

Broads Authority

Planning Committee

Minutes of the meeting held on 6 January 2012

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr A S Mallett
Mrs S Blane	Mr P E Ollier
Mr G W Jermany	Mr R Stevens
Dr J S Johnson	

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr S Bell – for the Solicitor
Mr F Bootman – Planning Officer
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Ms C Smith – Head of Development Management

Members of the public in attendance who spoke:

BA/2011/0360/FUL Hickling National Nature Reserve

Mr Giles Broomfield Agent for the Applicant

4/1 Apologies for Absence and Welcome

Members welcomed Ms Long, the Director of Planning and Strategy to her first Planning Committee meeting on return from maternity leave.

Apologies for absence were received from Mrs J Brociek-Coulton, Mr N Dixon, Mr S Dorrington and Mr C Gould.

4/2 Declarations of Interest

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

4/3 Minutes

The minutes of the meeting held on 2 December 2011 were confirmed as a correct record and signed by the Chairman.

4/4 Points of Information arising from the Minutes

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

4/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

4/6 Chairman's Announcements and Introduction to Public Speaking

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

(2) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for Members and Officers. Those who wished to speak were requested to come up to the public speaking desk at the beginning of the presentation of the relevant application.

4/7 Requests to Defer Applications Included in this Agenda

No requests for deferral of applications had been received.

4/8 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/2011/ BA/2011/0360/FUL Norfolk WildlifeTrust, Hickling National Nature Reserve, Stubb Road, Hickling

Phased erection of a 7.5m tower wind-powered water pump
Applicant: Norfolk Wildlife Trust

The Planning Assistant explained that the proposal was before the Committee as the Authority was involved in the partnership project on the improvement of the water quality of the site and the recommendation for approval would be a departure from the Development Plan. The application involved the phased erection of a

7.4 metre high tower wind-powered water pump on a sensitive site covered by several nature conservation designations, 37 metres east of Whiteslea Lodge track and approximately 500 metres from Hickling Broad, with the aim of improving water quality and therefore restoring and maintaining the international designated features of the site. The Planning Assistant explained that the initial height of the tower would be 4.3 metres and after approximately five years extended to 7.4 metres once the existing grazing marshes had been developed and established into reed bed. The proposed increase in height was in order to mitigate the impeding effect of the height of the reed and airflow to the pump thus maintaining its efficiency and to mitigate the visual impact of the tower by assimilating it more gradually into the landscape.

Since the report had been written, the Environment Agency had confirmed that it had no objections in relation to flood risk and offered advice on pollution prevention measures. In addition, a member of the Authority had commented that his preference would be for the initial 4.3 metre height of tower only and that a separate application at a later stage submitted for the 7.4 metre tower, should this be necessary. On that basis he would hope that the present application be refused.

The proposal was considered acceptable in terms of its impact on wildlife, amenities and flood risk and the design and materials appropriate. The main issue, therefore, was that of the impact on the sensitive landscape as it was recognised that any such structure would be intrusive and adversely affect its qualities of naturalness, openness and tranquillity. It was considered that there would be considerable benefits from the scheme but whether the benefits outweighed the adverse impact on that landscape was finely balanced. Given that there was an absence of alternatives and that the landscape impact would not necessarily be permanent, the proposal was recommended on balance for approval. However, it was pointed out that this would necessitate advertising the application as a “departure” from policy.

Mr Broomfield, the Catchment Officer for the Broads Internal Drainage Board responsible for delivering the Water Level Management Plan for the area, was given the opportunity to address the Committee as the agent and designer of the scheme on behalf of the Norfolk Wildlife Trust. He explained the technical details and reasons for the phasing of the development and clarified that the further 3.1 metre extension of the height would be building on to the first phase 4.3 metre structure proposed. The BESL flood defence scheme and the proposed conversion to reed bed could affect the wind velocity and ability of the pump to generate power and therefore the extra height might be needed. However, the applicant wished to have the certainty of the ability to accommodate such eventuality and to provide the necessary foundations for the higher structure as and when necessary. He clarified that there had been extensive pre-application discussions and a number of alternatives discussed. The proposed solution was

considered to be the most efficient, viable and least intrusive, especially in terms of noise and disturbance.

Members recognised the fine balance of the proposal, particularly taking account of the Authority's duty with the equivalent of national park status to protect the sensitive landscape character of the area as well as the need to protect the national and international conservation designations. There was particular concern as to the intrusive nature of a metal structure into the landscape. Some members were concerned that granting permission for a 7.4 metre high tower at this point could be premature prior to evidence of the wind velocity and establishment of reed growth being received. However, other members considered that the benefits outweighed the landscape impact and the justification for the proposal had been made.

Mr Mallett proposed, seconded by Mr Ollier, that the application be deferred to enable the applicant to reconsider the application in relation to the extension of the tower pump.

On being put to the vote the amendment was lost by 4 votes to 3.

Mr Jermay proposed, seconded by Mr Barnard, that the application be approved subject to conditions as set out in the report. An amendment to include a condition requiring evidence of the need for the further extension was proposed but not seconded.

On being put to the vote, the motion was carried by 6 votes to 1.

RESOLVED by 6 votes to 1, with Mr Ollier voting against

that the application be approved subject to conditions as set out in the schedule at Appendix 2 to these minutes as it is considered that the application is considered to be in accordance with Policy DP2 (2011) the adopted Development Management DPD and Policies DP1, DP4, DP5, DP28 and DP29 and Policies CS1, CS6 and CS20 of the adopted Core Strategy (2007).

- (2) **BA/2011/0301/COND Wings, Brimbelow Road, Hoveton**
Variation of condition 5 and 6 of PP B1/2006/1508/PF
(BA/2006/1266/HISTAP)
Applicant: Mr and Mrs Shearing

The Planning Assistant explained that the application was to vary pre-commencement conditions relating to hard and soft landscaping connected to planning permission granted for the erection of a boathouse in 2006. The conditions had not been discharged and the development of the boathouse was almost complete. The proposed revised condition 5 involved the removal of the existing fencing and replacing with suitable hedgerow planting. The proposed revised condition 6 involved drawings of a gravel drive area, concrete paved

set down area, a paved area in front of the entrance and decking. Since writing the report the applicant had submitted further details for the fencing and further details had been discussed, written confirmation of which was awaited. Although the development policies had changed since the original application had been granted, the principles remained the same. Although the proposed amended wording by the applicant was not considered appropriate, the proposed drawings were acceptable. The Planning Assistant therefore suggested amended wording to cover the varied conditions which would meet the desires of the applicants and the objectives of the original conditions and set these out for members' consideration:

Condition 5:

Prior to the first use or occupation of the boathouse and accommodation, a plan identifying all existing trees and shrubs to be removed shall be submitted to and agreed in writing with the Local Planning Authority.

The fence panels shall be replaced in accordance with the approved details prior to the first use or occupation of the boathouse and accommodation.

The hornbeam screen shall be planted in accordance with the approved plan (drawing number 5346-5D received by the Local Planning Authority on 11 November 2011) no later than the next available planting season and prior to the first use or occupation of the boathouse and accommodation.

If within a period of five years from the date of planting, any tree, shrub or hedgerow planted is removed, uprooted or is destroyed or dies, (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree, shrub or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives it prior written consent to any variation.

Condition 6:

Prior to the first use or occupation of the boathouse and accommodation, the approved hard landscaping scheme shall be completed in accordance with the approved plan and details (drawing number 5346-5D received by the Local Planning Authority on 11 November 2011).

Members concurred with the officer's assessment. They expressed disappointment that the original conditions had been breached but considered that the proposed solution was acceptable. It was noted that the site would be monitored and that enforcement action would be recommended should the conditions not be complied with.

RESOLVED unanimously

that the application for variation of conditions be approved subject to amended conditions as set out above and referred to in the schedule at Appendix 2 to these minutes as the application is considered to be in accordance with Policies DP2 and DP4 of the newly adopted Development Management DPD and Policy CS1 of the adopted Core Strategy (2007).

- (3) **BA/2011/0384/FUL Herbert Woods Yard, Bridge Road**
Replacement vehicle barriers to existing entrances
Applicant: Herbert Woods

The application was before the Committee as the applicant was a member of the Navigation Committee. The proposal involved the replacement of manually operated metal barrier gates at the two separate entrance points to the Herbert Woods boatyard and holiday site with a new, automatic system. The barriers would not impede any public right of way. They were considered to be of a suitable design, siting and scale in association with a commercial operation and the nature of the site and in accordance with policy. Therefore, the application was recommended for approval.

Since the report had been written, further responses had been received from the Parish Council stating they had no objections.

RESOLVED unanimously

that the application be approved subject to conditions as set out in the schedule at Appendix 2 to these minutes as the proposal is considered to be in accordance with Policy DP4 of the newly adopted Development Management Policies DPD.

4/9 Consultation Documents Update and Proposed Responses

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

- Broadland District Council: Broadland Local Development Framework Site Allocations PDD – Consultation on Shortlisted Sites.

Members noted and endorsed the response made.

RESOLVED

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

4/10 Heritage Asset Review Group: Notes of Meeting held on 2 December 2011

The Committee received a report and the note of the Heritage Asset Review Group meeting held on 2 December 2011. Members noted the considerable favourable progress relating to those Buildings on the At Risk Register (BAR) with the removal of a good number. They congratulated staff on the hard work and efforts to achieve such a favourable outcome in a relatively short space of time. It was disappointing that this had not been given greater recognition by the NPAPA review.

The Committee noted that the main item of business of HARG on 2 December 2011 had been the consideration of the procedures for progressing the Local List. They supported and endorsed the action being taken and noted the timetable being set with the aim of a report being submitted to the Planning Committee in May 2012 and publication of a List of Local Heritage Assets in June 2012. It was noted that there had been a very poor response from the parish councils to put forward buildings for inclusion on the Local List outside Conservation Areas. It was hoped that once a Local List was published, this would prompt further response.

It was clarified that, although sympathetic to Hoveton Parish Council's aim of wishing to protect the open space of Granary Staithe, the Staithe had not been included in the potential Local List, since it did not have any distinguishing features and did not meet the set criteria.

RESOLVED

that the report and notes of the Heritage Asset Review Group meeting held on 2 December 2011 be noted and the action being taken supported and endorsed.

4/11 Enforcement Update

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

RESOLVED

that the report be noted.

4/12 Appeals to the Secretary of State: Update

The Committee received a table showing the position regarding appeals against the Authority since September 2011 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

4/13 Decisions on Appeal to the Secretary of State: 15 Top Road, Belaugh

The Committee received a report on the decision by the Secretary of State on the appeal by Mr Bayfield against the Authority's decision under delegated powers to refuse planning permission for a replacement boathouse which formed part of an application for retrospective consent for an orangery style extension to an existing dwelling. The Authority had no objection to the orangery style extension but considered that the replacement boathouse would create an inappropriate form of development by virtue of its scale and form and would have a dominating and detrimental impact on the character and appearance of the surrounding area of Belaugh, particularly when viewed from the river.

The Inspector had dismissed the appeal and upheld the Authority's views and policies.

RESOLVED

that the report be noted.

4/14 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 21 November 2011 to 19 December 2011.

RESOLVED

that the report be noted.

4/15 Date of Next Meeting

It was noted that the next meeting of the Planning Committee would be held on Friday 3 February 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

4/16 Exclusion of Press and Public

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

4/17 To receive and confirm the exempt minute of the Planning Committee meeting held on 2 December 2011

RESOLVED

that the exempt minute of the meeting held on 2 December 2011 be confirmed and signed as a correct record.

The meeting concluded at 11.25 am

CHAIRMAN

APPENDIX 1

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 6 January 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 √
All Members	4/8(1) and 4/8(iii)	Application BA/2011/0360/FUL Norfolk Wildlife Trust, Hickling NNR, Stubb Road, Hickling Broads Authority involved in partnership project Application BA/2011/0384/FUL Applicant member of Navigation Committee	
A S Mallett	4/3 4/8(1) 4/9 4/11	Minutes as per previous meeting Member of the Internal Drainage Board Appointed by Broadland District Council (Consultation Documents) Member of Navigation Committee Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed	√ √
G W Jermany		Member of IDB, Great Yarmouth Borough Council, Toll Payer	
M Barnard		Member of WDC and SCC	
P E Ollier	All	Member of Navigation Committee, Toll Payer, Member of a number of Broads	

		Sailing Clubs.	
R Stevens	All	NNDC Appointee, NBYC and EACC member	
S Blane		Member of Navigation Committee	

Decisions on Planning Applications considered by the Planning Committee on 6 January 2011

Ref No /Parish	Situation	Applicant	Proposal
BA/2011/0360/FUL Hickling	Norfolk Wildlife Trust, Hickling National Nature Reserve, Stubb Road, Hickling	Mr Kevin Hart (Norfolk Wildlife Trust)	Phased erection of a 7.5m tower wind-powered water pump
<p>Decision by 6 votes to 1 against</p> <p>Approve subject to conditions:</p> <ul style="list-style-type: none"> • Standard time limit. • In accordance with submitted plans. • In accordance with proposed ecological mitigation measures. • Archaeological watching brief to be submitted. • Bat and bird strike monitoring scheme to be submitted. <p>Reason for Decision</p> <p>Although the proposal cannot be considered to be in accordance with Policy DP2 of the adopted Development Management Policies DPD (2011), it is considered to be in accordance with Policies DP1, DP4, DP5, DP8, DP28 and DP29 and Policies CS1, CS6 and CS20 of the adopted Core Strategy (2007).</p>			

Ref No /Parish	Situation	Applicant	Proposal
BA/2011/0311/COND Hoveton	Wings, Brimbelow Road, Hoveton	Mr and Mrs D Shearing	Variation of condition 5 and 6 of previous PP B1/2006/1508/PF (BA/2006/1266/HISTAP)
<p>Decision unanimous</p> <p>Approve subject to conditions:</p> <ul style="list-style-type: none"> • Standard time limit. • In accordance with submitted plans. • Holiday use only. • Permitted development rights removed. • Soft landscaping details with amended wording set out in the minutes above. • Hard landscaping details with amended wording set out in the minutes above. • Parking and turning area. 			

- Maximum ridge height.
- Minimum finished floor levels.
- Flood proofing measures.
- Flood evacuation plan.
- Scheme for flood warning notices.
- Notification of the date of first use or occupation.

Reason for Recommendation

The proposal is considered to be acceptable in accordance with Policies DP2 and DP4 of the adopted Development Management Policies DPD (2011) and Policy CS1 of the adopted Core Strategy (2007).

Ref No /Parish	Situation	Applicant	Proposal
BA/2011/0384/FUL Potter Heigham	Herbert Woods Boatyard, Broad Haven, Bridge Road, Potter Heigham	Herbert Woods	Replacement vehicle barriers to existing entrances

Decision unanimous

Approve, subject to conditions:

- Standard time limit.
- In accordance with approved plan.
- Use of traffic lights restricted to Herbert Woods Office opening hours.

Reason for Decision

This application seeks consent for the erection of new vehicle control barriers to replace those currently on the site. The proposed replacement barriers would be in the same location as the existing and would control access to the Herbert Woods Boatyard site. The proposed barriers are considered to be of a suitable design, siting and scale and, consequently the application is considered to be in accordance with Broads DM DPD Policy DP4.