

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 5 February 2010

#### **Present:**

Mrs C Sheridan – in the Chair

Mrs S Blane	Dr J M Gray
Mrs J Broceik-Coulton	Mr G W Jermany
Mr C M Broom	Dr J S Johnson
Mrs E A Burrows	Mr A S Mallett
Mr A Duce	Mr J Sharpe
Mr N Dixon	

#### **In Attendance:**

Mrs S A Beckett – Administrative Officer  
Mr S Bell – Norfolk Legal Services  
Mr F Bootman – Planning Officer  
Mr J Clements – Planning Policy Officer  
Miss M Hammond – Planning Assistant  
Mr B Hogg – Head of Cultural Heritage and Design  
Ms A Long – Director of Planning and Strategy  
Mr A Scales – Planning Consultant NPS Consultants Ltd  
Ms C Smith – Head of Development and Regeneration  
Miss K Wood – Planning Assistant

Members of the public in attendance who spoke:

#### BA/2009/0300/FUL Compartment 6a, Hickling Horsey Heigham and Somerton

Mr J Halls                      Applicant

#### BA/2009/0238/FUL Duck Broad, Potter Heigham

Mr J Currie                      Norwich and District Pike Club  
Mr R Rogers                      Head of Construction and Facilities, Broads Authority  
on behalf of applicant

#### BA/2009/0220/FUL South Fen and Tonnage Bridge Marshes, East Ruston

Mrs S Anderson                      Local Resident  
Mr C Marsden                      Local Resident  
Mr M Harding                      Private consultant on behalf of Partnership applicants  
Ms A Kelly                      Head of Conservation, Broads Authority

#### BA/2009/0320/CU Wroxham Leisure Centre, Norwich Road, Hoveton

Mrs J Newey                      On behalf of Hoveton Parish Council  
Mr and Mrs M Grey                      The applicants

## **5/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting and introduced members.

Apologies for absence were received from Mr S Dorrington and Mr C Gould.

## **5/2 Declarations of Interest**

Members expressed declarations of interest as set out in Appendix 1 to these minutes. In particular, the Chairman declared a blanket interest on behalf of the Committee as there were four applications being put forward by the Authority. (Items 5/8 (2), (3), (4) and (6)).

## **5/3 Minutes**

The minutes of the meeting held on 8 January 2010 were confirmed as a correct record and signed by the Chairman subject to an amendment to the Declarations of Interest at Appendix 1 – Dr J M Gray member of Regional Planning Panel of GNDP Greater Norwich Development Partnership.

## **5/4 Points of Information arising from the Minutes**

### **(1) Minute 4/6: East of England Plan > 2031 Preferred Option Seminar on 26 January 2010**

Murray Gray, together with John Sharpe had attended a seminar to consider the East of England Plan > 2031 Preferred Options at Fitzwilliam College, University of Cambridge on 26 January 2010. The Draft Plan was due to be published before the end of February 2010. Dr Gray reported that, of the four options considered, a modified Option 1 on Housing was that which was considered to be the most favourable. There were particular housing constraints in the Norwich Policy area as well as in Great Yarmouth due to inadequate water supplies. In conclusion, the constraints in Norfolk will restrict the numbers proposed for housing.

### **(2) Minute 4/10: Heritage Asset Review Group**

The Chairman reported that in addition to herself as Chairman, Murray Gray as Vice- Chairman and Stephen Johnson as the Authority's Heritage Champion, Julie Brociek–Coulton had volunteered to be on the Group. Sholeh Blane also offered to be a member of the Group.

The first meeting would be on Friday 26 March 2010 following the Planning Committee meeting.

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

There were no items of urgent businesses.

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

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

**(2) Parish Forum – Drop in/Pop in Sessions**

The Chairman reported that the third of the Parish Drop-In sessions was held in Martham Methodist Hall on 27 January 2010 between 2.00pm and 7.00pm and had proved successful with a steady flow of people attending. The next one was due to be held on 31 March 2010 at Thorpe St Andrew and members were welcome to attend.

**(3) Public Speaking**

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the 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.

**5/7 Requests to Defer Applications Included in this Agenda**

It was noted that no formal requests for deferrals of items had been received.

**5/8 Applications for Planning Permission**

The Committee considered applications submitted under the Town and Country Planning Act 1990 as well as matters of enforcement (also having regard to Human Rights) and reached decisions as set out in Appendix 2 to these minutes on the blue pages. 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/2009/0300/FUL Compartment 6a Hickling, Horsey, Heigham and Somerton**

Flood defence improvements to embankments including online strengthening of the floodbanks and excavation of soke dykes with temporary site compounds and associated works  
Applicant: Environment Agency

The Planning Officer explained that the application was the first of two phases in the one of the largest of the compartments in the Broads Flood Alleviation Programme. In addition most of the application site fell within the extensive SSSI for the Upper Thurne Broads and Marshes as well as forming part of the Broads SAC and Broadland SPA. The scheme would protect extensive areas of grazing marsh and BESL had confirmed that they would create replacement habitat elsewhere for the 3.4 ha to be lost so that there would be no net loss. He explained that 40% of the floodbank was in poor condition and required replacement and drew attention to the areas where new piling was to be installed and where top boarding was to be provided. It was noted that some of the material for floodbank strengthening, particularly in the Hill Common area, would need to be imported and therefore this would involve up to forty, 20 tonne lorry deliveries for the material. As a result of this further re-consultation had taken place. County Highways had indicated that they had no objection to the importation of material provided a specific designated route was used and the application conditioned accordingly. Natural England had no objections.

In assessing the application, the Planning Officer concluded that the proposal would provide an enhanced flood defence scheme protecting grassland areas and providing nature conservation management benefits as well as not having a significant impact on recreation amenity. As part of this it was concluded that, although the importation of material would create disturbance to residents, this would only be short term and would be acceptable based on the enhanced flood defences provided by the scheme. The application represented a welcome flood defence scheme and subject to conditions as detailed in the report was recommended for approval.

Jeremy Halls from BESL confirmed that in view of the sensitivity as well as the importance of the site, particularly for wildlife and its wilderness qualities, considerable work and effort had been put into the scheme to minimise its impact. Having spoken to those who managed the site as well as the residents at Hill Common, the scheme had been welcomed and supported.

Members noted that the Navigation Committee had supported the application given that the majority of phase one works would not affect the navigation, and it would benefit the quality of mooring provision in the compartment. Members welcomed the application and congratulated BESL and the officers concerned in creating a beneficial scheme with limited impact.

RESOLVED unanimously

that the application be approved subject to conditions and Informatives as set out in the schedule to these minutes at Appendix 2 including an additional condition as requested by the Highways Authority concerning a specified route for the movement of material, as the proposal is

considered to represent an appropriate design of development associated with flood defence work in this location in accordance with Broads Local Plan saved policies, particularly Policy INF5.

(2) **BA/2009/0238/FUL Duck Broad, Potter Heigham**

Re-creation of island consisting of containment perimeter wall of steel baskets lined with polyethylene bags and filled with locally sourced dredging material with the “void” space created filled with further dredging

Applicant: Broads Authority

In presenting the application, the Planning Officer explained that the Broads Authority had identified an urgent need to undertake dredging from Heigham Sound and there was a lack of locally available dredging disposal sites for this purpose. Extensive work had been undertaken to identify sites which had resulted in the proposal to re-construct the island which had originally existed in the 1940s. The proposal would be undertaken in two phases beginning with a trial area of 20m by 20m at the southern end of the proposed island in order to enable stability, containment and reed establishment issues to be assessed in an area of open water. The second phase would be constructed following the successful evaluation of the phase one trial and involve the creation of a linear island of 240m by 40m (including the pilot area).

The Planning Officer gave a detailed description of the techniques involved which were very new to the Broads, although smaller trials had been undertaken elsewhere and the applicant had worked very closely with the Environment Agency, Natural England and the Norfolk Wildlife Trust. Since the application had been submitted a fuller and very detailed evaluation and assessment had been provided and the main factors to be monitored were outlined in the report.

In particular, the Planning Officer drew attention to the concerns expressed by the Environment Agency relating to flood risk and the issue of prymnesium toxin, as well as the concerns from the Broads Angling Strategy Group. The latter had been particularly concerned as to the need for dredging, the timing of works and the potential danger of prymnesium bloom. He updated members on the further consultations received since writing the report which included nine letters from the public and angling groups. These objections included:

- potential stability;
- the lack of a detailed contingency plan on an outbreak of prymnesium;
- no emerging rescue plan for fish;
- the type of dredging proposed as part of the application – grab dredging could disturb the sediment and increase the potential for prymnesium outbreak, suggested suction dredging as alternative;
- position of the island – access should be maintained for fishermen; and

- trial areas – test cages have failed.

Correspondence from Natural England echoed the concerns of the Environment Agency with regard to prymnesium and the need to monitor and fully assess potential impacts constantly. There should also be a fish rescue plan in place before any works took place.

The applicant had submitted additional information regarding flood risk and the Environment Agency had indicated that their objection could be removed, although this had not yet been confirmed in writing.

In assessing the application, the Planning Officer commented that the case had been made that dredging does need to take place, despite comments to the contrary. However, he emphasised that the action of dredging did not in itself require the benefit of planning permission. In this case, the re-creation of the island did require planning permission. In terms of hydrology, the revised details and calculations sought to demonstrate that the scheme would not adversely affect flood storage volumes or increase flood risk. With regard to the landscape, the creation of an island would alter this but the importance of providing a natural appearance to the engineering technique at an early stage was recognised and establishing a strong reed cover formed an important element of the proposals. The Authority's Landscape Architect had provided advice on this. In terms of ecology, a different habitat would be created and there was a need to pay regard to the European and national nature conservation designations. The concerns relating to the prymnesium as well as fish, were also understood and therefore it was important that a fish action plan and in particular a robust monitoring and evaluation programme was in place in order to safeguard the area for all. It was recognised that much of the work was experimental and that if members considered that the evaluation was not robust enough the application should be refused. However, it was considered that the proposal would be acceptable and subject to the Environment Agency removing their objection, the application was recommended for approval.

Mr Currie from the Norwich and District Pike Club and Pike Angling Club was given the opportunity to address the Committee and emphasised the points he had made in correspondence forwarded to members the previous day. His fear was that dredging of the area would result in a prymnesium outbreak. He urged the Authority to reject the proposal to enable further research to be undertaken and an effective monitoring procedure put in place in case of an outbreak and a contingency plan to save fish in the area. He also urged the Authority to contact worldwide bodies who were leaders in their knowledge of the subject.

Mr Rogers, Head of Construction and Facilities for the Authority was also given the opportunity to address the Committee explaining that experiments and calculations had been undertaken to establish the

most stable way of using the cages, whether the ground would take the weight, and the most appropriate materials to use to create the island. With regard to the visual impact, it was expected that on the advice given, the reed growth would be visible quite quickly. In response to the nature of the dredging technique to be used, he explained that it had been proven over the years that suction dredging could cause more turbidity in the water than other methods. The skill of the operators would be vitally important and it was considered that the Authority had those skills. It was intended that there would be very robust monitoring in place, using advice from the Environment Agency and Natural England, and that if any prymnesium was detected work would stop immediately. A Fish Rescue Plan was being drawn up in association with the Environment Agency at present. The trial area had been agreed with a number of different parties and joint monitoring would take place. He assured the Committee that a number of criteria were being set up to establish and assess the success of the trial and these would need to be satisfied before work could proceed to phase 2 of the scheme.

Members sought clarification on a number of issues, particularly relating to the engineering techniques and the calculations and monitoring to be undertaken as well as the angling interest. Members recognised the special character of the area for coarse fishing and the concerns of the anglers and the Environment Agency relating to prymnesium. They were anxious that sufficient monitoring should be in place and that a Fish Rescue Plan should be established prior to work commencing. Members were also mindful of the Authority's wider duties to protect the navigation, conserve and enhance the area and promote opportunities for understanding and enjoyment and to balance these factors. It was considered that the scheme was an important project which could provide benefits for conservation, recreation and navigation. However, the benefits needed to be balanced against the risks.

In answer to a member's question and request as to whether Phase 2 of the application should be brought back to Committee, it was clarified that the application was for the whole island which included Phases 1 and 2. However, Phase 1 would need to be fully evaluated before Phase 2 could proceed, but this did not require coming back to Committee. Given the importance as well as the experimental nature of the project, members considered that there should be full consultation on the detailed monitoring of Phase 1 prior to progressing to Phase 2 and that in addition to the statutory consultees of Environment Agency and Natural England, this should also include an angling organisation.

Members noted that the Environment Agency was adopting a precautionary approach in relation to flood capacity but considered that in terms of Phase 1 of the project this would not be significant.

RESOLVED by 10 votes to 1 against

that, subject to the Environment Agency withdrawing its objection, delegated authority be given to officers to approve the application subject to conditions as set out in the schedule at Appendix 2 to these minutes including a Fish Rescue Plan to be agreed before any works are commenced and that following completion of Phase 1, full consultation take place to include the Environment Agency and Natural England as well as anglers on the monitoring and findings of Phase 1 prior to commencement of Phase 2. Subject to these provisos, the proposal is considered to be in accordance with adopted Broads Local Plan saved Policies and those of the adopted Core Strategy.

(3) **BA/2009/0220/FUL South Fen and Tonnage Bridge Marshes, East Ruston**

Development of wetland on a series of grass marshes  
Applicant: Broads Authority

Further to consideration on 6 November 2009 (Minute 2/8(6)), the Committee had had the benefit of a site inspection on 2 December 2009 in view of concerns from neighbouring residential properties about flood risk as well as governance of the scheme. The Head of Development and Regeneration gave a detailed presentation of the scheme, the purpose of which was to increase the summer water levels, not those in winter, and create a freshwater fen as part of the response to climate change and means of carbon capture.

She referred to the additional information in support of the application and the amendments made. She clarified that there were three landowners of the application site with the drains being managed by the Internal Drainage Board. There were continued objections from a number of local residents relating to increase in flood risk. In response to the concerns expressed, there had also been further correspondence from the Environment Agency who continued to maintain their position of no objection on the grounds that the changes in water levels would be a negligible increase in risk. In this light and in the absence of any evidence that flooding or the risk of flooding would be greater than predicted, it would be difficult to justify a decision of refusal on this basis.

In view of the concerns relating to accountability, the applicant had provided further information explaining that the scheme would be managed under a management agreement by a Project Group/ Management Board chaired by Natural England, who would take the lead and be the main point of contact for communication. The Broads Authority, Environment Agency and the landowners would be part of the Project Group. This could be included as a condition.

In conclusion, it was considered that there was no justification for a refusal and the application was recommended for approval subject to conditions.

Mrs Anderson, a local resident who lived at the north point of the scheme, was given the opportunity to address the Committee explaining that the scheme was for “wetting up” a very wet area. There was considerable concern in the village about the increase in ground water levels generally. She was pleased that the management of the drains at the north of the site were to be undertaken by the IDB. She referred to paragraphs 5.3 and 5.4 of the original report to Committee concerning the inevitable changes such a project will have on the dynamics of the local hydrology. She maintained her concerns that the project would provide additional threats to the local ground water levels.

Mr Marsden, a local resident was also given the opportunity to address the Committee citing detailed points which required clarification concerning the sluice boards, the periods when water would be fed on to South Fen, accuracy of levels, and the requirement for a water transfer license. He welcomed the initiative in ensuring the production of a management plan for the project and ensuring that there would be some monitoring of the project’s impact and effectiveness as this gave residents some reassurance. He also welcomed the regular maintenance of the dyke to the north west of the site to be undertaken by Water Management Alliance. He requested that residents be sent copies of both the monitoring and meeting minutes as well as the contact name of the Chair of the Project Group.

Mr Harding, on behalf of the applicant partnership, addressed the Committee emphasising the conservation benefits of the scheme within the site itself as well as providing a more robust site to cope with climate change. Since the meeting when the Committee had first considered the application, extra work had been undertaken to address the concerns raised by the objectors. This included the establishment of a management plan and the responsibilities, more detail on management governance and further calculations of water levels. He clarified that the landowners were responsible for the maintenance of the sluices but Natural England through the stewardship schemes could ensure that this was carried out. He emphasised that the project should not increase flood risk and as much evidence as possible had been provided. It was considered that the management of the scheme would provide additional flood defences and major benefits.

Members welcomed the additional information, particularly relating to the issue of accountability and governance. They were mindful of the concerns of local residents and considered that it would be beneficial and important to have provision for a representative from East Ruston Parish Council or a nominated resident on the Management Board Project Group. This would be in addition to the minutes and monitoring

findings being distributed to the parish council and local residents as detailed by the Head of Conservation.

Members considered that the project was very important for nature conservation and represented an interesting and strategic approach to the challenges facing the Broads, particularly that of climate change. It was considered that the partnership had provided as much information as possible to satisfy the Committee on the planning merits. It was considered that there were no reasons to justify a refusal.

RESOLVED unanimously

That the application be approved subject to conditions as set out at Appendix 2 to these minutes including an additional condition that a parish representative be included on the Management Board for the project. The Proposal is considered to be in accordance with adopted Broads Local Plan saved Policy C1 and Core Strategy Policies CS1, CS4, CS13 and CS20.

(4) **BA/2009/0322/FUL Land adjacent to Land At Dutch Tea Gardens, Oulton Broad Lowestoft**

Installation of 80 metre Floating Mooring Pontoon for Short Stay Moorings

Applicant: Broads Authority

The Planning Assistant emphasised that the site fell within a popular area of the Broads which had recently been the subject of BESL flood defence and enhancement works and where the Authority provided 50 metres of 24 hour moorings. The proposal was to extend those moorings by adding an 80 metre pontoon that would be accessed via two ramps, one from the existing moorings, the other from a public right of way.

The Planning Assistant updated the Committee on consultations received since the report had been written:

- Broads Society – supported the application but were concerned about the hand rails.
- Suffolk Wildlife Trust - expressed concern that the extended pontoon might result in an increase in visitor numbers to the adjacent county wildlife site with an attendant increase in disturbance and other problems such as litter. They wished to seek assurances as to how this problem of litter could be dealt with in the future. They also wished to have some idea of the expected increase in usage in order to review the amount and position of interpretation and information signage.

The Planning Assistant emphasised that the Authority's Mooring Strategy sought to improve and extend moorings in order to provide a

better service to visitors. The proposal was in accordance with this as it would provide an increased capacity close to the popular destination of Oulton Broad as well as provide low boat users access to the land. The pontoon would not impede navigation and by its design and positioning would blend in with the surrounding area. The proposal was recommended for approval.

Members welcomed the provision of additional facilities but expressed concern about the litter problem and considered that this should be addressed, particularly as considerable efforts had been made to establish links with the local community to tidy up the marshes area generally in the past. It was suggested that these concerns should be forwarded to the applicant and the matter be addressed possibly in conjunction with the parish council.

RESOLVED unanimously

- (i) that the application be approved subject to conditions as set out at Appendix 2 to these minutes as the proposal is considered to be in accordance with adopted Broads Local Plan Policies TR1, TR21, and B11; and
- (ii) that a letter be forwarded from the Planning Committee to the applicant to request that the area be managed appropriately with due regard to the concerns expressed by the Suffolk Wildlife Trust.

- (5) **BA/2009/0032/ADV The Town House, 18 – 22 Yarmouth Road, Thorpe St Andrew Norwich**  
Erection of Advert – 1 Post sign (non-illuminated) and 1 Amenity Sign (non-illuminated)  
Applicant: Mr John Swindells

The Planning Assistant explained that the application had come before the Committee in view of the objections received from the Parish Council in relation to car parking. The Highways Authority had no objections. The Planning Assistant concluded that the signs were in keeping with the character of the area and would not impinge on public safety. They would replace two “sandwich board” style signs. It was considered that the proposal would preserve and enhance the character of the Conservation Area and not adversely impact on the setting of the Grade 2 Listed Town House.

The Committee concurred with the officer’s assessment.

RESOLVED unanimously

that the application be approved subject to conditions as set out at Appendix 2 to these minutes. The sign is considered to be in keeping with the character of the area and will not impinge on public safety and

is considered to be acceptable and in accordance with saved Policies B9 and B11 of the Broads Local Plan.

- (6) **BA/2010/0002/FUL Bureside, Water Works Road, Horning**  
Replacement of existing timber quay heading  
Applicant: Broads Authority

In presenting the report the Planning Officer explained that the site of the former Horning Waterworks was occupied and managed by the Broads Authority as an operational field base. The moorings were used for the Authority's work boats but the existing quay heading was dilapidated and in poor condition. The proposal was to replace approximately 37 metres of quay heading in order to make it safe for access and egress. No objections or representations had been received.

Given that the proposal was for the replacement of existing quayheading in association with an established development, members considered it acceptable.

RESOLVED unanimously:

that the application be approved subject to conditions as set out at Appendix 2 to these minutes. The proposal is considered to be in accordance with saved Broads Local Plan Policies B11 and C8.

- (7) **BA/2009/0320/CU Wroxham Leisure Centre, Norwich Road, Hoveton**  
Change of use of part of amusement arcade (use class D2) to a sweet shop (use class A1) and a hot doughnut kiosk (use class A5)  
Applicant: Mr Malcolm Grey

(This application was dealt with after 5/8(4) prior to 5/8 (5))

The Head of Development and Regeneration presented the proposal explaining that it involved changing the use of part of the amusement arcade to a sweet shop and providing a hot doughnut kiosk nearest to the river facing the bridge. The existing fence would be replaced by a chain link fence. The application had come before the Committee in view of the objections received from the Parish Council in relation to the kiosk due to potential congestion on the pavement, and the use of the adjoining land, which was owned by Norfolk County Council and managed by NPS (Norfolk Property Services). There were no objections to the application for the sweet shop. In assessing the application, the Head of Development and Regeneration concluded that the proposed change of use would introduce a business activity that was in keeping with the character of the area, and could occur without adversely affecting the character of the building. It was considered that there would be adequate space for queuing customers

with the removal of the coin operated machines and a new service area within the land owned by the applicant.

Mrs Newey on behalf of Wroxham Parish Council was given the opportunity to address the Committee confirming her Council's strong opposition to the kiosk, especially so near to Wroxham bridge, which became very busy with pedestrian visitors to the area including those crossing from the Broads Tours site. There was concern that this application would not preserve or enhance the area.

Mr Grey, the applicant was given the opportunity to address the Committee, commenting that the aim was to improve the facilities provided generally and in view of the decrease in popularity of the amusement arcade, adapt the business accordingly. The kiosk was part of the whole scheme.

In general, members considered that the application was acceptable in the context of the surrounding area and that there were no planning considerations to warrant a refusal.

RESOLVED by 8 votes with one abstention

that the application be approved subject to conditions as set out in Appendix 2 to these minutes. The proposal is considered to be in accordance with Broads Local Plan Policies B11 and EMP3 and the adopted Core Strategy Policy CS22.

- (8) **BA/2009/0330/FUL Mallards, Brimbelow Road, Hoveton**  
Proposed replacement dwelling, garage and quay heading  
Applicant: Mr W Shubrook

The application was brought before the Committee as the applicant was an Auxiliary Navigation Ranger for the Authority. The replacement dwelling would be in approximately the same position as the existing although re-orientated and approximately moved four metres to the north. The footprint would match the existing. The Planning Assistant explained that amended plans had been submitted for the replacement dwelling in response to concerns from officers. Re-consultation had taken place and no objections raised.

Members considered that the proposal represented an improvement.

RESOLVED

that the application be approved subject to conditions as set out at Appendix 2 to these minutes. The proposal is considered to be in accordance with saved Broads Local Plan Policies B11, C8, H1, INF2 and WH8 and Policies CS1 and CS20 of the adopted Core Strategy.

- (9) **BA/2009/0345/FUL Anchor Cottage, Stokesby with Herringby**  
New fuel store shed  
Applicant: Mrs W Martin

The Planning Assistant explained that the application was seeking retrospective consent for works already completed for a new fuel shed built to the south of the existing shed, adjacent to a now demolished outbuilding and barn/stable. The applicant had considered that permitted development rights had existed. The design, form and materials of the fuel store were considered to be acceptable and in keeping with those of the existing shed. The application was recommended for approval.

Members concurred with the officer's assessment and considered that it would not result in overdevelopment.

RESOLVED unanimously

that the application be approved subject to conditions as set out at Appendix 2 to these minutes. The proposal is considered to be in accordance with saved Broads Local Plan Policies B11 and H11 and Policy CS1 of the adopted Core Strategy.

The Committee adjourned for lunch.

**Dr J M Gray in the Chair**

## **5/9 Enforcement of Planning Control:**

- (1) **Unauthorised Motor Caravan at Pyes Mill, Loddon**

The Committee received a report concerning the unauthorised stationing of a motor caravan and its residential use on land at Pyes Mill, Pyes Lane, Loddon. No planning permission existed or had been sought. The development of the land for residential use, or of the erection of buildings for such purposes, would be contrary to Broads Local Plan Policies and Core Strategy Policies CS1 and was likely to be resisted.

RESOLVED

- (i) that authority be given to serve an Enforcement Notice requiring the removal of the motor caravan from the site; and
- (ii) that authority be given to commence prosecution proceedings should the Enforcement Notice not be complied with.

## **5/10 Belaugh Conservation Area Re-Appraisal Public Consultation**

The Committee received a report on detailed re-appraisal work which had been carried out on the existing Belaugh Conservation Area, which fell wholly within the Broads Authority area, and proposed an extension to that Conservation Area, a small part of which fell within the Broadland District Council boundary. The Authority was proposing to organise and fund the public consultation exercise on behalf of both authorities, details of which were outlined. A summary leaflet would be distributed to all households in the parish and other stakeholders, copies of which were circulated. This contained a map indicating the proposed boundary and a summary of the effects of designation. The Head of Cultural Heritage and the Director of Planning and Strategy had been invited to attend the April annual parish meeting and would take the opportunity to provide further information on the conservation area status and extension. Members' comments were invited on the Draft Re-appraisal prior to its publication for public consultation.

It was noted that the officers would continue to carry out appraisal work using qualified consultants under the direction of the Head of Cultural Heritage and Design and bring detailed reports to Committee.

Members considered that the reappraisal of the Belaugh Conservation Area, the proposed Management Plans and the revised boundary indicated on the draft map were very worthy of conservation area status following detailed assessment and endorsed the documents, subject to minor amendments, for public and stakeholder consultation.

RESOLVED:

- (i) that the Belaugh Conservation Area Appraisal be noted; and
- (ii) that the Appraisal be endorsed for the purposes of Public Consultation subject to comments from members being incorporated.

## **5/11 PPS Consultation Development Management: Pro-Active Planning from Pre-Application to Delivery**

The Committee received a report on the publication by the Government of a new Draft Planning Policy Statement (PPS) on Development Management and upon which the Authority's comments were invited. The PPS included a number of policies that formed a basis for procedures and good practice in the operation of the planning service and also posed a series of consultation questions for which officers had provided a draft response. The PPS was welcomed in that it provided clarity on the Government's intentions for the future direction of the planning function. However, on the whole, it did not provide much that was new and it was considered that a well appointed planning service should have already been operating in the manner suggested, unless there were insufficient resources.

It was noted that there was considerable emphasis on the pre-application stage and encouragement for potential applicants to seek advice at a very early stage. It was considered that the Authority put a good deal of time into this element which members felt was beneficial.

Members welcomed the proposed response.

#### RESOLVED

- (i) that the contents of the PPS Development Management document and report be noted; and
- (ii) that the comments set out in Appendix B to the report be endorsed as the Authority's response to the Government Consultation Document.

### **5/12 Consultations Update and Proposed Responses**

The Committee received a report together with a schedule of consultation documents received by the Authority since the last Planning Committee meeting in January 2010 together with the nature of the response made or proposed. In particular members noted the receipt of consultation papers from:

- The Department of Communities and Local Government on Policy Options for Geographic Information from Ordnance Survey.
- The Department for Communities and Local Government on Guidance for Local Authorities on the Road to Zero Carbon and consultation on the Code for Sustainable Homes and the Energy efficiency standard for Zero Carbon Homes.
- Norfolk County Council on its Third Local Transport Plan – Connecting Norfolk .

With regards to the following:

- Suffolk County Council on Waste Core Strategy Submission Draft and Sustainability appraisal - it was proposed that detailed informal comments would be made to ensure that the policies adopted were in association with the Authority's own policies.
- North Norfolk District Council Site Specific Proposals Draft Plan: Schedule of Key Changes – it was suggested that specific comments be made in relation to the area adjacent to Stalham along the following lines:
  - that the proximity to the designated Broads area be noted;
  - that concerns be expressed that:
    - the site is detached from Stalham and represents significant development in the open countryside, and
    - allocation is difficult to reconcile with the totality of the treatment of Stalham in the Core Strategy.

RESOLVED

that the report and the nature of response proposed or made be endorsed.

**5/13 Planning Policy Statement 4: Planning for Sustainable Economic Growth**

The Committee received a report advising of the Government's new national Planning Policy Statement 4: Planning for Sustainable Economic Growth which promotes economic growth and was likely to have implications for rural areas and protected landscapes.

RESOLVED

that the Government's issue of PPS4 Planning for Sustainable Economic Growth be noted together with the implications that this would have for the determination of planning applications and future Broads Planning Policy.

**5/14 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 21 December 2009 to 26 January 2010.

RESOLVED

that the report be noted.

**5/15 Appeals to the Secretary of State: Update**

The Committee received a table showing the position regarding appeals against the Authority since August 2009 as set out in Appendix 1 to the report. It was noted that a further two appeals had been received relating to The Old Rectory at Burgh Castle and the unauthorised mooring of a vessel at Thorpe Island, Thorpe St Andrew, Norwich.

RESOLVED

that the report be noted.

**5/16 Enforcement Update**

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

RESOLVED

that the report be noted.

**5/17 Circular 28/83 Publication by Local Authorities of Information about the Handling of Panning Applications**

The Committee received a report which set out the development control statistics for the quarter ending 31 December 2009.

The Committee congratulated officers on the targets achieved.

RESOLVED

that the report be noted.

**5/18 Date of Next Meeting**

It was noted that the next meeting of the Planning Committee would be held on Friday 5 March 2010 at 10.00 am at Dragonfly House, 2 Gilders Way, Norwich NR3 1UB.

The meeting concluded at 2.23 pm

CHAIRMAN

## Code of Conduct for Members

### Declaration of Interests

Committee: Planning Committee

Date: 5 February 2010

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 √
M C Broom	5/8	Member of Navigation Committee, Toll Payer, NSBOA (Norfolk and Suffolk Boating Association), BHBF (Broads Hire Boat Federation)	
Dr J S Johnson	5/8(5)	Neighbour of applicant is wife's relative. (Personal not Prejudicial)	
A S Mallett	General 5/8  5/8 (1)(2)(4)  (min 4/9(2) 5/16	Member Norfolk and Suffolk Boating Association Toll Payer  Member of Navigation Committee did not take part in discussion or vote when item discussed.  Member of Norwich Frostbite Sailing Club (If item discussed will absent self from meeting)	√
G Jermany		Toll Payer Member of Great Yarmouth Borough Council	
N Dixon	General	Norfolk County Councillor General	
Interest from all Members	5/8(2), 5/8(3) 5/8(4) 5/8(6)	in view of 4 applications on agenda from Broads Authority.	

**Decisions on Planning Applications considered by the Planning Committee on  
5 February 2010**

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2009/0300/FUL Compartment 6a, Hickling Horsey Heigham and Somerton</b>	Hickling, Horsey, Heigham and Somerton	Environment Agency	Flood Defence improvements to embankments including online strengthening of floodbanks and excavation of soke dykes with temporary site compounds and associated works.
<p><b>Decision unanimous</b></p> <p>Approve subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• standard time limit condition;</li> <li>• amended plan (strengthening at Somerton Dyke);</li> <li>• permitted development rights removed (piling);</li> <li>• landscaping/planting;</li> <li>• archaeological investigation;</li> <li>• site access/delivery route / Construction Management Plan;</li> <li>• navigation hazard markers (if applicable);</li> <li>• restoration of site compound areas after use;</li> <li>• restoration of working/mitigation measures;</li> <li>• hours of working;</li> <li>• phasing of works to flood banks;</li> <li>• erosion protection to accord with detail agreed with Broads Authority;</li> <li>• details of sheet piling/repair to be agreed; and</li> <li>• specific route for transportation of material as required by the Highways Authority.</li> </ul> <p>The following information is to be specified on the decision notice of the planning application:</p> <ul style="list-style-type: none"> <li>• The permissions shall be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.</li> <li>• Works may need separate consents under the Water Resources Act and Land Drainage By-Laws.</li> </ul> <p><b>Reasons for Decision</b></p> <p>The application is considered to meet the requirement of the Broads Local Plan and Core Strategy DPD policies, in particular Policy INF5 (Broadland Flood Alleviation</p>			

Strategy) and would not materially conflict with other policies in the Plan and Strategy. The proposal is considered to represent an appropriate design of development associated with flood defence work in this location.

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2009/0238/FUL</b>  <b>Potter Heigham</b>	Duck Broad, Potter Heigham	Broads Authority	Re-creation of island consisting of containment perimeter wall of steel baskets lined with polyethylene bags and filled with locally sourced dredging material with the 'void' space created filled with further dredging

**Decision by 10 votes to 1 against**

Subject to the Environment Agency withdrawing their objection, delegated authority to officers to approve the application subject to the following conditions:

- standard time limit condition;
- amended plan / details;
- landscaping/planting (including treatment of the vertical edges);
- colour of lining of baskets;
- navigation markers;
- timing / phasing of works;
- structural / environmental monitoring;
- remediation strategy;
- pollution control;
- Prymnesium Action Plan to be agreed: Fish Rescue Plan to be agreed prior to any works being carried out;
- reed establishment targets to be agreed;
- no works to commence on the whole island without written consent following assessment of trial island monitoring; and
- full consultation to take place on completion of Phase 1 and on assessment of trial island monitoring to include Natural England, Environment Agency, and angling organisation.

**Reason for Decision**

The application is considered to meet the requirements of development plan policy, contained in the Broads Core Strategy and Broads Local Plan as it would protect or enhance ecological, landscape and recreational interests and safeguards are in place to mitigate against potential risks. The proposal is considered to represent an appropriate design of development to provide the island and accommodate dredging.

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2009/0220/FUL</b> <b>East Ruston</b>	South Fen and Tonnage Bridge Marshes, East of North Walsham and Dilham Canal, East Ruston	Broads Authority	Development of wetland on a series of grass marshes

**Decision unanimous**

That planning permission be granted subject to conditions to include:

- standard time limit;
- in accordance with submitted drawings;
- hours of working to be agreed;
- monitoring of water levels;
- compliance with the submitted management plan; and
- a representative from the parish being included on the management board.

**Reason for Decision**

The proposal represents a pro-active and strategic approach to the challenges facing the Broads; if successful it has wider implications as a template for adaption. It is considered to be in accordance with saved Broads Local Plan Policy C1 and the adopted Core Strategy Policies CS1, CS4, CS13, and CS20.

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2009/0322/FUL</b> <b>Oulton Broad</b>	Adjacent to land at Dutch Tea Gardens, Oulton Broad, Lowestoft, Suffolk	Broads Authority	Installation of 80 metre Floating Mooring Pontoon for Short Stay Moorings

**Decision unanimous**

(i) Approve subject to the following conditions:

- standard time limit;
- in accordance with plans; and

- (ii) that a letter be forwarded from the Planning Committee to the applicant to request that the area be managed appropriately with due regard to the concerns expressed by the Suffolk Wildlife Trust.

**Reason for Decision**

The proposals are considered acceptable and in accordance with policies TR1, TR21 and B11 of the Broads Local Plan.

The proposal seeks to improve an existing, well used, visitor facility, is appropriately designed for the surrounding area and is not considered to affect navigational safety. Biodiversity and protected species have been considered under the previous application for the flood bank works which ensures the impact of the proposals are mitigated against.

District / Ref No / Parish	Situation	Applicant	Proposal
<b>BA/2009/0347/ADV</b>  <b>Thorpe St Andrew</b>	The Town House, 18-22, Yarmouth Road, Norwich	Mr John Swindells	Erection of Advert – 1 Post sign (non-illuminated) and 1 Amenity Sign (non-illuminated)

**Decision unanimous**

Approve subject to the following conditions:

- any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority;
- any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition;
- where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority;
- no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
- no advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military);
- prior to the erection of the sign hereby approved the two ‘sandwich board’ style signs which exist on the grassed section of the lay-by shall be removed. No other signs shall be erected on the grassed section of the lay-by without the prior written consent of the Local Planning Authority;
- time limit;
- in accordance with plans; and
- details on colour and materials to be agreed.

### Reasons for Decision

The proposal is considered acceptable and in accordance with policies B2, B7, B9 and B11 of the Broads Local Plan.

District / Ref No / Parish	Situation	Applicant	Proposal
BA/2010/0002/FUL Horning	Bureside, Water Works Lane, Horning	Broads Authority	Replacement of existing timber quay heading

### Decision unanimous

Approve subject to conditions.

- standard time limit;
- development to be constructed in accordance with submitted plans; and
- all quay heading shall be constructed with timber piling, capping and waling, and any preservative shall be applied only by pressure treatment with non-toxic chemicals.

### Reason for Decision

The development proposed is of a suitable design and is considered to be in accordance with Local Plan Policies B11 and C8.

District / Ref No / Parish	Situation	Applicant	Proposal
BA/2009/0320/CU Hoveton	Wroxham Leisure Ltd, Norwich Road, Hoveton	Mr Malcolm Grey	Change of use of part of amusement arcade (use class D2) to a sweet shop (use class A1) and a hot doughnut kiosk (use class A5)

### Decision by 8 votes with one abstention

Approve subject to conditions:

- standard time limit; and
- development to be constructed in accordance with submitted plans.

**Reason for Decision**

The proposed development is considered to be acceptable in terms of design, would have no detrimental effect on the amenity of neighbouring occupiers and is acceptable in the context of the surrounding area. Consequently, the development is in accordance with Broads Local Plan Policies B11 and EMP3, and Adopted Core Strategy Policy CS22.

<b>District / Ref No / Parish</b>	<b>Situation</b>	<b>Applicant</b>	<b>Proposal</b>
<b>BA/2009/0330/FUL Hoveton</b>	Mallards, Brimbelow Road, Hoveton	Mr W Shubrook	Proposed replacement dwelling, garage and quay heading

**Decision unanimous**

Approve subject to the following conditions:

- standard time limit;
- in accordance with amended plans;
- minimum finished ground floor level;
- no storage of materials or ground raising;
- in accordance with flood proofing measures and flood evacuation plan detailed in submitted Flood Risk Assessment;
- ecological mitigation measures and enhancements as recommended in submitted Protected Species Survey;
- all quayheading to be timber; and
- remove permitted development rights.

**Reason for Decision**

The proposal is considered to be in accordance with saved Policies B11, C8, H1, INF2 and WH8 of the Broads Local Plan (1997) and Policies CS1 and CS20 of the Adopted Core Strategy (2007).

<b>District / Ref No / Parish</b>	<b>Situation</b>	<b>Applicant</b>	<b>Proposal</b>
<b>BA/2009/0345/FUL</b> Stokesby with Herringby	Anchor Cottage, Mill Road, Stokesby	Mrs W Martin	New fuel store shed
<p><b>Decision unanimous</b></p> <p>Approve subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• standard time limit; and</li> <li>• in accordance with submitted plans.</li> </ul> <p><b>Reason for Decision</b></p> <p>The proposal is considered to be in accordance with saved Policies B11 and H11 of the Broads Local Plan (1997) and Policy CS1 of the adopted Core Strategy (2007).</p>			