

Broads Authority

Planning Committee

Minutes of the meeting held on 7 December 2012

Present:

Dr J M Gray – in the Chair

Prof J A Burgess
Mr N Dixon
Mr C Gould
Dr J S Johnson

Mr A S Mallett
Mr P E Ollier
Mr R Stevens

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr S Bell – for the Solicitor
Mr J Clements – Planning Policy Officer
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Strategy
Ms A Macnab – Planning Officer
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Development Management
Miss K Wood – Planning Assistant

Members of the public in attendance who spoke:

BA/2012/0294/FUL: Compartment 3, Western Bank of River Ant and Northern Bank of the River Bure from Browns Hill to Horning Hall

Mr Jeremy Halls BESL Agent on behalf of the Applicant, Environment Agency

6/1 Apologies for Absence and Welcome

Apologies for absence were received from Mr M Barnard, Miss S Blane, Mr M T Jeal and Mr P Rice.

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

6/2 Declarations of Interest

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

6/3 Minutes

The minutes of the meeting held on 9 November 2012 were agreed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

There were no points of information arising from the minutes.

6/5 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

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

- (1) The Chairman gave notice of the Fire Regulations.
- (2) **Planning Committee Site Visit** – The Waterside, Rollesby. The date was confirmed as 14 December 2012 starting at 10.00am. Details of the visit were circulated to members.
- (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 revised Code of Conduct for Members and Officers, and that the time period was five minutes for all categories of speaker. Those who wished to speak were requested to come up to the public speaking desk at the beginning of the presentation of the relevant application.

The Chairman stated that he did not have discretion to allow those members of the public who had come for the application on the Solar Farm at Belaugh to speak. The Authority was a consultee in the same way as those members of the public and the appropriate place would be at the meetings of the determining authorities. He added that as the applicant would not have expected public speaking to take place and that they were not present, it would be unfair to them.

6/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests had been made to defer any applications.

6/8 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) **Compartment 3, Western Bank of River Ant and Northern Bank of the River Bure from Browns Hill to Horning Hall**

Proposed removal of piling and re-grading of river edge
Applicant: Environment Agency

The Planning Officer explained that the application involved the removal of piling (approximately 2,020metres) and bank re-grading on a number of banks that had been set back following the completion of the flood defence improvement works in Compartment 3 approved in October 2009. He reminded members that in the case of flood defence works, the Authority had agreed to remove the usual permitted development rights for the removal of piling when it was no longer required, in order to safeguard the navigation interests and the character and appearance of the Broads. He commented that similar piling removal had taken place on the eastern bank of the River Ant in Compartment 5 and the techniques employed would be similar to those which had been successfully completed elsewhere in the Broads.

It was emphasised that not all the piling in the compartment would be removed with some being retained for mooring purposes by BESL, the landowner and the Authority for its 24 hour moorings. That which was to be removed was in poor condition and no longer required. In accordance with agreements already established, BESL would undertake monitoring in relation to erosion and take remedial action if required, and cover the costs of that action.

The Planning Officer drew attention to the comments received from consultees explaining that there were no significant objections. Those from Natural England raised some concerns which officers were satisfied could be dealt with by conditions, particularly relating to biodiversity. A biosecurity protocol involving the Check Clean Dry Policy would be adopted, particularly in association with the Non-Native Shrimp *Dikerogammarus Villosus* in accordance with advice from the Authority's Wetland Bio-Security Officer. With regard to the highways and the County's Historic Environment Service comments and advice, it was also considered that these could be covered by conditions.

With regard to navigation issues, the Planning Officer reported that officers had welcomed the proposals as the piling to be removed was in a deteriorating condition and could become a navigation hazard and moorings were to be retained. The officers were satisfied that the more natural approach was consistent with the Authority's aims of a sustainable outcome. Unfortunately, it had not been possible to

prepare a report for the previous Navigation Committee meeting within the necessary time scales and the Senior Waterways and Recreation Officer had advised that since the Committee had not had objections to the application for the floodworks, on this occasion, there should not be a concern on the basis that it was not considered to have a significant effect on the navigation.

In conclusion, the Planning Officer considered that the scheme was acceptable and recommended approval.

Mr Halls, Environment Manager, BESL on behalf of the applicant, confirmed the Planning Officer's comments and assured members that as part of the monitoring protocol adopted since 2006, there were certain trigger levels in relation to erosion which, if exceeded, would be dealt with through remedial works, and BESL would cover the costs. He also outlined how the piling would be disposed of, which again would be in accordance with the biodiversity protocol.

Having received clarification on the monitoring and biodiversity issues, members considered that the application was acceptable. However they were particularly concerned that the Navigation Committee had not been consulted prior to submission to the Planning Committee, since there were potential effects on the navigation. Although they accepted that there were difficulties in meeting the Committee timetables, they considered that the matter should have been referred at least to the Chairman and or Vice-Chairman of the Navigation Committee. It was considered that the Navigation Committee should have the opportunity to comment on the application at its meeting on 13 December 2012.

RESOLVED by 6 votes to 0 with one abstention

that the application be approved subject to comments from the Navigation Committee and subject to conditions as set out in the report including an Informative relating to the Memorandum of Understanding between the Authority and the Environment Agency dated 25 April 2003. Subject to no substantive outstanding issues being raised, and the conditions outlined, the application is considered to meet the key requirements of the adopted Core Strategy (2007) and Development Management Policies DPD (2011) and in accordance with Core Strategy Policies CS1, CS3, CS4, CS6 and CS15 and DMPDPD Policies DP1, DP5 and DP13 as well as National Planning Policy Framework advice.

- (2) **BA/2012/0262/FUL Church Farm, Church Road, Wickhampton**
Proposed demolition of brick barns and erection of calf rearing unit
Applicant: Mr Paul Dunthorne

The Planning Assistant explained that the proposal was for a calf rearing unit to house approximately 250 head of cattle. The existing

red brick barns no longer complied with the Welfare of Farmed Animals Regulations 2000 and therefore it was necessary to demolish them and replace them with a more appropriate unit to accommodate the farming needs and therefore help retain the unit's viability. She explained that the existing cattle farm was a sister farm to one at Limpenhoe for which the Authority had recently granted permission. It was pointed out that the red brick barns, although not listed, were considered as non-designated heritage assets. The loss of these in addition to the adjacent SSSI and the sensitive landscape of the Broads, and the Grade I Listed Church and two Grade II Listed properties in the vicinity, were important factors and were therefore given detailed and careful consideration in assessing the application against the sequence of tests within the National Planning Policy Framework as well as the Authority's own policies.

The Planning Assistant referred to the consultation responses received, including that which had been specifically circulated to the Committee by email, and addressed the concerns expressed including those relating to highways and traffic movements, environmental health and visual and neighbour amenity. She explained that the application had been the subject of considerable discussions, particularly in relation to siting and alternative sites, including that of the original Church Farm house, had been discarded as not being viable or having a greater impact on visual amenity.

In conclusion, the Planning Assistant recommended approval. Although recognising that there would be a loss of a non-designated Heritage Asset and harm to the setting of the designated Heritage Assets, this was considered to amount to less than substantial harm when assessed against the NPPF and it was considered that the wider public benefits in retaining the important landscape of grazing marsh in the Broads outweighed that loss. Given that there were limited appropriate alternative uses for the barns and they were no longer suitable, their removal, although regrettable, was considered reasonable. In addition, the design was considered acceptable and there would be no adverse impact on trees, protected species, or highway safety and given the existing use of the site and screening, no significant adverse impact on neighbour amenity.

The Historic Environment Manager endorsed the Planning Assistant's assessment. He explained that the existing buildings, although of historical interest, were not listed and were not listable; they might be worthy of inclusion in the Local List, but they were in poor condition. The main barn had been re-roofed and the gables substantially altered. Any change of use such as conversion for holiday accommodation would also require alteration in this instance and would not be in keeping with the economic and practical functioning of the farm. In terms of the Broads landscape as a whole and the retention of grazing marsh, their loss was unfortunate. However, within the landscape setting the Church would still remain the dominant feature. With regard

to the roofing materials and colouring, provided there was no glare and the materials of an appropriate colour the design was acceptable.

Members were mindful that consent for the application was a compromise solution concerning the landscape and economic viability of the Broads. It was recognised that the farming unit was long established and its activities in supporting the grazing of the marshes made a beneficial contribution to the Broads landscape. In addition, there was a need to improve the accommodation of the livestock to comply with the animal welfare regulations. If permission was not granted, this could affect the viability of the unit and the non-designated heritage assets were likely to fall into disrepair and be lost in any case.

Although agreeing with these principles, a member expressed serious concerns about the loss of such historic assets to the Broads landscape and considered that efforts should be made to consider how these could be preserved in the future.

RESOLVED by 6 votes to 0 with 2 abstentions

that the application be approved subject to conditions and an Informative Note relating to the correct removal and disposal of asbestos as set out in the report, as the proposal is considered to accord with the National Planning Policy Framework (2012), and Policies CS1, CS5 and CS6 of the adopted Core Strategy (2007) and Policies DP2, DP4, DP5, DP11 and DP28 of the adopted Development Management Policies DPD (2011).

- 6/9 Application Referred to Broads Authority for Consultation – to be determined by Broadland District Council and North Norfolk District Council**
Applications BA/2012/0335/NEIGHB and BA/2012/0336/NEIGHB Land off Belaugh Road, Hoveton, Norwich
Installation of 12mw solar farm
Applicant: Trafford Estate Solar Park Limited

The Planning Officer emphasised that the Authority was a consultee on the applications due to the proximity to the Broads Executive area and that Broadland and North Norfolk District Councils would be the determining authorities. Therefore the report had been prepared on that basis. The application was seeking permission for a solar farm comprising the installation of 51,084 photovoltaic panels (amended since the report had been written) laid out in rows running east to west across a 29ha site (22ha in Broadland District Council's area and 7ha in North Norfolk District Council's area). The site was currently in arable production and was bordered by a hedge which included ash trees. In addition the site would require the installation of 14 transformer enclosures situated around the site at the ends of the rows of panels, a secured 2.4m high welded mesh fencing and a substation building in the south eastern corner of the site. The Planning Officer outlined the amendments to the application since the writing of the report. These included

the number of the panels, height of the CCTV cameras being reduced to 3m high as well as the access to the site, which was now intended to be central using an existing farm entrance.

The Planning Officer explained in detail the assessment in the report, with particular reference to the Broads Landscape Character Assessment, for both Landscape Character Areas 22 and 23 (although she noted that the report referred erroneously to LCA 23 only) in relation to renewable energy, as had been detailed in a presentation to the Authority on Landscape Sensitivity Study in July 2012. She emphasised that the application had been carefully examined by the Authority's Landscape Officer who had undertaken an extensive site visit.

Members gave careful consideration to the assessment, focussing on the main issues of relevance to the Broads: the impact of the development on the landscape setting of the Broads, ensuring that the ecological and biodiversity value of the Broads was not compromised and was possibly enhanced and the protection of the heritage value of the Conservation Area in Belaugh including the setting of the Grade I listed Church, as well as ensuring that public access to the countryside was maximised.

They endorsed the comments within the officers' assessment, in that the applications were unlikely to have a detrimental effect on the Broads Area and could be acceptable subject to appropriate landscaping conditions:

- a robust package of mitigation and biodiversity enhancement measures being carried out;
- the proposal should be fully assessed against the relevant tests within the NPPF relating to the heritage asset of the Belaugh Conservation Area; and
- opportunities for establishing a formal public access route, ideally a public footpath along the southern boundary of the site, be taken up.

In addition, members also emphasised that the B1354 between Hoveton, Belaugh and Coltishall was a principal gateway into the Broads linking notable Broads villages, and this should be taken into account. There was also concern about the infrastructure that would be required to transport the generated electricity to feed into the National Grid which could have an additional and potentially detrimental impact on the Broads. They considered that this should be clarified prior to the application being determined by the District Councils.

The views of Belaugh Parish were noted and although members had some sympathy with these, it was not the Authority's role to take these into account when providing its views to another authority(ies). The Authority was a consultee in the same way as local residents and Belaugh Parish, and therefore was required to give its expert opinion in relation to those issues that would impact on the Broads Executive area. There was a suggestion that the Authority's Planning Committee have a site visit. However it was considered inappropriate, given the fact that the Authority was not the determining authority in this case.

Members agreed that the comments within the report, the report itself together with the additional comments made be forwarded to the respective determining authorities.

RESOLVED

that the comments contained within the report be endorsed and that these together with the report itself be forwarded to Broadland and North Norfolk District Councils in full as the Authority's views, with the addition of comments relating to the transmission infrastructure and the access route.

6/10 Enforcement of Planning Control: Items for Consideration: The Old Grainstore, Wainford Road, Bungay

The Committee received a report concerning the creation of two flatlets at the Old Grainstore, Wainford Road, Bungay without the benefit of planning permission. Planning permission had been granted for the conversion of the building into a single residential unit with the erection of a double garage in March 2009. From investigations it was clear that the building was currently occupied by three separate households. It appeared that there were at least two units capable of independent living accommodation. This was contrary to the Authority's policies namely CS18, CS24, DP21 and DP22 since the application site fell within a rural area outside development boundaries where the creation of new residential units was not acceptable.

It was notable that planning permission would be required and a retrospective application had been invited.

RESOLVED

that authorisation be granted for any necessary enforcement action to secure the removal of the unauthorised development including prosecution in the event of non-compliance, in consultation with the Solicitor.

6/11 Consultation Documents Update and Proposed Responses

The Committee received a report on planning consultations received since the last meeting in relation to Great Yarmouth Borough Council's Core Strategy – Finalising Options and their Statement of Community Involvement.

Particular attention was given to:

- Para 23 re Policy CS4 of the report concerning housing development and contributions to affordable housing.
- Para 12 of the report in relation to identifying potential for renewed use of the river system - it was agreed that reference to the Cantley Study undertaken as part of the planning permission BA/2008/0307/FUL (subsequently renewed) be made.
- Para 32 Policy CS16 concerning Improving Accessibility and Transport.

It was noted that the dualling of the A47 along the Acle Straight was a very complex question and had the potential for adverse effects on the Broads. The Authority's stance on this would require careful examination in the light of any future proposals. It was agreed that the response was appropriate and the latter part of the sentence "itself, not just its setting" be deleted.

RESOLVED

that the report be noted and the nature of the proposed responses including additional reference to the Cantley Study, and the amended wording to para 32, be endorsed.

6/12 Strumpshaw Neighbourhood Plan: Designation of Neighbourhood Area

The Committee received a report relating to Strumpshaw Parish Council's proposed neighbourhood plan area and the Broads Authority's considerations in designating such an area. Members noted that the necessary consultations had taken place on the specific area for inclusion and that there had been no objections. The Parish Council's proposal to include the whole of the parish of Strumpshaw within its Neighbourhood Plan was considered sensible.

RESOLVED

- (i) that the proposed area for the Strumpshaw Neighbourhood Plan and the responses to consultation on this be noted; and

RECOMMEND to the Authority

- (ii) that the Authority designate the whole of Strumpshaw Parish insofar as it lies within the Broads as a "neighbourhood area" to facilitate the Parish Council's ambitions in preparing a Neighbourhood Plan.

6/13 Annual Monitoring Report 2011/12

The Committee received the Monitoring Report for the year 1 April 2011 to 31 March 2012 which provided a review of the Authority's progress in developing and implementing its local development framework. It was noted that the report focused on the statutory requirements and a review of the progress in plan making and delivery. It was noted that a full report on the Authority's policies being compliant with the National Planning Policy Framework was required and this would be submitted to a future meeting.

RESOLVED

that the Annual Monitoring Report for 2011/12 be noted and approved for publication subject to some minor editorial corrections.

6/14 Heritage Asset Review Group (HARG) – 9 November 2012

The Committee received the notes of the Heritage Asset Review Group meeting held on 9 November 2012. A presentation on the progress in relation to the Buildings at Risk had been given to the Authority on 23 November 2012, which had been well received. It was noted that most of the HARG meeting had focused on the Mills Strategy, details of which would be submitted to the Planning Committee in due course.

RESOLVED

that the notes of the Heritage Asset Review Group of 9 November 2012 be noted.

6/15 Enforcement Update

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

RESOLVED

that the report be noted.

6/16 Appeals to the Secretary of State: Update

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

Since the report had been written, a decision from the Secretary of State had been received in relation to the appeal:

Site at Land at Griffin Lane, Griffin Industrial Estate, Thorpe St Andrew against the Authority's decision to refuse an industrial unit. The appeal had been dismissed on 27 November 2012.

RESOLVED

that the report be noted.

6/17 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 26 October 2012 to 21 November 2012.

RESOLVED

that the report be noted.

6/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 4 January 2012 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.45pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 7 December 2012

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)
A S Mallett	General 6/3 6/8(i) 6/9 6/12 6/15	Appointed by Broadland District Council Minutes as per previous meeting Application BA/2012/0249/FUL member of Navigation Committee App BA/2012/0335/NEIGHB and BA/2012/0336/NEIGH Lobbied – non-prejudicial Member of BDC Norwich Frostbite Sailing Club (NFSC) will leave meeting if discussed as prejudicial
N Dixon	6/9	App BA/2012/0335/NEIGHB and BA/2012/0336/NEIGH Member of North Norfolk District Council (one of determining authorities)
All Members	6/9	App BA/2012/0335/NEIGHB and BA/2012/0336/NEIGH Lobbied by objectors