green, Chairman of Ditchingham Parish Council, was given the opportunity to address the Committee. He explained that there had been three community consultation events concerned with the application and at the last Parish Council meeting, which was well

attended, there was overwhelming support for the scheme. The Parish Council was expressly concerned that the site had become an eyesore since the first application had been received and was concerned that the current opportunity for redevelopment might not present itself again. The scheme was not without reservations as there would be an increase in the number of dwellings from previous applications and there were concerns that this would impact on the Ditchingham community, irrespective of the public benefits. Therefore there was a request that the Parish Council should be able to assert a strong influence and be party to the Section 106 Agreement. In conclusion, the Parish Council was in favour of the scheme as presented.

Kate Bailey, Planning Consultant on behalf of the applicants P J Livesey (Country Homes Eastern) Ltd, thanked the Committee for the opportunity to address them. She emphasised that the firm had a 30 year reputation for enabling sustainable solutions for the development of old buildings to a high quality. She explained that the meetings with the Parish Council had helped to shape the proposals which formed the current application. This was demonstrated in the letters of support received and it was considered that the concerns expressed had been addressed. The recommendation from officers for approval was welcomed and she asked the Committee to consider the economic history and benefits to the community. It was considered that the scheme would provide a high quality development which would be highly sustainable and in accordance with the NPPF. Officers had accepted that the viability of the scheme was marginal and as such the developers were willing to offer £130,000 in order to support benefits for the community. The developers appreciated the willingness of the Parish and the Authority to work with the developers and thanked officers for their cooperation.

Ms Allen, the District Council Member commended the applicants for the level of consultation and engagement with the local community which had been exhaustive and very thorough. Having attended the consultative events she endorsed the Parish Council Chairman's report that support had been overwhelming. The development was in accordance with the NPPF and she felt that every effort had been made to preserve the heritage where possible and the retention of the arches within the design was welcomed. Although disappointed, she accepted the business approach put forward in relation to affordable housing and that the scheme was the best which could be achieved. She supported Mr Green's comments on the Section 106 Agreement and the issues being delegated to officers and urged that these be given very careful consideration. She considered that it was important for the Parish Council to be given the opportunity to consider the allocation of the Section 106 monies. She thanked P J Livesey Ltd for the work put into the proposals and considered that the design was excellent. However, she urged that there be flexibility within the conditions to be appended to an approval to ensure these did not delay

commencement of the development unnecessarily and to enable the buildings to be made safe.

Mr Sprake, Chairman of the Bungay and District Sports Association with interests in the sports facilities provided opposite the Ditchingham Maltings, commented on the apportionment of the Section 106 monies. He explained that the proposed design would have an additional impact on the requirement for facilities provided by the existing Ditchingham Meadow Sports Ground. He outlined the anticipated spending to purchase and provide additional and enhanced facilities for use by the existing and incoming community of Ditchingham explaining that funding sources from football, cricketing and other organisations were limited.

The Solicitor confirmed that parish councils could be party to Section 106 Agreements.

Members welcomed the proposals and considered that they provided significant and suitable improvements to the site. They welcomed the design and the retention of some of the original features of the Maltings and the allocation of car parking spaces. They were satisfied that the concerns over the highway issues had been addressed and welcomed the use and safety measures to be provided with Alma Beck. They also welcomed the environmental benefits to be provided. It was pleasing to see an appropriate solution for a site which had been derelict for some time and hoped that progress could be made. They fully concurred with the officers' assessment and agreed that officers be tasked with drawing up and agreeing the wording of the Section 106 Agreement.

RESOLVED unanimously

that subject to no new issues being raised as a result of the re-advertisement as a departure from Policy DP22, authority be delegated to officers to approve the application subject to the prior completion of a Section 106 Agreement and subject to detailed conditions along the lines of those set out in the report in accordance with the submitted plans and technical documentation as well as conditions prior to commencement, conditions prior to pre-occupation and conditions relating to monitoring (apart from charges).

Subject to these the application was considered to be in accordance with the National Planning Policy Framework and to be in accordance with the development plan provisions most notably those contained within Core Strategy Policies CS1, CS4, CS5, CS7, CS8, CS18, CS20, CS21, CS24, and the adopted Development Management Policies DPD DP1, DP2, DP3, DP4, DP6, DP7, DP22, DP23, DP28, DP29 and DP30.

(3)

BA/2012/0103/FUL River Bank adjacent to St George's Bridge, Friars Quay, Norwich City

Floating pontoon with wooden ticket office to facilitate a punting operation on the River Wensum

Applicant: Mr Ashley Dalton

Following a presentation of the application, the Planning Assistant explained that it had been considered by the Navigation Committee at its meeting on 19 April 2012. The Committee was broadly in support of the proposal subject to any further representations and safety issues which could be covered by the Authority's Boat Safety Scheme and Licenses. Since writing the report a further eight additional representations had been received including:

- Four letters of support from neighbours subject to consideration of appropriate levels of security and certain concerns over opening hours and level of use of evening punts, no self-hire, anti-social behaviour, noise and parking and compatibility of riverbed with punting.
- Letter of objection from City Boats.
- There was general support from Norwich City Council with some additional comments on anti-social behaviour and suggested conditions relating to signing.
- Rivers Engineer - no objections with suggestion for conditions to cover details of non-slip surfacing and maximum gradient of the ramp and restriction on the number of people on the pontoon at any one time.
- Environment Agency – no objection subject to conditions relating to replacement of angling facility, restriction on disturbances to the river bank between March and June inclusive to minimise impact on fish spawning, timings of the work so as not to take place between March and June and Flood Risk Management Plan to be submitted and agreed.

In conclusion, the Planning Assistant emphasised that the pontoon had been appropriately designed and scaled and would help enhance the character of the Conservation Area. It would enable the provision of an appropriate additional visitor facility which was to be welcomed. It was not considered that there would be an adverse impact on navigational safety, amenity, highway safety or flood risk and subject to the conditions outlined with the addition of others suggested, as well as the hours of operation being restricted from 8.00am to 10.30pm instead of 11.30pm, the application was recommended for approval.

Linda Chilvers, on behalf of City Boats, was given the opportunity to address the Committee. She explained that she had no objection to the punts or the pontoon and ticket office as long as the location did not interfere with the turning of the passenger boats. She had particular concerns over navigation safety and possible collisions with their larger

river bus, particularly as the river was narrower within this part of the city.

Ms Lennox, representing residents from Quayside commented that they were in favour of more activity on the river but did express concerns about the use of the punts in the evenings and possible anti-social behaviour. She advocated a preference for the operating hours to be curtailed at 10.00pm.

The applicant, Mr Dalton from Canterbury and Cambridge Punt Company, was given the opportunity to address the Committee. He emphasised that any use of the punts would be by chauffeur and employees of the company. They would not be for self-hire. Given the location next to a green, there was a good relationship with Norwich Playhouse and the Ribs of Beef public house. The introduction of the punt station would increase business for all parties as the aim was also to provide music and picnic facilities using the associated establishments. The activity would provide an added spectacle for visitors and residents. Traditional wooden punts would be used with pilots and a speed limit of 2mph. The aim would be to offer tours between 10.00am and 5.00pm and possibly two other themed tours, such as “haunted” and “romantic”. He commented that a cut off point of 10.00pm would be acceptable.

In general members considered that the provision of such a facility was a welcome development to the river use in this part of Norwich and was to be applauded. It was considered that 8am to 10pm as operational hours was reasonable. They recognised and took on board the points made by City Boats in relation to safety but were satisfied that the Broads Authority’s Boat Safety Scheme and Licences as well as navigation byelaws would cover these. It was hoped that City Boats and the Punt Company would be able to liaise on times of operation. They welcomed the provision that the punts would only be operated by the staff of the Punt Company. Members concurred with the officer’s assessment and endorsed the additional conditions suggested, including the hours of operation up to 10pm.

Mr Gould proposed, seconded by Mr Mallett and it was

RESOLVED unanimously

that the application be approved subject to conditions as set out in the report to Committee with an amendment to the restricted hours of operation to 8.00am to 10.00pm and additional conditions to cover:

- extended signs and lighting on navigation;
- no external amplification on the pontoon;
- non-slip ramp and gradient;
- limitation on the numbers of people on the pontoon at any one time;

- flood risk mitigation plans; and
- to minimise the impact on fisheries during construction.

The application was considered to be in accordance with the National Planning Policy Framework and specifically Local Policies CS1, CS4, CS5, CS9, CS11, CS13 and CS17 of the Core Strategy (2007) and Policies DP4, DP5, DP12, DP14, DP27 and DP28 of the Development Management Policies DPD (2012).

- (4) **BA/2012/0090/FUL Fairview, Marsh Road, Limpenhoe**
 Proposed replacement dwelling (Resubmission of BA/2011/0232/FUL)
 Applicant: Mr Paul Hewitt

The Planning Assistant explained that the application was before the Committee due to the objections received from a number of neighbouring residents.

Since the report had been written amended plans had been received which she explained. The application involved replacing the existing modest single storey structure surrounded by various lean-tos which had not been occupied recently, with a one and a half storey dwelling. The amended plans increased the proposed floor level from 0.2 to 0.75 metres, with increased ridge height. This would reduce the chance of the proposed building flooding, and so reduce the potential flood depths within the dwelling, providing a level of betterment over the existing dwelling. The dwelling would be on approximately the same footprint, although with the additional first floor, the scale would be increased. The Parish Council and Broads Society had no objections. Comments had also been received from the Environment Agency which concluded that the amended plans would be acceptable in terms of flood risk.

The Planning Assistant concluded that the design, scale form and materials for the proposed replacement were appropriate for the site. It was considered that concerns about overlooking could be mitigated by obscure glazing relating to direct views and that the distances and angles to the neighbouring dwellings were not so unacceptable as to provide unacceptable impacts on the amenity of the neighbours. She recommended the application for approval subject to conditions

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 amended 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 Core Strategy (2007) Policy CS1 and CS2 and

Policies DP1, DP 4, DP 24, DP 28 and DP 29 of the adopted Development Management Policies DPD (2011).

8/9 National Planning Policy Framework

The Committee received a report setting out some of the principal implications for the Broads following the publication of the National Planning Policy Framework on 27 March 2012. It was noted that the NPPF was very different from the first draft with the key gain being the recognition of protected landscapes including the Broads. It was noted that this was an important change in the style and content of national planning policy and replaced all previous Planning Policy Guidance Notes (PPGs) and Planning Policy Statements(PPSs). It was also noted that although it would replace these documents, it was intended to be supported by other national policy and a range of “technical guidance” in particular the context of other changes in the planning system introduced by the Localism Act.

In conclusion, the main implications were seen to be:

- a period of uncertainty as to the effective meaning and applicability of NPPF policies.
- a likely greater need to mount arguments based on planning principles and general NPPF policies in order to protect and enhance the Broads.
- a challenging prospect in meeting the combined requirements of the ‘duty to cooperate’ (from the Localism Act) and housing planning demands of the NPPF.
- a potential need to update or supplement current elements of the Authority’s development plans.

RESOLVED

that the report be noted.

8/10 Consultation Documents Update and Proposed Responses

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

- Marine Management Organisation: Draft Vision and objectives for East marine plans.

Comments on the document had already been submitted due to the deadline.

RESOLVED

that the report be noted and the nature of response be endorsed.

8/11 Heritage Asset Review Group: Notes of Meeting held on 30 March 2012

The Committee received the notes of the Heritage Asset Review Group meeting held on 30 March 2012. Members were particularly pleased to note the progress that had been made in respect of the Buildings at Risk with some of these being removed from the register. They noted the progress on the Mills Strategy and that consultation on the Local List had commenced. Members also noted the view that cultural heritage should be given more prominence in the Authority's publications and on its website.

RESOLVED

that the report be noted.

8/12 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 23 April 2012 although due to specific information requested not being available, the hearing had been adjourned.

(2) Hardley Mill, Hardley Marsh

It was reported that the Hardley Mill Trust had completed the work on the painting of the mooring pontoons as required.

RESOLVED

that the report be noted.

8/13 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since December 2011 as set out in Appendix 1 to the report and also the annual review of appeal decisions received from April 2011 to 31 March 2012 as set out in Appendix 2. It was noted that in relation to the Enforcement Appeal at Wayford Mill, Wayford Bridge, this had been allowed on the basis that the mill was not being used for holiday accommodation when the Enforcement Notice had been issued. Therefore, of the eight appeals upon which decisions had been made during 2011/12, five had been dismissed and three allowed.

RESOLVED

that subject to the amendments, the report be noted.

8/14 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 15 March 2012 to 16 April 2012.

RESOLVED

that the report be noted.

8/15 Date of Next Meeting

It was noted that the next meeting of the Planning Committee would be held on Friday 25 May 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

The meeting concluded at 13.25 pm

Chairman

CHAIRMAN

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 27 April 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 √
Chairman on behalf of All Members	8/8(1)	Applications BA/2012/0020/FUL and BA/2012/0021/CON Lobbied by applicants and objectors	
P E Ollier	All Items/ Item 8/8(1)	Member of Navigation Committee, Toll Payer, Member of a various sailing organisations Lobbied	
M Barnard	8/8(1)	Member of WDC and SCC Lobbied	
C Gould	8/8(1) and 8/8(2)	Lobbied by objectors Personal South Norfolk.	
R Stevens	8/8(1)	NNDC Appointee, Toll payer, Member of EACC Lobbied	
S Blane	8/8(1)	Lobbied 8/8(3) member of Navigation Committee	

A S Mallett	General 8/3	Minutes as per previous meeting Appointed by Broadland District Council	√
	8/8(3)	Member of Navigation Committee (but not present when application BA/2012/0103/FUL considered.)	
	8/8(1)	Has been lobbied	
	8/12	Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed	
J M Gray	8/8(1)	Lobbied	Potential bias. Not prejudicial
	8/8(2)	Member of South Norfolk Council. Known to District Councillor	