

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 14 September 2012

#### **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
Mr C Gould	Mr R Stevens

#### **In Attendance:**

Mrs S A Beckett – Administrative Officer  
Mr J Clements – Planning Policy Officer  
Mr B Hogg – Historic Environment Manager  
Ms A Long – Director of Planning and Strategy  
Ms A Macnab – Planning Officer  
Ms C Smith – Head of Development Management

#### **Members of the public in attendance who spoke:**

**BA/2012/0214/FUL Hill Farm, The Hill, Cantley, Limpenhoe**  
Ms Ann Russell Objector

#### **3/1 Apologies for Absence and Welcome**

Apologies for absence were received from Prof J A Burgess, Mr N Dixon, Mr M T Jeal and Mr P Rice.

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

#### **3/2 Declarations of Interest**

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes. A member expressed concern about the contradictory advice he had received on the disclosure of pecuniary interests in association with the new Code of Conduct adopted by the Authority on 13 July 2012.

A Briefing Note on the Disclosure of Pecuniary Interests from the Authority's Solicitor had been circulated which subsequently allayed some of the concerns expressed. The Solicitor would be providing a full briefing on this at the Authority's meeting on 21 September 2012.

### **3/3 Minutes**

The minutes of the meeting held on 17 August 2012 were agreed as a correct record subject to Minute 2/9(1) where two paragraphs were missing. The complete minutes would be circulated for confirmation and signature by the Chairman at the next meeting.

### **3/4 Points of Information Arising from the Minutes**

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

### **3/5 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

### **3/6 Chairman's Announcements and Introduction to Public Speaking**

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

#### **(2) Design Quality Tour - Review**

The Chairman announced that there would be a briefing session following the meeting to consider the sites viewed on the Design Quality Tour last week Friday 7 September 2012. This was aimed at reviewing the development which had been given planning permission within the last few years.

#### **(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, 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.

### **3/7 Requests to Defer Applications and /or vary the order of the Agenda**

No requests had been made to defer any applications.

### **3/8 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/2012/214/FUL Hill Farm, The Hill, Limpenhoe**

Erection of calf shed

Applicant: Mr Paul Dunthorne

The Head of Development Management explained that the proposal involved the erection of a large agricultural building measuring approximately 30 metres by 16 metres and 6.3 metres to the ridge for the purposes of housing approximately 45 calves, particularly in the winter months. It would form part of a substantial farm involving 2,000 head of cattle grazing the marshes. The proposal would be constructed of steel frame with fibre cement profile roof, tanalised Yorkshire boarding within the gable apexes with the sides remaining open for health reasons, and it would sit in front of and 2 metres lower than the recently constructed large cattle shed behind. It was sited so as to reduce its visual impact within the complex.

The building would be sited 400 metres from an old chapel recently granted permission for conversion to residential use and a further 400 metres from residential properties within Limpenhoe. A landscaping bund 2 to 3 metres in height had been created to the south west of the site with native planting to screen the complex from the river and marshes as a condition of a previous planning permission.

The Head of Development Management clarified that whilst no objections had been received when the report had been written, officers were aware that local concerns had been expressed and therefore an objection was anticipated and subsequently received.

Since the report had been written, comments had been received from the Local District Member in support of the application, and three letters of objection. The concerns related to impact on the landscape, over development of the site, buildings being brought closer to Limpenhoe, concerns over access, impact on future amenity of the residents of the converted chapel, and concerns over drainage and run-off.

The Head of Development Management addressed the main issues of principle, design, impact on the landscape, impact on ecology, drainage and neighbour amenity as detailed in the report recognising the prominence and sensitivity of the site within the Broads and the SSSI of Limpenhoe Marshes as well as the importance of farming in terms of the benefits to the local economy. In conclusion, the proposal was considered to be an acceptable form of development which would have no adverse impact on the SSSI or significant adverse impact on neighbouring amenity and would be in accordance with national and local policies. The recommendation was for approval.

Ann Russell on behalf of the residents of Limpenhoe was given the opportunity to address the Committee. She explained that residents had not been aware of the proposal until she had seen, by chance, the site notice. She felt that this was the reason for the parish council's comments of "no objections". There was particular concern about the continued growth of the buildings nearer to the village. Although the new bund effectively screened the buildings from the marshes, this did not help the residents. She considered that a bund was required on both sides and perhaps the proposed building moved into the middle of the farm complex with additional trees being planted on the Reedham Road. It was considered that there had been enough development of the site and that the application should be rejected.

Some members queried the alignment and location of the building and suggestions were made that the application might be deferred for further negotiations with the applicant to consider this. However, in general members recognised that this was a substantial working farm where the proposals regarding the operational design had been given detailed consideration and appeared to be proportionate, reasonable and appropriate to provide the most efficient solution for that operation.

Members were mindful that agriculture and grazing of the marshes were an integral part of the Broads landscape helping to maintain the ecology of the area as well as providing a major contribution to the local and national economy. They noted that the concerns relating to drainage and waste disposal had been addressed and that the Environment Agency was satisfied with the methods being used. Having considered the objections, there did not appear to be any planning reasons to justify a refusal.

Members were, however, sympathetic to and shared the concerns about amenity and the fact that development was moving ever nearer to the residential properties within Limpenhoe. Therefore, they suggested that more landscaping and the possibility of the bund being extended to provide further screening to the north of the site, as well as more of a barrier for further building, should be explored. It was noted that details requiring ecological enhancement had already been submitted and therefore the recommended condition requiring these would not be necessary.

RESOLVED unanimously

that authority be delegated to officers to approve the application subject to conditions as follows:

- Time limit.
- In accordance with plans submitted.
- A satisfactory landscaping scheme including provision of extended bund.

Subject to the above, the proposal is considered to be acceptable and in accordance with the National Planning Policy Framework (2012) and Policies CS1 and CS18 of the adopted Core Strategy (2007) and DP1, DP2, DP4 and DP28 of the adopted Development Management Policies DPD (2011).

**3/9 Local Development Framework: Preparation of Site Specific Policies Development Plan Document Report on Preferred Options Consultation and Proposed Development Plan Document**

The Committee received a report on the process of preparing the Site Specific Policies Development Plan Document (DPD). This included the results of the consultation on the “Issues, Options and Preferred Options” which was carried out in spring 2012. Although the number of responses did not seem large, it was noted that many of these were detailed. Members noted that the Draft “Proposed DPD” took into account the results of the consultation and further research. They noted that the Site Specifics DPD would complement the already adopted Core Strategy and Development Management Policies DPDs and replace the last of the remaining “saved” Broads Local Plan policies. It would also provide the content for the Authority’s Adopted Policies Map. Members noted that the proposed DPD would be reported to the full Authority for its approval as firm proposals for adoption following consideration at this meeting.

Members noted the main issues arising from the consultation. In particular they noted the additional consultation undertaken in response to the Parish Council representation relating to Draft Site Specific Policies for West Somerton as detailed, namely to include an additional small area for development allocation, and they endorsed the approach having been taken. They noted that not all of the area requested for allocation by the Parish Council had been included, as part of it was not supported by the landowner. It was clarified that it was not usual to allocate land which was unlikely to come forward for development during the life of the plan.

The principal changes to the draft site specific policies were noted and supported – the addition of the housing development at West Somerton, protection for the potential path on the Haddiscoe-Beccles Rail Trackway within the Authority’s area, the deletion of five development boundaries (Beccles, Bungay and Ditchingham Dam, Great Yarmouth (Newton), Ludham and Reedham) the development of Marsh Road at Oulton Broad, and St Benets (where much work had already taken place and other policies were already in place to cover the area). The inclusion of the recommended development boundaries for Horning, Oulton Broad and Wroxham and Hoveton and the minor changes in local areas were also noted and supported.

It was clarified that although there was a reduction in the number of development boundaries, this did not mean that new development could not take place and the Authority’s Development Management Policies (notably DP22) would be in place to address and assess any applications.

In particular members noted that there had been minor elaboration or clarification in most of the policies and that the Thorpe Island policy had been significantly reworded to reflect the recent appeal decision.

Members' attention was drawn to the outstanding objections concerning individual policies and absences particularly for Cary's Meadow, Ropes Hill Dyke in Horning, Whitlingham and the Trinity Broads, as well as the general issues raised by the Environment Agency, the RSPB and Norfolk County Council.

It was noted that further work to complete the DPD would be required, once the document had Authority approval. This included the insertion of NPPF policies into the justification of the policies and minor corrections to wordings and updates would be required including changing "Riverside Pubs" to "Waterside Pubs Network" and reference to potential nearby housing development to enhance Cary's Meadow. Members were invited to contact the Planning Policy Officer with any further minor and grammatical corrections.

Members congratulated officers on the process and fully endorsed the approach being taken which appeared to accord with the "localism" concept, together with the proposed amendments.

Members gave specific attention to the additional Model PINS policy required by the government to be included within the document. They queried whether the Site Specific Policies was the most appropriate location for such a policy. It was clarified that ideally it should be included within the Authority's Core Strategy. However, this was the only document available. The Committee accepted that the Model Policy should be included within the Site Specifics Policies DPD but was concerned that particular references should be made, within the Planning Summary Assessment for the policy or the policy itself, to the special qualities of the Broads and the treatment of sensitive areas as detailed within the National Planning Policy Framework.

#### RESOLVED

- (i) that the contents of the Consultation report be noted;
- (ii) that the contents of recommended Site Specific Policies DPD be noted;
- (iii) that in addition to the suggested changes with the recommended Site Specific Policies DPD, additional wording be included within the Planning Summary relating to the PINS Model Policy to make specific reference to the treatment of sensitive and special areas such as the Broads as referred to within the National Planning Policy Framework;

- (iv) that the provisional timetable be noted as follows:
- Authority decision on proposed DPD – 21 September 2012;
  - Formal publication for comment and consultation – 1 November 2012 – 13 December 2012;
  - Formal submission to Government – January/February 2013.
  - Examination Hearing – Spring 2013;
  - Adoption – Summer 2013;
- (v) that the Broads Authority be recommended:
- (a) to approve the draft DPD as its formal “Proposed Site Specific Policies DPD” for publication, and submission to examination, with a view to eventual adoption; and
- (b) that authority be delegated to the Chief Executive in consultation with the Chairman and Chairman of the Planning Committee to make minor changes to the DPD, complete with accompanying documentation, and to recommend any changes to the Inspector conducting the examination.

**3/10 Applications Referred to the Broads Authority for Consultation – to be determined by Broadland District Council**

**BA/2012/0246/NEIGHB Pinebanks, 9 Yarmouth Road, Thorpe St Andrew**  
Demolition of existing buildings and erection of up to 215 dwellings, construction of two new vehicular accesses together with associated infrastructure, roads, open space and landscaping

**BA/2012/0247/NEIGHB Land at Griffin Lane, Thorpe St Andrew**  
Erection of up to 52 dwellings and community building (of up to 645sqm GEA) and construction of new access together with associated infrastructure, open space, roads and landscaping

**Applicant: Berliet Limited**

The Committee received a detailed presentation of the two applications which would be determined by Broadland District Council. It was noted that the applications were dealt with in combination as, if approved, they would be linked by a Section 106 Agreement. Both applications were seeking outline consent with all Matters Reserved except for Site Access. The Authority’s comments would be concentrated on the main issues of concern to the Authority which were those of the impact on landscape and ecology. Officers had been in detailed pre-application discussions with the developers and it was pleasing to note that many of the comments made had been taken on board by them.

It was considered that both development sites had the potential to impact on the Broads with a greater potential impact being from the proposed development at the Griffin Lane site, being adjacent to the Authority’s

executive area as well as the Authority's dockyard site and containing all three flood zone areas. The applicant proposed to concentrate the housing development on the higher ground, excluding the land within the Authority's area for development, and keep a buffer zone of planting with low key natural recreation being provided, which was to be welcomed. It was clarified that the Authority's officers had been involved in assessing the ecological value of the site, and provided advice on mitigation measures. In conclusion it was considered that the proposals represented an appropriate form of development and that the density and use was appropriate.

Members considered the detailed comments set out in the report and resolved to submit these. Overall, the Committee welcomed the proposals and supported the comments recommended. However, concern was expressed about the concentration of affordable housing in one particular area which could result in a "ghetto" type of development. A more mixed element of housing was considered preferable. Members particularly welcomed the proposal for an improved access into Griffin Lane. They also particularly welcomed the mitigation measures included in relation to the impact on the ecology and landscape of the Broads. Members endorsed the comments concerning lighting.

Members also wished to be assured that there was sufficient infrastructure to support the developments with regard to the quality of the water supply and disposal of foul sewage.

#### RESOLVED

that the comments contained within the report and outlined above be endorsed as the views of the Authority and that these be forwarded to Broadland District Council in response to the applications 2012/1017 and 2012/1020 (Broads Authority BA/2012/0247/NEIGHB and BA/2012/0246/NEIGHB).

### **3/11 Joint Core Strategy for Broadland, Norwich and South Norfolk Regulation 19 Publication and Sustainability Appraisal Consultation – Addressing the Judgement of Mr Justice Ouseley in Heard v Broadland District Council, South Norfolk Council and Norwich City Council: Proposed Submission Content**

The Committee received a report on the contents of the current consultation on the Joint Core Strategy for the Greater Norwich Area and the implications of the document for the Broads area, especially in light of the recently received decision from the Inspector relating to the judicial review.

It was noted that after assessing the options the Greater Norwich Development Partnership had concluded that the most appropriate option was the same as the one originally proposed in the Joint Core Strategy. The current document included additional evidence to support the conclusions. Attention was drawn to the specific comments relating to water infrastructure

and the hope that the high priority commitment to be given to delivering appropriate green infrastructure in the north east of Norwich be maintained.

Members endorsed the proposed response.

RESOLVED

- (i) that the report be noted; and
- (ii) that the Authority raises no objections to the consultations and that the comments outlined in Section 5 of the report be endorsed and forwarded as the Authority's official response.

### **3/12 Enforcement Update**

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

RESOLVED

that the report be noted.

### **3/13 Appeals to the Secretary of State: Update**

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

Members welcomed the decisions in relation to:

- E9505/A11/2167180/NWF Fir Tree Farm, Waxham; and
- E9505/C12/2167767 38 and 39 Crabbetts Marsh, Horning;

where the appeals were dismissed and the Authority's policies and conclusions upheld.

It was also noted that the Appeal E9505/A12/2182365 site between Windmill Cottage and The Boundaries, Thorpe Road, Haddiscoe for the erection of a dwelling would be dealt with by written representations and not a hearing as requested by the appellant.

RESOLVED

that the report be noted.

### **3/14 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 6 August 2012 to 3 September 2012.

RESOLVED

that the report be noted.

**3/15 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 12 October 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

The meeting concluded at 12.27 pm

CHAIRMAN

## Code of Conduct for Members

## Declaration of Interests

Committee: Planning Committee

Date: 14 September 2012

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)
A S Mallett	General 3/3  3/9  3/12  3/10 Pinebanks/ Griffin Lane applications within BDC	Appointed by Broadland District Council Minutes as per previous meeting  Member of BDC and Norwich Frostbite Sailing Club (NFSC) consultees  First item – member of NFSC – will retire if required  I am an elected member of BDC entitled to a salary and consequently advised that I have a disclosable pecuniary interest which requires my absence. Have applied for a dispensation two weeks ago and have had no response. The Member Services Officer at BDC takes a different view. – <i>Later advice following representations indicates that in fact District Councillors may stay, speak and vote on planning applications in their Districts, contrary to advice previously given. This is in accordance with advice recommended from BDC.</i>
P Ollier	3/9	Member of Horning Sailing Club RP/HOR5
C Gould	3/8 and 3/9	Lobbied by objector (3/8) Member of South Norfolk Council (3/9)
J M Gray	3/9  3/10	Appointed by Secretary of State, also a member of South Norfolk Council.  Member of Norfolk Geodiversity Partnership – consultees - private interest. (The group provided comments relating to an important regional geological site within one of the applications)