

Broads Authority

Planning Committee

Minutes of the meeting held on 4 January 2013

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Dr J S Johnson
Miss S Blane	Mr A S Mallett
Mrs J Brociek-Coulton	Mr P E Ollier
Prof J A Burgess	Mr P Rice
Mr N Dixon	Mr R Stevens
Mr C Gould	

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr F Bootman – Planning Officer
Mr P Cox – for the Solicitor
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Ms C Smith – Head of Development Management
Miss K Wood – Planning Assistant

Members of the public in attendance who spoke:

BA/2012/0020/FUL: Utopia and Arcady, Mill Road, Stalham

Mrs S Cullingham	Stalham Town Council
Dr A Richardson	On behalf of objectors
Mrs Hugh Leventon	Applicant
Mr M Haslam	Agent for applicant

**BA/2012/0297/FUL: The Waterside, Main Road, Rollesby and
BA/2012/0356/FUL The Eels Foot Public House, Eels Foot Road,
Ormesby**

Mr M Minors	Applicant
Mr W Glover	Agent for the Applicant

BA 2012/0346/FUL Weir At Hardley Flood, Hardley, Langley -w- Hardley

Mr A Clarke	For the Applicant
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7/1 Apologies for Absence and Welcome

Apologies for absence were received from Mr M T Jeal.

The Chairman welcomed everyone to the Planning Committee meeting in Yare House and gave an outline of the composition of the Planning Committee.

7/2 Declarations of Interest

The Legal Adviser gave members a reminder of the provisions of the revised Code of Conduct in relation to declarations of interest. He emphasised that, provided members had registered any pecuniary interests, there was no need to reiterate these at the meeting, unless there were specific items on the agenda where they considered that it could be perceived that there was a case of predetermination or bias. It was natural for members to be lobbied, but provided they still retained an open mind when considering the matter, this should not cause a problem. If members were in any doubt, it was advisable to state their interest.

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes. The Chairman declared a blanket interest:

- (1) on behalf of all members in relation to Agenda Item 7/8(1) and (5):
 - application BA/2012/0020/FUL in that all members had been lobbied by the objectors; and
 - application BA/2012/0346/FUL where the applicant was the Broads Authority; and
- (2) on behalf of the District and County Council appointed members in relation to Agenda Item 7/10 concerning the duty to cooperate.

7/3 Minutes – 7 December 2012

The minutes of the meeting held on 7 December 2012 were agreed as a correct record and signed by the Chairman.

7/4 Points of Information Arising from the Minutes

The Chairman updated members on two of the items considered at the previous meeting.

- (1) **Minute 6/8(1) BA/2012/0294/FUL Compartment 3, Western Bank of River Ant and Northern Bank of the River Bure from Browns Hill to Horning Hall**
Proposed removal of piling and re-grading of river edge

The Navigation Committee had considered the application at its meeting on 13 December 2012 and had no objections to the proposal. The application had therefore been approved subject to conditions.

- (2) **Minute 6/9 Applications for consultations: BA/2012/0335/NEIGHB and BA/2012/0336/NEIGHB Land off Belaugh Road, Hoveton**
Installation of 12mw solar farm

The applications had been withdrawn.

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

There were no items of urgent business.

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

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

(2) **Public Speaking**

The Chairman reminded everyone that the 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.

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

The application **BA/2012/0338/CU Whitlingham Lane, Trowse with Newton**, had been deferred in order to fully assess the further information that had just been received.

7/8 Applications for Planning Permission

The Committee considered applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2012/0020/FUL Utopia and Arcady, Mill Road, Stalham**
Demolition of existing two cottages and replacement with two new dwellings Applicant: Mr and Mrs Hugh Leventon

The Planning Officer reminded members of the history of the application which had initially been considered in April 2012 following a site visit. The Committee had resolved to grant Conservation Area

Consent for the demolition of the existing two cottages in April, but the application for the proposed replacement cottages had been deferred to allow for further negotiations with the applicant on the design with a view to a revised scheme being submitted that would be more sympathetic to the sensitive nature of the site and the Stalham Conservation Area. The amended proposal before members was considered as a revision to the original proposal on the basis of guidance in Central Government Circular 31/92. In giving a detailed presentation, the Planning Officer set the context of the site in relation to the mixed character of the buildings, uses and materials within the Stalham Conservation Area, and drew attention to alterations made to the previous scheme, identifying those changes designed to address the previous concerns. He pointed out two errors within the report relating to the ridge height of the revised proposal: this was 7.3m and not 7.6 metres as stated and therefore 0.9 metres higher than the existing building and not 1.2metres. It was clarified that raising proposed internal floor levels by 0.3 metres over existing levels took account of the Environment Agency's requirements in relation to flood risk. The footprint of the proposed building, comprising two identical semi-detached cottages, would be 1 square metre less than the previous scheme although it would be 50% larger than the existing two cottages. The impression of scale had been reduced through simplicity of fenestration and simplification of design. The whole building would be re-orientated to set the cottages slightly further away from the dyke. The proposals had been the result of extensive discussions with the applicant.

The Planning Officer referred to the additional correspondence that had been received from consultees, an email and a letter from the neighbour at Mill House, which had been sent to all members, objecting to the revised application.

The Planning Officer gave a detailed assessment with particular attention to the criteria in Policy DP24 as well as Policies DP4, DP5, DP28 and DP29 and the NPPF. It was considered that criteria (c) and (d) of Policy DP24 had been satisfied and the principle areas for consideration were criteria (a) and (b) relating to scale, mass, height and design and footprint, visual prominence and lower risk of flooding. The Planning Officer considered that the scheme was acceptable and appropriate to its setting and of a sufficient quality and standard appropriate to the character of the Conservation Area. The application was accompanied by a full flood risk assessment, representing improvement in terms of flood resilience and no objections had been received from the Environment Agency or the IDB. The Ecologist had confirmed that the findings of the survey carried out in 2011 still remained valid. In terms of amenity, there was sufficient distance between the new building and that of neighbouring properties and any impact would be softened by screening and replanting. In conclusion the Planning Officer recommended approval subject to conditions.

Mrs Cullingham, Stalham Town Council, was given the opportunity to address the Committee. She reminded members that in April 2012 when the original application was considered there had been a petition of over 100 signatures objecting to the application for Conservation Area Consent for demolition and the proposal for the replacement. This was still relevant. At a recent meeting of the Town Council the view was that a totally new application should be submitted and the current application should be refused on the grounds that it was too large and pretentious and could not be considered a replacement; although the Arts and Craft style being abandoned was to be welcomed, the proposal was still not in keeping with the Conservation Area. Stalham Town Council had concerns over drainage; as the building would be 50% larger than the existing, it was considered that this would aggravate drainage problems. It was considered that the Authority should be preserving such artefacts and should be helping owners to upgrade them.

Dr Richardson was given the opportunity to address the Committee on behalf of the objectors to the application. He referred to the Authority's previous reasons for not approving the design of the replacement dwellings in April 2012 and considered that the amended proposals did not satisfy the concerns stated. The ridge height remained the same and the overall length was greater. It was considered that the design would have a greater impact on the neighbour amenity placing it closer to Mill House and that this as well as other properties would be overlooked. It would also be more dominant in the Broads landscape and therefore would contravene criteria (a) and (b) of the Authority's Policy DP24

as well as Policy DP28. Overall it was considered that the scheme was not vernacular, was alien in design and inappropriate. In addition he referred to the National Planning Policy Framework specifically paragraphs 56 and 66. He considered that no recognition had been given to the views of the local community and the applicant had not worked closely with those directly affected in developing the design. The petition, the comments from the CPRE and letters from consultees all demonstrated strong opposition. The amended scheme failed to address the concerns expressed by the Planning Committee in April and he urged members to refuse the application.

In answer to members' questions, the Historic Environment Manager commented that in terms of the impact on the Conservation Area the materials and details of the proposal could be found within other parts of the Conservation Area and therefore there was reference to the vernacular. It was acknowledged that the size and scale of the proposed design was larger than the existing but it was not considered to be excessive within the large plot in which it was situated and therefore it was not considered to be inappropriate within its surrounds. He commented that the Broads Society no longer objected to the design and he shared the views of the Planning Officer.

Mr Haslam, the agent on behalf of the applicant, responded to the objections commenting that the applicants had worked closely with the officers to achieve a satisfactory design. He considered that the photomontages circulated by the objectors were highly misleading and should be disregarded by the Committee as they had not been produced according to any recognised method and were simply a crude 'cut and paste'. He endorsed the officer's report.

Mrs Leventon, the applicant, supported her agent's comments expressing sadness at the misleading photographs. She reiterated the comments made in April in that the cottages had been in the ownership of the family for 80 years and it was the desire to rebuild them so as to be sustainable and of benefit to future generations. She assured the Committee that there would be sufficient screening and landscaping. Drainage was not considered to be an issue and the small channel/dyke referred to was not considered to serve any useful purpose. With regard to the re-orientation of the cottages, the aim was to move them slightly further away from the existing dyke and it was considered that it would be more beneficial to have an outlook onto the river. Although local residents had initially been informed of the applicant's intentions, no detailed discussions had been held with Stalham Town Council. Mrs Leventon thanked officers for their professionalism.

The Chairman commented that the Committee was required to focus on the planning application before it. Although representations had been made, the Authority should not reconsider the demolition issue. The Committee had in April unanimously agreed to grant Conservation Area Consent for the demolition of the two existing cottages. This position was supported by the Solicitor on the basis that the matter had received thorough examination previously, there had been no changes in policy or circumstances since the decision had been made in April and therefore there was no justification to reconsider that matter.

Members gave detailed and careful consideration to the proposals before them. They acknowledged that the question of flooding had been addressed and that the raising of internal floor levels by 30cm to meet Environment Agency's requirements could be achieved without altering the proposed 7.3m ridge height.

Although recognising that the proposed cottages would be larger than the existing, some members considered that in light of the mixture of materials and uses within the Conservation Area, and the size of the plot, the proposed amended design would not be inappropriate. They considered that, provided there was sufficient landscaping, the concerns over amenity could be overcome and it would be difficult to refuse the application.

Other members considered that there were still concerns over the scale, mass, height, design and external appearance of the replacement dwelling as well as the larger footprint and orientation and

therefore they considered that criteria (a) and (b) of Policy DP24 were not satisfied. Given that the proposed property was within the Stalham Conservation Area, Policy DP5 was considered to be pertinent and the development should protect, preserve or enhance the fabric of the historical setting. In accordance with the NPPF, it was considered that a very high standard of design was required and that any new building should make a very positive contribution to the area. It was felt that the application had not demonstrated that this was the case. There was also concern that the concerns of the local community had not been given sufficient cognisance in accordance with Localism or the NPPF.

Mr Mallett proposed, seconded by Mr Ollier, that the application be approved in line with the officers' recommendation subject to the inclusion of an additional condition relating to suitable landscaping and screening. On being put to the vote, the motion was lost by 3 votes to 8.

Dr Johnson proposed, seconded by Mr Dixon and it was

RESOLVED by 8 votes to 3 with one abstention

that the application be refused on the grounds that the proposed development is contrary to Policy DP5 (Historic Environment) and DP24 (Replacement Dwellings) criteria (a) and (b). The proposed development is not considered to protect, preserve or enhance the fabric and setting of the historic, cultural and architectural assets that give the Broads its distinctive character particularly in the Stalham Conservation Area. The scale, mass, height, design and external appearance including footprint and orientation of the replacement dwellings are not considered to be of a sufficient quality to preserve and enhance the landscape character and location and therefore the character of the Conservation Area. The proposed scale, mass and height of the proposal would have an increased visual prominence on the neighbouring properties.

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

The Planning Assistant explained that members had had the opportunity of a site visit on 14 December 2012, a note of which was appended at Appendix B to the report. She drew attention to the full assessment within the previous report to the Committee and reminded members that the application boundary had been amended, further amendments relating to parking and bus turning provision had been submitted and the Highways Authority considered that their requirements had been met in full and they had no objections. In

addition Environmental Health had no objections. There would not be an impact on the existing trees.

The Planning Assistant explained that a further neighbour consultation response had been received since the report had been written and following the site visit relating to the views of the broad.

In conclusion, the Planning Assistant recommended approval subject to conditions as the design and scale of the proposal complemented the existing built development and was not considered to be overdevelopment. In terms of both national and local policies, the application was acceptable. She explained that the Section 106 Agreement was necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore in accordance with the tests in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Having visited the site, members did not consider that the scheme would be overdevelopment of the site but considered that the proposal would provide improved and beneficial facilities and complement the existing development and business. It was acknowledged that the site was popular but given that the Highways Authority was content with the proposals, the provisions for car parking should be adequate to accommodate the demand. As the recently planted hedge was expected to grow to the height of the existing, the view from the road into the site would be obscured in time, regardless of the present proposal. Members concurred with the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions and prior completion of a Section 106 Agreement as the development is considered to be in accordance with the National Planning Policy Framework (2012) which is a material planning consideration. It is also considered to be in accordance with Policies CS1, CS9, CS10, CS11 and CS17 of the Core Strategy (2007) and DP1, DP2, DP10, DP11, DP14, DP18, DP19, DP27 and DP28 of the Development Management Policies DPD (2011).

(3) **BA/2012/0356/FUL The Eels Foot Public House, Eels Foot Road, Ormesby**

Resubmission of BA/2012/0254/FUL for the proposed renovation, alterations and extensions to the existing public house, including demolition, provision of manager's flat and holiday accommodation, including 3 self-catering chalets and 5 guest bedrooms with en-suite. Including extension to existing storage outbuilding, new wedding arbour, picnic area and children's play area
Applicant: Trinity Waters Ltd

The Planning Assistant explained that the application was for the proposed renovation and development of the Eels Foot Public House at Ormesby, which had become dilapidated and had been closed since March 2012. The aim was to improve the existing facility and provide a traditional public house and restaurant with guest bedrooms, improved function room, additional dining space, as well as children's play area plus the ability to hold functions including weddings. The additional accommodation of the three guest lodges was for holiday use only. The original application had been withdrawn and the current application submitted addressed the officers' concerns relating to location of the lodges, impact on trees (which were the subject of a TPO) and landscaping, as well as the impact on the SSSI and highways.

Since writing the report, consultation responses had been received from:

- Ormesby Parish Council – concerns that the proposals were overdevelopment of the site in relation to the SSSI and other designations and concerns over late night opening hours.
- Highways Authority – no objections subject to the addition of a condition requiring two new passing bays.
- Great Yarmouth Borough Council Environmental Health – no objections subject to conditions relating to noise.

No further responses had been received from Natural England, the Environment Agency, Essex and Suffolk Water or Great Yarmouth Borough Council Planning Department since the original application was submitted and therefore the assessment and the proposed conditions were based on their original comments.

The Planning Assistant pointed out that much of the demolition of the flat roofed extensions which had already taken place had not required planning permission. The ad hoc nature of the original development would be replaced with a more comprehensive and cohesive design of the units using matching materials and taking advantage of the views across the broad. The concrete quayheading at the front of the property would be removed and regraded with more natural finish. Following detailed assessment of the proposal, the Planning Assistant concluded that, subject to conditions, the application could be approved as the design and scale of the proposal complemented the existing built development on the site and would not have an adverse effect on trees, ecology or neighbouring amenity. The Planning Assistant reported on the proposed amendments to and additional recommended conditions following receipt of further details on the raft foundation, the comments from highways and other consultees.

Mr Glover, on behalf of the applicant, confirmed that it was proposed to close the public house element at 11.30pm and wedding venue at 1.30 am. The condition on the doors of the extension being closed by 10.30pm in order to reduce the possibility of noise travelling was acceptable. Air-conditioning would be included within the boathouse

building and the function room. It was confirmed that the licensing hours were in line with the licence by which the previous public house operated.

Members considered that the scheme was an exciting proposal of distinctive interest and a welcome design. It was encouraging to see that an important facility was to be restored and improved. They gave particular attention to the concerns expressed by the parish council and local residents regarding noise and late night disturbances. It was clarified that there would be no increase in the number of boats in use from when the Eels Foot had been functioning previously. In addition, members emphasised that the proposed opening hours should be consistent with the existing licensing hours. They welcomed the highways comments and endorsed the officer's recommendation with the amendments and additional conditions.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report and the presentation relating to standard conditions, design, landscaping (including agreement on reedbed establishment and management plan and agreement on the extent of wildflower plug planting and seeding), ecology, highways (including the addition of details requiring two further passing bays and their installation prior to use), flooding, and neighbour amenity (including the restriction on the hours of development works, piling works) and opening hours consistent with the existing licensing hours as well as restriction on ventilation noise emissions plus agreement on fire hydrant or alternative emergency water source.

Subject to the above, the development is considered to be in accordance with the National Planning Policy Framework (2012) which is a material planning consideration. It is also considered to be in accordance with Policies CS1, CS9, CS10, CS11 and CS17 of the Core Strategy (2007) and DP1, DP2, DP10, DP11, DP14, DP18, DP19, DP27, DP28 and DP29 of the Development Management Policies DPD (2011) and Policy C6 of the saved Policies of the Broads Local Plan (1997).

- (4) **BA/2012/0338/CU Whitlingham Lane, Trowse with Newton**
Change of use application for use of two fields as touring campsite for a temporary period of three years
Applicant: Ms Linda Robey

Application deferred in light of further information received which required detailed assessment.

(5) **BA 2012/0346/FUL Weir At Hardley Flood, Hardley, Langley -w- Hardley**

Re-instatement of a weir structure to improve the hydrological functioning of both the River Chet and Hardley Flood

Applicant: Broads Authority

The Head of Development Management explained that the application was for the installation of a weir structure to improve the hydrological functioning of both the River Chet and Hardley Flood. The weir would control water levels and flows between the Chet to maintain the ecological and habitat value of Hardley Flood. It would be a replacement for a weir which performed the same function in the location until it was removed by Norfolk County Council in 2005 following the replacement of the bridge forming part of the Wherryman's Way footpath. The Authority had been in discussions with the County Council over the structure as well as BESL concerning the ground conditions. The re-instatement would improve water levels at the head of the River Chet, and improve navigation in the Loddon Basin, particularly benefiting those using the boatyards. It would also reintroduce some control over the flow of water leaving the Flood which otherwise would affect the navigation of boats as they passed the flow.

Since the report had been written, consultation responses had been received from:

- Broads Society – no objections.
- NSBA (Norfolk and Suffolk Boat Association) – in principle the application is acceptable. However they had concerns about the construction materials and queried whether the use of gabions was appropriate in this location. They also had concerns that hazards to navigation should be appropriately marked and that the control works to be carried out did not disrupt navigation.

The views of the Environment Agency had not yet been received.

Having addressed the main issues in relation to the scheme, the Head of Development Management recommended approval of the application subject to the views of the Environment Agency, as it was considered that the proposal would protect the wildlife and ecological value of the area and would not adversely impact on the hydrology or navigation of the area. In response to the NSBA letter, the use of gabions was not considered inappropriate in this location and they would not stand proud above the navigation channel.

Mr Clarke, on behalf of the applicant, assured members that the scheme had been devised by the Authority's Rivers Engineer and that in addition he had consulted BESL. BESL were of the view that the materials and construction to be used would be appropriate for the site. In relation to water depth it was considered that the scheme would improve the channel depths and it was hoped that this would improve matters for the slipways and boatyards further up the river. He

explained that it was hoped to carry out the works before the end of February in order to obtain the advantage of grant funding.

A member observed that, although there were navigation implications, the Navigation Committee did not appear to have been consulted on this particular application and he would have felt more satisfied if the Committee's view had been sought.

The Director of Planning and Strategy explained that having examined the Broads Act (2009) Schedule 7 Section 4(1) "In addition to consulting the Navigation Committee in accordance with requirements imposed by other provisions of this Act, the Authority shall consult the Navigation Committee before determining any application for planning permission which may significantly affect the use or enjoyment of the whole or any part of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority," it was considered that the planning application did not materially *conflict* with any policy, plan, strategy or procedure of the Authority or *significantly* affect the use or enjoyment of the navigation area. The Director of Planning and Strategy explained that it was considered in this case that the application did not meet the criteria and it had not therefore been reported to Navigation Committee. It was open to the Committee to delegate the decision to officers subject to the Chairman and/ or Vice-Chairman of the Navigation Committee being satisfied over any navigation issues, given that the next meeting of the Navigation Committee was not until 28 February 2013.

The Committee was satisfied with the principle of the application but had some concerns over the technical details and wished for these to be thoroughly and satisfactorily examined before any decision on the application was issued.

RESOLVED by 9 votes to 0 with one abstention

- (i) that the application be approved in principle;
- (ii) that authority be delegated to officers to approve the application with conditions as outlined in the report, subject to the views of outstanding consultees (notably the Environment Agency), consultation with the Chairman and Vice-Chairman of the Navigation Committee, engineering and technical details being satisfactorily resolved, and any additional conditions that may be required. Subject to the above, it is considered that the proposal will reintroduce a control feature that will help retain the ecological value of Hardley Flood (and its SSSI status), the hydrology of the area without unacceptable adverse affect on the appearance, landscape value or scenic beauty of the area. Therefore it is considered that the proposal would be consistent with the aims of development plan Policies CS1, DP1, DP4,

CS20 and DP29 and the advice contained in the National Planning Policy Framework.

(6) **BA/2012/0347/FUL Johnsons Yacht Station, Beccles Road, St Olaves**

Proposed widening of central bay to accommodate marine travel hoist and raising roof of lean-to roof to match construction and heights of main building. Addition of windows to west elevation

Applicant: Mr Luxford

The Planning Assistant explained that the proposal involved the widening of the central bay of Johnson's Boatyard to gain higher access into the existing boatshed and the addition of a first floor extension to an existing lean to with the aim of improving the function and operation of the existing boatyard. As a result of negotiations, amended plans had been received which satisfied the concerns stated within the report and reduced the visual impact of the proposals. The design was now considered to be appropriate and could be recommended for approval.

The principle of the development was considered acceptable in accordance with the NPPF as well as Broads Authority Core Strategy and Development Management policies as it would aid the viability of the existing boatyard. It was considered that the issues of design, and the impact on the Halvergate Conservation Area, highways, archaeology, flood risk and neighbour amenity had been satisfied.

Members concurred with the officers' assessment and welcomed the amended proposal.

RESOLVED unanimously.

that the application be approved subject to the following conditions:

- time limit;
- in accordance with amended plans submitted;
- materials to match the existing building and

an Informative that Environment Agency River Consent maybe required.

The development is considered, in principle, to accord with the National Planning Policy Framework (2012) which is a material planning consideration, and Development Plan Policies, CS1, CS22 and CS23 of the Core Strategy (2007) and DP4, DP20 and DP28 of the Development Management Policies DPD (2011), as it is considered the proposal will aid the viability of an existing boatyard which contributes to the Broads local economy. The amended design is appropriate and can now be supported.

7/9 Enforcement of Planning Control: Items for Consideration

(1) **BA/2012/0032/BOCP3 Fleet Farm, Acle New Road, Halvergate, Unauthorised Stables**

The Committee received a report concerning the development of stables not consistent with the planning permission granted (BA/2010/0237/FUL) in 2010 in a remote rural location on Halvergate marshes.

It was considered that the development was inappropriate and contrary to both National and Local Planning Policy and was unlikely to gain retrospective planning permission. The stable as built was highly visible and could be seen at a great distance across the marshes due to its height and massing and, together with the installation of external lights, was considered to detract from the rural character of the site and the special characteristics of the Halvergate Marshes Conservation Area to an unacceptable level.

RESOLVED

that authorisation is granted for the serving of an Enforcement Notice seeking removal of the stables and also for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with. The Enforcement Notice to have a compliance of three months.

(2) **BA/2012/0049/TPO Plots 16-18, Woodlands Way, Crabbetts Marsh, Horning, Norfolk
Breach of Tree Preservation Order Legislation**

The Committee received a report concerning the unauthorised work to Trees protected by a Tree Preservation Order at Plots 16 – 18 located off and accessed from Woodlands Way, Crabbetts Marsh, Horning, an area of carr woodland of amenity and biodiversity value. An Area Tree Preservation Order had been confirmed on 5 March 2010. In November 2012, the Authority's attention had been brought to the fact that six protected trees had been felled and no application had been received to fell those trees. The work carried out was exactly that which the TPO was put in place to prevent. The three main issues to consider whether prosecution was expedient were:

- (i) the impact of the work on the integrity of the site and the incremental loss of trees the subject of the TPO;
- (ii) the integrity of the TPO; and
- (iii) the first real test of the TPO since it was confirmed in 2010.

Members noted that there had been a clear breach of the TPO. It was noted that the ownership of the plot upon which the trees were located

had not yet been established, although efforts to do so were continuing.

RESOLVED

that authorisation be granted to commence proceedings against the landowner and / or any other person responsible for felling or causing to be felled six trees protected by TPO BA/2009/0104/TPO, if in the opinion of the Solicitor there is sufficient evidence available to support this action.

7/10 Duty to Cooperate: Planning For Housing and Employment in and Around the Broads – Proposed Memorandum of Understanding

The Committee received a report setting out a proposed Memorandum of Understanding to formalise existing planning practices between the Broads Authority and the local authorities in the area, in response to the announced revocation of the East of England Plan (Regional Spatial Strategy). It was noted that the Localism Act contained a duty for authorities to cooperate and work together wherever possible. This was not just restricted to local planning authorities but other public bodies and organisations. One of the first areas where the Authority would be required to demonstrate that co-operation would be in the emerging planning development documents and more specifically the Site Specific Policies DPD when this was under examination in the Spring of 2013.

Members noted that the proposed Memorandum of Understanding attached to the report continued the established practice and cooperation between the Authority and the neighbouring councils with particular reference to planning for housing and employment delivery. Agreement of the Memorandum by the parties would not change these arrangements or lock an unwilling party in to them, but it would be valuable in providing evidence in support of the Authority's proposed development plans (and possibly planning appeals). The Memorandum of Understanding was based on the template from the Planning Inspectorate and had been discussed with the neighbouring authorities.

Members supported the proposed wording of the Memorandum of Understanding subject to the deletion of the last clause of paragraph (g).

RESOLVED

that the report be noted and the Memorandum of Understanding appended to the report be approved as the basis of forward planning of housing and employment land provision subject to minor amendments on formatting and wording.

7/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. Corrections were made to:

- Old Station Road, Ellingham on page 124: Court hearing adjourned to 10 January 2013 (not December).
- Old Grainstore, Wainford Road, Bungay Page 126 Section 33 to read Section 330 Notices served on 13 December 2012

RESOLVED

that the report be noted.

7/12 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since April 2012 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

7/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 21 November 2012 to 18 December 2012.

RESOLVED

that the report be noted.

7/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 1 February 2013 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 2.30pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 4 January 2013

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All members	7/8(1)	Application BA/2012/0020/FUL Lobbied by objectors Application BA/2012/0346/FUL BA as applicant
All District and County Council members	7/10	Duty to Cooperate: Proposed Memorandum of Understanding
A S Mallett	General 7/3 7/11(1)	Minutes Regurgitation of declarations as per previous meeting Norwich Frostbite Sailing Club (NFSC)– non pecuniary
P Rice	7/ 11	Enforcement Update – Ferry Inn Horning. Involved in facilitating mediation.
M Barnard	7/10	Member of Waveney District Council, Suffolk County Council - blanket dispensation