

Planning Committee

AGENDA

Friday 11 November 2016

10.00am

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|---|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 14 October 2016 (herewith) | 3 – 17 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

BA/2016/0330/CU Helska Leisure Centre, Ferry Marina, Ferry Road, Horning

18 – 24

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9	Enforcement of Planning Control: Mooring of Caravan on Floating Pontoon Report by Planning Officer (Compliance and Implementation) (herewith)	25 – 28

10	Enforcement Update Report by Head of Planning (herewith)	29 – 35
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POLICY

11	Broads Local Plan: Preferred Options Local Plan, Sustainability Appraisal, Habitat Regulation Assessment for Consultation Report by Planning Policy Officer (herewith) <i>Including:</i> <ul style="list-style-type: none"> • <i>Appendix A - Broads Local Plan – Preferred Options</i> • <i>Appendix B - Sustainability Appraisal</i> • <i>Appendix C - Habitat Regulations Assessment</i> • <i>Accompanying draft Policies Maps</i> 	36 – 40
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MATTERS FOR INFORMATION

12	Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	41 – 42
13	Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	43 – 45
14	Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications (Quarterly report to 30 September 2016) Report by Head of Planning (herewith)	46 – 49
15	To note the date of the next meeting – Friday 9 December 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority

Planning Committee

Minutes of the meeting held on 14 October 2016

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J Burgess
Mr W Dickson
Ms G Harris

Mr P Rice
Mr H Thirtle
Mr V Thomson (From Minute
4/8(3))

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 4/11 – 4/13)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Miss M Hammond - Planning Officer (Minute 4/8)
Ms A Long – Director of Planning and Resources
Mr N Catherall – Planning Officer (Minute 4/8)

Members of the Public in attendance who spoke:

BA/2016/0165/COND The Ice House, The Shoal, Irstead, Barton Turf

Mr Kevin Cole On behalf of the applicant

BA/2016/0260/CU 39 Slad Lane, Woodbastwick

Mr Mark Nudd On behalf of Objectors
Mr Nigel Cooper The Applicant's agent

BA/2016/0070/COND The Norfolk Mead Hotel, Church Loke, Coltishall

Ms Poppy Seymore Objector
Mr James Holliday On behalf of the applicant

4/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from John Timewell. Vic Thomson sent apologies for the first part of the meeting. He would be arriving later.

4/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared a general interest on behalf of all Members relating to application BA/2016/0247/FUL as this was an Authority application.

He also declared an interest concerning BA/2016/0260/CU where members had been lobbied with a series of correspondence, some of which was out of time from the Authority's adopted procedures.

4/3 Chairman's Announcements and Introduction to Public Speaking

(1) No members of the public indicated that they intended to record proceedings.

(2) Planning Training

The Chairman reminded Members that there would be training following this meeting. This would include a briefing on the legal framework within which the Authority operated and include updates on the Housing and Planning Act.

(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. (This did not apply to Enforcement Matters.)

The Chairman wished to clarify the procedures by emphasising that the public speaking required any additional comments on any applications to be received at least three days before the meeting otherwise they would not be taken into account. This did not preclude those who had registered to speak from making the points made in their correspondence within the allotted time for public speaking. In addition it was important that any correspondence for Members concerning an application before the Committee should also be addressed to Broads Authority staff as the relevant officers.

4/4 Minutes: 16 September 2016

The minutes of the meeting held on 16 September 2016 were agreed as a correct record and signed by the Chairman.

4/5 Points of Information Arising from the Minutes

None to report.

4/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

4/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications or vary the order of the agenda had been received.

4/8 Applications for Planning Permission

The Committee considered the following 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/2016/0165/COND The Ice House, The Shoal, Irstead, Barton Turf

Retrospective variation of condition 2 of pp BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations

Applicant: Mr and Mrs Andrew Lodge

The Planning Officer gave a brief presentation on the application to regularise amendments to a development for a holiday dwelling granted permission in 2014, details of which had been received at the previous meeting in September 2016. Members had deferred the determination of the application at the previous meeting to enable further clarification on the proposal and the applicant's intentions.

The amended plans were to retain the use of wood effect UPVC windows in place of the timber windows submitted with the original planning documents and replace fibre cement boarding with timber. The applicant had confirmed that he was prepared to replace the cladding with waney edged larch to the gables and timber shiplap to the dormers and the windows and doors would be retained in their current form and materials. The applicant wished the timescale to complete the replacement cladding to the new dwelling to be of reasonable length (up to 24 months instead of the 12 months recommended by officers) in order to be able to manage the financial implications for the implementation of phase 2 of the Ice House refurbishment.

The Planning Officer explained that in light of the statement from the applicant, there were no changes in circumstances since the report to the previous meeting and therefore the recommendation remained the same. She explained that although financial considerations were not normally taken into account, on this occasion, the application was one which would enable the restoration of a heritage asset that contributed to the Broads environment and these need to be weighed into the assessment. Officers considered that one year was appropriate. In conclusion, the application was therefore recommended for approval subject to advertisement as a departure from the development plan and a repeat of the other original conditions and the inclusion of timber cladding to be replaced within one year, and a section 106 agreement.

Mr Cole on behalf of the applicant apologised for the confusion that had arisen. He explained that Mr Lodge had wished to persuade members that all the materials incorporated into the new dwelling should remain. He had not knowingly or willingly gone against the wishes of the Authority. There had been a misunderstanding of the conditions. The main aim had been to channel funds into the restoration of the Ice House and this had been achieved to a very high standard, with Phase 1 having been completed and Phase 2 for the thatching was ahead of schedule. He had also understood that a high standard was required for the new development and this had also been achieved. The applicant was prepared to accept the Officer's recommendation although would prefer to have a period of two years in order to complete the restoration of the Ice House within that time.

A member expressed concern that by accepting the proposal, it could set a precedent. He did not consider that it had merit. Other Members considered that the main objective was to complete the restoration of the Ice House, there were exceptional circumstances and by accepting the compromise recommendation, it would not be setting a precedent but would be contributing to the enabling development and could be supported.

Jacquie Burgess proposed, seconded by Paul Rice that the Officer's recommendation be accepted to include the condition that the cladding be replaced within one year.

Bill Dickson proposed an amendment that the period for replacing the cladding be within two years. This was not seconded.

RESOLVED by 6 votes in favour to 1 against

that the application be approved subject to the prior completion of a Section 106 Agreement and detailed conditions as outlined within the report. The proposal is considered to be acceptable as a departure from Policy DP4 of the adopted Development Management Policies (2011) as, nonetheless, it would achieve the aim of conserving a heritage asset in accordance with Policy DP5 of the Development

Management Policies (2011), Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (2) **BA/2016/0260/CU 39 Slad Lane, Woodbastwick**
Change of use of ground floor cottage to tea room (class A3)
Applicant: Woodbastwick Estate

The Planning Officer provided a detailed presentation on the application to provide a new tea room primarily for visitors to Salhouse Broad. This would be located in the ground floor of the cottage adjacent to the footpath down to the important tourism site of the Broad. The first floor of the cottage would be retained for use as a flat for residential accommodation. Permission was therefore required for change of use to include alterations to take account of the new commercial use but these would be of a high standard that would maintain the rural domestic cottage character. Although technically in the parish of Woodbastwick, the site was related to Salhouse within the Salhouse Conservation Area and outside the development boundary. It was intended that the tea room would provide 24 covers internally and 44 externally, operating all year round between 8.00am – 7 pm daily. The existing hard standing would be increased to provide 12 parking spaces plus one disabled space and a level pathway would be provided.

The Planning Officer referred to the significant amount of local interest in the proposal particularly on the basis of concerns about the economic impact on the two existing cafes in the village which were popular and provided valuable local facilities. Other concerns related to highway and environmental health issues relating to parking provision and toilet facilities. Although it was pleasing to note that the village benefited from such valuable economic and community facilities, and it would be regrettable if these were lost, the matter of competition between businesses was not a material planning consideration and could not be considered in the determination of the application.

Since the report had been written a Tree Impact Assessment had been submitted with comments from the arboricultural consultant relating to trees. The Highways Authority had responded to the amended plans and was satisfied that the parking provision met the recommended standards. They had no objections but had recommended that conditions be added including appropriate signage for parking specifically for the café and to deter people from using the Salhouse Broad car park. Resident parking would be accommodated adjacent to the building. The Environmental Health Officer and Building Control had provided comments and recommended separate male and female toilets. Other matters would be covered by building regulations. Other comments had also been received objecting to the proposal.

The Planning Officer commented that although the local interest was understood, having carefully assessed the application against the appropriate policies particularly para 28 of the NPPF, Policy DP14 and the impacts on highways, ecology, design and the Conservation Area, the application was considered to be acceptable subject to conditions.

Mr Nudd Owner of Prima Rosa Tea Room, Craft and Convenience Shop in the village spoke on behalf of objectors. He stressed that all the businesses in the locality relied heavily on the tourism season and queried the sustainability of the all year round proposal.

He considered that Policy DP27 was relevant and that the application was contrary to this. He considered that the potential closure of the Post office, tea room and coffee shop within the village, which also had retail shopping facilities was not just speculation and their existence would be jeopardised. The application was not considered to be robust enough to justify opening the tea room all year round.

He also expressed concern in relation to DP11 Access to Land and highways considerations. He considered that the Highways assessment was based on the tearoom having 36 covers, but this appeared to have risen to 68. He did not consider that it would be acceptable to use the private car park that was for public use for those people visiting the Broad.

Mr Cooper from David Futter Associates Ltd on behalf of the applicant commented that the proposed tea room in its tranquil setting would provide additional tourist facilities for the nearby attractive Salhouse Broad including the campsite. It would complement and encourage further use of the other facilities in the area. He appreciated the concerns expressed that it would have a negative impact but he disagreed with this and felt it would have a positive effect and as a small scale development would increase the numbers of visitors to the benefit of the area. He considered that business competition was not the role of the Local Planning Authority and that the proposal met the aims of the Authority's planning policies and the NPPF. With regard to the matters concerning the trees, the applicant would be happy to reroute the path and retain trees as suggested. He would also rearrange the toilet facilities as necessary. The agent did not think that the proposed tea room would rely hugely on the car park at the beginning of the walk down to Salhouse Broad. It could be possible to reduce the external seating area. However, he did not consider there would be a problem.

In answer to members' questions concerning the campsite which had been referred to by the agent and the objectors, the Planning Officer explained that this was outside the Broads Authority area and within Broadland District Council's area. There were thought to be

approximately 20 pitches with one camping pod. Those using the campsite parked in the car park at the start of the walk to Salhouse Broad and therefore Broadland District Council had granted a temporary consent in order to monitor the use of the car park.

Members considered that the proposed tea room was more closely related to the village than Salhouse Broad. Therefore they considered that as it was not closely associated with an existing tourism site such as a group of holiday dwellings, boatyard or established sailing or similar club and therefore they were more mindful of the second part of Policy DP14 relating to facilities within the open countryside. Members did not consider that the need for such facilities in this location had been clearly and demonstrably justified.

In addition, Members had considerable concerns about the proposal in relation to the on-site car parking provision. There was a lack of clarity as well as confusion as to the number of covers to be provided, which would also impact on the number of staff and therefore the total car parking spaces needed. It was also not clear as to whether the applicant would be relying on the car park that was available for public use at the start of the footpath down to Salhouse Broad, commenting that this was invariably very well used already. They therefore considered that it could not be satisfactorily assessed in terms of the highway network.

Peter Dixon proposed, seconded by Gail Harris and it was

RESOLVED unanimously

that the application be refused as the proposal is considered to be contrary to Policy DP14 (2011) and as it could not be satisfactorily assessed in terms of its impact on the highway network it was therefore contrary to Policy DP11 of the adopted Development Management Policies .

(3) **BA/2016/0070/COND The Norfolk Mead Hotel, Church Loke, Coltishall**

Variation to Condition 9 of planning permission BA/2013/0096/FUL for alterations to parking plan

Applicant: Mr James Holliday

The Planning Officer provided a detailed presentation of the application to amend a condition relating to the parking plan originally approved under BA/2013/0096/FUL that included a function room. This involved the utilisation of two areas at the hotel site for overflow parking, one in a paddock area to the north of the hotel (Car Park 1) and another area underneath trees to the east of the access drive and partly opposite No.1 Barn Mead (Car Park 2). The scheme also involved consideration of another area to accommodate an increase in staff parking. In addition to the parking on the driveway in front of the main hotel, the

original plan provided for overflow parking on the large lawn in front of the main hotel. However, due to the success of the function room demand had exceeded expectation and overflow parking on the front lawn was considered to have a detrimental impact on the amenities and character of the listed building. Therefore alternative arrangements were proposed which had been trialled. The issue of potential noise and disturbance associated with parking had been a point of concern for some local residents over a number of months (as reported to Planning Committee in September 2016). A number of complaints had been received.

Having provided a detailed assessment, the Planning Officer concluded that the proposed alteration to the parking plan would not result in a detrimental impact on residential amenity or privacy, damage to trees, or be detrimental to the setting of the Grade II Hotel Listed building and therefore he recommended the application for approval subject to reinstating all the original conditions to take account of the changes.

Ms Poppy Seymore on behalf of the residents in Barn Mead cottages commented that they had employed an agent on their behalf. Since the building of the function room at the hotel, there had been considerable noise and disturbance to the local residents, particularly with cars parking under the trees adjacent to their properties which had been very upsetting. Originally a quiet country hotel, the changes that had taken place had impacted on their privacy and amenity. The advice of their agent was that the increased intensification of use had amounted to a material change of use which could be considered as a breach of planning law. If approved, it was considered that the Authority would have failed in its statutory duty. Ms Seymore confirmed that the paddock where Car Park 1 was located was in her ownership and provided to the hotel on a year on year basis. She would not want its capacity for cars to be increased, as it was a habitat for wildlife. It was also not considered acceptable to have parking along the drive.

Mr Holliday, the owner of the Norfolk Mead commented that the Authority had given unanimous approval for the planning permission for the Function Room in 2014. This had proved to be very successful for the whole business so that it was now a profitable concern, which also benefited Ms Seymore through their business dealings. The Norfolk Mead had become well recognised, with excellent reports on TripAdvisor (coming second in the whole of East Anglia) as well as having received a number of awards of which he was very proud. He commented that without the additional car parking facilities to accommodate the events, the hotel was not likely to be viable as it very much depended on the use of the function room and therefore provision of an additional 40 spaces as back up.

Although the original plan had overflow parking on the lawn in front of the hotel, English Heritage was not happy with this as it impacted on

the listed building. In addition, the ground conditions were not suitable or practical. He had had numbers of discussion with Ms Seymore and the planning officers and been very transparent in negotiations. The overflow car parks would not be used more than 30 to 35 occasions per year, with the first overflow using Car Park 1, and only lastly Car Park 2. When not required, the areas would be cordoned off. He also explained that staff would only be required to park at the back of the hotel when large events were taking place. He recognised that there was still room for improvement and confirmed that taxi services were offered and attempts were made to minimise the parking required.

The Director of Planning and Resources commented that she did not agree with the objectors' planning agent's advice. The function room was part of the whole hotel and had planning permission integral to it. There was not a material change of use. This was confirmed by the Solicitor. The function room supported the Hotel and was in the same Use Classes Order and therefore there was no change. Members were reminded that they were dealing with a variation of a condition.

Having received answers to a number of questions and given the matter careful consideration, Members considered that on balance, they supported the officer's assessment, recognising the difficulties involved, details of which they were very aware.

Jacquie Burgess proposed, seconded by Gail Harris and it was

RESOLVED unanimously

that the application be approved subject to conditions outlined within the report. The proposal is considered to be in accordance with Policies DP5 and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

(4) **BA/2016/0247/FUL Whitlingham Broad Visitors Centre,
Whitlingham Lane, Trowse**

Nesting Tower

Applicant: Ms Andrea Kelly, Broads Authority

The Chairman commented that the application was before the Committee as the applicant was the Broads Authority. Gail Harris, having declared an interest as a Whitlingham Charitable Trustee left the room for this item.

The Planning Officer provided a presentation of the proposal for the installation of a nesting tower within the car park at the Whitlingham Broad Visitors centre, the aim being to encourage its use by swifts with its twenty internal nest boxes. No objections had been received and having provided a detailed assessment, the Planning Officer recommended approval of the application subject to conditions.

Members recognised the decline in the number of swifts and welcomed the proposal considering it to be an excellent addition to the Visitors centre, especially with interpretation and possibly the addition of a web cam to be provided in the barn. Members were satisfied with the assessment in the report and considered that as no conflicting issues arose, and policies were satisfied, the application could be approved.

Jacquie Burgess proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the development is considered to be acceptable in accordance with Policies CS1 and CS5 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4, DP5 and DP28 of the adopted Development Management Policies DPD (2011), Policy WH11 of the adopted Site Specific Policies Local Plan (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

4/9 Enforcement Update

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

With reference to Thorpe Island, it was noted that a planning application had been received by the deadline of 24 September 2016 but there were omissions and it had not been in accordance with the Planning Inspector's decision. The applicant through his agent had been given an additional amount of time to correct the omissions by 9.00am this morning. An application that was capable of validation with the right fee had now been received but it was the Officer's view that the application was still not consistent with the 2014 Planning Inspector's decision and criteria of the Injunction. There were a number of conditions which the information submitted to date did not comply with.

Members considered that the real issue was the requirement to be compliant with the injunction, which did not appear to have been achieved. They were not minded to provide more time for the applicant to submit the further details required in respect of compliance with the injunction, since the matter had been running for a number of years. It was agreed that Counsel's advice be sought on the next steps.

RESOLVED

- (i) that Counsel's advice be sought in relation to the matters at Thorpe Island; and

- (ii) that all Members of the Authority be appraised of the latest situation together with the adjoining authorities and appropriate stakeholders.

The Ferry Inn at Horning: it was noted that following withdrawal of the application in September, the owner had engaged a professional agent and pre-application discussions were now ongoing with a view to converting some of the existing buildings. Mr Rice commented that now the owner had an agent, he would not be required as a mediator. In addition, North Norfolk District would be reconvening the Flood Forum which was due to meet within the next fortnight.

RESOLVED

that the Enforcement Update report be noted.

4/10 Broads Local Plan – Preferred Options (October) Bite Size Pieces

The Committee received a report introducing the sixth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to the following:

Appendix A: Links between the Broads Plan and Local Plan

Appendix B: Duty to Cooperate Statement

Appendix C: Sequential Test

Appendix D: Permission in Principle section

Appendix E: How issues included in the Issue and Options have been addressed

Appendix F: What has happened to the currently adopted policies

Appendix G: Approach to consultation

Appendix H: Neighbourhood Plan v Local Plan

It was noted that the Appendices provided did not necessarily represent the final text or approach but were part of the development of that text for the Local Plan. There might be other consideration between the final version being presented to the Planning Committee in November 2016.

Members considered each of the Appendices in turn. They considered that the table setting out the links between the Broads Plan and Local Plan were very helpful.

With regard to Duty to Cooperate, the Vice-Chairman of the Planning Committee reported that he together with the Planning Policy Officer had attended the recent members meeting which had been very interesting and helpful particularly with regard to land management. With regard to the reference to the Mayor of London, this was a requirement of the provisions for Duty to Cooperate. London was unable to meet its Housing need and therefore it had to consult with other areas to help achieve the targets, which would have an impact on other areas.

Appendix D relating to Permission in Principle (PIP) was a new requirement as part of the Housing and Planning Act 2016, further details of which were still required from the government and which would be referred to in the training session following this meeting.

Members considered that Appendix E providing information on how the Issues and Options had been taken forward and Appendix F referring to the policies within the existing development plan were very important and useful.

Members noted and endorsed the proposed arrangements for the Consultation of the Preferred Options (Appendix G) and requested they be given plenty of advance notice of the drop in sessions.

Members thanked the Planning Policy Officer and other colleagues for the thorough work being undertaken.

RESOLVED

that the report be noted and endorsed.

4/11 Broads Local Plan: New Flood Risk Supplementary Planning Document – Consultation Version

The Committee received a report setting out a new Draft Flood Risk Supplementary Planning Document SPD, with the intention that this would be the subject of public consultation in November and December 2016. The aim of the Flood Risk DPD was to raise awareness of the nature of flood risk in the Broads area and give advice to developers and others about the Authority's approach to the issue of development and flood risk and emphasise the need to maintain a high standard of design for new waterside development.

RESOLVED

(i) that the report be noted; and the Committee

RECOMMEND to the full Authority

(ii) that the new Supplementary Planning Document on Flood Risk be approved for consultation.

4/12 Broads Local Plan: Adopting the Biodiversity Enhancements and Waterside Bungalows Guides

The Committee received a report on the Information guides produced to help applicants meet any requirements placed upon them to enhance wildlife as part of their development proposals as well as give guidance and advice to those intending to alter waterside bungalows. The Guides had been the subject of consultation and Members noted the responses received together with the officers responses as set out in Appendix A to the report. Members

also considered the amendments proposed to the Guides which they considered acceptable. They queried the use of the word “bungalows” as some of the buildings were not actually bungalows. When compiling the Local List, many had been termed as Waterside Chalets and it was considered that this would be more appropriate. It was also considered that when pictures were used in the document, it would be helpful to indicate where the location of the building was.

RESOLVED

- (i) that the responses and amendments to the Guides be noted and welcomed; and the Committee

RECOMMEND to the full Authority

- (ii) that the Biodiversity Enhancement Guide and Waterside Chalet/Bungalow Guide be adopted.

4/13 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority’s decisions since 1 April 2016.

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 3 September 2016 to 27 September 2016.

Members were informed that in the future, there would be a note within the weekly lists requesting them to inform officers if they had any connection with any of the validated applications listed. This was to ensure the correct procedures were followed and that applications were brought before the Committee when necessary.

RESOLVED

that the report be noted.

4/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 11 November 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.55 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 14 October 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	4/8(4)	Application BA/2016/0247/FUL Whitlingham Broad Visitors Centre, Whitlingham Lane, Trowse – Broads Authority application
Paul Rice	4/8 and 4/9	(i) Slad Lane Sit on IDB with one of the applicants (ii) Involved in Mediation on Ferry Inn
Gail Harris	4/8(4)	Director of Whitlingham Charitable Trust – will withdraw from meeting for this item
Bill Dickson	-	-
Vic Thomson	4/8(4)	BA/2014/0274/FUL Director of Whitlingham Charitable Trust.

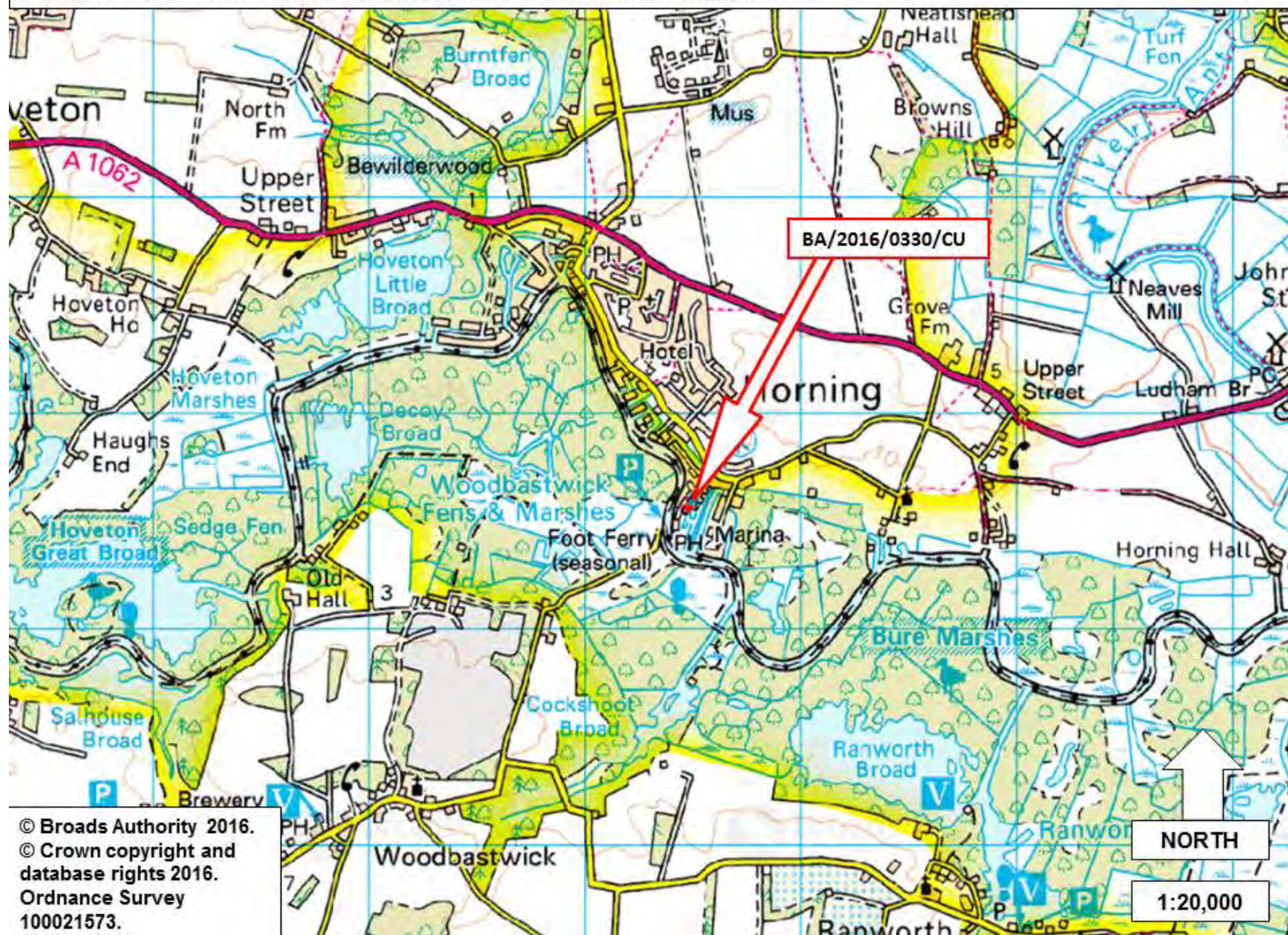
Reference:

BA/2016/0330/CU

Location

Helska Leisure Centre, Ferry Marina, Ferry Road,
Horning

BA/2016/0330/CU - Helska Leisure Centre, Ferry Marina, Ferry Road, Horning, NR12 8PS



Application for Determination

Parish	Horning Parish Council		
Reference	BA/2016/0330/CU	Target date	24.11.2016
Location	Helska Leisure Centre, Ferry Marina, Ferry Road, Horning NR12 8PS		
Proposal	Change of use to Office/Reception [Class B1].		
Applicant	Mr Len Funnell		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Applicant related to a member of the Navigation Committee and former member of the Authority		

1 Description of Site and Proposals

- 1.1 The application site is situated in the village of Horning. Horning is one of the larger riverside villages and is located on the River Bure. Horning Staithe at 'Swan Corner' proves a popular tourist attraction which means the predominant uses are commercial (shops, boatyards and public houses) holiday accommodation and leisure related uses.
- 1.2 The application site is situated to the south of Horning's main street on Ferry View Estate which is a stretch of land where numerous dykes and cuts have been formed. Boathouses and moorings are prominent to the south with residential and holiday accommodation stretching along the northern side of Ferry Lane. Ferry Marina provides private moorings and is the base for a hire fleet; in addition there is a boatshed provides marine servicing.
- 1.3 The application site is currently a leisure centre associated with Ferry Marina which contains a small swimming pool (approx. 5m long) a café, a small launderette, fish and chip shop, boat sales offices as well as toilets and changing facilities. The application seeks a change of use of the swimming pool section into an office and reception area. The application indicates that the swimming pool use is declining and the Ferry Marina website advises that it is closing on 31 October 2016. The other uses would remain unaltered.
- 1.4 The building is single storey, wooden clad stained a dark brown. The cafe and swimming pool sections are heavily glazed with windows extending from floor to eaves. The roof consists of flat grey tiles. The external appearance of the building will not be altered under this application apart from the addition of a

set of doors to the southern elevation. The site is accessed from Lower Street Horning and is in Flood Risk Zone 3b.

2 Site History

BA/2011/0141/FUL - Proposed extension of leisure complex to form boat sales office, hairdressing salon and new swimming pool changing facilities. Approved subject to conditions (07/07/2011).

BA/2010/0125/CU - Change of use to part of Helska Centre to provide extension to food sales area. Approved subject to conditions (24/05/2010).

BA/2009/0140/CU - Change of use from cafe and swimming pool to cafe and chandlers with external boat sales area. Approved subject to conditions (20/07/2009).

BA/2008/0251/CU – Proposed change of use from empty part of Leisure Centre to boat brokerage and office for Norfolk Yacht Agency. Approved subject to conditions (23/09/2008).

3 Consultation

Parish Council – Response awaited, expected 6/11/2016

District Member – no response

Broads Society – no response

4 Representations

4.1 None received.

5 Policies

5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application. [NPPF](#)

Development Management Plan DPD (2011)
[DEVELOPMENTPLANDOCUMENT](#)

DP27 – Visitor and Community Facilities and Services

DP29 – Development on Sites with a High Probability of Flooding

6 Assessment

61 The main issue to consider in the determination of this application is the impact of the change of use of a visitor facility comprising swimming pool and café to an office and reception area.

- 6.2 In terms of flood risk, both leisure and office use are classified as less vulnerable and therefore there is no change to the flood risk vulnerability on the application site and the proposed use remains appropriate for Flood Risk Zone 3a.
- 6.3 Lower Street is the current access road to the site. It is a narrow highway, with surfacing of variable standard and it is accepted that it does not provide a good standard of access. However, it is not anticipated that the proposed new office use would generate such an increase in traffic as to significantly adversely affect highway safety, and the removal of the swimming pool use may result in reduced traffic to the site. There is sufficient parking provision and space to turn within the curtilage of the leisure centre and associated marina. On this basis a refusal of planning permission on the grounds of highway safety or access would be difficult to justify.
- 6.4 The character of the immediate area is that of waterside holiday accommodation with boat and marine industries also prominent. Even though the building in question is used as a swimming pool its use is not specifically apparent from the outside. It is therefore considered the change of use to an office would not alter or detract from the character of the area.
- 6.5 The proposed change of use would not result in any changes to the current levels of employment on site, and is therefore considered to be in accordance with DP18 which seeks to protect existing employment uses.
- 6.6 It would however, result in the loss of a visitor facility in this location which is regrettable. DP27 permits the change of use of an existing visitor facility subject to two criteria:
- (a) there is an equivalent facility available in the locality or one is made available prior to the commencement of redevelopment, to serve the same need; or
 - (b) it can be demonstrated through a viability assessment that the current use is economically unviable. In the absence of a viability assessment or proposed replacement, it is necessary to consider equivalent facilities that are available in the locality.
- 6.7 In 2006 North Norfolk District Council produced an Open Space and Recreation Study to support its Local Development Framework. The study specifically addressed the issue of swimming pool facilities and in particular those facilities that fulfil the Sport England criteria, which this pool does not. The study concluded that existing provision within the District already exceeded demand and that the requirement produced by the expected levels of growth up to 2016 would be met by existing facilities in the District. A previous application (BA/2009/0140/CU) was granted on this basis and it is therefore considered that there are not sufficient grounds on which to refuse this application.

7 Conclusion

- 7.1 Although the loss of a visitor facility is regrettable, the continuing decline in use of the swimming pool is likely to result in the need to find an alternative use for the building, which will maintain it in a productive use and provide local employment or support the local tourist industry. The proposed use is generally supported and encouraged by the Broads Local Plan and Core Strategy, therefore, on balance the proposal is considered acceptable.

8 Recommendation

- 8.1 Approve subject to the following conditions:

- (i) Time limit
- (ii) In accordance with submitted plans
- (iii) Removal of change of use permitted development rights

9 Reason for Recommendation

- 9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP18, DP27 and DP29.

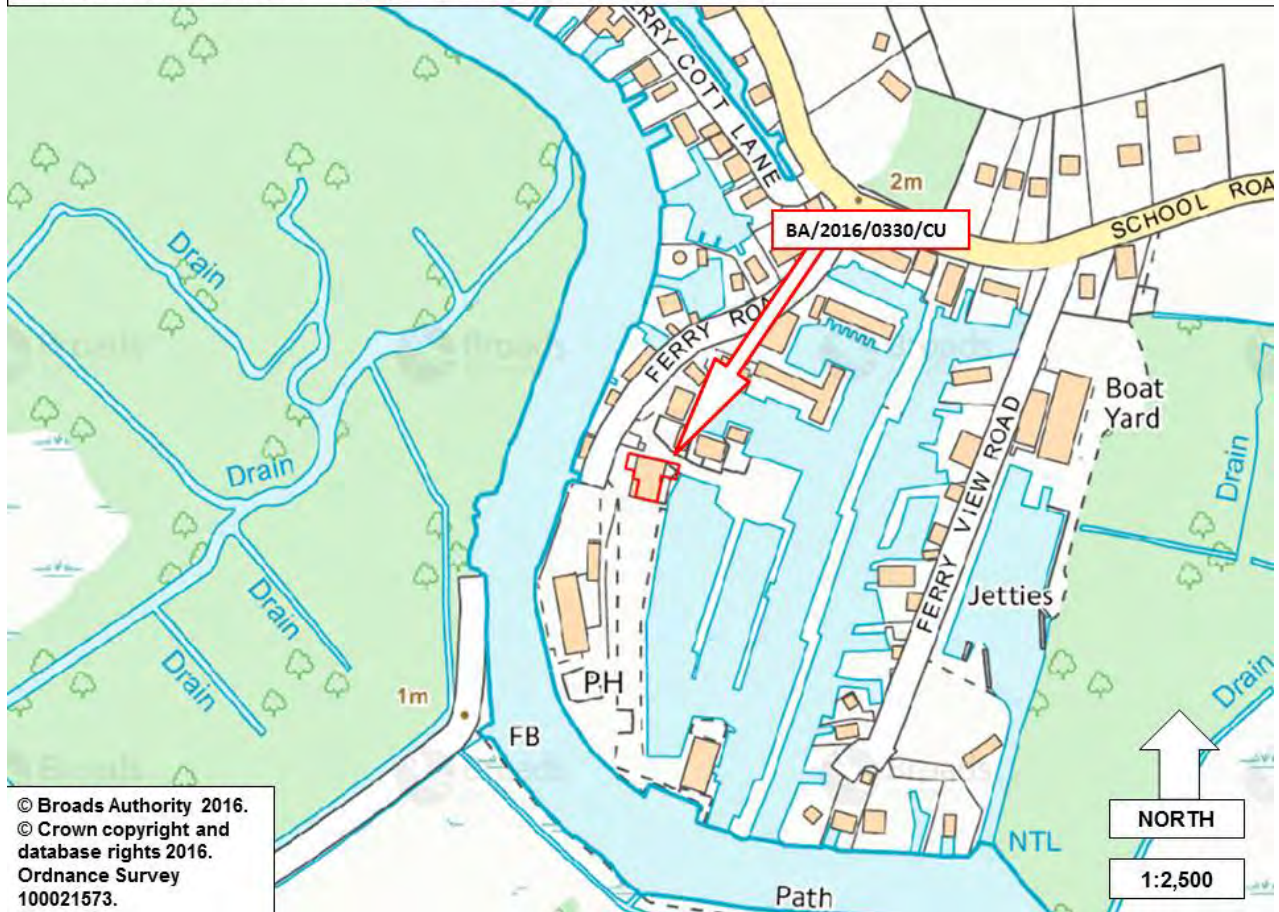
Background papers: Planning File BA/2016/0330/CU

Author: George Papworth
Date of Report: 27 October 2016

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2016/0330/CU - Helska Leisure Centre, Ferry Marina, Ferry Road, Horning, NR12 8PS



**Enforcement of Planning Control
Mooring of a Caravan on Floating Pontoon**
Report by Planning Officer (Compliance and Implementation)

Summary: Mooring of caravan on floating pontoon.

Recommendation: That authorisation is granted for the issuing of an Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the Enforcement Notice is not complied with.

Location: Plot 9/9A, Martham

1 Background

- 1.1 The site is located along the southern side of the River Thurne upstream of Potter Heigham. The subject plot, known as Plot 9a, has been combined with adjacent Plot 10 and comprises of a waterside bungalow and a flat afloat on Plot 10 and the caravan which is the subject of this report on Plot 9a. The caravan is sited on a floating pontoon and is currently moored on Plot 9A which is a leisure plot and cannot be used for the use of mooring vessels or the mooring of structures which are used for residential purposes. Plot 9A is owned by Environment Agency.
- 1.2 In October 2014 the Authority first became aware of a caravan which had been installed on a floating pontoon on Plot 9a. Officers visited the site and found that the caravan was permanently stationed within the mooring cut and was connected to domestic services and was being used for accommodation. It was concluded that the stationing of the caravan for residential use was in breach of planning and the landowner was therefore required to remove the caravan by 1 April 2015.
- 1.3 In March 2015 the owner registered the caravan for tolls claiming it to be a vessel and arguing that therefore no planning approval was required.
- 1.4 In June 2015 officers visited the site again to find the caravan on floating pontoons still in situ. Legal advice was sought and the Authority was advised that there had been a change of use on the land.
- 1.5 To clarify the use of the caravan, a Planning Contravention Notice was sent to the owner in October 2015 to gain more information on the use. In his response the owner claimed that it was solely being used for when family visited and was only connected to domestic services when in use. A follow up meeting confirmed that it was not being navigated and only being used for family and not rented out; the owner considered it to be ancillary

accommodation to his residential use of the bungalow Reflections, located on Plot 10. Subsequent to this, it is understood that in the summer of 2015 the landowner in fact rented out the bungalow Reflection on Plot 10 for holiday use and occupied the caravan on Plot 9a himself.

- 1.6 In November 2015 it was requested that the caravan be removed by 18 January 2016 as there was a breach in planning as the standing and use of the caravan for residential use was a change of use of the mooring plot.
- 1.7 The landowner failed to remove the caravan, so a further meeting was arranged in order to try to resolve the outstanding issue. The owner maintained that it was a vessel, however admitted that he did not want to go down the route of further action and was in favour of selling the caravan. It was agreed that the Authority would allow him until the end of August 2016 to sell it and have the caravan removed.
- 1.8 It was noted in September 2016 that the vessel was still in situ, having not been sold. The owner again questioned the need for removal of the caravan as he still considers that it is a vessel, partly on the basis of it is having been tolled.

2 The Planning Breaches

- 2.1 Historically Plot 9a has been used as a leisure plot or mooring plot only, which does not include the residential use of a caravan. The subsequent installation of the caravan on floating pontoons and its use for accommodation constitutes a change of use to residential.
- 2.2 The caravan is not navigable and cannot be classed as a vessel for planning purposes. It is noted that the owner has acknowledged that it is not navigable and has no way of being moved under its own power. It is also noted that section 7 of the Broads Authority Act 2009 sets out the definition of a "vessel" as including:

"any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow but does not include any craft or pontoon which is permanently fixed."

This reinforces the conclusion that there has been a change of use of the land (covered by water) to a use for the stationing of a caravan for residential use on a floating pontoon.

- 2.3 In order to mitigate the appearance of the caravan it has been screened with reeds. However, this does not complement or enhance the character of the local area and is contrary to a number of adopted planning policies.
- 2.4 It is the case that an unauthorised change of use of the land has occurred and therefore there is a breach in planning control.

3 Proposed Next Steps

- 3.1 The Broads Authority has recently prepared a Local Enforcement Plan, which sets out its approach to planning enforcement. It outlines the four main principles it will be guided by when looking at unauthorised development: expediency, proportionality, consistency and negotiation. These will be used when deciding whether or not to take any action in respect of a planning breach. It should be noted that enforcement action is not mandatory, but is at the discretion of the Local Planning Authority (LPA) and the LPA must decide whether or not it is expedient to take such action, having regard to the provisions of the development plan and to any other material considerations. In determining expediency, an LPA needs to be mindful of the harm that is being caused by the breach and the acceptability in planning terms of what is being undertaken.
- 3.2 The change of use of a leisure or mooring plot to a use for the standing and occupation of a static caravan for residential purposes is contrary to adopted Development Management policy DP22, which seeks to locate new residential development within development boundaries, and DP25 which allows residential moorings only in specified circumstances which do not apply here. Furthermore, policy DP17 allows only mooring uses to take place on mooring plots (and this does not include a residential use), so the development conflicts with this provision. Finally, it is also contrary to policy DP2 which allows development only where it will not have a detrimental impact on the landscape importance and policy DP4 which requires a high standard of design. The unauthorised development is in clear conflict with each of these policies.
- 3.3 Given the above, the change of use of the plot would be unlikely to be granted planning permission, was an application to be submitted.
- 3.4 Given that the change of use is unacceptable in policy terms, it is appropriate to pursue a remedy which requires the cessation of the residential use and the removal of the caravan on a floating pontoon. There has been a clear and deliberate breach of planning control and it is proposed to serve an Enforcement Notice in respect of the change of use, requiring the removal of the structure.

4 Financial implications

- 4.1 There will be financial implications resulting from the legal input required.

5 Recommendation

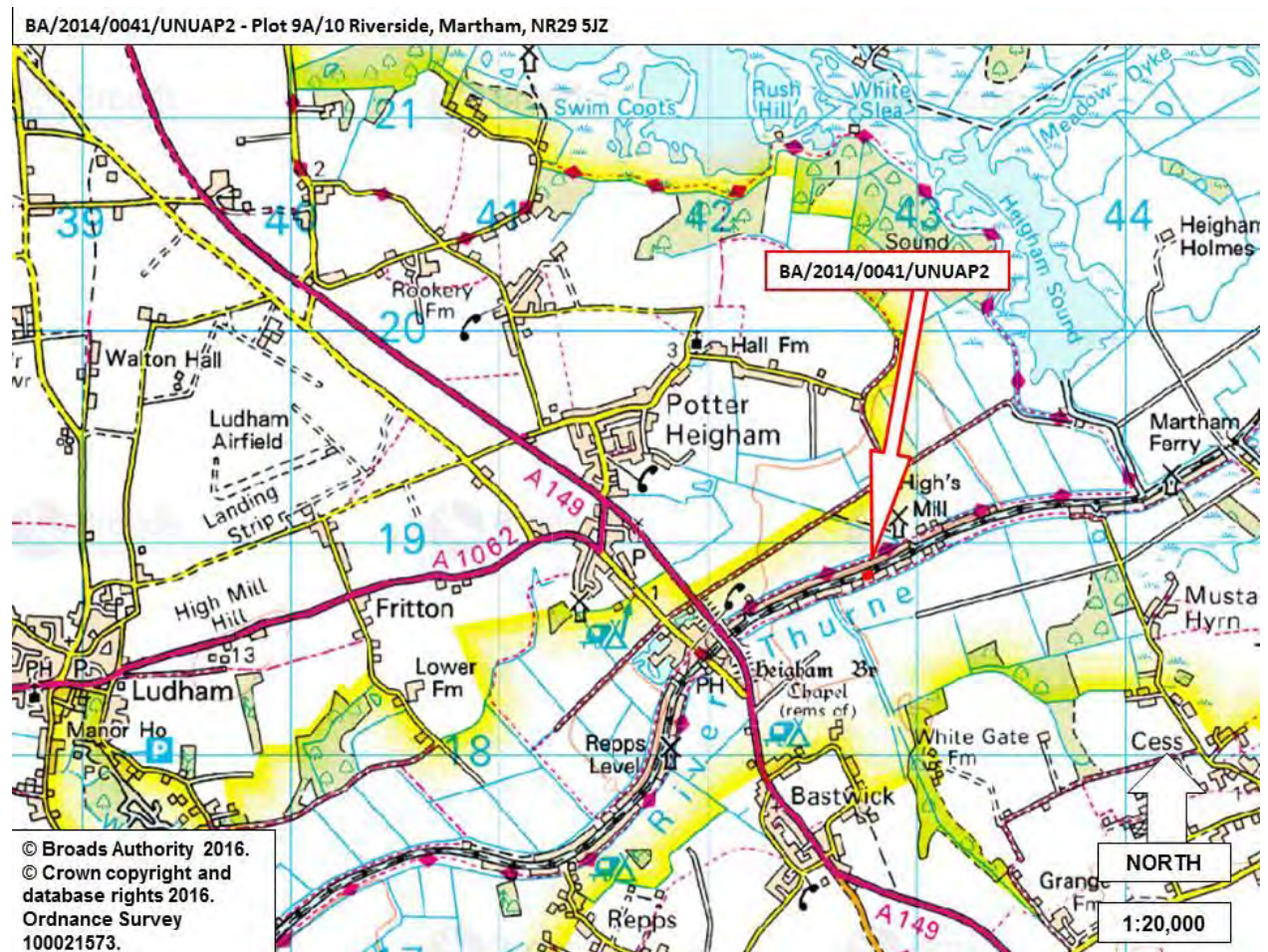
- 5.1 It is recommended that an Enforcement Notice be served requiring the cessation of the residential use and the removal of the caravan on floating pontoons known as "Broad minded". It is recommended that a period of 3 months be allowed for compliance.

Background papers: Planning File BA/2014/0041/UNUAP2

Author: Sophie Evans
Date of report: 26 October 2016

Appendices: APPENDIX 1 - Site plan

APPENDIX 1



Enforcement Update
Report by Head of Planning

Summary: This table shows the monthly updates on enforcement matters.

Recommendation: That the report be noted.

1 Introduction

1.1 This table shows the monthly update report on enforcement matters.

Committee Date	Location	Infringement	Action taken and current situation
5 December 2008	"Thorpe Island Marina" West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> • Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 • Appeal lodged 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • Decision received 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings • Challenge to decision filed in High Court 12 July 2012 • High Court date 26 June 2013

Committee Date	Location	Infringement	Action taken and current situation
21 August 2015			<ul style="list-style-type: none"> • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order “has been lodged with the Courts by Inspectorate • Appeal to be reconsidered (see appeals update for latest) • Planning Inspector’s site visit 28 January 2014 • Hearing held on 8 July 2014 • Awaiting decision from Inspector • Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers) • Planning Contravention Notices issued to investigate outstanding breaches on site • Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge) • Acknowledgment of Service filed 16 December 2014. Court date awaited • Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate • Appeal submitted to PINS in respect of Section 73 Application for non-determination • Section 288 challenge submitted in February 2015 • Court date of 19 May 2015 • Awaiting High Court decision • Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date (22 July 2016) • Application for retention of structures validated 27 July 2016 and under consideration • Application withdrawn 29 September 2016 • Meeting with landowner's agent 10 November 2016
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016 and under consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required.

Committee Date	Location	Infringement	Action taken and current situation
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on grounds there has been no breach (see Appeals Schedule)
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised installation of metal roller shutter door	<ul style="list-style-type: none"> • Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with. • Period of 4 weeks given for landowner to consider position • Negotiations underway • Application for lattice work door as mitigation submitted • Planning permission granted 4 April 2016. Site to be inspected • Compliance not achieved. Enforcement Notices to be served • Enforcement Notice served 18 May and take effect 17 June 2016 • Appeal against Enforcement Notice submitted (see Appeals Schedule)

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith

Date of report 26 October 2016

Appendices: Nil

Broads Local Plan
Preferred Options Local Plan, Sustainability Appraisal, Habitats Regulation
Assessment for consultation
Report by Planning Policy Officer

Summary: This report discusses the Preferred Options version of the Local Plan, the accompanying Sustainability Appraisal and Habitats Regulation Assessment.

Recommendations:

- (i) That Members' views are requested.
- (ii) That Members recommend to Full Authority that these documents be agreed for public consultation.

1 Introduction

- 1.1 The Broads Local Plan will contain strategic, development management and site specific policies to help determine planning applications in the Broads Authority Executive Area.
- 1.2 There has been one round of consultation already – the Issues and Options which was completed at the start of 2016. This included broad issues and some potential options to address those issues.
- 1.3 The responses received to that consultation, plus further evidence as well as an internal assessment of existing policies and policy gaps has resulted in the Preferred Options version of the Local Plan.
- 1.4 Members have seen the majority of the Preferred Options of the Local Plan as bite size pieces between April and October 2016. Accompanying the Preferred Options is the Sustainability Appraisal, Habitats Regulation Assessment and the Viability Assessment.

2 The Preferred Option Version of the Local Plan

- 2.1 This document combines the strategic, development management and site specific policies of the current three separate development plan documents into one place. The Local Plan runs to around 250 pages with over 100 policies (see Appendix A).
- 2.2 Many policies have been rolled forward from the current adopted documents with no changes, whilst some have had minor or larger scale changes.

2.3 The Local Plan tackles some issues for the first time in the Broads, including:

- Boat wash down facilities
- Water efficiency
- Open space
- Staithes
- Peat
- Land raising, excavated materials and settlement fringe
- Light pollution and dark skies
- Changes to the Acle Straight
- Housing need
- Gypsy, Traveller and Travelling Show People
- Residential annexes
- Custom/self build housing
- Health and wellbeing
- Safety by the water
- New site specifics policies in Beccles, Ditchingham, Fleggburgh, Horning, Hoveton
- Rail halts
- Local green space

2.4 The maps that are referred to in the Local Plan can be found here:

<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-11-november-2016>

3 Sustainability Appraisal

3.1 A Sustainability Appraisal of the Preferred Options has been prepared and is also published for consultation. The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) to be undertaken for Local Plans. The Broads Local Plan SA will examine whether the effects of the specific sites/areas allocations and policies, individually or collectively, give rise to sustainability benefits or dis-benefits. This has been completed in house. The findings of the SA for each policy is summarised in the Local Plan.

3.2 To summarise, the SA identifies that each policy has a positive or neutral impact on the SA Objectives when taken as a whole. Many impacts are uncertain as it would depend on the final proposal. There are some negative impacts:

- The Rural Enterprise workers policy rates negative against access to facilities as these are in rural areas away from facilities and services
- Woodbastwick Fen Moorings rates negative against housing as the policy promotes the removal of residential moorings
- Hedera House, Thurne rates negative against access to facilities and services as there are few services in the settlement.

3.3 The Sustainability Appraisal is attached at Appendix B.

4 Habitats Regulation Assessment

- 4.1 Directive 92/43/EEC (the Habitats Directive) on the Conservation of Natural Habitats and of Wild Fauna and Flora, and the UK regulations that gives effect to this, require the preparation of an 'Appropriate Assessment' (AA) or Habitats Regulations Assessment (HRA) of the potential impacts of land-use plans (including the Broads Local Plan) on European designated habitat sites to ascertain whether they would adversely affect the integrity of such sites. This has been completed by Footprint Ecology.
- 4.2 To summarise, the plan has been screened to check for 'likely significant effects', i.e. risks to European sites as a result of the plan and the implementation of its policies. The results of the screening are set out in Section 3 of this report, where a number of recommendations have been made to modify and strengthen the plan wording, both within policy and also as part of the supporting text. Risks were identified in terms of the progression of new housing and the promotion of tourism, boating and water's edge development and navigation. Disturbance to wildlife, and deterioration of habitat, particularly through nutrient enrichment, arising or increasing as a result of the plan should be avoided in order to rule out likely significant effects, and suggestions are made relating to additional protective wording in policy and the requirement for adequate recreation provision as part of the three main housing allocations to deliver the proposed 212 houses over the plan period.
- 4.3 The Habitats Regulation Assessment is set out at Appendix C.

5 Viability Assessment.

- 5.1 The National Planning Policy Framework (NPPF) at paragraph 173 says: '...the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.' Accordingly, the Broads Authority has commissioned the preparation of a Viability Assessment report to assess the financial viability of the new Broads Local Plan.
- 5.2 At the time of writing the final Viability Assessment had not been received, but the consultants indicated that there were no major concerns.
- 5.3 When the report is received, it will be sent to members and the findings reported back verbally at Planning Committee.

6 About the Consultation

- 6.1 The Preferred Options is set to be published for public consultation between 5 December 2016 and 3 February 2017. The consultation period covers nine weeks as it includes the Christmas period.

- 6.2 The documents that will be the subject of the consultation are:
- The Preferred Options version of the Local Plan
 - The Sustainability Appraisal
 - The Habitats Regulation Assessment
 - The various pieces of evidence and the topic papers are also available for comment.
- 6.3 Advanced notice of the consultation has been given through an email to the Parish Councils in July and September 2016. A reminder of the consultation will go out with the Broads Plan email/letter in October 2016 and the Flood Risk SPD consultation in November 2016.
- 6.4 The consultation will be publicised by sending an email or letter to everyone on the contact database. A Press advert will be placed in the Eastern Daily Press and a Press Release will go out at the start of the consultation period as well as in early January to act as a reminder.
- 6.5 The following will be undertaken to make the document available in a number of formats:
- Hard copies at libraries and Council offices in the Broads area
 - Summary leaflet
(This will include one line description of the approach of the policy and ask for comments. There will be a link to the main document so people can read the detail of the policy if they wish.)
 - Copies of the documents will be available on line
- 6.6 In addition, there will be three drop in sessions, with one each in the north, central and southern areas. These will be held on a Saturday morning and afternoon and on a weekday evening and will be publicised through posters to go on Parish notice boards, a press advertisement and a Press Release.

7 Next steps

- 7.1 Subject to approval by the Planning Committee for consultation, the formal process will commence on 5 December 2016 and will run for nine weeks. All representations received will be acknowledged and an assessment sent.
- 7.2 There may be some changes as a result of the comments received.
- 7.3 There are also some studies being worked on over the coming months relating to Gypsy and Traveller, non Gypsy and Traveller caravan need and houseboat need. These will be reported to Planning Committee when they are completed and will be included in the next version of the Plan.
- 7.4 The next version of the Local Plan to be produced will be the Publication version.

8 Financial Implications

- 8.1 Generally officer time in producing these policies and any associated guidance as well as in using the policies in determining planning applications. There is a budget for up to £1,000 for the consultation.

Background papers: None

Author: Natalie Beal
Date of report: 27 October 2016

Appendices: Appendix A: Preferred Options Local Plan
Appendix B: Sustainability Appraisal
Appendix C: Habitats Regulation Assessment
Accompanying draft Policies Maps

These can all be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-11-november-2016>

Appeals to the Secretary of State: Update
Report by Administrative Officer

Summary: This report sets out the position regarding appeals against the Authority since April 2016.

Recommendation: That the report be noted.

1 Introduction

- 1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since April 2016.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett

Date of report: 26 October 2016

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since April 2016

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State since April 2016

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
31 March 2016	Appeal Reference: APP/E9505/C/16/314 5873 Staithe n Willow, Horning Mrs J Self	Appeal against Enforcement Notice Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016 Questionnaire submitted 21 April 2016 LPAs Statement of case submitted 12 May 2016 Final documents exchanged 14 June 2016
2 August 2016	Appeal Reference: APP/39505W/16/3154 806 Hall Common Farm, Hall Common, Ludham	Appeal against Enforcement Notice Breach of conditions 2 and 3 of BA/2014/0408/COND Unauthorised installation of metal roller shutter door	Committee Decision 4 December 2015 Supporting documents submitted by 16 August 2016 LPAs Statement of case submitted 13 September 2016
Awaiting Start date	Appeal Reference APP/E9505/W/16/315 8503 BA/2016/0026/COND 50 Riverside Estate, Brundall Mr David Hilburn	Appeal against refusal Variation of condition 2 of previous permission BA/2012/0394/FUL – replacement chalet (to retain upvc windows and doors)	Delegated Decision 24 March 2016 Start date 12 October 2016 Questionnaire submitted 18 October 2016 Statement of case due 16 November 2016

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

Agenda Item No.13

Summary: This report sets out the delegated decisions made by officers on planning applications from 29 September 2016 to 25 October 2016
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Belaugh Parish Meeting				
BA/2016/0293/HOUSEH	Thatched Cottages 9 Top Road Belaugh Norwich NR12 8XB	Mrs Taigel	Side extension. Replace garage with car port and store. Summerhouse/shed.	Approve Subject to Conditions
Brundall Parish Council				
BA/2016/0338/NONMAT	53 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mr And Mrs Burns	Revised fenestration, non-material amendment to BA/2015/0320/HOUSEH	Approve
BA/2016/0280/FUL	Swancraft Cruisers Riverside Estate Brundall Norwich Norfolk NR13 5PL	Mr Paul Crampton	4 Jetties and replacement jetty.	Approve Subject to Conditions
Cantley, Limpenhoe And Southwood				
BA/2016/0292/COND	Marsh Farm Marsh Road Limpenhoe Norwich Norfolk NR13 3HX	Mr Kenneth Knight	Variation of Condition 2, approved plans, of permission BA/2010/0189/FUL.	Approve Subject to Conditions
Great Yarmouth Town				
BA/2016/0308/HOUSEH	6 River Walk Great Yarmouth NR30 4BZ	Mr M Sedgwick	Conversion of PVCu Conservatory to a study	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Hickling Parish Council				
BA/2016/0277/FUL	Hickling Broad Visitor Centre Stubb Road Hickling Norfolk NR12 0BW	Norfolk Wildlife Trust	Visitor centre extension.	Approve Subject to Conditions
Horning Parish Council				
BA/2016/0227/CLEUD	Two Gates Norwich Road Falgate Horning NR12 8NH	Mr & Mrs Breary	Land used within the curtilage of a dwelling.	Refuse
Hoveton Parish Council				
BA/2016/0184/FUL	Mallards Brimbelow Road Hoveton NR12 8UJ	Mr Paul Wilsher	Replacement of existing detached single storey bungalow with detached one and a half storey chalet bungalow	Approve Subject to Conditions
Ludham Parish Council				
BA/2016/0212/FUL	White House Farm Clint Street Ludham Norfolk NR29 5PA		Bio-security building and store.	Approve Subject to Conditions
Mautby Parish Council				
BA/2016/0307/FUL	Highgate Farm Swim Road Runham Mautby Norfolk NR29 3EH	Mrs Smith	Addition of 5 new caravan pitches at existing camping site.	Approve Subject to Conditions
Neatishead Parish Council				
BA/2016/0284/CU	Violet Cottage Irstead Road Neatishead Norfolk NR12 8BJ	Mr Simon Ciappara	Retrospective application to use annexe building as holiday accommodation.	Refuse
Ormesby St Michael Parish Council				
BA/2016/0209/FUL	Burghwood Barns Burghwood Road Ormesby St Michael Norfolk NR29 3NA	Mr D Tucker And Miss S Burton	Retrospective change of use to residential, replacement garage, pond enlargement, new shed, roller-shutter doors on existing shed, alterations to windows, 4 additional car parking spaces and landscaping alterations.	Refuse

Application	Site	Applicant	Proposal	Decision
Smallburgh Parish Council				
BA/2016/0326/NONMAT	Braganza Low Street Smallburgh Norfolk NR12 9LR	Mr And Mrs Debbage	To make a non-material amendment to pp BA/2015/0213/HOUSEH to reduce size of the side extension and remove rear extension.	Approve
Somerton Parish Council				
BA/2016/0301/COND	White House Horsey Road West Somerton Somerton NR29 4DW	Mr Majid	Variation of Condition 2 of permission BA/2015/0317/HOUSEH.	Approve Subject to Conditions
Thorpe St Andrew Town Council				
BA/2016/0289/ADV & BA/2016/0290/LBC	Town House Hotel 18- 22 Yarmouth Road Thorpe St Andrew Norwich NR7 0EF	Mr Firth	2 No Externally illuminated hanging signs, 1 No Internally illuminated fascia sign, 2 No Non illuminated Post signs, 1 No Internally illuminated logo, 2 No Externally illuminated areas of signwriting, 1 No Non illuminated car park entrance sign.	Approve Subject to Conditions Approve Subject to Conditions
Wroxham Parish Council				
BA/2016/0291/HOUSEH	Willow Bend Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr David Smith	Boat cover.	Approve Subject to Conditions

**Circular 28/83: Publication by Local Authorities of Information About the
Handling of Planning Applications**
Report by Head of Planning

Summary: This report sets out the development control statistics for the quarter ending 30 September 2016.

Recommendation: That the report be noted.

1 Development Control Statistics

- 1.1 The development control statistics for the quarter ending 30 September 2016 are summarised in the table below.

Table 1:

Total number of applications determined	54						
Number of delegated decisions	46 (85%)						
Type of decision	Numbers granted				Numbers refused		
	48 (89%)				6 (11%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16-26 wks	26-52 wks	Over 52 wks	Agreed Extension
	35 (65%)	2 (3%)	0 (0%)	0 (0%)	1 (2%)	0 (0%)	16 (30%)
Numbers of Enforcement Notices	0						
Consultations received from Neighbouring Authorities	9						

Table 2: National Performance Indicators

	BV 109 The percentage of planning applications determined in line with development control targets to determine planning applications.		
National Target	60% of Major applications in 13 weeks (or within agreed extension of time)	65% of Minor* applications in 8 weeks (or within agreed extension of time)	80% of other applications in 8 weeks (or within agreed extension of time)
	<i>Majors refers to any application for development where the site area is over 1000m²</i>	<i>*Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc)</i>	<i>Other refer to all other applications types</i>
Actual	8 applications received 7 determined in 13 weeks (or within agreed extension of time) (88%)	17 applications received. 17 determined in 8 weeks (or within agreed extension of time) (100%)	26 applications received. 25 determined in 8 weeks (or within agreed extension of time) (96%)

Background papers: Development Control Statistics provided by Broads Authority using CAPS/Uniform Electronic Planning System.

Author: Asa Coulstock
Date of Report: 1 November 2016

Appendices: APPENDIX 1 – PSI returns
APPENDIX 2 – PS2 returns

APPENDIX 1**PS1 returns:**

1.1	On hand at beginning of quarter	52
1.2	Received during quarter	53
1.4	Withdrawn, called in or turned away during quarter	4
1.4	On hand at end of quarter	51
2.	Number of planning applications determined during quarter	54
3.	Number of delegated decisions	46
4.	Number of statutory Environmental Statements received with planning applications	0
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	0
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	0
7.5	Number of breach of conditions notices served	0
7.6	Number of enforcement injunctions granted by High Court or County Court	0
7.7	Number of injunctive applications raised by High Court or County Court	0

APPENDIX 2

PS2 Returns

<u>Type of Development</u>	<u>Total Decisions</u>			<u>Total Decisions</u> <u>Time from application to decision</u>						<u>Agreed Extension</u>
	<u>Total</u>	<u>Granted</u>	<u>Refused</u>	<u>Not more than 8 wks</u>	<u>More than 8 wks but not more than 13 wks</u>	<u>More than 13 wks and up to 16 wks</u>	<u>More than 16 wks and up to 26 wks</u>	<u>More than 26 wks and up to 52 wks</u>	<u>More than 52 wks</u>	
Major										
Dwellings	1	1	0	0	1	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	1	1	0	1	0	0	0	0	0	0
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other large-scale major developments	6	6	0	0	1	0	0	1	0	4
Minor										
Dwellings	1	0	1	1	0	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	0	0	0	0	0	0	0	0	0	0
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other minor developments	16	15	1	12	0	0	0	0	0	4
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of use	3	2	1	0	0	0	0	0	0	3
Householder developments	23	20	3	19	0	0	0	0	0	4
Advertisements	0	0	0	0	0	0	0	0	0	0
Listed building consent to alter/extend	3	3	0	2	0	0	0	0	0	1
Listed building consent to demolish	0	0	0	0	0	0	0	0	0	0
Conservation Area Consents	0	0	0	0	0	0	0	0	0	0
Certificates of lawful development	0	0	0	0	0	0	0	0	0	0
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	54	48	6	35	2	0	0	1	0	16
Percentage (%)	100 %	95%	5%	79%	4%	0%	0%	0%	0%	16%

Development Control Statistics provided by Broads Authority using CAPS/Uniform Electronic Planning System.