

**Broads Authority**  
**Planning Committee**

Minutes of the meeting held on 20 July 2012

**Present:**

Mr M Barnard	Mr A S Mallett
Prof J A Burgess	Mr P E Ollier
Mr N Dixon	Mr P Rice
Dr J M Gray	Mr R Stevens
Dr J S Johnson	

**In Attendance:**

Mrs S A Beckett – Administrative Officer  
Ms M Hammond – Planning Assistant  
Mr B Hogg – Historic Environment Manager  
Mr S Bell – for the Solicitor  
Ms C Smith – Head of Development Management  
Ms K Wood – Planning Assistant

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

**BA/2012/0127/FUL 2 Broad Road, Fleggburgh**

Mr Best                      Applicant

**BA/2012/01124/CU Carlton Marshes Nature Reserve, Carlton Colville**

Mr Kerkhof                      Objector  
M Mr Mathew Gooch      Chief Executive, Suffolk Wildlife Trust

**BA/2012/0056/FUL Silver Dawn, Woodlands Way, Horning Reach,  
Horning**

Mr Nick Barrett              Applicant  
Messrs Murrells              Objectors  
Ms Barbara McGoun      Local District Member

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

Apologies for absence were received from Mrs S Blane, Mrs J Brociek-Coulton, Mr C Gould and Mr M T Jeal.

The Head of Development Management welcomed everyone to the meeting.

**1/2 Appointment of Chairman for forthcoming year 2012/13**

The Head of Development Management invited nominations for the appointment of Chairman. Having been nominated and duly seconded, it was

RESOLVED

that Dr Murray Gray be appointed as Chairman for the forthcoming year.

Dr Gray in the Chair

**1/3 Appointment of Vice-Chairman for the forthcoming year 2012/13**

The Chairman invited nominations for the appointment of Vice-Chairman. Having been nominated and duly seconded, it was

RESOLVED

that Mr Colin Gould be appointed as Vice-Chairman for the forthcoming year.

**1/4 Declarations of Interest**

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

**1/5 To receive and confirm the Minutes of the meeting held on 22 June 2012**

The minutes of the meeting held on 22 June 2012 were confirmed as a correct record and signed by the Chairman.

**1/6 Points of Information Arising from the Minutes**

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

**1/7 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

**1/8 Chairman's Announcements and Introduction to Public Speaking**

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

**(2) Design Quality Tour**

The Chairman announced that it was proposed to hold the Design Quality Tour on Friday 7 September 2012. This was aimed at visiting development which had been given planning permission within the last few years and this year the itinerary would be concentrating on the southern area of the Broads. Unfortunately he would be unable 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, 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 applications.

**1/9 Requests to Defer Applications and /or vary the order of the Agenda**

No requests had been made to defer any applications.

There had been a request to vary the order of business and bring forward consideration of application BA/2012/0056/FUL at Silver Dawn due to the fact that the objector has limited mobility. As the first two applications had been deferred from the previous meeting, it was agreed that application BA/2012/0056/FUL Silver Dawn, Woodlands Way, Horning be dealt with before application BA/2012/0083/FUL and BA/2012/0084/LBC Greengates, New Lane, Hoveton.

**1/10 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 related 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/2012/0127/FUL 2 Broad Road, Fleggburgh**

Replacement of existing garage with timber and brick garage and replacement of existing conservatory with a brick extension  
Applicant: Mr Best

The Planning Assistant explained that the application had been deferred from the last meeting (Minute 8(6)) for further discussions between the applicant and the Authority's officers to address the concerns of the neighbour over the height of the proposed extension and effect on light to the rear garden of the neighbouring property, 3 Ruggs Lane. As a result, the applicant had amended the plans for the replacement of an existing dilapidated conservatory with a single story brick and tile lean-to extension with upvc windows and two velux style roof lights. It also included a replacement garage. The revised plans reduced the height of the ridge of the originally proposed lean-to

extension from 4.3m to 3.1metres, and the height of the originally proposed garage from 2.9m to 2.5m.

On re-consultation, the Planning Assistant reported that the neighbour still wished to maintain the objection; the Parish Council had no objections and two emails in support of the revised proposals had been received.

Although it was acknowledged that the proposals still included an increase in height for the garage and conservatory to that of the existing, it was considered that these would not be so significant as to impact adversely in relation to overlooking the neighbour and it was not considered that the proposals would be overbearing. It was considered that the overall ground floor area would be similar to that existing. In conclusion the Planning Assistant recommended approval as the proposal was considered to be an appropriate form of development which would visually enhance the character of the area and would not have a significant adverse impact on neighbouring amenity.

The Applicant, Mr Best, was given the opportunity to address the Committee explaining that he had attempted to reduce the height of the extension, but that any further reduction would require a flat roof, which he did not consider would enhance the property. His intention was to improve the overall visual aesthetics of the property.

Members considered that the applicant had attempted to address the concerns of the neighbour and that the proposal would provide a definite improvement of the site. Members concurred with the officers' assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as the application was considered to be in accordance with the Development Plan policy and in particular Policies DP4 and DP28 of the Development Management Policies DPD (Adopted 2011).

(2) **BA/2012/0124/CU Carlton Marshes Nature Reserve, Carlton Colville**

Change in use from agricultural land to mosaic of reed fringed wetland habitats

Applicant: Suffolk Wildlife Trust

The Head of Development Management reminded members of the background to the application which had been considered by the Planning Committee on 25 May 2012. As a result of the objections stated at the meeting on behalf of the neighbouring landowner and the issues involved, members of the Committee had undertaken a site visit on 7 June 2012. The objections had been received in writing and the issues raised were given detailed consideration within the report and

the presentation. In addition, further information had been received from the applicant and the viewing platform had now been removed from the proposals. Following the proposed works, it was intended that the anticipated resulting increase in biodiversity would then qualify the sites for inclusion within the adjacent SSSI as well as reduce the fragmentation of different habitats. The works proposed used similar techniques to those which had been granted permission and used elsewhere within the Broads and had provided positive biodiversity benefits increasing the variety of species, such as water vole, bittern and other birds and a number of species of snails. Members' attention was drawn to para 118 of the NPPF which stated that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Members were reminded that the NPPF was a material consideration.

The Head of Development Management pointed out where the previously proposed BESL crosswall overlapped with the site of Phase 1 of the proposals. It was explained that the originally granted planning permission for BESL flood defence works had been quashed, but that works had commenced and part of the soke dyke had been constructed, therefore at present this was unauthorised development. This application would regularise those works which had taken place on the area which overlapped with the previous crosswall proposal and this would be welcomed.

In addressing the objections in relation to the overtopping of the floodwall, it was acknowledged that this did occur, but not as a matter of routine and only during major flood events, and that it would not be significant in the context of the whole site. Members' attention was drawn to the information provided by BESL and set out at page 39 of the report which showed that whilst the bank had overtopped in surge conditions it did not overtop as a matter of routine.

With regard to the objection concerning the loss of agricultural land, it was emphasised that this needed to be seen in context. Whilst acknowledging that quality agricultural land should be preserved, and noting that this was covered in the NPPF, the land in question was not classed as of the best and most versatile agricultural land and needs to be drained to be used for anything other than as grassland. It was also noted that the site covered 21 acres and that within one mile of the site over 80% of the land was used for agriculture, totalling 2,500 acres. Furthermore, data from Defra shows that in 2010 there were 27,015 ha in agriculture in Waveney District, of which 6,027 ha were in grassland use, which was a 7% increase on the grassland area in 2007. It was not considered that the proposal would have an adverse impact on the economic or other benefits of the best and most versatile agricultural land, nor was the proposal to use for biodiversity gain in conflict with the NPPF.

Since the report had been written, a further late objection had been received by e-mail, from David Merson and this was circulated at the meeting and each of the points was addressed by the Head of Development Management in turn:

- Amendments to the scheme – notice of these had been forwarded to the objector in writing on 26 June 2012 to provide an opportunity for comment. The intention to amend the application had been outlined by the applicant at the site meeting, which had been attended by the objector. The objector was also at the site meeting.
- Loss of agricultural land – these matters had been previously covered.
- Shooting over the land – no evidence had been provided as to shooting. The LPA had no records of planning permission for shooting on the land and it had enquired locally, but had not found any evidence of extensive shooting taking place. Any shooting therefore could only take place under permitted development rights for 28 days per annum. There was consideration of this and the fact that it could have established a lawful use. It was a consideration but the development was not one that only attracted birds! .
- Overtopping – it was acknowledged that overtopping did not occur as a matter of routine (only in major surge conditions as previously outlined), and that it would not be significant in the context of the whole site and there was not sufficient evidence to warrant refusal of planning permission.
- Relevant policies – as a result of the removal of the viewing platform, the policies in association with this had been removed from the assessment.

Having provided a detailed assessment in the context of the revised application, and considering it against the Development Management Policies and also the National Planning Policy Framework, it was considered that there were no significant impacts from the scheme which would outweigh the justification for the proposals and therefore the scheme was recommended for approval.

Mr Matt Gooch, Suffolk Wildlife Trust, in answer to questions clarified that up until now the newly acquired site, subject of the application, had been grazed but that the grazier now no longer kept cattle. If the proposal was approved, there would be a temporary loss of grazing but once the site was established grazing would be re-established but at a lower intensity.

With regards to shooting on the adjacent land, Mr Gooch was not aware of this happening on a daily basis, as alleged by the objector's representative. Any shooting which did take place did not interfere with or have a detrimental impact on the activities of the Trust.

The members then asked the objector to clarify the position over the shooting. Mr Kerkhof explained that the land at Peto's Marsh and adjacent to the application site was let to a shooting syndicate who shoot there regularly. In response to questions he said that the application proposal would not adversely affect the shooting, but that it was not sensible to encourage wildlife to an area adjacent to a shoot.

Given the opportunity to respond, Mr Gooch explained that the site was not only important for breeding birds but also for aquatic invertebrates and other species and these were a component of biodiversity as much as birds.

Members considered that the site visit had been exceedingly helpful in providing clarification of the issues involved. They were satisfied that the issues had been carefully addressed within the assessment and in the presentation to Committee and that the principal objectives of the scheme in creating new habitats could be achieved and would contribute to the Biodiversity Action Plan and therefore should be supported. The objections were noted and the Solicitor explained the potential dangers of a possible judicial review challenge that had been alluded to in correspondence. However, on the basis that the objections had been addressed, members were satisfied that the proposals would provide benefits to the area and therefore they did not consider that there were grounds to refuse the application.

Dr Johnson proposed, seconded by Mr Barnard and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report. The application was considered to be in accordance with the National Planning Policy Framework and meet the requirements of the development plan policy (notably Core Strategy Policies CS1, CS2, CS9 and CS18, and Policies DP1, DP2, DP4 and DP29 of the Development Management Policies DPD (2012).

(3) **BA/2012/0056/FUL Silver Dawn, Woodlands Way, Horning Reach, Horning**

Demolition of existing bungalow and associated sheds/buildings on site and replacement with new chalet style dwelling and garage  
Applicant: Mr Nick Barrett

The Planning Assistant explained that the application proposed a replacement dwelling that would be like for like in terms of flood risk. However, the addition of first floor accommodation would be significantly higher than the existing, resulting in an overall increase in scale. However, this was not considered inappropriate in the context of the character of the area and would also represent an improvement in terms of flood risk. The total footprint would be equal to that on site already. The application was before Committee due to the objections

received. As a result of these, the plans had been amended, however there remained an objection to the amended scheme. It was noted that there was some discrepancy over the heights of the existing buildings, but this could be dealt with in the conditions which could refer to any new heights relative to existing. The plans were acceptable in terms of HOR1 of the Broads Local Plan which was still relevant and would not have a significant impact on the landscape. Having given careful consideration to the neighbour objections it was considered that the impacts would not be unacceptable and the proposal was recommended for approval.

Members had received copies of the objection from the owners of Swallows Bank, Woodlands Way, Horning who were not able to attend the Committee Meeting.

Messrs Murrells, from Broadhaven, as objectors were given the opportunity to address the Committee. Although not objecting to the principle of a replacement property on the site, they expressed considerable concerns about the errors apparent in relation to the measurements stated in the plan and were particularly concerned about the proposed increase in height, which was considered to be oppressive and overbearing. It was considered that the facts presented to the Committee were wrong; there were inaccuracies on the plans and these were misleading.

Mr Barrett, the applicant, acknowledged that there were discrepancies with the measurements on the plans due to two different GPS Surveys having been carried out. He considered that these problems could be addressed through the acceptance of the condition relating to correct amended plans, which would state any new height relative to existing heights. He explained that the property would be retained as holiday accommodation. He considered that the aim was to provide an improvement to the building and a higher quality of holiday accommodation than at present.

Ms McGoun, the Local District Council member, was given the opportunity to address the Committee and explained her considerable concerns about discrepancies and inaccuracies within the plans presented. She was concerned that these errors and discrepancies could make a major difference to Mr Murrell, particularly given that he is in a wheelchair. The proposals could severely impact on Mr Murrell's outlook and therefore on his health. She advocated that the Committee defer their decision and hold a site inspection.

The solicitor was asked by the members for advice in this matter. The solicitor explained that if the members need clarification on any issues, as there appears to be a dispute as to measurements and the impact on the neighbours then members could defer and have a site visit rather than take a decision today.



Although it was recognised that the proposed condition concerning the plans could address matters, and on the basis of the Solicitor's advice, members considered that in light of the discrepancies in measurements and the uncertainties and also the concerns expressed, that it would be prudent and useful to defer the application for clarification on the detailed plans and have a site inspection.

RESOLVED unanimously

that the application be deferred for a site visit on Friday 3 August 2012 at 10.00am in order to consider the concerns expressed in the context of the policy issues and to assess the impact of the proposals on neighbour amenity.

(4) **BA/2012/0083/FUL and BA/2012/0084/LBC Greengates, New Lane, Hoveton**

Proposal to bring No 10 Greengates back in to use as a residential dwelling and associated renovation and refurbishment works  
Applicant: Mr Tom Blofeld

The Planning Assistant explained that the application represented a departure from the Development Plan as it effectively proposed the creation of a new dwelling in the countryside through sub-division. It related to a Grade II\* listed dwellinghouse on the Hoveton Estate and was therefore outside the development boundary. The property had been occupied as two semi-detached dwellings, Numbers 10 and 11. However, it was then used as a single dwelling. Currently No 11 was still used as a single dwelling but the use of No. 10 as a single dwelling, formerly the village school, had now lapsed. Therefore, planning permission was being sought to bring No 10 Greengates back into use as a separate dwelling and listed building consent sought for associated refurbishment.

The Planning Assistant considered that permanent residential use of the property was acceptable and to return it to such with associated repair and stabilisation would preserve its long term future. Although it was not in full accordance with the relevant policies, the proposed use was considered to be the optimum use for the building. It was therefore recommended for approval. If approved it would need to be re-advertised as a "departure".

Members concurred with the officers' assessment and considered that the application was acceptable as it would preserve the long term future of a heritage asset.

There was discussion of the history of the building, including its original function as a school, however it was acknowledged that a reversion to an education use was not likely to be an appropriate use at the present time, accordingly it was appropriate to consider what the most appropriate use would be.

RESOLVED unanimously

that the application be approved subject to it being advertised as a departure from policy and subject to conditions as set out in the report. The application is considered to be in accordance with Development Plan Policies, in particular Policies DP4, DP5 and DP28 of the adopted Development Management Policies 2012 and Policies CS1, CS5 and CS6 of the adopted Core Strategy 2007. Although contrary to Policies DP76 and DP22 of the DM DPD and Policy CS24 of the Core Strategy, it is considered that there are substantial material considerations that weigh in its favour and can be approved as a departure from the Development Management Policy.

### **1/11 Broads Authority Local List of Heritage Assets: Consultation Process and Adoption of Local List**

The Committee received a report on the consultation responses received during the public consultation exercise as part of the Authority's progress in producing a list of local heritage assets to better understand and manage the cultural heritage of the area in accordance with the Authority's strategic objectives and aspirations as well as the National Planning Policy Framework. It was noted that there had been both member and community involvement in the selection of entries for the list and stakeholder and community consultation on the assets initially selected for inclusion. Although it was disappointing that the consultation response had been limited, it was noted that no adverse comments had been received and that the workshops had been well attended. It was also noted that it was intended that assets would continue to be added to the List in the future. It was considered that once the List was published and the public made more aware of it and its purpose, there could be further response. The List would be reviewed on a regular basis and other themes be used to encourage nominations. The Authority had worked closely with English Heritage and therefore adhered to the correct procedures and guidelines.

Members considered that the heritage assets identified in Appendix 2 of the report were worthy of inclusion on a local list. They welcomed its production and considered that it would be useful in supplementing the Authority's Landscape Character Assessment as well as when considering planning applications. A member commented that part of the disappointing response could be to do with the fear of officialdom and possible complications in the future. However, although this was recognised, this had not been apparent when engaging with the parish councils at the workshops.

RESOLVED

- (i) that the report and the comments received during the consultation process be noted; and

- (ii) that the Broads Authority Local List of Heritage Assets be adopted and those assets listed in Appendix 2 of the report be included in the Local List.

## **1/12 Consultation Documents Update and Proposed Responses**

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

- North Norfolk District Council – Development in Stalham: Land adjacent to Church Farm Ingham Road, Stalham. Public Consultation on a Proposed Brief; and
- Broadland District Council – Alternative Sites for Potential Development – Site Allocations Development Plan Document – Reg 25 Consultation.

With regard to the latter, the Committee was exceedingly disappointed that Broadland District Council had not included the Broads Authority's boundary within its site specific policy document and had not had due regard as per its legal obligation under the Broads Act 1988 as amended. With regard to the site on Griffin Lane, Thorpe St Andrew, it was agreed that a further comment on welcoming improvements to access should be included.

With regard to the Cantley site, it was agreed that the last sentence of the proposed response concerning housing and traffic should be deleted. It was considered that the landscape element of the Broads interests should be emphasised.

RESOLVED

that the report be noted and the nature of the responses be endorsed taking account of the comments made above.

## **1/13 Enforcement Update**

The Committee received an updated report on enforcement matters already referred to Committee. The Head of Development Management provided further updates.

RESOLVED

that the report be noted.

## **1/14 Appeals to the Secretary of State: Update**

The Committee received a table showing the position regarding appeals against the Authority since December 2011 as set out in Appendix 1 to the report and the supplementary Appendices 2 (i) and (ii) relating to Anchor Cottage, Mill Road, Stokesby and Pinetree Cottage, Lower Street Horning. With regard to Anchor Cottage, Stokesby, the Authority had sought

clarification from the Inspectorate on the interpretation of the decision since it appeared unsatisfactory to both the appellant and the Authority. The clarification such as had been received had been communicated to the appellant, but it was unlikely that what had been granted was what was wanted and it was likely that a further application would be submitted.

RESOLVED

that the report be noted.

**1/15 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 12 June 2012 to 9 July 2012.

RESOLVED

that the report be noted.

**1/16 Date of Next Meeting**

It was noted that the next meeting of the Planning Committee would be held on Friday 17 August 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

The meeting concluded at 13.15 pm

CHAIRMAN

**APPENDIX 1**

**Code of Conduct for Members**

**Declaration of Interests**

Committee: Planning Committee

Date: 20 July 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 √
P E Ollier		No personal interests	
P Rice	1/10 (i)	Lobbied.	
A S Mallett	General 1/5  And 1/12(ii)  1/13	Minutes as per previous meeting  Appointed by Broadland District Council,  Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed	√