

Broads Authority

Planning Committee

Minutes of the meeting held on 2 March 2012

Present:

Dr J M Gray – in the Chair

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| Mr M Barnard | Dr J S Johnson |
| Mrs S Blane | Mr A S Mallett |
| Mr N Dixon | Mr P E Ollier |
| Mr C Gould | Mr R Stevens |
| Mr G W Jermany | |

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr S Bell – for the Solicitor
Mr A Clarke – Senior Waterways and Recreation Officer
Mr J Clements – Planning Policy Officer
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Ms A Macnab – Planning Officer
Mr A Scales – Planning Officer (NPS)

Members of the public in attendance who spoke:

BA/2012/0033/FUL: Compartment 9 (Phase 2) Left Bank of River Bure between Acle Bridge and Bridge Farm, Acle

Jeremy Halls, BESL On behalf of the Applicant

BA/ 2011/0405/FUL: Compartment 20 Right Bank of the River Yare Between Langley and Hardley Dyke (Langley Marshes)

Jeremy Halls, BESL On behalf of the Applicant

6/1 Apologies for Absence and Welcome

Apologies for absence were received from Mrs J Brockeik-Coulton and Mr S Dorrington. It was noted that Mr N Dixon would be arriving later.

The Chairman welcomed members of the public.

6/2 Declarations of Interest

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

6/3 Minutes

The minutes of the meeting held on 3 February 2012 were confirmed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

There were no points of information arising from the previous minutes to report.

6/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

6/6 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 Code of Conduct for Members and Officers. 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.

6/7 Requests to Defer Applications Included in this Agenda

No requests for deferral of applications had been received.

The Chairman informed the Committee that the objection to application BA/2011/0416/FUL: Mere House, Broadview Road, Oulton Broad had been withdrawn and therefore the application could now be dealt with under delegated powers (see Minute 6/8 (3)).

6/8 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 in the minutes. 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/2012/0033/FUL Compartment 9, Left Bank of River Bure between Acle Bridge and Bridge Farm, Acle**

Flood defence works including rollback of existing floodbank and installation of piling wall. Soke dyke excavation, temporary site compound and associated engineering works
Applicant: Environment Agency

The Planning Officer reminded members that the application related to a 207 metre length of flood defences which had been excluded from the approved scheme in April 2011 for Compartment 9 on the north side of the River Bure between Oby and Stokesby, due to the landowner objection concerning the proximity to the commercial premises (Electrical Testing) and Bridge Farm. The application had been devised following considerable discussions between the landowner and BESL. At present the piling in this area was in poor condition with "no mooring" signs in place. It was proposed that part of the scheme would include a piling wall of similar construction to that at Reedham, the remainder would include roll back, the material for which would come from the new soke dyke.

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

- The Broads Society – no objection. (Tie rods and anchor blocks not to be disturbed).
- Environment Agency – no objection.
- NCC Historic Environment Service – no objections but due to the character of the area would require an additional condition for archaeological investigation.

The views of the objector Mr Hobbs were noted.

The Navigation Committee, at its meeting on 23 February 2012 had supported the officer's comments but expressed regret that there was no opportunity to provide a mooring for demasting at Acle Bridge as the landowner had been unwilling to provide this. However, the Committee did not consider that this should inhibit the completion of a very important scheme.

The Senior Waterways and Recreation Officer confirmed that the landowner was not prepared to take on the maintenance of the piling line and the "no mooring" policy would remain. The officers' view was that it would not preclude the Authority providing a demasting pontoon elsewhere.

Mr Halls, BESL Environment Manager, explained the reasons for the delay in bringing the application to Committee, partly due to protracted negotiations and also the desire for the works to be included in the BESL programme of works for 2012. He also gave an estimate of the status of the residual piling and explained that once the works were complete and at a more appropriate time within the next few years, a subsequent planning application would be prepared for the removal of piling for the whole of Compartment 9.

Members were supportive of the officers' assessment and considered that the proposal would provide enhanced flood defence for the Compartment including the business premises as well as complete the protection of agricultural land and areas of nature conservation interest.

RESOLVED unanimously

that the application be approved subject to conditions including an additional condition to cover archaeological investigations together with Informatives as set out in the report to Committee as the proposal seeks to enhance sustainable flood defences, will complete defences in the Compartment and the ecological, recreational, visual and residential amenity interests will be safeguarded. The application is considered to meet the requirements of the Core Strategy DPD policies and Development Management Policies DPD in particular Policies CS3 and CS4 of the Core Strategy and Policy DP13 of the DM Policies. The proposal is considered to represent an appropriate design of development associated with flood defence work in this location.

(2) **BA/ 2011/0405/FUL: Compartment 20 Right Bank of The River Yare Between Langley And Hardley Dyke Norfolk**

Flood defence works including: strengthening, rollback of floodbanks, soke dyke excavation for material sourcing, and riverside erosion protection works. As well as a temporary site compound and associated engineering works and permanent footpath diversion
Applicant: Environment Agency

The Planning Officer explained that the application site covered a 5.1 kilometre length of floodbank along the River Yare, including parts of Langley Dyke and Hardley Dyke, and the defences protected some 420 hectares of mainly grassland area together with a 7.2ha SSSI, the Langley Conservation Area and Hardley Mill, a Grade II Listed Building and a site of medieval brickworks. It was noted that there would be a loss of 4 ha of grazing marshes but this would be replaced elsewhere within the region and Natural England had not raised an objection based on the advantages the scheme would provide. One of the more significant parts of the scheme included a temporary and permanent diversion of the footpath.

One of the main issues related to the impact on recreation and piling. Langley and Hardley Dykes were extensively used for private long term

mooring and the western end of Langley Dyke included Broads 24 hour moorings. In these areas the proposals included strengthening banks and maintaining sheet steel piling. Elsewhere on the Yare, piling was not in a good condition and would not be used for flood defence purposes. The proposal indicated that piling would be retained until the new floodbanks became fully established and piling could then be removed. BESL had requested that, should permission be granted, this would also include the removal of piling, the timing and details of which could be dealt with by condition, to be agreed with the Broads Authority rather than having to submit a further application. Officers considered that given the experience of piling removal by BESL elsewhere on the Yare and the monitoring that was in place, this could be accommodated.

Since the report had been written, consultation responses had been received from the Environment Agency, with no objections. The Navigation Committee at its meeting on 23 February 2012 endorsed the officer's recommendation of no objection and supported the scheme in general. The Committee particularly welcomed the protection of the moorings in the vicinity and the proposed slipway enhancements. It also considered that provided BESL followed their usual approach for piling removal in the Yare, this could be dealt with by condition in this instance and an additional application would not be necessary.

Mr Halls, BESL Environment Manager, confirmed that, as indicated in the Environment Statement submitted with the application, the current electricity lines at Langley Dyke would be undergrounded as part of the scheme. With reference to the comments from Natural England relating to the potential release of cyanide spent oxide, he confirmed that part of the existing flood bank was made up from waste material from the gas works in Norwich. The necessary tests had been carried out and this would remain in situ and the integrity of the banks would be maintained so that there should not be any public health risks.

Members considered that the scheme would provide enhanced flood defence protection for property agriculture and nature conservation management interest as well as preserve recreational opportunities and safeguard heritage interests. Given the experience of BESL for piling removal from previous schemes, members were content that this should be dealt with by condition.

RESOLVED unanimously

that the application be approved subject to conditions and Informatives as set out in the report together with an additional condition to include ecological monitoring. The application was considered to meet the requirements of the Broads Core Strategy DPDPolicies in particular Policies CS3, CS6, CS4 and Development Management Policies DPD Policies particularly Policies DP1, DP5, DP11 and DP13, and would not

materially conflict with other policies in the Development Plan Documents. The proposal was considered to represent an appropriate design of development associated with flood defence work in this location.

- (3) **BA/2011/0416/FUL: Mere House, Broadview Road, Oulton Broad, Lowestoft**
Erection of a conservatory to extend a dining room
Applicant: Mr Howlett

The objection to the application had been withdrawn and therefore members were content that the application could be dealt with under delegated powers.

- (4) **BA/2012/0048/FUL: Broads Tours, the Bridge, Wroxham**
Demolition of both existing wet shed and small shed, re-alignment of quay heading and creation of small land area for re-location of existing shed
Applicant: Mr P Greasley

The Planning Officer explained that the application was before the Committee because the applicant was a member of the Authority's Navigation Committee. The application modified an existing boatyard to meet its operational needs. The proposals included the demolition of a small wet boatshed in a deteriorating poor state of repair, removal of another redundant shed and replacement with a car parking area for five cars as well as reconfiguration of the mooring basin and relocation of the storage shed. The demolition of the existing shed had already been accepted in two previous applications approved in 2011 but not implemented. The current proposal would result in the loss of less floodplain storage capacity than the previous applications.

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

- Wroxham Parish Council – no objections.
- Environment Agency – no objections but advice provided on pollution control measures.
- Broadland District Environmental Health – no objections but suggestion to include Informative Note relating to pollution control.

The expiry date for consultations was 2 March and therefore subject to there being no significant objections, the application was recommended for approval.

Members concurred with the officer's assessment and that the proposal would improve the operational workings and visual appearance of the area.

RESOLVED unanimously

that, subject to no significant objections being received, the application be approved subject to conditions as set out in the report with an additional condition relating to an ecological (breeding survey) and an Informative concerning pollution as suggested by the Environment Agency and Broadland District Environmental Health, as it is considered to be in accordance with Policies DP4, DP13, DP20 and DP29 of the adopted Development Management Policies DPD (2011) and Policy CS1 of the adopted Core Strategy (2007).

6/9 Application Referred to the Broads Authority for Consultation: BA/2012/0030/NEIGHB The Riverside, Kerrison Road, Norwich

Outline application for proposed redevelopment of vacant riverside site to provide 208 flats, 140 parking spaces and 190m² of commercial office space (B1a Use Class) with associated external works including the provision of a Riverside Walk. Detailed approval of reserved matters details relating to access, layout and scale

Applicant: Broadland Housing Association Ltd

The Committee received a report concerning an outline application for redevelopment of a 1.03ha riverside site for residential led mixed use and reserved matter details of access, layout and scale to be determined by Norwich City Council. The site was now in the exclusive ownership of Broadland Housing Association and had extant planning permission for temporary car parking adjacent to the Football ground. The Authority had been involved in various pre-application discussions and some of the comments made in relation to scale and design and relationship with the river had been taken into account, which was to be welcomed.

The main points of concern to the Authority related to the landscaping and the exclusion of the river bank from the site. In general members concurred with the officer's assessment but also raised concerns about the access to the riverside walk, particularly from the land for disabled, and river access. They were of the view that there could also be potential for a river bus pontoon and that there should be coordination of potential links to the river access in association with the proposals for a river bus linking such development as the Deal Ground and the City Centre.

RESOLVED

that the comments in the report be endorsed and that these together with the full assessment within the report and the additional comments relating to access be forwarded to Norwich City Council as the Broads Authority's views:

- (i) The Authority has no objection in principle to the proposed development or the detailed layout and design of the residential and commercial buildings. The Authority commends the development being set back from the river and creation of space between buildings to ensure that there is no canalisation of the river as a result of the

developments. The Authority welcomes the courtyards as substantial open spaces addressing the river frontage.

- (ii) The Authority welcomes the continuation of the Riverside Walk and the area being protected as a footpath/cycleway/amenity area. However, it would recommend conditions relating to landscaping treatment of the walkway and associated area between the river and the plinth wall enclosing the car parking needs – to be dealt with fully at the Reserved Matters application stage.
- (iii) It is extremely regrettable that the river bank has been excluded from the site and that the opportunity to create additional moorings and water based recreational facilities within the City Centre as an integral part of this development has been completely overlooked.
- (iv) The provision for disabled access be taken into account.
- (v) There should be coordination of potential links to river access in association with the proposals for a river bus linking such development as the Deal ground and the City centre.

6/10 Upper Waveney – Ditchingham Dam, Geldeston and Ellingham Conservation Areas

The Committee received a report together with the detailed re-appraisal work carried out on the existing Ditchingham Dam, Ellingham and Geldeston Conservation Areas and the resulting proposed alterations to the boundaries of the Conservation Areas. This formed part of the continuing appraisal programme in line with the Authority's strategic priorities. It was proposed that subject to members' comments, the re-appraisals be published for public consultation. The areas included some minor omissions as well as extensions.

It was noted that the majority of each of the areas fell within the Broads Authority executive area and therefore the re-appraisal work had been carried out by the Broads Authority. In addition it would fund the public consultation exercise on behalf of both South Norfolk District Council and the Authority. The exercise would include the delivery of a summary leaflet to all householders in each relevant parish and to stakeholders followed by manned exhibitions held in each of those parishes. A further report would be brought to the Committee detailing the response from the public consultation exercise, for it to consider whether to formally adopt the Conservation Area re-appraisals, revised boundaries and management plans for the parts of those areas which fell within the Broads Authority executive area. South Norfolk Council would need to consider adoption for those parts of the areas within its boundary.

Members gave careful consideration to the proposed alterations and sought clarification on details of certain sites within the proposed Ditchingham Dam

and Geldeston Conservation Areas as well as making suggestions as to minor boundary changes within those areas.

RESOLVED

- (i) that the Ditchingham Dam, Ellingham and Geldeston Conservation Area re-appraisals be noted: and
- (ii) that the re-appraisals, subject to minor amendments to the boundaries following clarification by officers, be published for public consultation.

6/11 Tree Preservation Orders (TPO) – Objection

The Committee received a report relating to a Tree Preservation Order that had been issued recently as part of the Authority's ongoing process of identifying trees worthy of preservation and protection, and now required confirmation. Identification of such trees was based on the application of set criteria. Two objections had been received within the statutory period and members were appraised of the procedures for dealing with such objections.

The tree that officers considered worthy of a Tree Preservation Order (TPO) was at The Haven, Ropes Hill Dyke, Horning. The objector had had the opportunity to consider the Authority's statement of case in response to the objections and confirmed that these would still stand.

It was noted that a TPO did not necessarily prevent the owner of the tree from carrying out appropriate works provided they had the approval of the Local Planning Authority. Provided the works were deemed to constitute sound arboricultural practise, works could proceed. If the tree was dead, dying or dangerous then appropriate measures would be permitted including, if necessary, the felling of the tree. If this was the case replacement planting would most likely be required.

Members noted the procedures and

RESOLVED

- (i) that a Planning Committee site inspection be held on Friday 23 March 2012 starting at 10.00am to consider the objections; and
- (ii) that the Committee considers whether or not to confirm the TPO at the following meeting of the Planning Committee.

6/12 Review of Planning Committee Procedures and Scheme of Delegation to Officers

The Committee received a report which was part of the review of the governance and consultative arrangements contained within the NPAPA Improvement Plan. The report set out the proposed amendments to the Planning Committee procedures and scheme of delegation following

consideration by a small working group that included the Chairman and Vice Chairman of the Committee, the Director of Planning and Strategy and the Administrative Officer supported by the Head of Development Management.

The proposed amendments to the Scheme of Powers Delegated to Officers related to paragraphs E (34) (v) (vi) and (vii) to include the word “substantial” in order to be consistent with E (34) (iv); Section 106 Agreements, particularly where these already existed; and confirmation of uncontroversial Tree Preservation Orders. In addition minor amendments to the Public Speaking scheme were proposed to include re-order of the speakers and increase the time for speaking to a maximum of five minutes for each category of speaker.

Members welcomed the proposed amendments to the procedures. They were concerned that procedures should be as inclusive and as flexible as possible, as well as demonstrate equality of access. Although the word “substantial” could be open to interpretation, it was agreed by 7 votes to 3 that this should be included within the scheme of delegation in order to be consistent. Where there was any doubt it would be open to the Director to decide, and defer to the Chairman if necessary, as was already the practice.

Members suggested further minor amendments to the wording of the scheme for public speaking in line with the principles of inclusivity. This included deleting:

“If agreement can not be reached, (*as to who should speak*) it may be necessary for the Committee to decide that all/some parties will not be heard. The Chairman will have the ultimate decision to decide who will speak on behalf of the objectors.”

However, it was also considered important that time was not taken up with speakers reiterating the same points and it would be open to the Chairman to attempt to control this.

With reference to public speaking and the arrangement of the order of speakers, following discussion it was agreed by 6 votes to 3 to approve the order as proposed.

RESOLVED

- (i) that the proposed amendments to the Planning Committee procedures outlined in the report be accepted; and
- (ii) that the Broads Authority is recommended to formally adopt the amendments to the Scheme of Delegations and the Planning Committee Code of Conduct for Members and Officers – Public Speaking at Planning Committee as detailed in the Appendices 1 and 2 of the report with the additional amendments to the wording considered at the meeting.

6/13 Consultation on Community Infrastructure Draft Charging Schedules for Broadland, Norwich and South Norfolk

The Committee received a report on the draft charging schedules for the proposed Community Infrastructure Levy (CIL) for Broadland, Norwich and South Norfolk Councils. It was noted that the Broads did not currently have any plans to introduce a CIL of its own due to the low levels of development expected to take place in the Broads balanced against the costs of evidencing compiling and collecting CIL.

RESOLVED

that the Broads Authority raise no formal objections to the current consultation but offers the following comments:

- The Broads Authority welcomes the progress made towards a CIL charging schedule for the three local planning authorities.
- The three local planning authorities all have a legal obligation (under the Norfolk and Suffolk Broads Act 1988, as amended), in exercising or performing any functions in relation to, or affecting, land in the Broads, to have regard to the purposes of:
 - (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - (c) protecting the interests of navigation.
- The Broads is a nationally designated area with status equivalent to a national park, the highest level of landscape protection, and a wetland of international importance. It is both partly within Broadland and South Norfolk District and immediately adjacent to Norwich City Council's planning area.
- The importance of the Broads and the need to address this in plans for surrounding areas is highlighted in both the East of England Plan and the GNDP Joint Strategy.
- The Broads Authority supports the inclusion of strategic green infrastructure as Priority 1 – specifically the “broads buffer” and the proposals to enhance access to the Yare.
- The Broads Authority supports the inclusion of water infrastructure improvements as Priority 1.
- The Broads Authority requests that the detailed charging zone maps show the Broads Executive Area to delineate a better boundary for where the CIL is applicable.

6/14 Consultation Documents Update and Proposed Responses

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

- South Norfolk LDF: Preparation of Development Management Policies DPD – 1st regulation 25 Consultation.
- Waveney District Council Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief - First Draft Draft Supplementary Planning Document (SPD): February 2012.

RESOLVED

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

6/15 Enforcement Update

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

RESOLVED

that the report be noted.

6/16 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since September 2011 as set out in Appendix 1 to the report. A decision by the Planning Inspectorate had been received on the appeal by

Mr and Mrs Read for Land at end of Marsh Lane, Gillingham for the erection of a general purpose agricultural building. This had been dismissed on 22 February 2012.

Members had received the details of this by email, in line with the proposed procedures and details were also on the Authority's website.

RESOLVED

that the report be noted.

6/17 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 24 January 2012 to 17 February 2012.

RESOLVED

that the report be noted.

6/18 Date of Next Meeting

It was noted that the next meeting of the Planning Committee would be held on Friday 30 March 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

6/19 Exclusion of the public to consider Item of Urgent Business

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

6/20 Exempt Minute of Planning Committee meeting on 3 February 2012

The Committee confirmed the exempt minute from the Planning Committee meeting held on 3 February 2012 as a correct record.

It was noted that the Court date in relation to Wayford Mill was scheduled for 28 March 2012.

The meeting concluded at 12.45 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 2 March 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 √ |
|-------------|---|--|---|
| A S Mallett | 6/3 6/8 (1) and (2) 6/15(i) | Minutes as per previous meeting Appointed by Broadland District Council, Member of Navigation Committee (but did not take part in the debate when considered.) Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed | √ √ |
| P E Ollier | General 6/8 – 6/20 | Member of Navigation Committee, Toll Payer, Member of a number of Broads Sailing Clubs. | |
| G W Jermany | General | Great Yarmouth Borough Council, Toll Payer | |
| M Barnard | 6/14 | Member of WDC and SCC | |
| C Gould | 6/13 and 14 | Member of SNC (CIL) | |
| N Dixon | All | Member of Norfolk County Council | |
| R Stevens | All | NNDC Appointee, Toll Payer and member of EACC | |