

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 25 May 2012

#### **Present:**

Dr J M Gray – in the Chair

Mr M Barnard	Mr A S Mallett
Mrs S Blane	Mr P E Ollier
Mr N Dixon	Mr P Rice
Mr C Gould	Mr R Stevens
Dr J S Johnson	

#### **In Attendance:**

Mrs S A Beckett – Administrative Officer  
Mr S Bell – for the Solicitor  
Ms M Hammond – Planning Assistant  
Mr S Hayden – Arboricultural Consultant  
Mr B Hogg – Historic Environment Manager  
Ms A Long – Director of Planning and Strategy  
Mr A Scales – Planning Officer (NPS)  
Ms C Smith – Head of Development Management  
Ms K Wood – Planning Assistant

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

##### **BA/2012/0086/FUL Salhouse Broad, Lower Street, Salhouse**

Mr W Coulet PRISMA Project Officer for Applicant

##### **A/2012/0038/FUL Bewilderwood, Horning Road, Hoveton**

Isabel Lockwood (Bidwells) Agent for Applicant  
Simon Egan Applicant, Manager Bewilderwood

##### **BA/2011/0307/COND The Glade, Beech Road, Wroxham**

Rodney Hale-Sutton Agent for Applicant

##### **BA/2012/0256/FUL The Pyramids, 78 Lower Street, Horning**

Mr Rodney Hale-Sutton Agent for Applicant

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

Mr Merson	On behalf of Objector, Mr Kerkhof
Mathew Gooch	Broads Reserves Warden- Suffolk Wildlife Trust
Julian Roughton	Chief Executive- Suffolk Wildlife Trust

## **9/1 Apologies for Absence and Welcome**

Apologies for absence were received from Mrs J Brociek-Coulton. Mr N Dixon would be arriving later.

The Chairman welcomed members of the public and Mr Paul Rice to his first meeting as a participating member of the Committee.

The Chairman gave an outline of the makeup of the Planning Committee. There were two vacancies at present, although the Authority had been notified that Mr Michael Jeal had been appointed by Great Yarmouth Borough Council to replace Mr Jermany and he hoped to attend the meeting on 22 June 2012, following the necessary Code of Conduct Training from the Solicitor and briefing from the Director of Planning and Strategy.

## **9/2 Declarations of Interest**

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes. The Chairman declared an interest on behalf of all members in relation to application BA/2012/0086/FUL.

## **9/3 Minutes**

The minutes of the meeting held on 27 April 2012 were confirmed as a correct record and signed by the Chairman.

## **9/4 Points of Information Arising from the Minutes**

There were no points of information to report.

## **9/5 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

## **9/6 Chairman's Announcements and Introduction to Public Speaking**

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

### **(2) RTPI Annual Conference for Councillors**

The Chairman informed everyone that the Annual RTPI Councillors Conference was arranged for 22 June 2012 in Welwyn Garden City, the title of which was "*Localism and Neighbourhood Planning – Theory into Positive Practice*". It was considered worthwhile for one or two members to attend. However, it was noted that unfortunately this was the day of the next Planning Committee meeting.

(3) **Public Speaking**

The Chairman reminded everyone that the new 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 had been extended from three minutes to 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.

**9/7 Requests to Defer Applications and /or vary the order of the Agenda**

No requests had been made to defer any applications.

**9/8 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/2012/0086/FUL Salhouse Broad, Lower Street, Salhouse**

Restoration of spit using newly created reed bed

Applicant: Mr Henry Cator

The Planning Officer explained that the application was before members as the Authority was a partner in the scheme. The scheme involved the restoration of a spit, which separated Salhouse Broad and the River Bure, to its 1946 dimensions which would involve bringing the bank line forward into the broad by between 10 and 75 metres and recreating a length of 220 metres. This had been specifically designed to give the new landform stability and resilience and to form an attractive area of Broads landscape which would deliver biodiversity interests. The new spit would safeguard the continued separation of Salhouse Broad from the River Bure in this location. Without the urgent action required to prevent further erosion, there would be significant risk of failure of the sheet piling and breakup of the spit which would potentially lead to the merging of the river channel with the waters of Salhouse Broad and the loss of the historic distinction between the two.

The Salhouse Broad restoration project was part of the PRISMA project, as sediment would be re-used in sustainable structures that enhanced the environment. No objections had been received but since writing the report comments had been received from the Environment Agency that had subsequently been clarified. As the materials for the

project would be locally sourced, there would be a neutral effect on water levels and the Environment Agency was now satisfied with the scheme and had no objections. The Planning Officer concluded that the proposal was of a satisfactory design in this location, would provide ecological and navigational benefits as well as river bank protection and was considered to accord with development plan policy and the sustainable development aims of the NPPF. He therefore recommended approval subject to the conditions outlined with an amendment from navigation “post” to “buoy”.

The PRISMA Project Officer provided the Committee with technical details and assured the Committee that the techniques proposed had been used throughout the country and could be guaranteed. The Authority was working with its PRISMA partners and with Dutch consultants who had a significant amount of expertise in this field and the proposal had been specifically designed for this location and to be robust. Monitoring would be undertaken.

Members welcomed the proposal. The causes of the erosion were not totally understood, although it was considered that it could be aggravated by wildfowl. A member considered that in order to encourage reed growth, potential shading should be minimised and therefore due to concerns about the future maintenance of the spit, it was suggested that a condition be imposed relating to its management. It was understood that this would be the responsibility of the landowner and the Planning Officer considered that it would be difficult to impose such a condition. Members considered that a new condition should be included to ensure that monitoring was undertaken on a regular basis.

Dr Johnson proposed, seconded by Mr Mallett and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report to Committee with amendment from navigation “post” to “buoy”, and a condition on monitoring. It was considered that the scheme met the thrust of development plan provisions, most notably those contained in adopted Core Strategy (2007) Policies CS1, CS3, CS4, CS15 and CS20; Broads Development Management Policies DPD (2011) Policies DP1, DP13 and DP29; and the advice contained in the National Planning Policy Framework.

- (2) **BA/2012/0038/FUL Bewilderwood, Horning Road, Hoveton**  
Amendments to planning conditions included in PP 2005/1568/PF along with improvements to existing maintenance base, establishment of a new community education project including two mobile classrooms and new compound to front of site  
Applicant: Mr Tom Blofeld

The Planning Assistant explained that the application sought to regularise existing unauthorised developments and uses as well as new development to facilitate an access solution and establish an education project. The application represented the result of discussions between officers and the applicants to find an appropriate long-term solution that met the operational needs of the park within the constraints of the local area. The Planning Assistant gave details of the proposed variations to the original planning conditions when permission was first granted in 2005 (BA/2005/1570/HISTAP).

Since the report had been written, consultation responses had been received from Horning Parish Council who supported the proposals. The Planning Assistant drew attention to the comments from the North Norfolk District Council Environment Protection Officer expressing no objections subject to conditions relating to sound amplification, generators and compressors, lighting and deliveries. In addition the Highways Authority had no objections subject to conditions regarding completion of the internal access and compounds prior to commencement of uses and a revised condition relating to the use of Long Lane allowing a maximum of 12 deliveries per annum. It was considered that this was equivalent to that generated by the agricultural use of the land and would therefore be acceptable.

It was clarified that the Palmers Lane access was only used by the proprietors' vehicles and would remain as a local footpath. Any subsequent maintenance would be the responsibility of the landowner and any future changes would be the responsibility of North Norfolk District Council in consultation with Norfolk County Council as this part of the site fell under North Norfolk District jurisdiction, as it was outside the Broads Authority area.

In conclusion, the Planning Assistant commented that although part of the application was retrospective and regrettable, the proposals provided a long term solution for the operation of the Adventure Park and could be recommended for approval. As the precise wording of the conditions relating to Environment Protection and Highways had still to be finalised with the relevant bodies and the applicant, and further details relating to the new permissive footpath along Long Lane as well as a schedule of works were still required, it was recommended that authority be delegated to officers to approve the application.

Although disappointed with the retrospective nature of the proposals and the apparent "planning creep" element, Members considered that it was reasonable for such a venture not to have anticipated the successful nature of the project in the first instance. It was important to recognise that there was a need for the business to grow and realise the changes that were required as well as regularise any breaches which had occurred. Members were in favour of granting permission but wished to be assured that the current proposals would provide a satisfactory platform for the future of the business in the medium term.

and that there would not be the need for any future retrospective applications.

Mr Egan, as Director of Bewilderwood on behalf of the applicant, stated that having undertaken an assessment of the site access, it was considered that the 12 movements along Long Lane as stated would be more than adequate for the Park's needs. The movements related to deliveries of mulch and alder poles and eight movements would be sufficient in this location. The emphasis of the whole of the site was to the front, off Horning Road. He considered that the proposals would provide the necessary facilities for the future of the business. He confirmed that he was prepared for the Authority to be strict on monitoring and enforcement. He also explained that 14,000 trees had been planted to the rear of the Park in an attempt to reduce the ambient noise levels from the activities within the Park as much as possible.

Members welcomed the assurances. Dr Johnson proposed, seconded by Mr Gould and it was

RESOLVED unanimously

that the application be delegated to officers to approve the application subject to conditions as outlined in the report, together with additional conditions relating to external lighting, signage, schedule of timing of works, the details and precise wording of which are to be finalised with the relevant consultees and the applicant. Subject to these, it was considered that the proposal was acceptable and in accordance with Policies DP2, DP4, DP11, DP27 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1, CS11, CS16 and CS18 of the adopted Core Strategy (2007) and the National Planning Policy Framework.

- (3) **BA/2011/0307/COND The Glade, Beech Road, Wroxham**  
Variation of conditions 2 and 3 of approved PP 2003/0269 dated 18/06/2003 - boathouse to be used as overflow accommodation to dwelling.  
Applicant: Mr Peter Farley

The Planning Assistant explained that the retrospective application was for amendments having been made to the original planning permission /2003/0269 (BA/2003/3933/HISTAP). It was before the Committee as a consequence of an enforcement investigation. Construction of the boathouse was now largely complete. However, the building was not in full accordance with the approved plans and the application sought to vary condition 2 of the permission to apply to amended plans, to vary condition 3 of the permission to amend the agreed materials and also to use the approved 'sail loft' for overflow accommodation. The amended plans therefore now included a toilet on the ground floor and a kitchen and bathroom within the sail loft. Although regrettable,

Government guidance was clear in respect of retrospective applications, that these must be judged on their planning merits only. The fact that they are retrospective was not a material consideration.

The Planning Assistant concluded that, on balance, the proposal could be recommended for approval subject to conditions and a Section 106 Agreement to prevent the boathouse being sold separately from the main dwelling. It was considered that the amendments to the scale and appearance of the approved boathouse did not significantly adversely affect the character and appearance of the approved development or its setting, and the character and appearance of the now designated Conservation Area would be preserved. Subject to the removal of the existing south balcony, the proposal was not considered to result in unacceptable impacts on the amenities of adjoining occupiers.

It was recognised that the self-contained accommodation could be occupied separately which would be contrary to Policy DP22 and the NPPF relating to flood risk. The applicants had submitted a flood risk plan which was adequate and therefore it was considered that a condition and the Section 106 agreement would satisfactorily manage the use.

Members expressed considerable disappointment and frustration that the applicant had undertaken the amendments without the benefit of planning permission, especially when the amendments changed the use, height and scale of the property to such a degree. However, they were mindful that the application should be considered on its merits. They concurred with the officer's assessment. They agreed that the facilities provided self-contained accommodation within the boathouse and therefore had the full potential for it to be used or sold as a separate dwelling. They considered that a Section 106 Agreement in addition to the condition relating to the use being "ancillary" to the main dwelling house was entirely appropriate.

Mr Hale-Sutton, the agent for the applicant, explained that the entire property was solely for the use of his family and friends. His client used the accommodation in the boathouse when he came on his own to the property, especially in winter, rather than open the main house. When the whole family was in residence, the provision of self-contained accommodation in the boathouse was particularly useful for family and/or friends. He commented that the kitchen facilities were limited. Neither the main dwelling, nor the boathouse was let out for holiday accommodation. He confirmed that his client was prepared to enter into a Section 106 Agreement.

Members considered that the proposal was acceptable but the circumstances under which they had had to consider it were exceedingly regrettable. They considered that the applicant should be made very aware of the Committee's displeasure.

Dr Johnson proposed, seconded by Mr Barnard and it was

RESOLVED by 6 votes to 2 with one abstention

- (i) that subject to the prior completion of a Section 106 Agreement to link the two buildings so that the boathouse could not be sold or rented separately from the main dwelling house, the application be approved with conditions as outlined in the report to Committee as the proposal is considered to be acceptable in accordance with Policies DP4, DP5 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1 and CS20 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012);
  - (ii) that a covering letter be enclosed with the Decision Notice to express the Authority's extreme concerns about the amendments that had been made without planning permission, which was considered to be exceedingly regrettable and dishonest.
- (4) **BA/2011/0256/FUL The Pyramids, 78 Lower Street, Horning**  
Erection of replacement dwelling, new boathouse and new and replacement quayheading (resubmission of BA/2011/0087/FUL)  
Applicant: Ferry Marina

The Planning Assistant explained that the application proposed a revised scheme to one previously approved in 2010, for a recently demolished replacement dwelling on a site at The Pyramids, Horning, which was within the Horning Conservation Area. Although on the same footprint as the original, it would be substantially larger in scale due to the addition of first floor accommodation, which itself was larger than that previously approved in 2010. The scheme also included a boathouse which would be linked to the dwelling. Consequently, the scale and mass of the development would be larger than both the original dwelling and the previously approved scheme. However, the resulting proposals had been the subject of detailed negotiations in response to concerns and the plot was considered large enough to accommodate such a scheme. This view was supported by the Historic Environment Manager.

Members noted that the proposals would require the removal of a large number of trees. The Arboricultural Consultant explained that an arboricultural assessment and revised planting scheme had been received. Twelve trees were not considered worthy of retention but two, a willow and an alder, had been categorised as being of high quality value. Although the loss of the trees was regrettable, it was considered that the proposed replacement planting would mitigate the loss in the long term.



In conclusion the Planning Assistant recommended approval as, on balance, given the scale of the plot itself, the scale and mass of the proposal were not considered unacceptable and the design, form and materials were not considered inappropriate or to adversely affect the Conservation Area.

Although the loss of trees was regrettable, having carefully considered the scheme and on the basis of the advice from officers, members considered that the overall scheme provided an appropriate design for the Conservation Area and was to be welcomed.

Mr Gould proposed, seconded by Mr Mallett, that the officer's recommendation be accepted.

RESOLVED by 8 votes with one abstention

that the application be approved subject to conditions as outlined in the report, with an additional condition relating to a schedule of arboricultural monitoring, as the proposal is considered to be in accordance with Policies DP1, DP2, DP4, DP5, DP11, DP13, DP22 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1 and CS20 of the adopted Core Strategy (2007) and the National Planning Policy Framework.

- (5) **BA/2012/0124/CU Carlton Marshes Nature Reserve , Carlton Colville, Lowestoft, Suffolk** Proposed change from agricultural grassland to a mosaic of reed fringed wetland habitats with erection of a viewing platform  
Applicant: Suffolk Wildlife Trust

The Planning Assistant explained that the application was before members due to a neighbour objection, details of which were contained within Appendix 2 to the report. The Planning Assistant apologised that Appendix 1 in the paper report was incorrect. An amended plan had been emailed to members and published on the website. The proposal was for the change of use from agricultural grassland to a mosaic of reed fringed wetland habitats and the erection of a timber viewing platform, the whole project to be achieved in three phases.

The aim of the project was to improve the area's bio-diversity value and increase the amount of wetland habitat locally as well as provide improved educational access. It was pointed out that the site was adjacent to an SSSI and the application site, as well as the surrounding area, was managed by the Suffolk Wildlife Trust with the Angles Way in the vicinity. The proposed timber platform would form Phase 3 of the project, the location of which would be next to the flood wall, which was the subject of another BESL application. If the BESL flood wall gained consent, the platform would be accessed from the top, if not, then it would be accessed from ground level. The Planning Assistant stressed

that the applications were not dependent on one another and could be assessed separately.

Since the report had been written, eight letters of support from the Reserve users had been received. Other consultation responses had also been received:

- Carlton Colville Town Council – consider the application should be approved.
- The Internal Drainage Board – no objections.
- Archaeology – no objections subject to a condition covering a scheme of investigation.
- Natural England – supports the application and the biodiversity benefits it will provide and considers it has no adverse impact on the SSSI.
- Environment Agency – no objection. The impact on flood storage capacity would be insignificant and therefore there would be no adverse flood risk.
- Highways Authority – no objection.

The Planning Assistant addressed each of the points cited by the objector particularly in the context of the NPPF, the ecology, loss of agricultural land, and flood risk and access also referring to the positive responses from the statutory consultees. In conclusion, the Planning Assistant considered that the landscape, biodiversity and community improvements proposed outweighed the loss of a small area of agricultural land. It was considered that the proposal would enhance the landscape character of the immediate area and create significant biodiversity improvements by linking appropriate habitats to the existing Site of Special Scientific Interest. It was not considered that there would be a significant adverse impact on the Site of Special Scientific Interest, flood risk or highway safety. The application was recommended for approval subject to conditions with an additional condition relating to archaeological survey.

Mr Merson, the solicitor for the Objector Mr Kerkhof (the agent of the adjacent landowner), was given the opportunity to address the Committee. He commented that the report was flawed and unbalanced and the application not sustainable. He disputed the interpretation of the Authority's Development Management policies cited within the assessment and considered that the criteria set out within those policies had not been properly tested. He considered that there was no evidence to suggest that the scheme would improve biodiversity and disputed the conclusion provided by Highways relating to vehicle movements and parking. In light of the BESL application relating to the flood wall not having been determined, he considered that the creation of a viewing platform within the location could not be determined. He therefore considered that the Authority should refuse or at the very least defer the application in order to properly address the matters raised.

Mr Gooch and Mr Roughton for the applicants explained that they believed that the scheme was in accordance with the NPPF, would be sustainable and critical for the biodiversity of the environment. They believed that the whole scheme and in particular the proposed viewing platform would enhance the facilities for visitors and provide increased benefits to education as well as provide improvements for the landscape and wildlife of the area. They confirmed that the intention was to maintain some grazing within the area, although this would be at a reduced level to the current use. They considered that the proposals were in accord with the Authority's own policies and aspirations.

The Senior Ecologist considered that the proposals would improve biodiversity and would be in accordance with the Authority's Biodiversity Action Plan. The conditions recommended to be imposed would be able to monitor and quantify those benefits.

Members asked Mr Merson to provide the Authority with the details of his representations to Committee in order that they could give them due consideration. They also requested that the details relating to the viewing platform in association with the proposals for the flood wall be clarified and possibly considered in tandem. It was considered that it would be beneficial to view the site.

Dr Johnson proposed, seconded by Mr Rice and it was

RESOLVED unanimously

that the application be deferred for a site visit to take place on 8 June 2012 in order to give full consideration to the objections received, and to consider the potential impact of the scheme in the context of the Development Management Policies.

## **9/9 Consultation Documents Update and Proposed Responses**

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

- South Norfolk Council – South Norfolk Place-Making Guide.Council

RESOLVED

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

## **9/10 Enforcement Update**

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

(1) **Wayford Mill**

It was reported that the owner of Wayford Mill had been ordered to attend a court hearing on 17 July 2012. Failure to attend would be contempt of court.

RESOLVED

that the report be noted.

**9/11 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.

It was also noted that the appeals relating to:

**Broad Farm Caravan Park, Main Road, Fleggburgh E9505/A/12/2169337/NWF and E9505/A/12/2169339/NWF** had both been dismissed. Copies of the appeal decisions had been circulated to members and were on the Authority's website.

RESOLVED

that the report be noted.

**9/12 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers 16 April to 15 May 2012.

RESOLVED

that the report be noted.

**9/13 Circular 28/83/ Publication by Local Authorities of Information about the Handling of Planning Applications**

The Committee received the report setting out the development control statistics for the quarter ending 31 March 2012 and congratulated officers on the performance achieved.

RESOLVED

that the report be noted.

**9/14 Date of Next Meeting**

It was noted that the next meeting of the Planning Committee would be held on Friday 22 June 2012 at 10.00am at Dragonfly House, 2 Gilders Way, Norwich.

The meeting concluded at 12.35 pm

CHAIRMAN

**APPENDIX 1****Code of Conduct for Members****Declaration of Interests**

Committee: Planning Committee

Date: 25 May 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	9/8(1)	Application BA/2012/0086/FUL Broads Authority partner associated with PRISMA project	
P E Ollier	General Items 9/8 -9/13	Member of Navigation Committee, Toll Payer, Member of various sailing organisations	
C Gould	9/9	Member of South Norfolk Council. Items relating to Planning Policy Consultation on South Norfolk Place-Making Guide	
R Stevens		EACC member, NNDC appointee, Toll Payer	
P Rice	9/8	Norfolk CC member for area Re Pyramids application BA/2011/0256/FUL	
M Barnard	9/11	Member of WDC and SCC	
A S Mallett	General 9/3 And 9/10  9/10	Minutes as per previous meeting  Appointed by Broadland District Council, Member of Navigation Committee (but did not take part in the debate when considered.)  Enforcement Norwich Frostbite Sailing Club Commodore so will withdraw if matter discussed	√
J M Gray	9/9	Member of South Norfolk Council	
N Dixon	All	General Member of Norfolk County Council	