

Broads Authority

Planning Committee

Minutes of the meeting held on 3 February 2012

Present:

Dr J M Gray – in the Chair

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

In Attendance:

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

Members of the public in attendance who spoke:

BA/2011/0301/FUL Decoy Cottage, Broad Road, Ranworth

Mr Gibb	Agent for the Applicant
Mr Westgarth	Applicant

BA/2011/0397/FUL Ranworth Broad, Broad Road, Ranworth

Ms Sally Lucas	On behalf of the Applicant
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BA/2011/2011/0409/OUT Green Valley Farm, Low Road, Mettingham

Mr Raven	Applicant
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5/1 Apologies for Absence and Welcome

No Apologies for absence were received.

The Chairman welcomed members of the public as well as Ms McMurty from NPLaw as an observer.

5/2 Declarations of Interest

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

5/3 Minutes

Members considered a request from a member that his detailed comments concerning the environmental impact of the proposal made at the previous meeting be included within Minute 4/8(i) relating to application BA/2011/0360/FUL. The Chairman stated that it was not the usual practise for individual members' comments to be attributed or for minutes to be verbatim but for the minutes to provide a summary of the members' debate and views expressed. However, if it was felt that the minutes did not reflect the views expressed, the amendment should be made. A member commented that in this instance it might be justifiable to include more detail although others did not agree. It was noted that members could have their vote recorded if that was their wish.

Mr Jermany proposed, seconded by Mr Barnard and it was

RESOLVED by 6 votes to 2

that the minutes of the meeting held on 6 January 2012 be confirmed as a correct record and signed by the Chairman subject to the naming of Mr Ollier as voting against application BA/2011/0360/FUL.

5/4 Points of Information Arising from the Minutes

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

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

There were no items of urgent business.

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

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

(2) Committee Procedures

The Chairman reported that he and the Vice-Chairman had met with the Director of Planning and Strategy with the aim of streamlining the Planning Committee process, given the reduced resources of the Authority and the need to complete meetings within three hours. In particular it was considered that minor amendments could be made to the Scheme of Delegated Powers to Officers and to the Public Speaking Scheme and these would be brought to the Committee for a

decision. In addition, other matters relating to the agenda, reports and presentations had been discussed. In future members would be provided with a folder containing all the Authority's policies for reference and the reports would refer to policy numbers.

(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

No requests for deferral of applications 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. 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/2011/0301/FUL Decoy Cottage, Broad Road, Ranworth**
Erection of double garage with room above
Applicant: Mr John Westgarth

The Planning Assistant reminded members that the application had been considered at the meeting on 4 November 2011 when it had been deferred for further negotiations regarding the impact on neighbouring amenity and the possibility of relocating the garage. Since then alternative locations within the site had been examined, details of which were shown to the Committee, as well as possible mitigating measures to reduce the impact on neighbour amenity. As a result, amended plans had been received, which enclosed the external stairway with timber boarding, although retaining the structure in approximately the same location but 1 metre closer to the highway. The alternative locations had been dismissed as they were considered, either to have a greater negative impact on neighbour amenity, create more shadow, or to be more visually prominent, obscure the public view of Ranworth Church and/or not relate as well to the existing dwelling.

The Planning Assistant concluded that the proposed garage with the additional amendments would be acceptable and appropriate in terms of scale and character with the existing development on site. It would have no adverse impact on trees or highway safety and, although there was still an objection from the neighbour, on balance the proposal was not considered to have a significant adverse impact on neighbouring amenity. It was therefore recommended for approval.

Members received and noted a letter together with photographs from the neighbours dated 16 January 2012 setting out their objections relating to light, scale and the benefits and preference for alternative locations on the site.

Mr Westgarth, the applicant, was given the opportunity to address the Committee explaining his reasons for the new garage, the current one being an inadequate single garage integral to the house. The boundary screening would remain as would the through access to the site. He hoped to be as sympathetic as possible to the environment.

Members sought clarification and gave careful consideration to each of the alternative locations. In general, it was considered that the existing boundary hedge should provide sufficient screening and the enclosure of the stairwell in the amended plans went some way to mitigating the impact on the neighbour.

Mr Gould proposed, seconded by Mr Jermany and it was

RESOLVED by 7 votes to 1 against with 2 abstentions

that the application be approved subject to conditions as set out in the report to Committee as it was considered that the application was in accordance with Policies DP2, DP4 and DP28 of the Development Management Policies DPD (2011).

- (2) **BA/2011/0397/FUL Ranworth Broad, Broad Road, Ranworth**
Temporary, vegetated, circular island raft (550m²) to be installed within Ranworth Broad for a 5 year lake restoration trial
Applicant: Kevin Hart - Norfolk Wildlife Trust

The Planning Assistant explained that the application was before the Committee as the Authority was a partner in the proposal. It involved the introduction of a circular vegetated island raft anchored to the bed of Ranworth Broad to provide a mechanism to test a lake restoration technique for a five year trial, details of which were described and clarified further by the Authority's Environment Officer. The proposal would also provide opportunities for education and interpretation and was recommended for approval.

Members considered that the proposal would only have a limited and temporary negative impact on the landscape and setting of the

adjacent listed buildings, and had the potential to provide a significant ecological benefit as well as the potential to be used on other sites in the Broads. It was noted that if unsuccessful the structure would be removed.

Members concurred with the officer's assessment and welcomed the opportunity for education and interpretation, which could be included as part of an exhibition within the Norfolk Wildlife Trust Education Centre.

RESOLVED unanimously

that the application be approved subject to conditions as set out in the report together with an additional condition to include interpretation, as the application was considered to be in accordance with Local Development Plan Policy and in particular Policies CS1, CS3, CS5 and CS7 of the Adopted Core Strategy (2007) and Policies DP1, DP2, DP3, DP4, DP5, DP12, DP28 and DP29 of the Adopted Development Management Policies DPD (2011).

- (3) **BA/2011/0409/OUT Green Valley Farm, Mettingham**
Outline application for a proposed new dwelling for farm manager
Applicant: Mr Daniel Raven

The application was before the Committee as a Section 106 Legal Agreement would be required for a schedule of repairs to a Building at Risk in association with the land holding and there had been an objection from the neighbour.

The Planning Officer explained that the proposal was to provide a new dwelling for a farm manager on a green field site outside the development boundary to run the 147 hectare agricultural establishment. Planning permission for a residential dwelling would not normally be permitted, however, full justification had been received and the application had been assessed against national planning policy requirements (PPS6 and 7) and the criteria within DM Policy DP26. Officers were satisfied that there was a need for a dwelling on site, and that the two other properties in the same land holding, Rose Cottage and Bridge Farm House, were not optionally located and would not be appropriate for the current business operation. Bridge Farm House was on the Buildings at Risk Register and the applicant, recognising the need to secure the property and prevent further deterioration, had submitted a schedule of repairs including a timescale for the completion of works to address the most important issues. He was prepared to enter into a Section 106 Agreement to implement the works but had stated that the farming business could not afford to totally refurbish it at this stage.

Since the report had been written, a further representation from a member of the Authority had been received suggesting that an additional condition be included stating that the schedule of works on

the listed building be completed before construction of the proposed new dwelling was started.

It was noted that a condition would not be required as the wording in the Section 106 Agreement could cover this. In addition, the application was outline only and given the sensitivity of the location, details of the proposed new dwelling would need to be considered in full, be the subject of reserved matters and therefore require planning permission before any works could be started.

Members sought further clarification from the applicant in relation to the nature of his business and gave consideration to the objection from the neighbouring property. In conclusion they considered that the principle of a dwelling in association with the agricultural operation in this location had been fully and comprehensively justified bearing in mind that it would help sustain an agricultural business as well as secure the future of a listed building. It was also noted that agriculture was of considerable importance within the Broads area as well as nationally.

Mr Mallett proposed, seconded by Mr Jermany and it was

RESOLVED unanimously

that the application be approved subject to the prior completion of a Section 106 Agreement to secure the schedule of repairs to the listed uilding and conditions as set out in the report to Committee as the proposal is considered to be in accordance with Policy DP26 of the newly adopted Development Management Policies DPD and the requirements of PPS5 and PPS7.

5/9 Enforcement of Planning Control: Item for Consideration: Broad Farm, Fleggburgh – Use of Site Outside of Permitted Period

The Committee received a report concerning the unauthorised stationing and occupation of two static caravans on the Broad Farm Caravan Park, Burgh St Margaret, Great Yarmouth outside the permitted period. It was reported that appeals had been received within the last week relating to the applications referred to in the report for the caravans that had previously been refused permission. Therefore, as the decisions on the appeals were still awaited, it would not be expedient to take enforcement action at this stage. However, authority to do so, should the appeals be dismissed, was sought.

Members considered that it would be expedient to take enforcement action, the nature of which would be based on advice from the Solicitor in order to rectify breaches of planning control, should the appeals in relation to the applications previously refused in August and October 2011 be dismissed.

RESOLVED

- (i) that officers be authorised to take enforcement action on the basis of legal advice should this be necessary in the event of the appeals in relation to the previously refused applications being dismissed; and
- (ii) that prosecution be instigated should there be non-compliance with any Enforcement Notices that may be issued.

5/10 Tree Preservation Orders – Confirmation

The Committee received a report relating to four Tree Preservation Orders that had been issued recently as part of the Authority's ongoing process of identifying trees worthy of preservation and protection, which now required confirmation. Identification of such trees was based on the application of set criteria. No objections had been received within the statutory period.

Members examined the details relating to each of the trees considered worthy of a Tree Preservation Order (TPO) at:

- BA2011/0027TPO – South of 20 Langley Street, Langley – willow tree;
- BA2011/0028TPO – Junction of Church Lane and Hardley Street, Hardley – oak tree;
- BA2011/002TPO – Land at Horsefen Road, Ludham – group of trees amongst holiday chalets; and
- BA2011/0041TPO – The Grange, Grange Walk, Wroxham – mature Corsican pine.

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

Members noted the procedures and considered that provided there were no objections, the confirmation of TPOs could be delegated to the officers. The procedures for dealing with objections should remain as set out within the report. It was requested that these be included within the booklet of the planning policies to be provided to members.

RESOLVED

- (i) that Tree Preservation Orders be confirmed for the following:
 - BA2011/0027TPO – South of 20 Langley Street, Langley;
 - BA2011/0028TPO – Junction of Church Lane and Hardley Street, Hardley;
 - BA2011/002TPO – Land at Horsefen Road, Ludham; and

- BA2011/0041TPO – The Grange, Grange Walk, Wroxham.
- (ii) that the continuing process of review and designation of trees worthy of protection as previously agreed be noted; and
 - (iii) that confirmation of any new orders, subject to there being no objections, be considered as matters to be dealt with by officers under delegated powers.

5/11 The Planning Provisions of the Localism Act

The Committee received a report and detailed presentation setting out the key planning provisions of the new Localism Act and their relevance to the Broads. It was noted that the Government intended to bring much of the Act into effect from early April 2012, although since the report had been written it was clarified that many of the provisions had already taken effect. It was noted that detailed regulations would be required to clarify many of the provisions within the Act relating to the planning aspects.

Members noted the provisions relating to the Local Development Framework and Plans and Neighbourhood Planning as well as Planning Applications and Enforcement. In general the changes to the provisions for planning applications, enforcement and the Local Development Framework were to be welcomed as simplifying and facilitating the existing arrangements. The most notable changes related to the neighbourhood planning elements, where this had the potential to provide the local communities with greater influence on what happened in their area. Although these could offer potential benefits through forging closer links and understanding with the local communities, this would need to be reconciled with the national interests within areas such as the Broads and other national parks. It was anticipated that this could have resource and financial implications which although still unclear could make it difficult for local authorities to fulfil the statutory requirements, especially due to the current economic climate. The issues particularly relating to neighbourhood planning would need to be reviewed.

RESOLVED

- (i) that the contents of the report, and in particular the potential for resource demands and costs relating to neighbourhood planning, be noted;
- (ii) that the Local Development Scheme be updated when resource and other priorities allowed; and
- (iii) that the Authority continues to prepare a Local Development Framework Monitoring Report on an annual basis.

5/12 Enforcement Update

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

RESOLVED

that the report be noted.

5/13 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. It was noted that three more appeals had been received within the last week, two of which related to and had been mentioned at minute 5/9. These would be included in the schedule for the next meeting.

RESOLVED

that the report be noted.

5/14 Decisions on Appeal to the Secretary of State: Mr Plane, Cobwebs, Beech Road, Wroxham

The Committee received a report on the decision by the Secretary of State on the appeal by Mr Plane against the Authority's decision under delegated powers to refuse planning permission for variation of conditions to retain a maintenance stair to an existing flat roof to the property of Cobwebs, Beech Road, Wroxham (BA/2011/0191/FUL). The application had sought retrospective consent for an external staircase to create a safe access to the flat roof for maintenance purposes. The Authority had been satisfied that the design would be in keeping with that of the existing dwelling and the character of the area and Conservation Area. However, there had been concern that it could be used for recreational purposes and have a detrimental effect on neighbouring amenity.

Although the Inspector had allowed the appeal and granted planning permission this was subject to conditions to ensure that the staircase was used to facilitate access for maintenance purposes only and not used as a roof terrace for seating or recreational purposes. The Inspector had therefore supported the Authority in this regard.

RESOLVED

that the report be noted.

5/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 19 December 2011 to 24 January 2012.

RESOLVED

that the report be noted.

5/16 Circular 28/83: Publication by Local Authorities of information about the Handling of Planning Applications

The Committee received a report containing the planning statistics for the quarter ending 31 December 2011. Members congratulated the staff on the performance.

RESOLVED

that the report be noted.

5/17 Date of Next Meeting

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

5/18 Exclusion of the Public to consider Item of Urgent Business

RESOLVED

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

Summary of Exempt Minute

5/19 Wayford Mill

Members received an update and reviewed the action taken in relation to Wayford Mill following the Authority's meeting on 20 January 2012, the review of legal advice from the Solicitor by the Chairman, the Chairman of the Planning Committee and Mr Stevens and taking account of the decision made by the Planning Committee on 2 December 2011, being mindful of members views that the matter should be resolved as soon as possible.

RESOLVED

- (i) that the report be noted; and
- (ii) that the Committee be provided with regular updates and that a possible timetable of the processes be provided.

The meeting concluded at 12.54 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 3 February 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	5/8(2)	Application BA/2011/0379/FUL	
A S Mallett	5/3 5/12(i)	Minutes as per previous meeting Appointed by Broadland District Council, Member of Navigation Committee Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed	√ √
P E Ollier	General	Member of Navigation Committee, Toll Payer, Member of a number of Broads Sailing Clubs.	
G W Jermany	5/9	Great Yarmouth Borough Council, Toll Payer Personal interest – live in the village	
M Barnard	5/8 BA/2011/0409/OUT	Member of WDC and SCC	
N Dixon	All	Member of Norfolk County Council	
S Dorrington	All	Member of Norfolk County Council , Toll Payer	
R Stevens	All	NNDC Appointee, Toll Payer and member of EACC	