

Planning Committee

AGENDA

Friday 8 January 2016

10.00am

- | | Page |
|---|--------|
| 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 4 December 2015 (herewith) | 3 – 13 |
| 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/2015/0364/FUL Compartment 37, South Side of Upton Boat Dyke, Upton with Fishley

14 – 25

	BA/2015/0371/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter	Page 26 – 35
	BA/2015/0360/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter	36 – 45
9	Application referred to Broads Authority for Consultation: to be determined by South Norfolk Council BA/2015/0387/NEIGHB Land North of Hill Farm, Yarmouth Road, Gillingham Report by Planning Officer (herewith)	46 – 68
10	Broads Local Plan: Issues and Options Report by Planning Policy Officer (herewith)	69 - 73
11	Brundall Neighbourhood Plan – Proceeding to Referendum Report by Planning Policy Officer (herewith)	74 - 77
12	Enforcement of Planning Control: Enforcement Items for Consideration, Staithe 'N' Willow, Horning Report by Head of Planning (herewith)	78 - 84
MATTERS FOR INFORMATION		
13	Heritage Asset Review Group (HARG) Notes from meeting on 4 December 2015 (herewith)	85 - 88
14	Enforcement Update Report by Head of Planning (herewith)	89 - 94
15	Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	95 - 96
16	Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	97 - 99
17	To note the date of the next meeting – Friday 5 February 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority

Planning Committee

Minutes of the meeting held on 4 December 2015

Present:

Dr J M Gray– in the Chair

Mr M Barnard
Miss S Blane
Professor J Burgess
Mr N Dixon
Sir Peter Dixon

Mr G W Jermany
Ms G Harris (up to part of
Minute 6/8(2))
Mrs L Hempsall

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Ms M Hammond – Planning Officer (Minute 6/1 - 6/8)
Mr S Bell – for Solicitor
Ms S Flaxman – Trainee Solicitor
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

**BA/2015/0251/FUL Waveney Inn and River Centre, Staithe Road,
Burgh St Peter**

Mr James Knight Applicant

**BA/2015/0330/FUL Woodland East Of Backwater, Beech Road,
Wroxham**

Mr Fergus Bootman Agent for Applicant
Mr Tim Barrett Applicant

6/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting including members of the public and particularly Sir Peter Dixon for his first meeting as a member of the Committee. He also welcomed Sarah Flaxman, Trainee Solicitor for NPLaw as an observer.

Apologies were received from Mr P Rice, Mr V Thomson and Mr J Timewell.

6/2 Declarations of Interest

The Chairman declared an interest on behalf of all members in relation to application BA/2015/0251/FUL as the applicant was a member of the Authority and members had been lobbied.

Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

6/3 Minutes: 6 November 2015

The minutes of the meeting held on 6 November 2015 were agreed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

Minute 3/10 Generation Park

The Chairman referred to the recent articles in the press concerning the Generation Park application and information circulated to all members by the Head of Planning. The Director of Planning and Resources commented that it was understood that the applicant was having difficulties in securing the necessary funding. From the Authority's point of view (which is consistent with that of Norwich City Council) the position is that there is a live planning application in place which will need to be determined in due course. Officers have asked for further information in order to progress it and this is awaited. Officers will continue to treat the planning application for Generation Park on its planning merits alone as, unless it is withdrawn, the Authority has a statutory duty to determine it. The Authority may be in a better position to provide further information in January 2016.

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

No items had been proposed as matters of urgent business.

6/6 Chairman's Announcements and Introduction to 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.

No member of the public indicated that they intended to record or film the proceedings.

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

The Chairman stated that as a result of a request to vary the order of the agenda it was intended to take application BA/2015/0330/FUL first since the applicant was available and to enable the applicant for BA/2015/0251/FUL to attend for that item.

6/8 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/2015/0330/FUL Woodland East of Backwater, Beech Road, Wroxham**

Tea House/Fishing Lodge

Applicant: Mr Tim Barrett

The Planning Officer explained that the application involved the building of a new tea house/fishing lodge on a site on the edge of the wet woodland on the north-western edge of Wroxham Broad, previously occupied by a "teahouse" building. The original thatched summerhouse had collapsed around 2005. The applicant intended the structure to be used for personal use only to provide shelter in accordance with the historical use of the original building. The application was also accompanied by a ten year Woodland Management Plan for the site which would retain the alder carr woodland in its present form.

The Planning Officer drew attention to the consultations received in favour and the representation that expressed concern that the use of the building for commercial activity would impact adversely on amenity.

The Planning Officer explained that the principle of the proposal was in direct conflict with the wording if not spirit of Policy DP17 since it was not a typical development of a leisure plot within a Conservation Area. However, it was not considered it would significantly detract from the landscape or visual quality of the waterscape nor impact adversely on the wildlife. In fact it was considered that its design and scale (on the same footprint as the original) would make a positive visual contribution to the Conservation Area. It would not have an adverse impact on the landscape or wildlife and the building was considered to integrate effectively with its surroundings and reinforce local distinctiveness. Therefore it was considered that these factors were sufficient to weigh in the application's favour. Having provided a detailed assessment of the application the Planning Officer concluded that, on balance, an approval could be given as it was considered that it would not set a precedent, subject to re-advertisement of the application as a departure from policy.

Mr Bootman as agent for the application confirmed the comments from the planning officer and considered the report to have been a fair and thorough assessment. He confirmed that the applicant intended the proposed building for personal use only and had no intention of using it for commercial purposes. The site was unique and the proposal was considered to contribute to the character of the area. He welcomed the officer's recommendation.

The applicant, Mr Barrett clarified that the neighbour had been contacted and re-assured that there would be no commercial usage. He also explained that the proposal was basically a shelter and summer house. The previous owner of the site had named the original shelter "Tea House of a Light Moon".

A member expressed concern that the development could have an impact on neighbouring amenity if used generally. However, it was clarified that there was no land access and the structure was for personal use only.

Members concurred with the officer's assessment and were satisfied that although it would be a departure from policy, on balance, the benefits to the Conservation Area and amenity were acceptable. They supported the application.

It was clarified that it was not always possible to advertise any departure from policy prior to a full assessment having been made.

RESOLVED unanimously

that subject to no new issues being raised at re-advertisement as a departure from policy, the application be approved subject to detailed conditions as outlined within the report including an additional condition to specifically state no commercial usage, as the proposal is considered to be an acceptable departure from the adopted Development Management Policy DP17 (2011) but in accordance with Policies CS1 and CS5 of the Core Strategy (2007), and Policies DP1, DP2, DP4, DP5 and DP28 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012).

(2) **BA/2015/0251/ FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

Application for Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10

Applicant: Waveney River Centre (2003)

The Planning Officer explained that the application was brought to Committee as the applicant was a member of the Authority.

The Planning Officer provided a detailed presentation of the amended proposals for the change of use of the existing marina at the established complex of the Waveney Inn and River Centre, from wholly leisure to mixed leisure and residential with residential moorings not to exceed 10 in total.(original application was for 10% - 13 boats of the 130 moorings) These would be scattered within the existing moorings. She pointed out there was an incorrect reference to Policy DP26 in paras 6.13 and 7.2 of the report and this should read Policy DP25.

The Planning Officer drew attention to the consultation responses.

Since the report had been written, the Parish Council had responded to consultation on the amended proposal for 10 residential moorings and provision of signage to passing places. A copy of this had been circulated to Members. The Parish Council maintained that the application should be refused. Their principal concern was that the site was outside a development boundary and contrary to Development Management Policy DP25. Their other principal objection was the unsuitability of the roads and they felt their view on this was supported by the Highways Authority's objection to the original proposal for 13 residential moorings and no highways mitigation. They also noted that the Highways Authority had commented on a previous proposal that they would prefer not to see the passing places signed.

In response, the Highways Authority had commented that each application was considered on its own merits at the time of the application and that the proposed signage was appropriate mitigation for this development. The Planning Officer read out the further comments from the Highways Authority on the Technical Assessment that had been provided by the applicant. This indicated that they were prepared to accept that a lower number of traffic movements per unit per day was more realistic and akin to a holiday unit. They were reluctantly prepared to accept the fewer number of residential moorings (10) on the basis that this number was capped and conditions requiring mitigation measures to include funding by the applicant of formal signing of the passing bays along Burgh Road and that a recent planning permission for a bed and breakfast unit would not be implemented. They were prepared to withdraw the objection subject to conditions as outlined above.

In providing a detailed assessment the Planning Officer particularly referred to Policy DP25 as this was the key consideration for new residential moorings, stating that a residential mooring was a mooring where 'someone lives aboard a vessel (which is capable of navigation), that the vessel is used as the main residence and where that vessel is moored in one location for more than 28 days in a year'. Criterion (a) required that locations for new residential moorings should fulfil four requirements: to be within a mooring basin, marina or boatyard; within or adjacent to a development boundary or within an area that a Site Specific Policy identifies can be treated as such; must be commensurate with the scale of development proposed for the settlement; and there must be an adequate range of services and facilities available.

The application was also assessed against the other key issues of access, flood risk, landscape and amenity. The Planning Officer concluded that although there were some merits to the proposal and compliance with criteria (b) – (i) of Policy DP25, these did not outweigh the conflict with the fact that the site was in an isolated rural area, was not in or adjacent to a development boundary and the location was directly contrary to criterion (a) of Policy DP25. The recommendation was therefore for refusal as set out in para.8.1 of the report. If members

were inclined to approve the application, there would be a requirement to advertise the application as a departure from policy and provide sound reasons for that departure.

It was clarified that the Development Management Policies were adopted in 2011 and the Site Specific Policies were only recently adopted in 2014. These satisfied the NPPF, were up to date and provided the Policy Framework for the next 3 – 5 years.

Mr Knight, the applicant in support of his application, explained that the site had been involved in mooring of private boats for a considerable length of time and the use had evolved with changes in circumstances and the provision of increased facilities. The site had been a quasi-living base since 2003. He considered that officers had not provided a clear definition of residential use and had advised that a planning application should be submitted to regularise the use of some of the moorings on site rather than a CLEUD (Certificate of Lawful Use). He expressed surprise at the recommendation of refusal given the removal of the highway objection. He referred to points made in his email to all members considering that the proposal would not harm the objectives of Policy DP25, that it complied with most of Policy DP25 and other development plan policies and given the facilities provided at Waveney River Centre, the proposal would help to support the year-round facilities available on the site. He considered that the proposal formed a small component of the continued improvement programme for the centre which had been a failing riverside development before it was taken over in 2003. In his concluding remarks he considered that there were sufficient material considerations in this case to enable the application to be approved as it accorded with the objectives of the Core Development Strategy and was compliant with the vast majority of the relevant DM Policies. He considered that in his opinion, the Authority would have difficulties in defending a refusal at appeal.

The Head of Planning provided some background to the application and clarified that the Policy for residential moorings was positive in that the Authority was in favour of such but these had to be in suitable sites, with sufficient and appropriate facilities. It was understood that there were up to 4 boats currently used for residential purposes on site without the benefit of planning permission. With regard to the possibility of a Certificate of Lawful Use, it was necessary for sound evidence to be provided in order to make a legal judgement. As the applicant had previously indicated that he was doubtful that he would be able to provide evidence from those who had used a mooring for residential purposes, he had decided to submit a planning application to regularise the situation and to expand the number of residential moorings available at the site. As the site was outside the development boundary there would need to be clear evidence for giving approval as a departure from policy.

In response to Members' questions on the facilities of the site and their use during the winter, the applicant explained that as a holiday

destination it was difficult to justify keeping some of the facilities open all year round. However, with a small number of residential moorings, this would assist in developing the provision of all year round facilities that would also be available for local residents.

Members were mindful that the decision hinged on the departure from development plan policy DP25. Although it was recognised that the proposal was contrary to criterion (a), given that the site had provided suitable facilities not just for visitors but also for local residents, it was considered that its development could be supported, particularly as there was concern about the limited facilities available within the southern Broads and this could help address the deficit. A member commented that the mitigation measures suggested by the Highways should also contribute to enabling safer access and the site becoming more viable.

Mrs Hempsall proposed, seconded by Mr Barnard that the application be approved.

Members wished to be satisfied that approval of the application would not set a precedent. There was also some concern about the loss of moorings for short term use. However, Members considered that it was important to support the local economy and businesses in being viable and sustainable.

Sir Peter Dixon proposed an amendment, seconded by Prof Burgess that the application be approved on a temporary basis for 5 years in order for the economic benefits derived from the granting of permission for the application to be demonstrated.

The amendment was put to the vote and was carried by 7 votes in favour with 1 against.

In accordance with the Code of Conduct para 6.3, Members gave careful consideration to the detailed reasons and basis on which their decision to approve the application contrary to the Officer's recommendation was made, as well as the conditions to be imposed, recognising that the site was unique in terms of its site specifics but did not fulfil criterion (a) of DP25 .

RESOLVED by 7 votes for to 1 against.

that subject to no new issues being raised at re-advertisement as a departure from policy, the application be approved for a temporary period of five years subject to conditions, the details of which to be delegated to officers, to include:

- Number of residential moorings and identification on the Plan where these might be applied
- Use of residential moorings in accordance with Policy DP25 definition

- Register of Residential moorings to be kept for monitoring purposes
- Management Plan for the use of adjacent areas.
- Highway conditions including signage on passing bays
- No net loss in number of moorings
- Removal of permitted development rights for change of use of barns/other buildings on site.
- Size of boats – to be explored by officers

Reasons for Approval:

Temporary consent is given on the basis that this will enable an assessment of the impacts both negative and positive in terms of the viability of the site and the economics of providing such facilities on site, to assess whether the provision of 10 residential moorings will improve the economic viability of Waveney River Centre itself by increasing the social amenities and facilities available for others.

Permission is given on the basis that this a very specific situation and special site in the Southern Broads where the proposal has potential to provide increased benefits and improve the sustainability of the development within an area where there are fewer facilities for tourism. It will also help to improve facilities on site for the availability of the local community and this is in accordance with the Authority's overall purposes, duties and responsibilities. The site has a precise locale and rationale that could not be applied more generally. Other locations where policy would support development are already in sustainable locations.

It is in accordance with the Authority's adopted Core Strategy Policy CS1(2007) and DP28, and criteria (b) –(i) of Policy DP25 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

6/9 Consultation Document and Proposed Response: Western end of Lake Lothing Concept Statement – Waveney District Council

The Committee received a report on the consultation document from Waveney District council on the Western End of Lake Lothing Concept Statement that would be used as a framework for assessing planning applications in the site and was intended to be adopted as a Supplementary Planning Guidance. The aim of the statement was to guide development in the area and enable delivery of the Lake Lothing and Outer Harbour Area Action Plan. The report also provided a proposed response.

Members noted and endorsed the proposed response and also considered that the Statement could provide the opportunity for a Section 106 Agreement for developers to contribute to the cost of Mutford Lock, possibly through a one off payment, given its importance as access from Lake Lothing to Oulton Broad and the Broads system, particularly given the proposed development

for recreation and employment uses. It was considered that this should be added to the response.

RESOLVED

- (i) that the report be noted;
- (ii) that the proposed comments including that relating to potential contribution to cost of Mutford Lock, be endorsed for submission to Waveney District Council.

6/10 Enforcement of Planning Control: Item for Consideration: Hall Common Farm, Hall Common, Ludham

Breach of conditions 2 and 3 of Planning permission BA/2014/0408/COND

The Committee received a report concerning the breach of conditions 2 and 3 of planning permission BA/2014/0408/COND as a metal roller shutter door had been installed instead of a timber roller shutter door and the finish and joinery details had not been agreed. Planning Officers had negotiated with the applicant on the original application and a compromise reached. Given that there had been protracted discussions with the agent, it was clear that there had been an intentional breach in planning law. Since the report had been written, the agent had written to the Authority stating that it had not been possible to source appropriately sized timber roller shutter doors and that hinged doors would be too heavy. However, this had not been communicated to the Authority prior to the installation and the conditions of the planning permission had not been discharged. It was noted that mitigation measures might be applied but this would rely on negotiation. Members considered it expedient to issue an Enforcement Notice to seek compliance and were hopeful that negotiations could reach an appropriate solution. Prosecution would only follow if this could not be achieved.

RESOLVED by 7 votes to 0 with one abstention

- (i) that authorisation be granted for the issuing of an Enforcement Notice; and
- (ii) that authorisation be granted for prosecution (in consultation with the Solicitor) in the event that the Enforcement Notice is not complied with.

6/11 Enforcement Update

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

RESOLVED

that the report be noted.

6/12 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 October 2015. It was noted that another appeal had been received relating to the use of a barn in Surlingham, details of which would be included within the next schedule.

RESOLVED

that the report be noted.

6/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 26 October 2015 to 23 November 2015.

RESOLVED

that the report be noted.

6/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 8 January 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.45 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 4 December 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	6/8(2)	Waveney River Centre – Applicant, Member of the Authority
Jacquie Burgess	6/8	Toll Payer; Member of NBYC
George Jermany		Toll Payer
Mike Barnard	6/9	Lake Lothing Consultation: Part of Local Plan Working Group For Waveney District Council

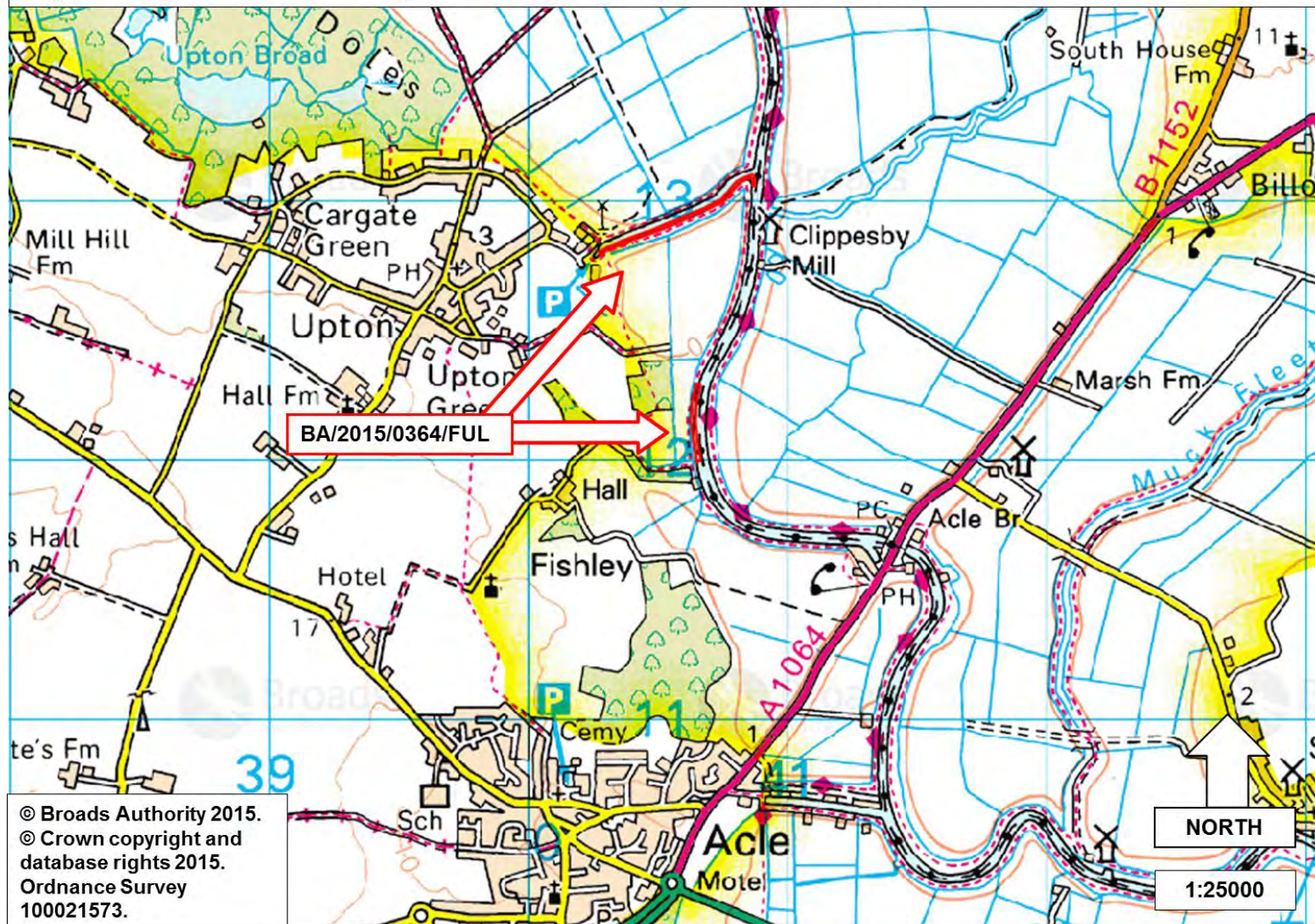
Reference

BA/2015/0364/FUL

Location

Compartment 37, South Side of Upton Boat Dyke, Upton
with Fishley

BA/2015/0364/FUL - Driving/removal of piling along the southern bank of Upton dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank.



Application for Determination

Parishes: Upton –w- Fishley

Reference: BA/2015/0364/FUL Target Date: 2 February 2016

Location: Compartment 37 – South side of Upton Boat Dyke.

Proposal: Driving / removal of piling along the southern bank of Upton Dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank.

Applicant: Environment Agency.

Reason for referral: Major application

Recommendation: Member Site Visit.

1 Background

- 1.1 The planning application site is on the south side of the Upton Dyke which is located to the west of the River Bure and the proposed works extend along a length of the water edge of some 584 metres (see Appendix 1 – Location Plan). Upton Dyke has at present a piled edge on both sides and private long stay mooring exists on the northern piled edge.
- 1.2 Planning permission was granted in 2008 for flood defence improvements in Compartment 37 including on Upton Dyke. Within Upton Dyke, this included the rollback of existing floodbanks and some on line strengthening.
- 1.3 The 2008 application sought permission for flood defence works including pile removal (as this piling would no longer be required for erosion protection purposes). Whilst the principle of pile removal was established, a condition was placed on the planning permission requiring the submission of a separate planning application to detail the nature and technique for the piling removal. The purpose of this condition was to retain control over this as without proper safeguards pile removal could be detrimental to navigation interests (as a result of erosion) and the character and appearance of the Broads.
- 1.4 Planning permission for pile removal has been approved widely in the Broads linked to delivering sustainable flood defences. This has generally involved removing piles by extraction. However in this application, BESL is seeking to use an alternative technique to drive the piles below bed level (to

secure their 'removal'). This technique is proposed by BESL as it would limit cost and provide a degree of stability to the new lengths of bank.

- 1.5 Pile driving is a relative new technique used for 'pile removal' and only used to date in the River Chet. This was permitted on this river following an initial successful trial.

2 Description of Site and Proposal

- 2.1 Upton Dyke is over 600 metres in length and varies in width between 9 and 12 metres. As the rollback bank is fully settled and established, this application proposes to drive existing piles (some of which has been identified by BESL and Broads Officers as in a poor condition) into the dyke bed (provided ground conditions allow). If localised ground conditions prevent driving fully into the bed, the piles will be extracted.

- 2.2 In respect to pile driving, the application details submitted propose the following method / technique (generally mirroring the approach used in the River Chet)

- Before the piles are driven, any walings and tie rods are removed and a wedge of material is excavated from behind the piles;
- The original floodbank will be re-graded prior to pile removal;
- A 2.0m long "dolly" attachment is then placed over the exposed pile edge so that they can be driven vertically into the river bed; this leaves a new river edge from the river bed to the top of the old floodbank formed of a 1 in 1 slope (where the edge abuts clay) and 1 in 2 (where the edge abuts peaty material);
- Removal of the old bank down to mean high water spring level in order to form a reeded rond in front of the new rollback bank;
- The excavated material will be used to top up (crest raise) the level of the new bank.

- 2.3 BESL have confirmed that piles will be driven to a depth some 1.5 metres below mean water level springs – but the exact depth would be agreed with Broads Officers.

- 2.4 As outlined in paragraph 2.2, BESL is proposing in areas of more peaty material to install additional new erosion protection. This will be in the form of coir matting added to a shallower profiled edge (1 in 2) along some 239 metres of bank. In addition BESL proposes to install channel markers linked to this work until vegetation fully establishes to provide a satisfactory visual edge, using cone marker, to the edge of the channel.

- 2.5 As with other areas where pile removal has taken place, BESL recognise that some erosion may take place at the river edge following the driving of piles into the river bed. Whilst previous experience of pile 'removal' has suggested that this has been limited, as it is not possible to predict accurately what erosion may take place associated with pile driving BESL propose monitoring techniques to measure the extent of any erosion. The

monitoring is proposed to be linked to trigger points which identify when mitigation action will need to be taken due to significant erosion (based on the established 'protocol' which has been agreed as suitable to monitor erosion associated with other pile removal consents).

Time (after removal)	Photographic	Vegetation	Hydrographic
Year 1	Months 0, 3, 6, 9, 12	Annually	Months 0, 3, 6, 9, 12
Year 2	Months 6, 12	Annually	Annually
Year 3	Months 6, 12	Annually	Annually
Year 4 on	Annually*	-	Annually

** as part of the annual condition surveys*

- 2.6 In the River Chet, an element of sonar monitoring was required by BESL to ensure that the piles were driven to a sufficient depth to ensure they would not be a navigation hazard or impact on any routine or other dredging that may be required. This is again proposed by BESL as part of the process linked to works in Upton Dyke.
- 2.7 The application site is located outside any SSSI (with the nearest at Upton Broads and Marshes SSSI - some 500 metres to the north west). The flood bank on both sides of Upton Dyke is a public right of way (PROW). The south bank of the dyke is not heavily used for angling. BESL have confirmed that during the period of works this PROW will need to be closed (but alternative routes exist that link Upton with Acle village and Acle Bridge). There are no known features of archaeological interest close to the application site.
- 2.8 In relation to mooring, this is concentrated on the north bank and some rights exist at Upton Parish Staithe (on the south side of the Dyke). No change is proposed in this application to this provision on the northern bank or at Upton Parish Staithe.
- 2.9 Access to the site for plant delivery and workforce cars will be via Upton village and a temporary welfare unit is proposed on the existing car park adjacent to the boat dyke. Subject to planning permission, the pile driving is proposed to be undertaken during January and February 2016 (outside any main boating season).

3 Planning History

- 3.1 The following application is particularly relevant:

BA/2008/0089/FUL – Flood defence works comprising of maintenance, strengthening, rollback and set back of flood bank, installation of erosion protection and piling, retention of existing piling, future removal of existing piling and provision of a temporary site compound. Permanent diversion of public footpath to remain on the crest of the new bank. Approved September 2008.

4 Consultations

4.1 Upton –w- Fishley Parish Council - Objection.

1. Without piling, the edge of the dyke will be unstable and will cause the dyke to silt up, making navigation impossible. The councillors believe that the peaty part of the dyke edge will be particularly unstable. The dyke is a vital part of the village, for residents and for tourists alike, bringing trade and income to the village, but is also very important for leisure. The councillors do not have any confidence that BESL would carry out the necessary dredging, or that other agencies would have the funds to carry it out in their place in future years. The dyke was built by villagers to link the village to the river. There is a right in the Enclosure Act for villagers to load and unload at the parish staithe. The dyke must be kept clear for navigation to the staithe.

2. Despite requests to BESL, clear details of the extent of the proposed removal of the piling have not been received. The map of the site in the application is too small a scale to be clear which piling would remain at the basin end of the dyke. There are temporary moorings at this end, which are vital for the visitors who bring tourism and trade to the village.

3. The dyke is very narrow. It is anticipated that boats travelling at slow speeds would be very vulnerable to being blown away from the channel and on to the sloped edge, leading to vessels going aground, with no firm edge to push off against.

Overall the proposal appears to threaten a village's connection to the River Bure and the benefits of tourism for that village at a time when the Broads Authority is encouraging many more people to visit the area.

Broads Society – Conditional support.

There should be a condition that if any of the piles are driven down rather than removed (as suggested), precautions should be taken to ensure that they are not a hazard to deep draught vessels when there is a very low tide. There should be a condition that the channel markers are maintained until there is a good growth of vegetation.

There should be a condition that no work takes place on site on Sundays or Public Holidays.

On drawing WNCFSH/720/001 there is mention of crest piling in phase 2, although this is not included elsewhere; if the crest piling is to be included we suggest that there should be a condition that the piling and all capping and fendering is to be in recycled plastic.

NCC Highways – Support conditionally.

In highway terms only, I have no objection to the proposals outlined subject to an appropriate Traffic Management Plan being submitted and therefore I would recommend the following conditions being appended to any grant of permission your Authority is minded to make:

- Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.
- No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. For the duration of the construction period all traffic associated with the construction of the development permitted will use this approved wheel cleaning facilities.

NCC PROW – Awaited.

Environment Agency – No objection.

Natural England – No objection.

NCC Historic Environment Service – Awaited.

RSPB – Awaited.

NCC Historic Environment Service – Awaited.

Broadland DC Environment Health Officer – Awaited.

NSBA – The NSBA objects to the application on the following grounds:

Risk of erosion - The southern bank of the dyke as far as the IDB, which goes under the dyke, is peat. Whichever of the two methods (driving down or removal of piles) described in the applicant's supporting document Broadland Environmental Services Ltd Piling removal works within Compartment 37 (Upton Boat Dyke) on the River Bure was used, the peat would be likely to erode rapidly with consequent siltation of the Dyke. This would not only reduce the depth of the Dyke but it would also restrict its

navigable width. Neither in its supporting document, or elsewhere, has the applicant dealt with this risk, save to propose erosion monitoring and remediation measures. Instead it refers to its experience following piling removal in other Compartments, where the geology is no doubt different. The risk of erosion of the peat and consequent siltation means that the application conflicts with the terms of core strategy policies CS3, protection and enhancement of navigable water space through avoidance of development detrimental to its use, and CS15, adequate water levels to be maintained for safe navigation, and with the terms of development management policy DP 13, bank protection. The remediation in the event of erosion, proposed in paragraph 6.4 of the supporting document, would not answer the NSBA's concerns. The Dyke is so narrow that dredging operations would seriously impede, or possibly prevent, navigation through the Dyke while they were undertaken.

Channel markers - The applicant proposes that, if its driving down/removal application is successful, there should be a system of channel marking – either 'cone' type buoys or red posts. 'Roll back' of a bank undoubtedly requires channel marking, at least pending the establishment of the reed vegetation. In a dyke as narrow as Upton Dyke, the wandering nature of 'cone' markers makes their use impractical. The narrowness of the Dyke also means that the NSBA objects to the use of posts. The applicants have used them as channel markers on the River Chet, a wider waterway than the Dyke, and there have been reports of craft hitting them and being damaged. Despite the fact that the reed vegetation has established itself on the Chet the applicant has so far refused to remove the posts. The channel markers are an additional reason why the NSBA objects to the application. The channel marking proposals conflict with the terms of core strategy policy CS3, protection and enhancement of navigable water space through avoidance of development detrimental to its use.

Grounding of craft - The current piled edge provides a defined line for craft down the narrow Dyke. Without piling there is a risk that even experienced helms could hit the soft bank. The problem of grounding is exacerbated by the fact that Upton Dyke is one of the relatively few stretches of water where the speed limit is 3 mph. At low speed a motor cruiser may have very little steerage and is liable to be pushed onto the bank by a cross wind or when manoeuvring round craft converging down the narrow Dyke. If a craft is driven, blown or pushed onto piles it is easy for her to be pushed off because she will not have grounded. If there is no piling, there is a risk that a boat will ground against the rolled back bank (even when reeded), as has happened elsewhere on the Broads where rollback has been employed), thereby increasing the risk of erosion. There is also a risk that the matting (coir blanket) which is to be used for erosion protection purposes will get caught up round the craft's propeller. If this happens (and it has elsewhere on the Broads where rollback has been employed), not only will the risk to navigation have eventuated but the re-profiled edge would be at risk (and the risk of erosion greatly increased). These risks are greater in the Dyke than elsewhere on the Broads because of its narrowness. For these reasons, the application conflicts with the terms of core strategy policy CS3,

protection and enhancement of navigable water space through avoidance of development detrimental to its use, and with the terms of development management policy DP 12, developments not to result in hazardous boat movements.

Reduction in moorings - Towards the top of the Dyke there is a stretch of quay heading, repaired by the Environment Agency some 10 years ago, which is used by visiting boats when the Parish Staithe and boatyard moorings are full. That stretch is not listed as 'retained piling' in the application. To deprive visiting craft of these casual moorings would run counter to one of the principles in core strategy policy CS9, supporting sustainable tourism, by protecting against the loss of existing facilities, and CS14, moorings.

Commercial impact - The negative aspects of the application mentioned above would, if the application was granted, be liable to act as a deterrent to use of the dyke and thereby have an adverse impact on the boatyard at the head of the Dyke and the public house and community shop in the village, contrary to core strategy policy CS9.

5 Representations

5.1 None received up to 12 December 2015.

5.2 The Navigation Committee considered the application proposal at their meeting on 10 December 2015. The draft minute prepared immediately following the meeting identified Navigation Committee resolved:

That the Committee recommended to the Planning Committee to reject the application proposals for the removal of piling and installation of erosion protection in Upton Dyke on the true right bank of the River Bure and requested officers to discuss alternative options with BESL like widening of the Dyke.

5.3 In addition an objection has been received from Upton White Horse Community Pub, Restaurant and Upton Community Shop. They state:

Object on behalf of the White Horse community pub and restaurant and the Upton community shop.

We are a community interest company (we invest our success in the community). We are an essential feature of the Broadland tourist scene and we are only able to balance our books (survive) on the basis of the summer tourist trade – most of which is river derived from tourists who moor in Upton dyke and patronise our business. Without this summer trade which subsidises the lean winter months this historic Broads business could not survive.

Our objections to the above application are based on the following grounds:

1. *Reduction in moorings - At the top of the dyke (south) there is a stretch of quay heading, repaired by the Environment Agency comparatively recently, which is used by visiting boats when the parish staithe moorings are full. This stretch is not listed as 'retained piling' in the application. Without it we would see reduced custom and our tourist business would be jeopardized. The removal of the quay heading in this vicinity would make public mooring more difficult and less likely to happen.*
2. *Parish staithe maintenance - The extent of this is not defined in the application, and if this was reduced in any way we would again have a reduced overnight clientele. We wish to be reassured that the quay headed pubic/parish staithe is maintained at least, and if possible expanded,*
3. *Channel markers, erosion and possible grounding - Upton dyke has always been a challenge to river tourists who are assisted by the existing clearly defined quay headed bank which ensures boats stay in deep water, and acts as a valuable reference. By removing this constant 'kerb' there is considerable potential for grounding, inadequate passing and an inability to accurately assess this particularly narrow channel. Marker buoys would add to the already existing impression that Upton dyke is not suitable for novices, and further undermine our trade. (A sign recently erected by the BA warning of the difficulties of navigating Upton dyke, which highlights the existing issues before any change, has dramatically reduced our trade).*

While there are a good number of years left in the current pilling, we would ask that the status quo remains until a time in the future when there may be more money available to maintain it. The delicate balance between the work proposed and the potential effect on business such as ours has not been properly taken into account in this application, which is being considered as an expedient action while 'the team is in the area'.

The tourist infrastructure in the Broads is as delicate in places as the flora and fauna, and we are very concerned that any change such as that proposed could do serious damage to our business and consequently our whole community.

6 Initial Assessment

- 6.1 The 2008 application granted planning consent for sustainable flood defence improvements in Compartment 37 and recognised the need for pile removal. The technique now proposed involves 'removal' through pile driving into the dyke bed, rather than extraction (generally used elsewhere in parts of the Broads). This technique has been used in the River Chet and raised no fundamental problems, suggesting the approach could be acceptable elsewhere provided it is delivered in an agreed manner and linked to necessary site specific safeguards (to be identified by planning condition).

- 6.2 At Navigation Committee the potential for widening Upton Dyke was explored as an alternative to pile removal in view of the concerns expressed by consultees. This has been given further consideration by BESL but they have confirmed that it is not considered practical or cost effective to undertake this work. Whilst there is a reasonable width of folding between the old bank and set back bank which could technically allow for modest widening, the works required to achieve this would be extensive (both in duration and cost) and would require a new piled edge on the southern bank, which would fail to deliver the more sustainable flood defence which the project promotes. Therefore they have requested the application is determined in its current form.
- 6.3 The NPPF identifies the three key dimensions of sustainable development as economic, social and environmental. The comments received on the application address all three of these dimensions with the proposal to remove the hard engineered piled edge offering a strong environmental benefit but objection has highlighted the potential impact of removing piling on use of the water-space and access to village services with potential for an adverse effect on economic and social activities.
- 6.4 In view of the concerns and objections raised, it is considered that it would be beneficial for Members to visit the site to fully appreciate the various considerations prior to determining the application at the February meeting.

7 Recommendation

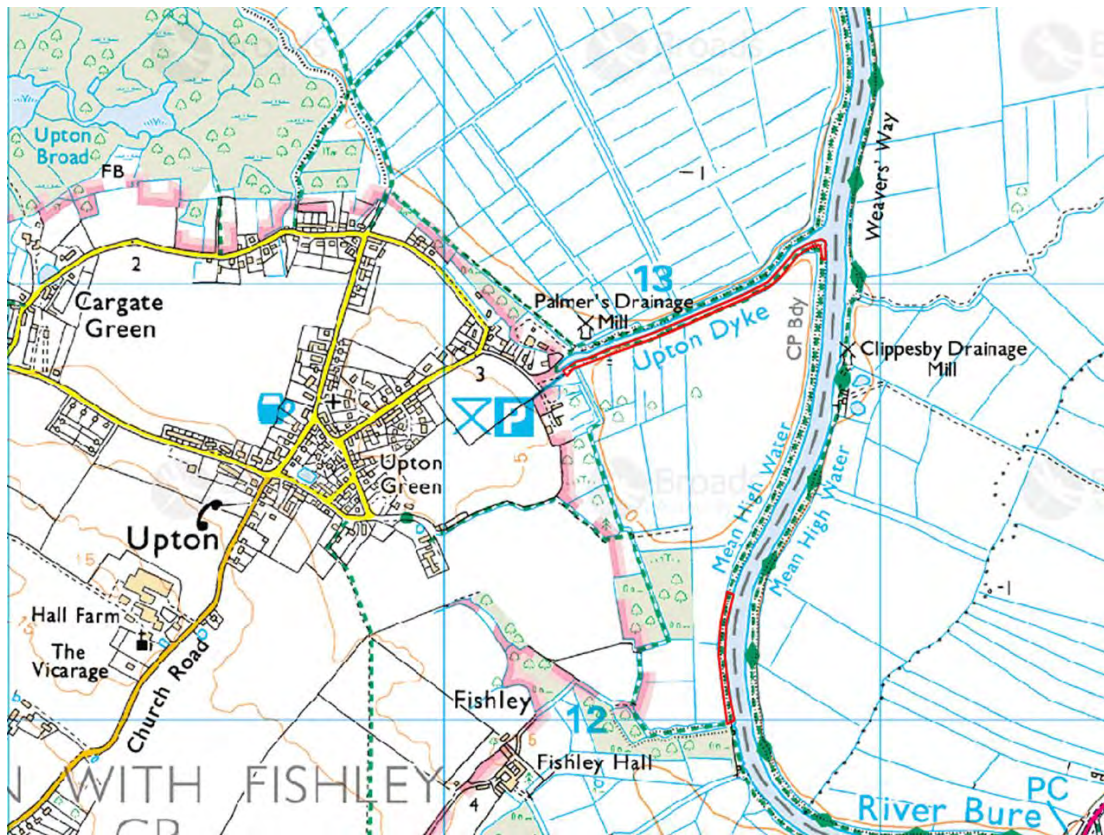
- 7.1 Member site visit. (Scheduled site visit date – 29 January 2016)

Background Papers: BA/2015/0364/FUL

Author: Andy Scales
Date of report: 16 December 2015

Appendices: APPENDIX 1 - Location Plan

BA/2015/0364/FUL - Driving/removal of piling along the southern bank of Upton dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank.



© Broads Authority 2015. © Crown copyright and database rights 2015. Ordnance Survey 100021573.

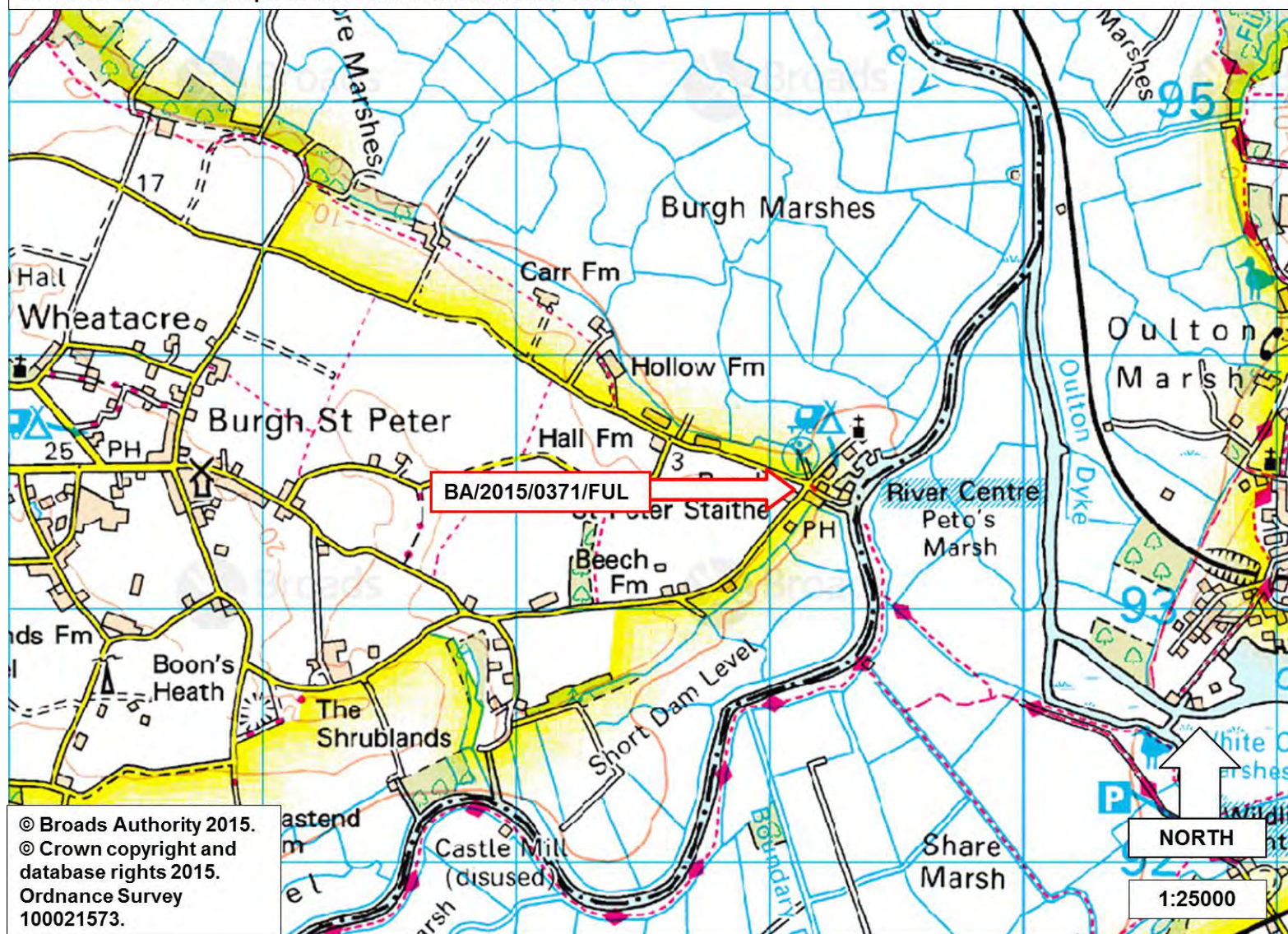
Reference

BA/2015/0371/FUL

Location

Waveney Inn and River Centre, Staithe Road, Burgh St Peter

BA/2015/0371/FUL - Replace barn with administration centre.



Application for Determination

Parish	Burgh St Peter/Wheatacre
Reference	BA/2015/0371/FUL Target date 7 January 2016
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter
Proposal	Replace barn with administration centre
Applicant	Waveney River Centre (2003) Ltd.
Recommendation	Approve subject to conditions
Reason for referral to Committee	Applicant is a Member of the Authority

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services. The whole area has a strong rural character.
- 1.2 The site is located on the shallow sloping valley side and extends down to the river's edge. The landscape surrounding the site is comprised mainly of traditionally managed grazing marsh, with the exception of land to the east, which is cultivated as arable farmland. There is a single residential property and the Parish Church to the north of the centre, a single residential property to the east and a cluster of dwellings to the south west. The site is outside a development boundary and isolated from the concentration of the settlement of Burgh St Peter to the west.
- 1.3 Facilities within the site include a public house with restaurant, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings.
- 1.4 To the immediate west of the entrance to the site stands a barn building that is used for storage. This is the first building that anyone visiting the site or passing on Staithe Road sees. This runs alongside the access into the site and is immediately north of the original pub building. The barn is constructed of corrugated sheeting over a brick plinth and has a pantile roof which is in a

poor state of repair. Ground levels fall away from Staithe Road into the site and the barn follows these changing levels with a staggered roof line at four different heights. Access into the building is from the west elevation.

- 1.5 This barn building was subject to an application in 2010 to demolish it and replace it with a new building providing five units of bed and breakfast accommodation (BA/2010/0392/FUL). This permission has not been implemented and has expired, it can therefore not be a significant material consideration in the determination of the current application. It is however necessary to have some regard to it, taking account of any changes in policy and other material considerations.
- 1.6 The application proposes demolishing the existing barn and in its place building a new administration centre for the site. Currently storage and administration functions are distributed across the site, some within the pub building and storage is provided in a former toilet block building. The proposed building would provide a purpose-built space for them and concentrate them in one area of the site.
- 1.7 The building would measure approximately 27 metres in length and 6 metres wide; approximately 1.5 metres larger in each dimension than the existing barn. Nearest the road, the ridge of the proposed building would be approximately 5 metres above ground level, approximately 19.5 metres along this would measure approximately 6.8 metres above the lower ground level and at this point the ridge would drop by approximately 1.6 metres to the lower section. There would be few openings on the section nearest the road other than glazing to the gable on the north elevation facing the road and double doors on the west elevation. These doors would give access to a workshop space with mezzanine level and a two storey laundry store with office space. The lower section nearest the pub would provide two storey office space with staff facilities and would have window openings on the west and south elevations. An open sided roof would extend across to the rear of the pub building, giving covered access.
- 1.8 The walls are proposed to be clad to match other recently renovated buildings on site and the windows and doors would be white UPVC. Existing buildings on site have a variety of roof coverings and the most appropriate roof material is still being considered by the applicant in consultation with officers.

2 Site History

07/06/0479 Extension of existing caravan site with 8no private units and new sewerage treatment plant - Approved subject to conditions and Section 106 agreement

BA/2010/0392/FUL Proposed demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation - Approved subject to conditions (not implemented and expired in March 2014).

BA/2013/0310/FUL Proposed six camping pods - Approved subject to conditions.

BA/2013/0329/FUL New entrances, external cladding and window alterations - Approved subject to conditions

BA/2013/0405/CU Conversion of existing shop to luxury apartment with re-location of shop to unused part of pub - Approved subject to conditions

BA/2015/0236/COND Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings - 'New entrances, external cladding and window alterations' - Approved subject to conditions

BA/2015/0243/NONMAT Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved – Approved

BA/2015/0251/FUL Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10 – Committee resolution to approve, pending re-advertising

BA/2015/0360/FUL – Restaurant extension – Considered elsewhere on this agenda

3 Consultation

Burgh St Peter/Wheatacre Parish Council – Councillors pleased that roof line is lower than previous application and that there will be no increase in traffic on roads serving the site.

Broads Society – Support this application.

District Member - No response.

Highways Authority – I would refer you to my response to application BA/2015/0251/FUL in relation to the proposed residential moorings on the site which I consider of material consideration in this case, in that part of the acceptance of the residential moorings in highway terms related to the extant permission for a 5 bedroom bed and breakfast accommodation to be revoked or a similar agreement entered into restricting the use of the building; this application refers to said building. In highways terms I have no objection to the proposed administration centre as it is unlikely to increase traffic movements to and from the site, but this is subject to restrictions being placed on the use of the building. Accordingly if your Authority is minded to approve this application, I would recommend conditions as follows: the use of the building is for office/administration purposes only; the development is ancillary to the main use of the site; and, permitted development rights are removed.

Norfolk Historic Environment Service – The proposed development lies close to the site of a medieval chapel and a number of probably medieval

inhumations have been found in the vicinity. There is potential that significant heritage assets with archaeological interest may be present at the site and their significance may be affected by the proposed development. In addition, the proposal necessitates the demolition of a group of outbuildings shown on late 19th century maps. Buildings of this type are disappearing from the Norfolk countryside as a result of development and have been identified as a priority in the regional research frameworks for archaeology. The demolition of the existing buildings will result in complete loss of their significance as a heritage asset. If planning permission is granted, we ask that this be subject to conditions for a programme of archaeological work and historic building recording in accordance with National Planning Policy Framework paragraph 141.

4 Representations

None received.

5 Policies

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

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape
CS6 – Historic and Cultural Environments
CS9 – Sustainable Tourism

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment
DP4 – Design
DP11 - Access on Land

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

DP5 – Historic Environment
DP14 – General Location of Sustainable Tourism and Recreation
Development
DP28 - Amenity

6 Assessment

- 6.1 In terms of assessment, the key considerations are the principle of the development, impact on heritage assets, the design, highways, ecology and amenity.

Principle

- 6.2 The application proposes the erection of a building to support the administrative and operational functions of an existing, established tourism site. These operations are already carried out elsewhere on the site and the proposal would relocate and consolidate these into one purpose-built building with sufficient capacity, there would be no significant increase in operations but it would support more efficient running of the existing site. In principle, this is considered acceptable in accordance with Policies CS9 and DP14.

Heritage Assets

- 6.3 The Historic Environment Service have identified the existing barn dates from the nineteenth century and that such buildings are disappearing from the Norfolk countryside. The application proposes demolishing the barn and thus the significance as a non-designated heritage would be completely lost. Paragraph 135 of the National Planning Policy Framework advises that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
- 6.4 The loss of any heritage asset is regrettable and each case must be considered on its own merits. As this is a non-designated asset of general interest as one example of a particular type of historic development and it is much altered and in a poor state of repair, the Historic Environment Service's proposal for a scheme of historic building recording to be undertaken prior to demolition would ensure a formal record of the building is taken and retained and, on balance, in this particular case, the loss is not unacceptable.
- 6.5 Paragraph 136 of the Framework advises that the loss of the whole or part of a heritage asset should not be permitted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. In this case it is considered necessary to require a copy of a contract for the construction of the new building to be submitted to the LPA, prior the demolition of the existing building.
- 6.6 The Historic Environment Service have also identified the proposal could affect significant heritage assets with archaeological interest and it is considered necessary to require appropriate archaeological work by condition. The application site is also approximately 300 metres to the southwest of the Grade II* Church of St Mary but the siting and scale of the proposal are such that views of and the setting of the church would not be significantly affected. Subject to conditions requiring a survey of the

existing building prior to demolition, a scheme of archaeological work and contract for construction prior to demolition, the proposal is considered acceptable in accordance with Policies CS9 and DP5 and paragraphs 135 and 136 of the Framework.

Design

- 6.7 In terms of design, the building is larger in both footprint and height than the existing building but similar to the bed and breakfast building previously approved. The ridge height, particularly at the road end would be lower than previously approved and the scale, which is broken up by the stepped design following the changing ground levels, is considered appropriate. In design, the building is relatively simple and functional, drawing on elements of existing buildings on site. Officer have suggested some minor amendments to the fenestration and materials to ensure the building would enhance the entrance to the site and complement the existing development on site. Subject to a satisfactory resolution on these amendments, it is considered the of design the proposal can be considered acceptable in accordance with Policy DP4. Any external lighting should be agreed by condition to manage the landscape impact.

Highways

- 6.8 Vehicular access to this site is constrained and new development which may increase traffic movements to and from the site requires careful consideration. As the proposed building would not introduce any new uses on the site, the Highways Authority consider it unlikely that any increase traffic movements would result. They have recommended conditions on the use of the building and removal of permitted development rights and these are considered necessary to manage amenity impacts as well as highway issues. Subject to appropriate conditions, the proposal is considered acceptable in accordance with Policy DP11.

Ecology

- 6.9 A Protected Species Survey has been submitted which concludes the barns are not used by bats but the surrounding area is and it is considered necessary for the new building to incorporate bat enhancement features to maintain this interest. Subject to appropriate conditions, the proposal is considered acceptable in accordance with Policy DP1.

Amenity

- 6.10 In terms of amenity, there is a neighbouring dwelling approximately 40 metres to the southwest on Staithe Road. The proposed development would not give any direct views of this dwelling and it is not considered the proposed use, which is primarily for storage and office functions, would give rise to any activity which would have unacceptable impacts on the amenity of this or any other neighbouring occupiers. It is considered necessary to require the submission of a demolition schedule with details of the means of controlling dust and noise during demolition in the interests of protecting amenity and, subject to this, the proposal is considered acceptable in accordance with Policy DP28.

- 6.11 The application does not include any proposals for re-use or alteration to the existing buildings and spaces used for the administration and storage functions the new building would accommodate. The applicant is aware it may be necessary to submit further applications should any additional development be required.

7 Conclusion

- 7.1 The proposal would provide a purpose-built facility for the existing business' administrative and operational functions and would support the efficient functioning of this established tourist site. Although a non-designated heritage asset would be lost as a result, the proposal is, on balance, considered acceptable with regard to heritage assets, subject to appropriate conditions. The design is broadly acceptable and, with appropriate minor amendments to the fenestration and materials, can be considered in accordance with Policy DP4. The nature of the use is not considered likely to result in any additional traffic movements to the site and the proposal is considered acceptable with regard to ecology and amenity, subject to appropriate conditions.

8 Recommendation

- 8.1 Approve subject to conditions:

- (i) Standard time limit
- (i) In accordance with submitted plans
- (ii) Samples of materials
- (iii) Scheme of archaeological work
- (iv) Historic building recording
- (v) Contract for construction
- (vi) Demolition schedule
- (vii) Bat features and mitigation
- (viii) External lighting
- (ix) Use of building for office/administration/storage only
- (x) Use of building ancillary to main site
- (xi) Remove permitted development rights for change of use

9 Reason for recommendation

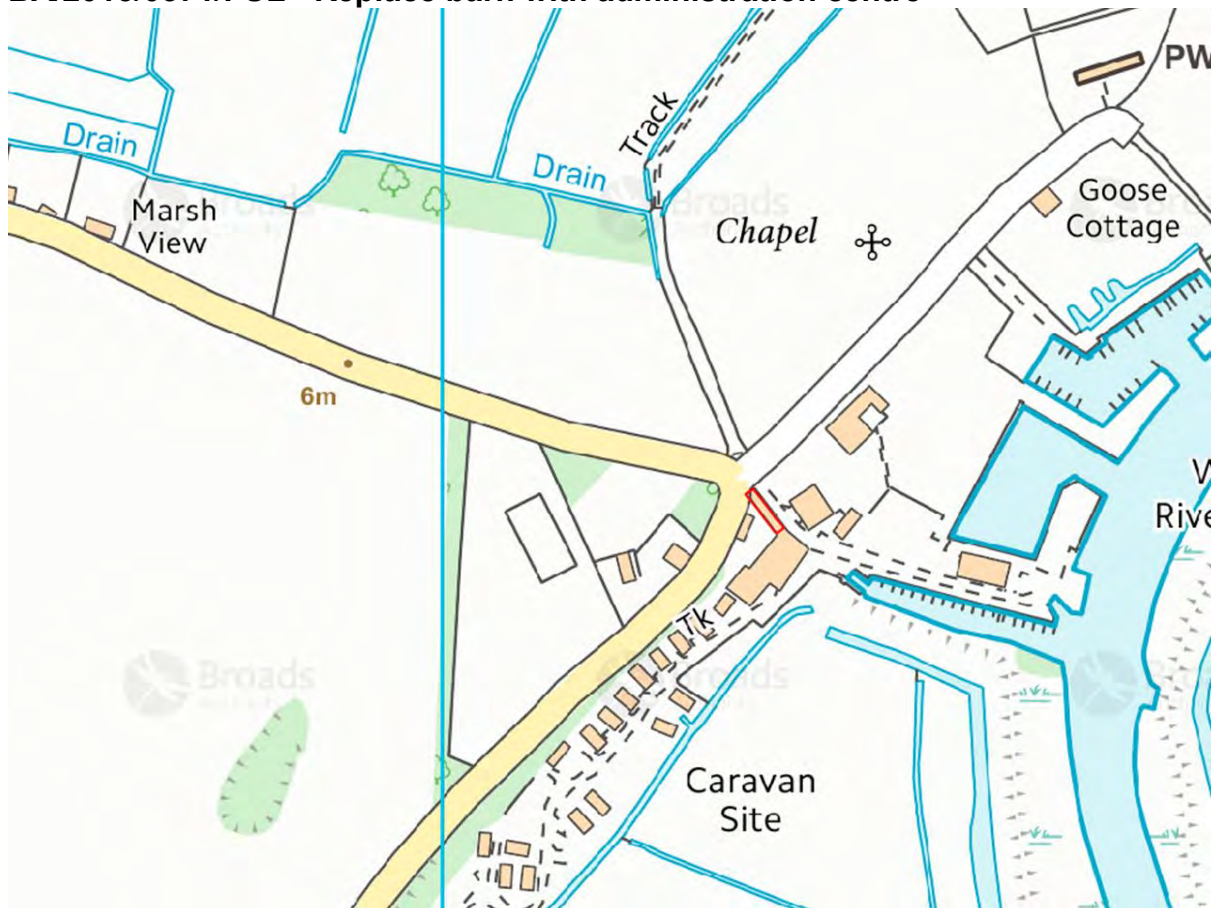
- 9.1 The proposal is considered Policies CS1, CS6 and CS9 of the adopted Core Strategy (2007), Policies DP1, DP4, DP6, DP11, DP14 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

Background papers: Application File BA/2015/0371/FUL

Author: Maria Hammond
Date of Report: 11 December 2015

List of Appendices: Location Plan

BA/2015/0371/FUL - Replace barn with administration centre



© Broads Authority 2015. © Crown copyright and database rights 2015. Ordnance Survey 100021573.

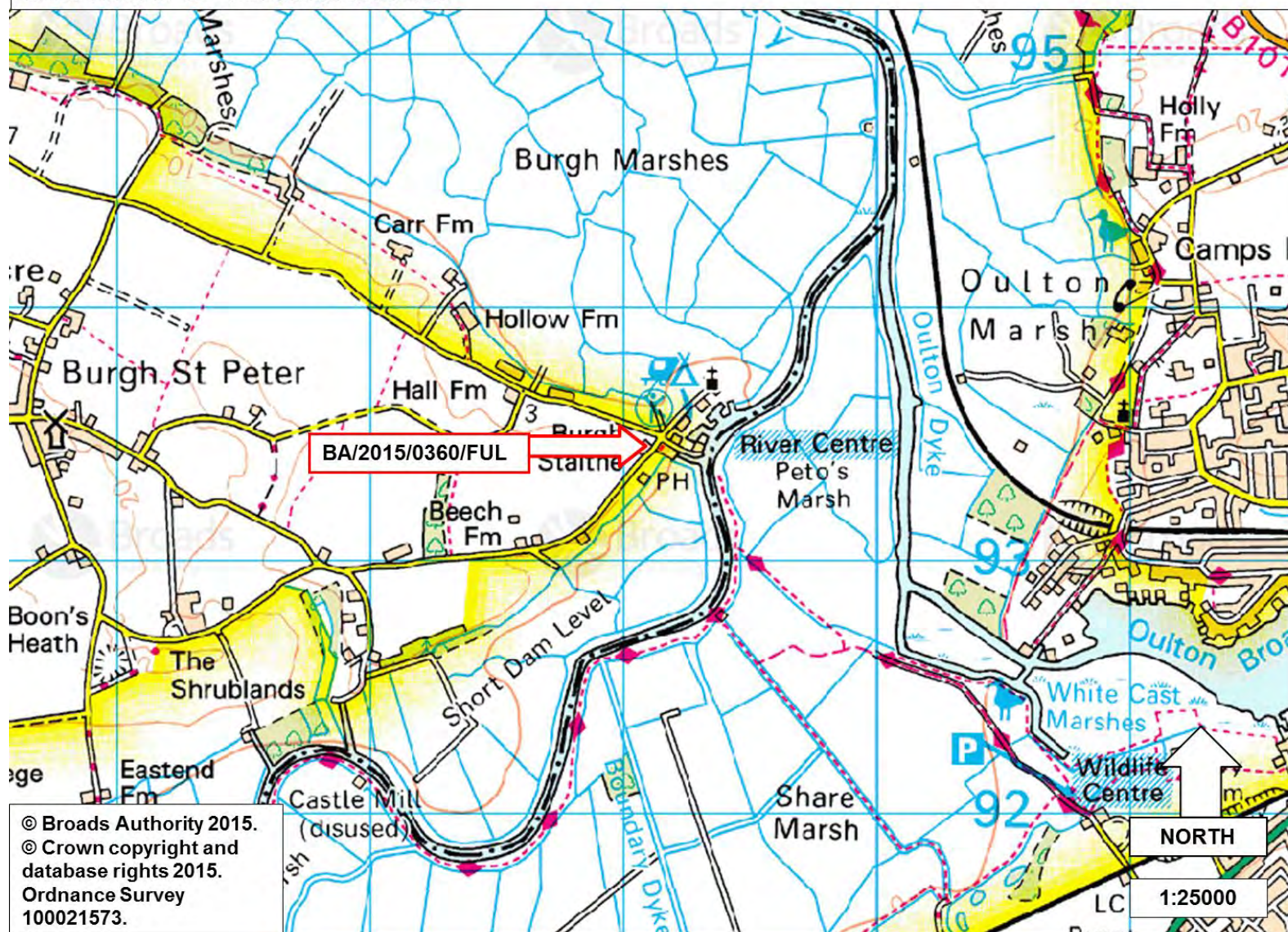
Reference

BA/2015/0360/FUL

Location

Waveney Inn and River Centre, Staithe Road, Burgh St Peter

BA/2015/0360/FUL - Restaurant extension.



Application for Determination

Parish	Burgh St Peter/Wheatacre		
Reference	BA/2015/0360/FUL	Target date	29 December 2015
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter		
Proposal	Restaurant extension		
Applicant	Waveney River Centre (2003) Ltd.		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Applicant is a Member of the Authority		

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services. The whole area has a strong rural character.
- 1.2 The site is located on the shallow sloping valley side and extends down to the river's edge. The landscape surrounding the site is comprised mainly of traditionally managed grazing marsh. There is a single residential property and the Parish Church to the north of the centre, a single residential property to the west and a cluster of dwellings to the south west. The site is outside a development boundary and isolated from the concentration of the settlement of Burgh St Peter to the west.
- 1.3 Facilities within the site include a public house with restaurant, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings.
- 1.4 In 2013 planning permission was granted for new entrances, external cladding and window alterations to the original two storey pub building and later single storey extensions (BA/2013/0329/FUL, as amended by BA/2015/0236/COND). This building is located to the west of the entrance into the site. The alterations have been completed alongside internal refurbishment and the facility re-opened approximately 18 months ago.

- 1.5 The on-site shop is now located in the original two storey pub building (BA/2013/0405/CU, as amended by BA/2015/0243/NONMAT) and the bar and restaurant are located in the single storey extensions to the southwest, separated from the original pub by the reception area. The bar and restaurant part of the building has two parallel hipped roofs and measures approximately 15 metres by 15 metres in footprint. It can accommodate approximately 70 covers internally, with an additional 40 on the decking on the southern side.
- 1.6 The application proposes extending the restaurant by 7.5 metres to the rear (north). The extension would mirror the form of the existing building, with a third pitched roof at the same height, but with a gabled roof. The land to the rear of the existing building slopes up towards Staithe Road and the extension would be set into this slope.
- 1.7 Materials are proposed to match the existing: painted timber cladding, slates and white UPVC windows and doors. Each roof slope would have two rooflights and the only other openings would be a fire escape door and a window on the east elevation.
- 1.8 The extension would provide space for approximately 70 additional covers.

2 Site History

07/06/0479 Extension of existing caravan site with 8no private units and new sewerage treatment plant - Approved subject to conditions and Section 106 agreement.

BA/2010/0392/FUL Proposed demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation - Approved subject to conditions (not implemented and expired in March 2014).

BA/2013/0310/FUL Proposed six camping pods - Approved subject to conditions.

BA/2013/0329/FUL New entrances, external cladding and window alterations - Approved subject to conditions.

BA/2013/0405/CU Conversion of existing shop to luxury apartment with re-location of shop to unused part of pub - Approved subject to conditions.

BA/2015/0236/COND Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings - 'New entrances, external cladding and window alterations' - Approved subject to conditions.

BA/2015/0243/NONMAT Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved – Approved.

BA/2015/0251/FUL Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10 – Committee resolution to approve, pending re-advertising.

BA/2015/0371/FUL - Replace barn with administration centre – Considered elsewhere on this agenda.

3 Consultation

Burgh St Peter/Wheatacre Parish Council - This application will cause additional traffic to travel along the roads which serve the site. The roads are unable to cope with the current volume of traffic at high season. Councillors were pleased that the improvements to the restaurant have generated more business for the applicant. Councillors are very concerned about the drip, drip of expansion plans over the years which has caused an increase in traffic to the point that during the high season there are numerous conflicts between vehicles, often towing caravans, when they try to pass. Councillors therefore recommend that the application is refused because of the inadequate road links which serve the site. The applicant attended the meeting and indicated he is having to turn away up to 20 evening bookings, yet this extension will give an additional 70 plus covers, it assumed the additional trade will travel by road. Councillors are also very concerned the large more flexible floor area will make the restaurant a venue for conferences and social functions which will put further pressure on the road network.

Broads Society - No objections.

District Member - No response.

Highways Authority – The Highways Authority has continued to raise concerns in relation to the continued development of the Waveney River Centre and the suitability of the highway network serving the site and local area. Whilst the provision of passing bays have been successfully secured in the past, the level of development is reaching a point where further proposals are unlikely to be considered favourably by the Highway Authority without appropriate mitigation being proposed or supporting information to the contrary. The proposal may give rise to an increase in vehicle movements but I am also aware that many of the customers may already be likely to be staying on the site or visiting by river. If existing patrons are being turned away and they have to leave the site, most probably by car, then this will add to traffic on the network that could be avoided. For those who have turned up ad hoc, then arguably the traffic is already on the network but by providing additional facilities then these may be encouraged to stay on the basis a table will become available; in turn this will help to distribute traffic movements over time.

I am mindful of the recent application for residential moorings and have taken this into consideration as a material fact in this application, albeit it is still subject to a decision and may not be subsequently implemented.

I am of the opinion that on balance there is unlikely to be a severe residual traffic impact resulting from the development, however whilst it would be unrealistic to restrict the use for small group functions such as Christmas lunches, etc., I would not wish to see the venue used for functions, such as conferences, weddings or the like due to the highway implications. Recommend approval subject to conditions to manage the use and secure provision of signage to existing passing bays on Burgh Road.

Norfolk Historic Environment Service – The proposed development lies close to the site of a medieval chapel and a number of probably medieval inhumations have been found in the vicinity. There is potential that significant heritage assets with archaeological interest may be present at the site and their significance may be affected by the proposed development. If planning permission is granted, we ask that this be subject to a condition for a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

4 Representations

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.

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape
CS6 – Historic and Cultural Environments
CS9 – Sustainable Tourism
CS11 – Sustainable Tourism
CS16 - Access and Transportation

[DEVELOPMENTPLANDOCUMENT](#)

DP4 – Design
DP11 - Access on Land

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

DP5 – Historic Environment
DP14 – General Location of Sustainable Tourism and Recreation
Development
DP28 - Amenity

6 Assessment

- 6.1 In terms of assessment, the key considerations are the principle of the development, design, impact on heritage assets, highways and amenity.

Principle

- 6.2 With regard to principle, the application proposes an extension to an existing restaurant at an established tourist facility and this is acceptable in principle in accordance with Policies CS9 and DP14 and paragraph 28 of the National Planning Policy Framework.

Design

- 6.3 The design of the extension replicates the existing, with a change in roof form from a hipped end to a gable, and the materials would match the existing and this is considered appropriate. In terms of footprint, the extension would represent a 50% increase on the existing bar and restaurant area which is one part of the larger former pub building. The existing building is read more as a series of attached buildings, than one large building due to the different forms of extension which relate to the different uses within the building. Due to the form and siting of the extension, it is not considered to unacceptably increase the scale of the host building. Setting it into the slope reduces the mass of the building and helps assimilate it into the sloping site. The proposal is therefore considered acceptable in terms of design in accordance with Policy DP4. It shall be necessary to manage the deposition of any spoil resulting from the excavations to provide the extension by condition to ensure it does not result in any adverse impacts on landscape, trees or flood risk.

Heritage Assets

- 6.4 The Historic Environment Service have identified the proposal could affect significant heritage assets with archaeological interest and it is considered necessary to require appropriate archaeological work by condition. Subject to such a condition, the proposal can be considered to be in accordance with Policies CS6 and DP5 and the National Planning Policy Framework with regard to heritage assets.

Highways

- 6.5 The proposal would increase the number of customers that can be accommodated and thus potentially result in greater traffic movements to and from the site. The applicant notes that at present the existing restaurant is often fully booked through the school holidays and weekends and that it is not uncommon to turn away 15-20 customers in an evening. These customers are likely to then leave the site, most probably by car, to find an alternative. The applicant suggests that the increased capacity, which would also give greater flexibility for table layouts, would support the existing facilities offered at the site, protect employment opportunities and promote low impact tourism by reducing traffic movements from the site.

- 6.6 The Highways Authority note that if at present customers are arriving at the site and being turned away due to lack of capacity, but that as a result of the proposal they would stay on the site, then this traffic is already on the network and the proposal may distribute these movements over time. Those customers who are already on the site using other facilities that currently leave the site to find alternative venues are creating additional movements that the proposal could reduce. The Highways Authority are of the opinion that the proposal would be unlikely to result in a severe residual traffic impact, in accordance with paragraph 32 of the National Planning Policy Framework, but advise they would not want to see the venue used for functions such as conferences and weddings and the Parish Council also raise a concern about this type of use. In coming to this assessment, account has been taken of the recent application for ten residential moorings on the site and it should be noted this application proposed providing signage to ten existing passing places on Burgh Road as means of highways mitigation. In view of the fact this development may not be implemented (and indeed a formal decision has not yet been issued), it is considered necessary to also condition the provision of this signage on any permission issued for the proposed restaurant extension.
- 6.7 In terms of use and in recognition of the concerns raised by the Parish Council regarding the use of the building for functions or wedding, it is considered appropriate to only allow the extension to be used for A3 (food and drink) and A4 (drinking establishment) purposes. This is to ensure that the impact of additional traffic is minimised. Uses as function rooms, conference facilities or wedding venues come under different planning use classes and a further planning application would be required to use the development in this way. Subject to appropriate conditions, the proposal is considered acceptable in accordance with Policies CS16 and DP11.

Amenity

- 6.8 The proposed extension would be sited on the opposite side of the road from a dwelling which fronts that road. Due to the changing ground levels, the extension would be much lower than the dwelling and would not be visually prominent from the road or dwelling due to the established roadside hedge. It is not considered the use of the extension would result in any unacceptable impacts on the occupiers of this dwelling or any other neighbouring occupiers given the context of the wider site it sits within and absence of any additional outside seating area (this would remain on the south side of the building). In the interests of protecting visual amenity, it is considered necessary to ensure the roadside hedge is maintained at a reasonable height and subject to appropriate conditions, the proposal is considered acceptable in accordance with Policy DP28.

7 Conclusion

- 7.1 The application proposes an extension to an existing restaurant to provide increased capacity and flexibility to meet demand and this is acceptable in principle. In design, the proposal is considered appropriate and heritage assets, landscape, trees, flood risk and amenity can be appropriately

protected with use of suitable conditions. It is not considered the proposal would result in any severe residual traffic impacts subject to the provision of signage to the passing places along Burgh Road and conditions managing the use of the venue.

8 Recommendation

- 8.1 Approve subject to conditions
- (i) Standard time limit
 - (ii) In accordance with submitted plans
 - (iii) Archaeological work
 - (iv) Signage to passing places
 - (v) Deposition of spoil
 - (vi) Materials to match existing building
 - (vii) Development to be used for A3 (food and drink) and A4 (drinking establishment) uses only.
 - (viii) Retain roadside hedge at minimum height of 1.2 metres

9 Reason for recommendation

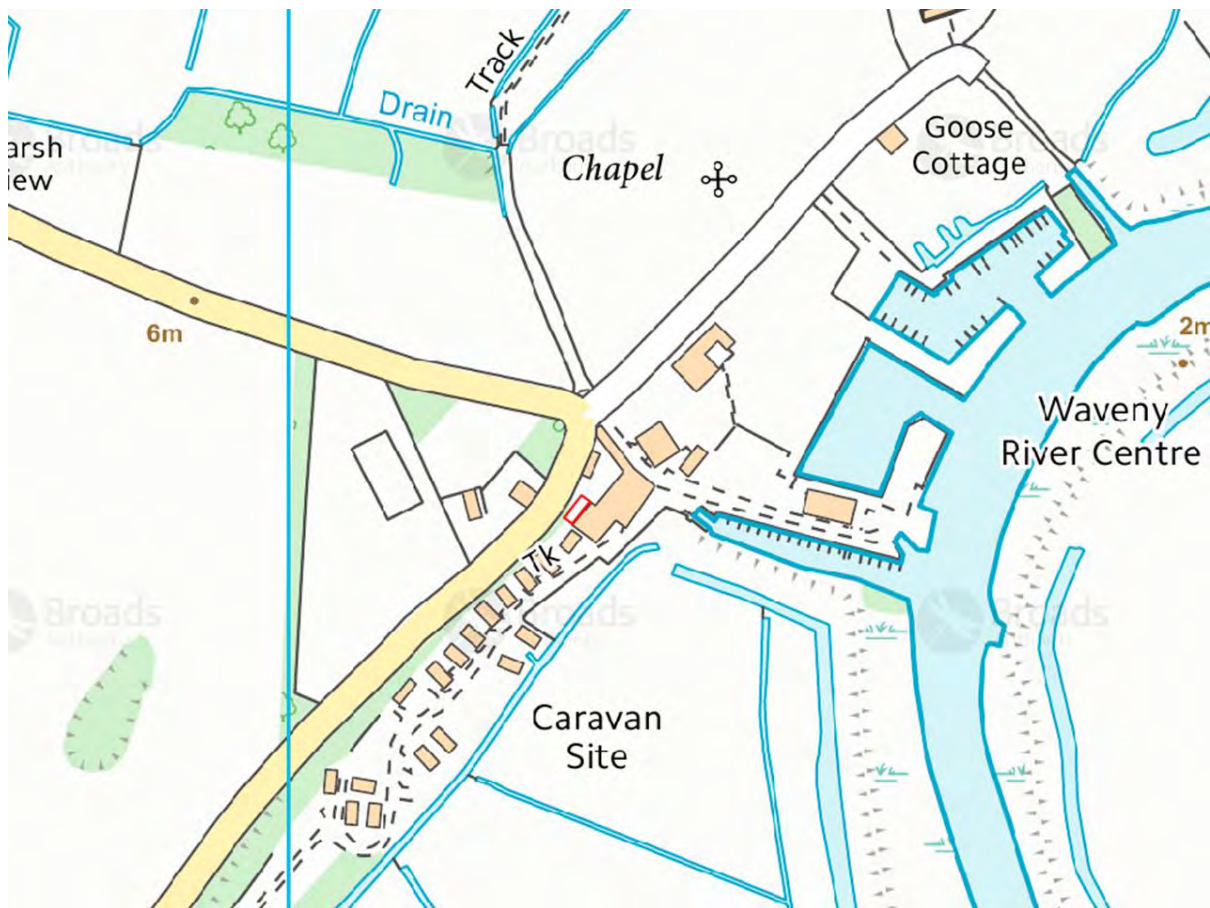
- 9.1 The proposal is considered acceptable in accordance with Policies CS1, CS6, CS9, CS11 and CS16 of the adopted Core Strategy (2007), Policies DP4, DP5, DP11, DP14 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

List of Appendices: Location Plan

Background papers: Application File BA/2015/0360/FUL

Author: Maria Hammond
Date of Report: 11 December 2015

BA/2015/0360/FUL - Restaurant extension



© Broads Authority 2015. © Crown copyright and database rights 2015. Ordnance Survey 100021573.

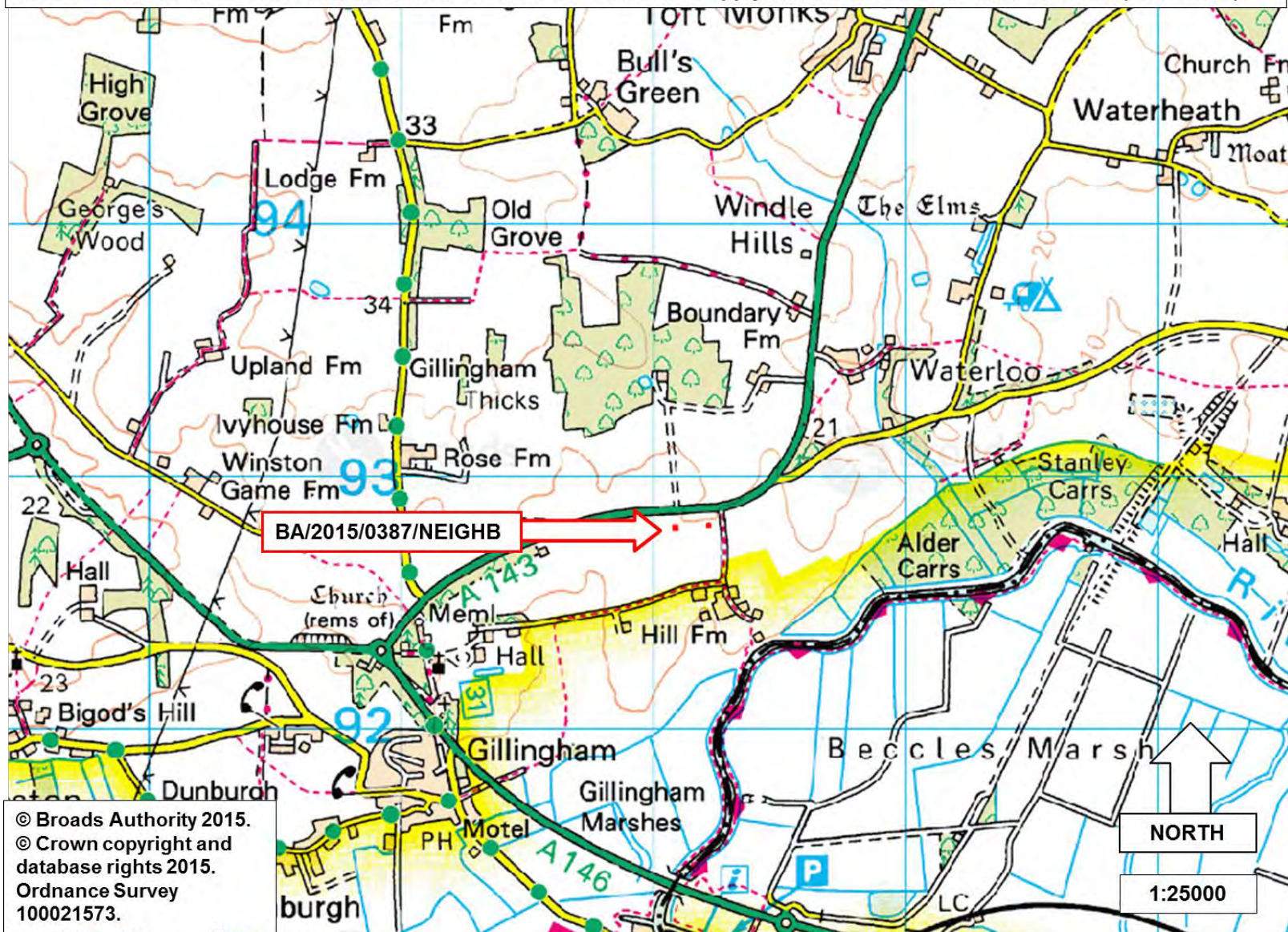
Reference

BA/2015/0387/NEIGHB

Location

Land North of Hill Farm, Yarmouth Road, Gillingham

BA/2015/0387/NEIGHB - Amendment to BA/2014/0418/NEIGHB - To supply and install 2 x 60kw wind turbines (20m tower).



**Application referred to Broads Authority for Consultation – to be determined
by South Norfolk Council**

Parish	Gillingham
Reference	BA/2015/0387/NEIGHB Target date 15 January 2016
Location	Land North of Hill Farm, Yarmouth Road, Gillingham
Proposal	To supply and install 2 x 60kw wind turbines
Applicant	Mr Robin Bramley
Recommendation	Forward consultation response to South Norfolk Council objecting to the proposal

1 Description of Site and Proposals

- 1.1 South Norfolk Council has received a planning application for the erection of two wind turbines on land at Gillingham. The turbines would be 60kw turbines, each with a height of 22m to the hub and 34m to the blade tip. The scheme includes the associated cable connection and the planting of a small copse at the south western corner of the field in which the proposed turbines would be located. The intention is for the wind turbines to remain on site for 25 years, after which they would be decommissioned and removed from the site. The ground fixing would be removed and reinstated to agriculture, as part of the remainder of the field.
- 1.2 Access for construction would be based on the existing driveway to Hill Farm and the field opening in the western boundary of the application site.
- 1.3 The field in which the wind turbines would be located lies on the south side of the Yarmouth Road and on the north side of the River Waveney in Gillingham. The wind turbines themselves would be 150m to the north of the Broads Authority Executive Area, although the southern boundary of the subject field and the southern length of the eastern site boundary actually adjoin the Broads Authority's Executive Boundary. The wind turbines would be 1.5km to the northeast of Gillingham and 2km to the north of Beccles. The overall site comprises a mix of arable farmland, a field under grass, hedges and blocks of establishing woodland.
- 1.4 The northern boundary of the site is delineated by the hedge and tree belt associated with the Yarmouth Road (A143), which extends eastwards to the junction with the Beccles Road at the north-eastern tip of the site. A hedge and associated woodlands extend southwards from this junction and define the eastern boundary of the site. The southern boundary follows the ground

and buildings at Hill Farm, continuing westwards to a small block of woodland in the southwestern corner. These trees, and a hedge that extends from them towards the A143, defines the western boundary of the site. The framework of vegetation around the field would be retained, the woodlands on the northern and eastern boundaries of the site would be unaffected and the trees around the farmstead at Hill Farm would remain intact.

- 1.5 The site is in the vicinity of the Grade II* listed Gillingham Hall and the wider setting of a number of other designated heritage assets including the Gillingham Conservation Area. The Grade II listed Brick Barn and Grade II listed Hill Farm house are located immediately adjacent to the southern boundary of the site and are situated within the Broads Authority's Executive Area.

2 Site History

None

3 Policies

- 3.1 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.

Adopted Core Strategy (2007)

[Core Strategy Adopted September 2007 pdf](#)

CS 1 – Landscape Protection and Enhancement
CS5 – Historic and Cultural Environments

Adopted Development Management Policies DPD (2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - Natural Environment
DP2 – Landscape and Trees
DP8 – Renewable Energy

- 3.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Adopted Development Management Policies DPD (2011)

DP5 – Historic Environment

4 Assessment

- 4.1 This application will ultimately be determined by South Norfolk Council and in determining this application South Norfolk Council is seeking the views of the

Broads Authority on the proposal. The issues that are pertinent to the Broads Authority and which our comments should be centred around are the impact on the landscape of the Broads, the impact on the historic environment and the impact on ecology.

- 4.2 The application is supported by a detailed Landscape and Visual impact Assessment (LVIA) which has been thoroughly reviewed by the Authority's Landscape Officer. The Landscape Officer's full assessment is included as Appendix 1 to this report. The LVIA accepts that the Broads landscape is a very highly sensitive landscape receptor. This definition is considered to aptly describe the limited scope of the Broads landscape in general to accommodate wind turbine development of the size and number being proposed. This is supported by the findings of the Broads Authority's 2012 own Landscape Sensitivity Study which concluded that Local Character Area 3 Waveney Valley- Barsham, Gillingham and Beccles Marshes has a high sensitivity to more than one turbine with a tip height over 20m.
- 4.3 The impact on the landscape of the Broads falls into two distinct categories – the effect on the landscape character and the effect on views. To assess the degree of impact on the landscape character of the Broads it is necessary to assess the magnitude of the effect. This assessment looks at the size or scale of change, the geographical influence and the duration and reversibility of the proposed development. The LVIA has set out assessment criteria for each of these categories.
- 4.4 The applicant's assessment states that there would be a low magnitude of effects on the landscape character as a result of the size or scale of change of the proposed development. However it is the Broads Authority's view that the size or scale of this change would be high as it would result in a major change to the key characteristics of this area. The development would be out of scale to the existing character, the development would dominate the skyline which is relatively uninterrupted by manmade features, and the turbines would interrupt the cohesion of the existing landscape character and impact on the tranquillity of this pastoral landscape.
- 4.5 The applicant's assessment of the geographical influence of the development concludes that the effects of the development would be low being limited to a localised area and a small proportion of the overall feature or landscape character area. However it is the Broads Authority's opinion that the effects would be medium as the effects of the proposed development as a result of the height and positioning and the rotation of the blades would extend to over a third of Local Character Area 3.
- 4.6 In terms of the duration and reversibility of the scheme and its associated impact on the landscape character of the area the applicant's assessment states that there would be a low magnitude of effects as it is considered to be a medium term development (10-30 yrs) and is fully reversible. However it is the Broads Authority's view that this assessment of magnitude should be high to very high. The current Guidelines for Visual and Landscape Impact Assessment indicate that 25 years can be considered a long time in duration.

It is the Broads Authority's view that the proposed duration should outweigh the fact that ultimately the turbines could be removed.

- 4.7 In summary it is agreed between the applicant and the Broads Authority that the sensitivity of the landscape receptor of the Broads Area is very high. However the Broads Authority does not agree with the applicant's overall assessment that the magnitude of change resulting from this development would be low. The Broads Authority considers that overall the magnitude of effects is high. It is the Broads Authority's conclusion that the significance of the overall effects on the landscape, which is determined by considering the sensitivity of the site against the magnitude of effects, would range between Major and Major-Moderate adverse.
- 4.8 The LVIA process also considers the potential effect on views. Ten viewpoints, four of which lie within the Broads Authority's Executive Area, have been selected in agreement with South Norfolk Council and the Broads Authority. An assessment has been made from each of these viewpoints. Full views of the proposal would be available from the River Waveney, a number of Public Rights of Way which include the Angles way long distance footpath utilising the riverbank and Beccles marsh trail.
- 4.9 Having fully considered each of the assessments made by the applicant on the visual sensitivity of the development from each of the identified viewpoints the Broads Authority considers that the significance of the visual effects of the development have been much underestimated. Much of the area local to the development, land and water, is used for the quiet enjoyment of the countryside. The Broads is a landscape which has been nationally designated for its landscape value increasing its sensitivity in both landscape and visual terms to developments of this nature. The construction of two turbines would introduce two dominant features into this tranquil pastoral landscape. These structures would also be given added prominence as they would interrupt the current uncluttered treed skylines that exist on the northern valley side. Furthermore the views assessed are only a representative selection and it is therefore important to recognise that views of the development would be available from many other vantage points due to the extensive network of footpaths and the fully navigable River Waveney.
- 4.10 The application site is situated in the vicinity of a number of listed buildings and other designated heritage assets. The two heritage assets most directly affected by the application are within the Broads Authority's Executive Area being the Grade II listed Hill Farm house and Grade II listed Brick Barn, both sited immediately south of the turbine site. The landscape setting of these two heritage assets set on the valley side would be impacted on significantly. The Historic England Assessment of the proposal (attached as Appendix 2 to this Report) is thorough and provides a co-ordinated assessment of assets regarding the historic environment of the area in the vicinity of this site. Whilst the Assessment does not refer directly to Hill Farm house in the opening paragraphs it does refer to the impact of the development on this asset later throughout the Assessment. The conclusion reached by Historic England is that the erection of two wind turbines in the locality of Gillingham Hall, Brick

Barn and Hill Farm house and the Conservation Area would result in harm to the significance of the heritage assets through inappropriate development in their setting. Historic England also concludes that the development would be harmful to designated heritage assets in terms of paragraphs 132 and 134 of the NPPF and does not satisfy paragraph 137. The information submitted with the application also fails to satisfy the requirements of paragraph 128 of the NPPF. The Broads Authority fully endorses Historic England's Assessment of this proposal and agrees and reinforces the conclusions reached.

- 4.11 In terms of possible impact on the ecology of the area it is the Broads Authority's view that the development has the potential to adversely impact bats and birds and that this impact has not been adequately addressed in the application. The proposed location of the turbine towers appear to be approximately 60m from the closest tree belt. This is the minimal recommended distance of the turbine blade tip from a habitat feature that may be used by bats for foraging and commuting. Therefore there may be potential impacts to bats given the blade is 34m in length. Furthermore the turbines are located 500m northwest of Stanley and Alder Carrs SSSI, part of the Broadland SPA, a notable protection area for species such as marsh harrier. Marsh harriers hunt over arable areas outside of reedbed and fen habitats and may therefore be at risk from bird strike. Farmland birds such as barn owls may also be at risk.

5 Conclusion

- 5.1 It is concluded that the proposed development would have a significant adverse impact on the landscape of the Broads and that this impact has been underestimated in the LVIA submitted in support of the application.
- 5.2 The proposed development would also have an unacceptable impact on the historic environment of the area in the vicinity of the site. It would particularly have a negative impact on the listed buildings closest to the site as the development is considered to be inappropriate for the setting of these listed buildings.
- 5.3 There is the potential for the proposal to adversely impact on bats and birds in the area and this impact has not been adequately addressed in the application.

6 Recommendation

- 6.1 It is recommended that a formal objection to the scheme is submitted to South Norfolk Council and that this report and the Appendices are submitted to South Norfolk Council as the Broads Authority's formal consultation response on the planning application.

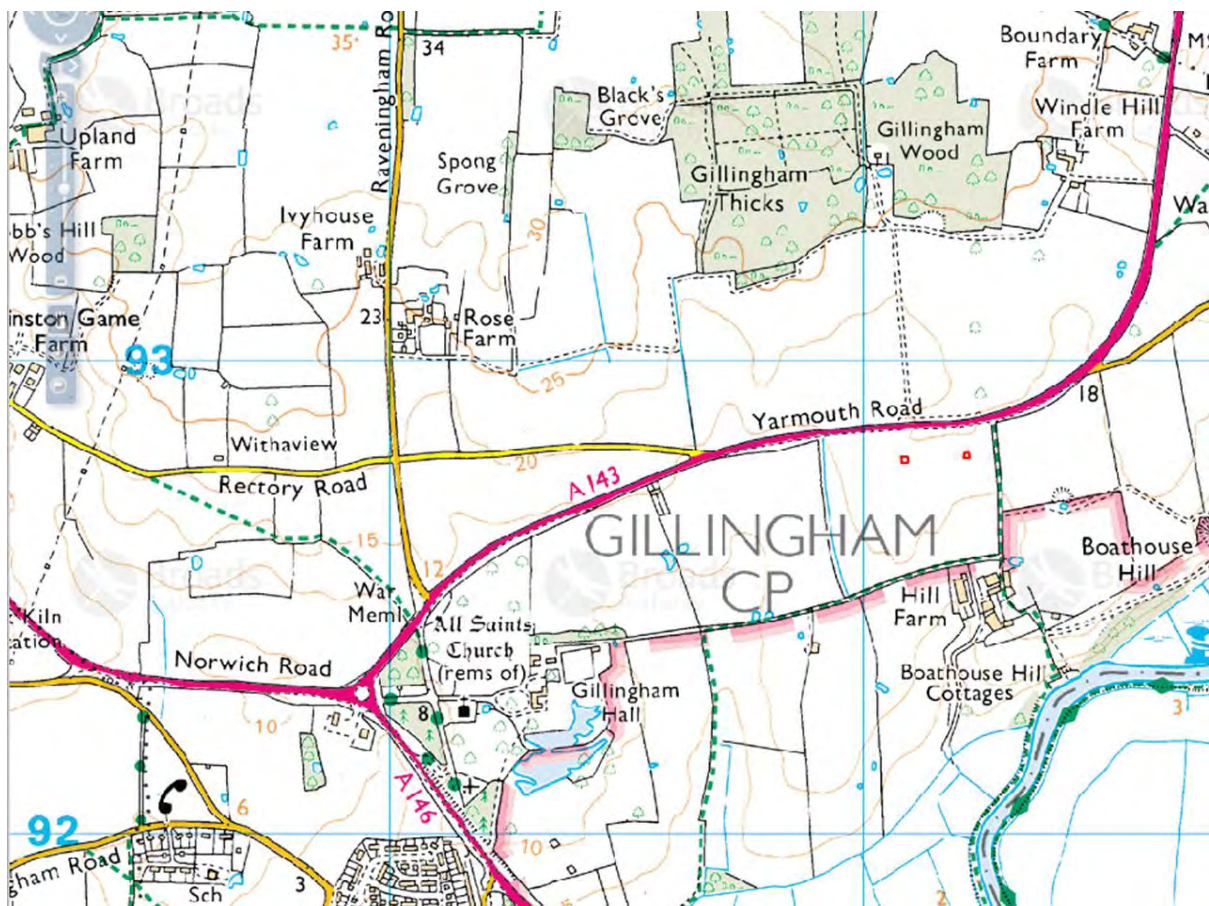
Background papers: Application File BA/2015/0387/NEIGHB

Author: Alison Macnab
Date of Report: 11 December 2015

Appendices: APPENDIX A - Location Plan
APPENDIX 1 – Broads Authority's Assessment of the LVIA
APPENDIX 2 – Historic England's Consultation Response

APPENDIX A

BA/2015/0387/NEIGHB - Amendment to BA/2014/0418/NEIGHB - To supply and install 2 x 60kw wind turbines (20m tower)



© Broads Authority 2015. © Crown copyright and database rights 2015.
Ordnance Survey 100021573.

BA/2015/0387/Neigh Land North of Hill farm, Yarmouth Road, Gillingham, Beccles

My comments on the landscape and visual impact assessment and their conclusions as produced by the Landscape Partnership on behalf of the applicant.

1. The assessment is for two turbines at a height of 22m to hub and 34m to blade tip. I believe that there are some discrepancies in the overall height to hub and blade tip between various documents that support the planning application.
2. Generally their assessment process is in line with the current industry guidelines as set out in - Guidelines for Landscape and Visual Impact Assessment, 3rd edition produced by the landscape Institute.
3. Their assessment process has neglected to include an assessment of effects on the publically accessible waterways.
4. Although the methodology for the assessment is set out in appendix 1 the reasoning and arguments relating to the actual assessment are not particularly clearly set out in their LVIA. I have however, attempted to summarise the main points of their assessment and have added my response.
5. **Effects on landscape character:** Below I have set out the main aspects of the assessment and a summary of my response to their assessment and conclusions.
 - a) The applicant's LVIA process for working out a landscape's sensitivity, susceptibility, magnitude of effects on the key characteristics and ultimately significance of the effect is set out in Appendix 1 pages 60-65.
 - b) The **values of landscape receptor** criteria range across 4 bands as set out in appendix 1 table 1. These are: low; medium, high and very high **Areas of Very high sensitivity are identified as including areas with national designations such as national parks.**
 - c) Their description setting out a landscape's susceptibility to change is set out in Appendix 1 table 2 Landscape **susceptibility to change**. The definition of very high sensitivity is "*a very limited ability of the landscape to accommodate development of the type proposed. Features particularly susceptible to change from development*".

This definition aptly describes the limited scope of the Broads landscape in general to accommodate wind turbine development of the size and number being proposed. This is supported by the findings of the Broads Authority's 2012 own landscape sensitivity study which has concluded that local character area 3 (LCA3 Waveney Valley – Barsham. Gillingham, Beccles marshes has a high sensitivity to more than one turbines over 20 metres in height (to tip height). **Please note** that the sensitivity ratings of the BA landscape sensitivity study ranged across low- medium - high and should not be confused with the 4 band range outlined at b)

Appendix 1 Table 3 sets out the overall landscape sensitivity matrix which is a combination of the value of the landscape receptor at b) and a landscapes susceptibility c) to change. Given the above weightings I am pleased to see that their assessment of landscape sensitivity for LCA 3 as "very high".

Assessment of the magnitude of effects

- d) The next step in their process is to assess the 3 aspects of magnitude of the effect which they state are “combined on professional judgement, with greater weight given to scale /size of change, into one of the following categories: High, Medium , Low or Negligible or no change where there is no effect”
- e) Appendix 1 Tables 4-6 sets out the definitions relating to these 3 aspects:
Landscape : Size or Scale of Change/ Geographical influence / duration and reversibility. The categories are set out below:

- f) **Landscape :Size or Scale of Change** - Assessment definitions
Very High - *The proposals constitute a very major change to the feature or key characteristics and attributes of the landscape type or area, resulting in total loss or permanent alteration to existing landscape features and forming a dominant new feature in the landscape.*

High *The proposals constitute a major change to the feature or key characteristics and attributes of the landscape type or area, resulting in major loss or permanent alteration to existing landscape features and forming a prominent new feature in the landscape.*

Medium *The proposals constitute a noticeable change to the feature or key characteristics and attributes of the landscape type or area, resulting in a conspicuous loss or alteration to existing landscape features and forming a new feature in the landscape.*

Low *The proposals constitute a minor change to the feature or key characteristics and attributes of the landscape type or area, resulting in limited loss or alteration to existing landscape features and forming a minor new feature in the landscape.*

Negligible *The proposals constitute little discernible change to the feature or key characteristics and attributes of the landscape type or area, resulting in no loss or permanent alteration to existing landscape features and forming a barely discernible new feature in the landscape.*

Applicant's assessment

The **applicant's assessment** states that they consider there would be a **low magnitude of effects on the landscape character as a result of the size, scale of change of the proposed development.** i.e. the proposals constitute a minor change to the feature or key characteristic and attributes of the landscape type or area, resulting in limited loss or alteration to existing landscape features and forming a minor new feature in the landscape.

Response

Using the assessment definitions I would consider that key landscape characteristics would be undoubtedly be affected through the proposed wind turbines which will form dominant, moving features in the landscape in an elevated position. I consider that the size or scale of this change would be **high** as it would result in a major change to the key characteristics of: scale (the development would be out of scale to the existing character); the skyline (the development would dominate the skyline which is relatively uninterrupted by manmade features an aspect which is acknowledged in the assessment) and the perceptual qualities (the turbines will interrupt the cohesion of the existing landscape character and impact on the tranquillity of this pastoral landscape).

g) **Landscape: Geographical Influence** – Assessment definitions

Very High Effects experienced over an extensive area of the feature or a district level landscape character area, where this is likely to have an evident effect at the national level of landscape character.

High Effects experienced where changes would occur over large parts of a feature of landscape character area.

Medium A moderate extent of a feature or landscape character area is affected.

Low Effects limited to a localised area and small proportion of the overall feature or landscape character area.

Very Low Effects limited to a very restricted extent, sufficient that there is little discernible influence on the feature or character of the landscape character area.

Applicant's assessment

The **applicant's assessment** states that there would be a **low magnitude** of effects on the area i.e. Effects limited to a localised area and small proportion of the overall feature or landscape character area.

Response

Using LP's definitions I would consider that **medium** would be the acceptable definition. I would accept that the nature of the topography and the presence of intervening vegetation has the potential to reduce the extent of the landscape character are to be affected however I would consider that the effects of the proposed development as a result of the height and positioning and the rotation of the blades would extent to over a third of local character area 3. The applicant has not produced any assessment of Zone of Theoretical Visibility (ZTV) has been produced to support their findings. This exercise is a computer generated piece of information based on a topographical model that calculates the theoretical extents a development could influence/be viewed.

h) **Landscape: Duration and Reversibility**

LP's criteria for assessing the duration and reversibility are as follows:

Very High -Long term development (over 30 years) and very difficult to reverse.

High -Medium term development (10 to 30 years) and very difficult to reverse or long term development (over 30 years) and partially reversible.

Medium- Medium term development (10 to 30 years) and partially reversible or short term development (1 to 10 years) and very difficult to reverse or long term development (over 30 years) and fully reversible.

Low - Medium term development (10 to 30 years) and fully reversible or short term development (1 to 10 years) and partially reversible.

Very Low -Short term development (1 to 10 years) and fully reversible.

Applicant's assessment

The **applicant's assessment** states that there would be a **low magnitude** of effects as it is considered medium term development (10 -30 years) and fully reversible.

Response

I do not think that these criteria fully reflect the "spirit" of the current Guidelines for Visual and Landscape Impact Assessment (GVLIA). Which although state that the criteria can be modified to suite the assessment process, indicate that 25 years can be considered a long time in duration.

I would therefor consider that the assessment of magnitude should be **very high to high** the proposed duration should outweigh the fact that ultimately they could be removed.

i) **Conclusions of the assessment on the effects on landscape**

The ultimate significance of effects is based on considering the overall sensitivity of the landscape and the magnitude of effects. It is an industry standard approach to set the findings within the following matrix.

Table 7: Significance of Effect on Landscape

Criteria		Sensitivity			
		Very High	High	Medium	Low
Magnitude	High	Major	Major	Major-Moderate	Moderate
	Medium	Major-Moderate	Major-Moderate	Moderate	Minor
	Low	Moderate	Moderate	Minor	Negligible
	Negligible	Minor	Minor	Negligible	Negligible

Applicants overall assessment on the significance of the landscape effects

"8.14 Although the proposed turbines are not located in the character area, the Broads Landscape Sensitivity Study assesses overall sensitivity of LCA 3 as moderate – high. While the area contains a number of scenic and special qualities, the overall sensitivity is reduced by the A146 road corridor. Sensitivity to turbines in the 20-50 metre high range is assessed as high, as their structures would be out of scale with the landscape; and the sensitivity of both the character area and the landscape beyond, to more than a single turbine is similarly high. As noted above, the sensitivity of the views to the Broads from South Norfolk Landscape Character Area C2, is high, as relative prominence of the valley sides and ridges in these adjacent areas means that turbines would appear more dominant in relation to the Broads.

8.15 Although the sense of enclosure to the valley landscape would remain unchanged; the proposed turbines in the landscape north of the valley crest would form new features in the otherwise uninterrupted and undeveloped skyline above the prominent valley sides and ridges, particularly given the clear intervisibility with LCA C2: Thurlton Tributary Farmland with Parkland.

8.16 Balancing all the above factors, it is considered that there would be a change in landscape quality of Low magnitude (and thus Moderate adverse significance) throughout the lifetime of the scheme, given the impact of the proposed turbines on the key characteristics of these areas. The magnitude of the effect would be likely to be higher closer to the site, and lesser when the overall character area is taken into account. Such effects are not considered to be significant. The nature of the development is such that it is fully reversible upon the decommissioning of the turbines."

and

"11.12 The Broads Landscape Sensitivity Study concludes that sensitivity to turbines above 20 metres high is high, and the sensitivity of both the character area and the landscape beyond to more than a single turbine is similarly high. Although the sense of enclosure to the valley landscape would remain unchanged; the proposed turbines in the landscape north of the valley crest would form new features in the otherwise uninterrupted and undeveloped skyline above the prominent valley sides and ridges.

11.13 Balancing the above, the change in landscape quality would be of Low magnitude, with no significant influence on the character of the river valley landscape. The nature of the development is such that it is fully reversible upon the decommissioning of the turbine"

Response

I would make the following comments on this conclusion.

- The sensitivity of the landscape receptor the Broads National Park is **very high**.
- Their assessment has concluded that there would be a low magnitude of change when assessed against the three criteria described at f) g) and h).
- I consider that they have underestimated the magnitude of effects for each of these categories. I would consider that overall that the magnitude of effects is **high**.
- Therefore based on my professional judgement and a good knowledge of the area I would consider that significance of the overall effects on the landscape, which is determined by considering the sensitivity of the site against the magnitude of effects, would range between be **Major and Major-Moderate adverse**.

7. Effect on views

General points

- a) The LVIA process also considers the potential effects on views. A normal part of the process for this assessment is to select a series of viewpoints to represent views from different areas and experienced by different user groups.
- b) 10 viewpoints were selected in agreement with the planning authorities, 4 of these lying within the Broads Authority executive area. An assessment has been completed for each of these viewpoints and photo montages have been produced for additional information.
- c) Please note in my opinion there has to be a **significant health warning attached to the outputs of any assessment relating to the effects on views** especially in relation to the over reliance on the images generated through the use of photomontage techniques the results of which I consider can mislead the reader. My view is that the photographic outputs cannot hope to fully reflect the effect on views for the user of that landscape, as the photograph techniques used do not capture it in a format that accurately represents what the user actually sees. There are recognised standards for the production of photomontages but their effectiveness relies heavily on the correct printing of the documents and the user viewing them in the correct manner. It is imperative therefore that those determining the application use photomontages in conjunction with a site visit and do not place total reliance on the imagery produced. This is the only way to fully appreciate the effects on views as a result of a proposed development.
- d) In addition the selected viewpoints can only provide information about a very small proportion of the area that will be affected by the development proposals. Full views of the proposal will be available from the river Waveney; a number of public rights of way which include the Angles way long distance footpath utilising the river bank and Beccles marsh trail. The latter being a series of circular routes around Beccles marsh

Viewpoint analysis

- e) The methodology of the assessment is set out in pages 65 – 68 of LVIA appendix 1
- f) I would concur with is their assessment of the visual sensitivity that in 3 of the 4 viewpoints it has been assessed to be **very high** and in the view from the bridge **medium**.

Again the criteria for the magnitude of effects has been split into 3 parts. These are as follows and can be found in Table 11: of appendix 1. I have only considered the effects in relation to the initial effects. Planting which has the potential to mitigate the effects for some views will not necessarily be protected and retained during the life of the proposed development.

Visual: Size or Scale of Change

Very High	The proposed development would become the most dominant feature in the view and that completely contrasts with the other existing features in the view. The contrasting feature of the development would be fully visible.
High	The proposal development would constitute a major change to the view, forming a prominent new feature in the view that noticeably contrasts with other existing features in the view. The development would be predominantly visible.
Medium	The proposals development would form a noticeable change to the view, forming a conspicuous new feature in the view that partially contrasts or harmonises with other features in the view. The contrasting features of the development would be partially visible.
Low	The proposal development would constitute a small change to the view, forming a minor new feature in the view that largely integrates with its surroundings with little discernible change. This could also be a result of being a glimpsed or filtered view through vegetation and/or at some distance relative to its scale.
Very Low	The proposed development would be a barely discernible change to the view, which could e.g. be due to a very filtered view through vegetation or considerable distance relative to scale.

Visual: Geographical Influence

Very High	The development affects all or nearly all of the view and forms the primary focus of the view to the extent that it is overwhelming. It is likely that the view is within the Site or very close to the Site.
High	The development affects a large extent of the view and at the centre of the view. It is likely that the view is close to the Site or possibly in the Site.
Medium	The development affects a moderate extent of the view and lies near the centre of the view or at a slightly oblique angle. It is likely that this is a localised view.
Low	The development affects a small extent of the view and and/or at a moderately oblique angle. It is likely that the development is in the mid distance of the view.

Very Low The development affects a very small extent of the view and and/or at a very oblique angle. It is likely that the development is in the far distance of the

Visual: Duration and Reversibility

Very High Long term development (over 30 years) and very difficult to reverse

High Medium term development (10 to 30 years) and very difficult to reverse or long term development (over 30 years) and partially reversible

Medium Medium term development (10 to 30 years) and partially reversible or short term development (1 to 10 years) and very difficult to reverse or long term development (over 30 years) and fully reversible

Low Medium term development (10 to 30 years) and fully reversible or short term development (1 to 10 years) and partially reversible

Very Low Short term development (1 to 10 years) and fully eversible

- g) Viewpoints 4,5,6,7 represent views from within the Broads executive area. The location of these viewpoints can be found at appendix 4 Figure 7. Their assessment on the effect of the development on views from these points are as follows:

View 4 - Beccles marsh Trail. The sensitivity of the user - **very high**. The magnitude of the effect **low adverse** which will result in a **moderate adverse effect on views** from this location.

Response I would concur with their assessment of very high sensitivity, however I consider their overall assessment of low adverse in response to the magnitude of effects to be too low. The turbines will break the skyline on the northern valley. The assessment notes that "the uppermost sections and blades of the proposed turbines would stand above the level and generally treed horizon line". It would also bring a sense of movement and disturbance it what is a tranquil landscape. I would therefore consider that the magnitude of effects when considering size or scale of change; geographical Influence; and duration and reversibility to be medium. As a result the significance on the effect on viewpoint 4 I would consider to be **Major-moderate**.

View 5 - River Waveney river bank The sensitivity of the user - **very high**. The magnitude of the effect **low adverse** which will result in a **moderate adverse effect on views** from this location.

Response I would concur with their assessment of very high sensitivity, however I consider their overall assessment of low adverse in response to the magnitude of effects to be too low. The viewer is much closer to the proposed development with the perception of the turbines being more elevated . The turbines will break the skyline on views from the Angles way. Again the assessment notes that the "towers and blades would be a new feature on the skyline" It would also bring a sense of movement and disturbance it what is a tranquil landscape. I would

therefore consider that the magnitude of effects when considering size or scale of change; geographical Influence; and duration and reversibility to be **high adverse**. As a result the significance on the effect on viewpoint 5 I would consider to be **Major**

View 6 A146 – Beccles New Bridge The sensitivity of the user – **medium** . The magnitude of the effect **medium adverse** which will result in a **moderate adverse effect on views** from this location.

Response I would concur with their assessment of medium sensitivity given the likely users of the highway, however again I consider their overall assessment of medium in response to the magnitude of effects to be too low. The viewer is in an elevated position and the turbines will form a prominent feature in the view. The turbines will break the skyline and introduce a sense of movement disturbance it what is a tranquil landscape. I would therefore consider that the magnitude of effects when considering size or scale of change; geographical influence; and duration and reversibility to be **high adverse**. As a result the significance on the effect on viewpoint 6 I would consider to be **Major**

View 7 footpath – on the northern boundary of the Broad. The sensitivity of the user – **High** . The magnitude of the effect **medium adverse** which will result in a **major moderate adverse effect on views** from this location.

Response I consider that the assessment of sensitivity should be **high** given that it is a public right of way. Given the proximity to the proposed development and the fully available views of the turbines I would therefore consider that the magnitude of effects when considering size or scale of change; geographical influence; and duration and reversibility to be **high adverse** . As a result the significance on the effect on viewpoint 7 I would consider to be **Major**

h) In conclusion generally I consider that the significance of the visual effects of the development have been much underestimated. Much of the area land and water local to the development is used for the quiet enjoyment of the countryside. The Broads National Park is a landscape which has been nationally designated for its landscape value increasing its sensitivity in both landscape and visual terms to developments of this nature. The introduction of the two turbines will introduce two dominant features into this tranquil pastoral landscape. These structures will also be given added prominence as they will interrupt the current uncluttered treed skylines that exist on the northern valley side. As discussed at 7c and d the views assessed are only a representative selection it is therefore important to recognise that views of the development will be available from many other vantage points due to the extensive network of footpaths and the fully navigable river Waveney.

Lesley Marsden CMLI

Landscape Architect

8th December 2015



EAST OF ENGLAND OFFICE

Mr Chris Bennett
South Norfolk Council
Swan Lane
Long Stratton
NORWICH
Norfolk NR15 2XE



Direct Dial: 01223 582738

Our ref: P00457022

15 May 2015

Dear Mr Bennett

Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015

LAND TO NORTH OF HILL FARM HOUSE, YARMOUTH ROAD, GILLINGHAM, NORFOLK NR34 0EE
Application No 2014/2435 - to supply and install 2 x 60kw wind turbines (20m tower)

Thank you for your letter of 28 April 2015 notifying Historic England of the above planning application.

Summary

The proposed application proposes the erection of two 22m wind turbines, with a maximum blade height of 34m in the vicinity of the grade II* listed Gillingham Hall and the wider setting of a number of other designated heritage assets. This includes the grade II Brick Barn built for Gillingham Hall and the Gillingham Conservation Area. The relationship between these heritage assets in the open landscape makes a particular contribution to their significance and we are concerned that the proposed development would have a harmful impact on it.

Historic England Advice

The Grade II* Gillingham Hall is two storey with attics, constructed in c1600 with early 18th and early 19th century additions. Previously limewashed, the hall now has red brick walls with a symmetrical, eleven bay western frontage, with 6 over 6 sliding sash windows with gauged skewback arches over openings. An off-center tower against the eastern wall is three storey, octagonal in form and with a lead covered domed roof, and provides a key feature when viewing the site from the east. The hall lies within the Gillingham Conservation Area, which also includes the grade I listed Church of St Mary. The application site is approximately 1km from this group of heritage assets.

A grade II agricultural barn, appropriately called Brick Barn, is an unusual rural threshing barn and is located to the east of Gillingham Hall. The western elevation



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act. 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



EAST OF ENGLAND OFFICE

contains a window intended to imitate the tracery of an ancient chapel, but has been constructed in rubbed brickwork, with masonry infill panels receiving a lime render. The scale and design gives a convincing appearance providing a very pleasing vista from the west and it is clear that the barn has been carefully designed and positioned to benefit the views from the grounds of Gillingham Hall. The application site is approximately 500m from this heritage asset.

In addition to this, the surrounding landscape to the east of Gillingham Hall includes an oak tree lined track and well positioned field boundary planting. Although not a designed landscape, this area does have a degree of formality derived from careful management which further suggests it was considered as part of the landscape to be experienced in views from the Hall's gardens. It therefore contributes to the significance of the listed buildings and conservation area, the boundary of which it straddles. The way that these assets are considered together, along with the agricultural and rural feeling of the area is important in the character of the wider landscape.

In the much wider landscape context the grade I listed detached bell tower of St Michael's church in Beccles can be seen to the north of the application site. This provides a prominent marker in the local area, which is a powerful symbol of its role in the community and wider society that illustrates its historic status. The ability of the tower and town conservation area to be experienced set in countryside which in the main contains agricultural and vernacular buildings enhances an understanding of its significance.

The Design and Access Statement provided within the application states that, 'of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, the impact of turbines on the landscape would vary according to the size and number of turbines and the type of landscape involved.' We agree with this remark; however the Statement does not define the quality of the landscape, nor discuss its impact on it other than concluding that the proposals are not detrimental to the landscape. The statement also notes that the turbines should be considered as part of the farm plant and machinery, as it is not a wind farm. We wholeheartedly disagree with this and consider that the turbines would be an entity in their own right.

The National Planning Policy Framework defines setting as the 'area in which an asset is experienced'. Assessment should be carried out which is proportionate to the significance of the heritage assets, the contribution their setting makes to that significance and the scale and nature of the proposed development. The application does not address the heritage assets as part of the submission.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk





EAST OF ENGLAND OFFICE

If constructed, the proposed turbines would be the largest structures in the landscape around Gillingham Hall, being clearly visible from the outer edge of the historic garden. The intervisibility between the barn and the Hall is an important aspect of the significance of both heritage assets because of their historical association. The proposals would compromise this linkage by creating an obtrusive feature that detracts from an appreciation of the heritage assets.

The wireframes and photomontages provided with the application are useful in assessing the possible visual impact. Although the images do not refer to the exact view from Gillingham Hall, the sense of scale does indicate that the rotating blades would be very visible and the columns would be seen from a variety of angles. The imagery indicates that the turbine blades would be very visible when viewed from the far south, rising above Hill Farmhouse and breaking the tree lined horizon which is otherwise only broken by traditional buildings. Their height, unfamiliar form and motion would make them particularly noticeable in the setting of all these heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that in considering applications for planning permission for development which affect a listed building or its setting local planning authorities shall have special regard to the desirability of preserving the building or its setting (paragraph 66.1). Special attention shall also be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of any powers under the planning Acts (paragraph 72). The National Planning Policy Framework (NPPF) builds upon the 1990 Act. It identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Furthermore, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the heritage assets should be treated favourably. We have considered the current proposals in light of this government policy and relevant English Heritage guidance.

Paragraph 128 of the NPPF requires applicants to describe the significance of heritage assets affected by proposed development and the contribution their setting might make to that significance. Sufficient information should also be provided to enable an understanding of the potential impact of the development on the assets. As noted above, the heritage assessment submitted with this application does not consider the assets in the area and does not establish their significance or the contribution their setting makes to it. It also does not consider non-designated heritage assets. We consider the assessment inadequate and its conclusions lacking. Consequently the application does not satisfy paragraph 128 of the NPPF.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



EAST OF ENGLAND OFFICE

Based on the information submitted and our assessment of the site we consider that the visual impact of the proposed turbines on the setting of Gillingham Hall, Brick Barn, the Gillingham Conservation Area and the wider landscape would detract from an understanding of the character and importance of the historic buildings. This would result in harm to their significance. Furthermore, this would have a negative impact on the wider setting of the more distant bell tower at Beccles. We conclude that the development would be harmful to designated heritage assets in terms of paragraphs 132 and 134 of the NPPF, would not achieve the aim of paragraph 137 and or the NPPF's overarching objective of delivering sustainable development.

Paragraph 134 of the NPPF states that public benefit deriving from a proposed development might be weighed against harm to the significance of designated heritage assets. We are not in a position to assess the merits of the case for renewable energy generation being delivered at this site, but in line with paragraph 134 the Council should weigh any public benefit deriving from it against the harm to heritage assets. If a clear and convincing justification for the harm (including arguments that the benefit could not be delivered on another site) is not found the Council should refuse the application.

Recommendation

The erection of two wind turbines in the locality of Gillingham Hall, Brick Barn, Hill Farm and the conservation area will result in harm to the significance of the heritage assets through inappropriate development in their setting. It will also have a negative impact on the wider landscape setting, including the bell tower at Beccles. We conclude that the development would be harmful to designated heritage assets in terms of paragraphs 132 and 134 of the NPPF and does not satisfy paragraph 137. The information submitted with the application also fails to satisfy the requirements of paragraph 128. The NPPF requires Local Planning Authorities to weigh any public benefit deriving from renewable energy generation against harm to the historic environment. If a clear and convincing justification for the harm is not found, (as required by paragraph 132) the Council should refuse the application.

Yours sincerely

Matthew Kennington

Inspector of Historic Buildings and Areas

e-mail: matthew.kennington@historicEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



EAST OF ENGLAND OFFICE

Mr Chris Bennett
South Norfolk Council
South Norfolk House
Swan Lane
LONG STRATTON
Norfolk
NR15 2XE

Direct Dial: 01223 582738

Our ref: P00457022

11 December 2015

Dear Mr Bennett

**Arrangements for Handling Heritage Applications Direction 2015 &
T&CP (Development Management Procedure) (England) Order 2015**

**LAND TO NORTH OF HILL FARM HOUSE, YARMOUTH ROAD, GILLINGHAM,
NORFOLK NR34 0EE
Application No 2014/2435**

We have received amended proposals for the above scheme.

Thank you for consulting us on the additional information submitted to accompany the planning application for the erection of two 22m wind turbines, with a maximum blade height of 34m. Our previous correspondence has outlined the significance of the heritage assets, which we will not repeat.

The additional information includes a very thorough Landscape and Visual Impact Assessment. The Assessment is accompanied by viewpoint photographs and photomontage renders. Views from surrounding areas have been chosen based on public access. Unfortunately, this means that the key views from the grade II* Gillingham Hall of the grade II Barn have not be provided. The Assessment carefully analyses the different parts of the surrounding landscape, and section 3.6 discusses Gillingham Hall, stating that, 'these parkland estates are one of the most characteristic features of the farmland landscape in the area'. The relationship between the heritage asset in the open landscape makes a particular contribution to its significance.

Section 4.35 of the Assessment evaluates the historic landscape character's sensitivity to wind turbines as moderate. It further states that loss of boundaries and the effect of modern development has reduced the overall sensitivity of the landscape. Whilst this is partially true, the summary of the Assessment concludes the Gillingham Hall historic parkland would suffer effect from the proposed development. We disagree with this statement, as the location of the turbines would be within the setting of the Hall and therefore would impact its setting, which would cause harm to its significance in terms of paragraph 132 of the NPPF.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk





Historic England

EAST OF ENGLAND OFFICE

The submitted information has some useful information for the consideration of the impact of the wind turbines. However, it does not alleviate our concerns with the application and we would not wish to alter the recommendations we have previously set out. For clarity, this was as follows:

The erection of two wind turbines in the locality of Gillingham Hall, Brick Barn, Hill Farm and the conservation area will result in harm to the significance of the heritage assets through inappropriate development in their setting. It will also have a negative impact on the wider landscape setting, including the bell tower at Beccles. We conclude that the development would be harmful to designated heritage assets in terms of paragraphs 132 and 134 of the NPPF and does not satisfy paragraph 137. The information submitted with the application also fails to satisfy the requirements of paragraph 128. The NPPF requires Local Planning Authorities to weigh any public benefit deriving from renewable energy generation against harm to the historic environment. If a clear and convincing justification for the harm is not found, (as required by paragraph 132) the Council should refuse the application.

Yours sincerely

Matthew Kennington

Inspector of Historic Buildings and Areas

E-mail: matthew.kennington@historicEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

Broads Local Plan: Issues and Options
Report by Planning Policy Officer

Summary:

This report introduces the Broads Local Plan Issues and Options Stage. This is the first stage in the preparation of a draft Local Plan and highlights the key topics which future planning policies will be required to cover and also outlines some options for the direction of that planning policy. Local Planning Authorities are required to undertake public consultation at specific stages of plan preparation and it is anticipated that the Issues and Options will be the subject of public consultation beginning in February 2016 after consideration by Full Authority in January.

Recommendation: Members' views are requested.

1 Introduction

- 1.1 Local Planning Authorities are required to prepare a Local Plan which will define planning policies within its local planning authority area. These are given significant weight when deciding planning applications as all decisions are required to be made in accordance with the policies unless there are strong material reasons not to. Local plans must be positively prepared, justified, effective and consistent with national policy.
- 1.2 The National Planning Policy Framework (NPPF) (The Framework) states that every local planning authority in England should have a clear, up to date Local Plan, which conforms to the Framework, meets local development needs, and reflects local people's views of how they wish their community to develop. The process should fully involve everyone who has an interest in the document or area and they should have had the chance to comment.
- 1.3 The Broads Authority has three adopted Planning Policy documents: The Core Strategy, Development Management Document and the Sites Specifics Local Plan. Some of the policies have existed since 2007 and some are not fully in line with Government policy now. As such, we are reviewing all our current policies and looking into new issues as we produce a new and up to date Local Plan.
- 1.4 For the avoidance of doubt, until the new Local Plan is adopted, the existing adopted and saved policies are in place and will be used in determining planning applications.

2 The Issues and Options Stage

- 2.1 This is the first stage of producing a Local Plan. The document identifies issues and discusses potential options to address that issue. The purpose of the consultation is to ensure that all potential issues have been covered and to seek views on the appropriate approaches to those issues.
- 2.2 At this stage, there is no policy content. Potential policy content is discussed at a high level. It is for the next stage of the Local Plan (Preferred Options) to come up with potential policy wording.

The following table shows the Local Plan production process.

Broads Local Plan Process

Sustainability Appraisal and Habitats Regulation Assessment	1: Identify issues	Review existing policies and identify any gaps in policies.
	2: Collect evidence	Research that will inform and influence the Local Plan.
	3: Consult (Issues and Options)	The Authority will inform stakeholders and the public that the Local Plan is being produced and ask for views on what the plan should cover. Minimum of 6 week consultation period.
	4: Prepare Draft Plan	The evidence and comments received help produce a draft Local Plan.
	5: Consult (Preferred Options)	The Authority will consult with stakeholders and the public on the draft Local Plan for a minimum of 6 weeks.
	6: Improve Plan	The Authority will take on board comments received and any further evidence as they improve the Local Plan.
	7: Publish Plan (Publication)	The plan is available for stakeholders and the public to comment on for a minimum of 6 weeks. (Regulation 19)
	8: Submit	The Authority will assess the comments received. If it considers that the Local Plan is sound, it can submit the Plan to the Planning Inspectorate. If the Authority wishes to improve the plan, then stages 6 and 7 are repeated.
	9: Examine	The Plan is examined by an independent Planning Inspector. There may be Public Hearings.
	10: Adopt	If the independent Planning Inspector finds the Local Plan sound, the Plan can be adopted by the Authority. If the Inspector does not find the Local Plan sound, the process goes back to stage 6.

3 About the Issues and Options

- 3.1 Whilst the document is 160 pages long, this is an early stage on the production of the Local Plan and Members have the opportunity to input. Any relevant comments that are made will be incorporated into the document which will go out to public consultation in early 2016.
- 3.2 Of particular interest may be these sections which address an issue for the first time in a Planning Policy document or suggest a new approach to a particular issue:
- Water efficiency of new residential development
 - Climate change
 - Peat
 - Biodiversity on brownfield land and compensation for loss of biodiversity
 - Tranquillity
 - Housing
 - Healthy living
 - Retail
 - Dualling of the Acle Straight
 - Car parking
 - Thorpe Island
 - Safety by the water
 - Call for residential moorings
 - Call for Local Green Space
 - Call for areas of tranquillity

4 Sustainability Appraisal

- 4.1 The term “sustainability appraisal” is used to describe a form of assessment that considers the social, environmental and economic effects of implementing a particular plan or planning policy document.
- 4.2 Accompanying the Issues and Options document is an interim Sustainability Appraisal which is also on the subject of consultation. It is not a full appraisal as the Issues and Options document does not have any policy content to assess. This interim stage gives a broad assessment of the impact of a general policy approach.

5 Consultation

- 5.1 The Authority is required to do the following activities to advertise the consultation of the Local Plan:
- (a) Write/Email to specific statutory consultees (like Natural England and the Environment Agency).
 - (b) Write/Email to other consultees the Authority considers should be consulted (such as local groups and others who have expressed an interest in the Local Plan – e.g NSBA, BHBF).
 - (c) A formal notice in the newspaper.
 - (d) Place hard copies in accessible venues around the Broads Executive Area and beyond (such as libraries and District Council Offices).
 - (e) Place the document on the Authority’s website.

- 5.2 At the time of writing, other ways to advertise the consultation are being considered in liaison with the Communications Team as well as the officers working on the Broads Plan. A consultation strategy will be presented at Planning Committee.
- 5.3 It is intended that where relevant, these events and activities will be used to gauge views on the Broads Plan and Broads Local Plan.

6 Links with the Broads Plan

- 6.1 The Broads Plan is the management plan for the Broads. It is another statutory plan and is being reviewed currently. With similar names, there is great potential for confusion between the Broads Plan and the Broads Local Plan.
- 6.2 The Authority is consulting on the first versions of these two plans at the same time. That way the Authority can highlight both documents but explain the difference between the two documents. There is also potential to share costs and time during the consultation stage by using the same letters to advertise both consultations for example. As both Plans are statutory plans they will both need to be accompanied by Sustainability Appraisals which will share a number of sustainability objectives.
- 6.3 The Broads Plan (management plan) has a shorter production process so it is unlikely that later stages of both plan's productions will coincide. But the officers working on the plans will ensure that they continue to liaise to ensure consistency.

7 Feedback from Navigation Committee

- 7.1 The Issues and Options document was discussed at Navigation Committee on 10 December 2015. Points raised related mainly to the consultation. These are summarised as follows:
- Suggestion of an assessment of the policies by Members
 - A summary report of what is proposed to be done differently to now
 - Support of the use of Social Media
 - Identify infrastructure at risk from climate change. Considering innovative ways to address the risk to the infrastructure

8 Next Steps

- 8.1 Following Planning Committee, the Issues and Options will be taken to the Full Authority on 22 January 2016 for their consideration. If the Authority agrees, the Issues and Options will then be published for public consultation for eight weeks beginning on the 15 or 22 February 2016. When the consultation ends, the comments will be considered and reported back to members in due course.

9 Conclusion

- 9.1 The Issues and Options of the Local Plan is the first stage of producing a new Local Plan for the Broads. It identifies issues and considers options to address that issue.
- 9.2 This report seeks to explain the process as well as highlight particular issues.
- 9.3 The views of Planning Committee Members are sought at this initial committee stage of the Issues and Options.

Background papers: None

Author: Natalie Beal

Date of report: 11 December 2015

Appendices: APPENDIX A – The Broads Local Plan - Issues and Options
APPENDIX B – Interim Sustainability Appraisal

Both appendices can be accessed here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-8-january-2016>

Brundall Neighbourhood Plan – proceeding to referendum
Report by Planning Policy Officer

Summary:	The Brundall Neighbourhood Plan and the representation received on the submitted Plan during the publication stage have been subject to an independent examination by a suitably qualified individual. The examiner's report has concluded that, subject to certain specified modifications, the Neighbourhood Plan should proceed to a referendum within the neighbourhood area (i.e. the civil parish of Brundall). This report presents the findings of the Examiner's report, proposed that Planning Committee agrees with the Examiner's conclusions and recommends the Neighbourhood Plan for a referendum within the neighbourhood area.
Recommendation:	It is proposed that Planning Committee approve the examiner's recommendations, as detailed with Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Brundall).

1 Introduction

- 1.1 The submitted Brundall Neighbourhood Plan was approved by the Broads Authority on 29 May 2015. This was followed by a statutory six week publication period in which the Plan and its supporting documents were made available to the public and consultation bodies via:
 - Broadland District Council website (www.broadland.gov.uk/neighbourhoodplans)
 - Broadland District Council offices
 - The Broads Authority offices & website
 - Brundall Library
- 1.2 All of those consultation bodies listed within Brundall Parish Council's consultation statement (a supporting document to the Neighbourhood Plan) were notified of the publication, as were residents who had responded to the consultation on the draft document. In addition, a public notice was put on local notice boards and on the Brundall Parish Council website.
- 1.3 During the six week publication period, a total of 9 representations were received from consultation bodies (see Appendix 2 for details). These representations were collated for submission, along with the Neighbourhood Plan and supporting information, to an independent examiner for the purposes

of an examination. The Neighbourhood Planning (England) Regulations 2012 require the local planning authority to send the Neighbourhood Plan and supporting information, as well as copies of all representations received during the publication period, to an appointed independent examiner, for them to consider the suitability of the Plan.

- 1.4 In choosing an independent examiner, a local planning authority must appoint someone who:
- is independent of the parish/town council
 - has no interest in any land that may be affected by the draft plan, and
 - has appropriate qualifications and experience
- 1.5 Following the six week publication period, the examiner appointed by Broadland Council and the Broads Authority, in liaison with Brundall Parish Council, was sent a copy of the published Neighbourhood Plan and supporting documents, as well as copies of each of the representations received.
- 1.6 Legislation directs that an examiner must only consider:
- (a) whether the draft plan meets the ‘basic conditions’ of a Neighbourhood Development Plan;
 - (b) whether the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan;
 - (c) whether the area for referendum should extend beyond the neighbourhood area; and
 - (d) whether the draft plan is compatible with the Convention rights.
- 1.7 The examination was conducted via written representations during October 2015 (the examiner decided that a public hearing would not be required). The examiner’s report, detailing recommendations, has now been submitted to Broadland Council and the Broads Authority (see Appendix 1).
- 1.8 Planning legislation states that once a local planning authority has been issued with an examiner’s report, they must consider the recommendations. If the authority is satisfied with the examiner’s recommendations then any specified modifications can be made before the Plan proceeds to referendum.
- 1.9 Local planning authorities can also decide to extend the area in which the referendum is to take place, should it wish, or it could decide that it is not satisfied with the plan proposal, with respect to meeting basic conditions, compatibility with Convention rights and the definition and provisions of the Neighbourhood Plan, even if modified.
- 1.10 If the Broads Authority and Broadland Council are satisfied then they will need to publicise their decision (a decision statement) and move to a referendum. If they are not satisfied, then they must refuse the plan proposal and publicise their decision.

2 The Issues

- 2.1 The Examiner has recommended that, subject to certain modifications, the Neighbourhood Plan meets the basic conditions and other statutory requirements, and that it can proceed to a referendum within the neighbourhood area.
- 2.2 The recommended modifications are set out in the Examiner's report (Appendix 1). However, for ease of reference we have set out all of the recommendations and the Broads Authority and Broadland District Council's response in a separate table at Appendix 4 to this report.
- 2.3 Some of these recommendations involve simple additions or minor amendments to general wording within the Neighbourhood Plan document (see Appendix 3 for a reference copy of the original submitted Neighbourhood Plan). However, there are a number of recommended modifications to policies that are quite detailed, including the deletion of some policies. The detail of the examiner's recommendations and the responses to those recommendations have been reviewed and formulated by Broadland District Council, The Broads Authority and Brundall Parish Council and these can be seen in Appendix 4.
- 2.4 It should be noted that one further amendment has been requested by the Parish Council in order to clarify a phrase in Policy 1, describing the location of a local centre in the village. This amendment is detailed in Appendix 4.

3 Proposed Action

- 3.1 It is proposed that Planning Committee approve the examiner's recommendations, as detailed within Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Brundall).
- 3.2 Should the Examiner's recommendations be met with full approval by Broadland Council and the Broads Authority, then a decision statement will then be produced which will be published, along with the Examiner's report, on the Broads Authority and Broadland Council's website and made available in the other locations highlighted in 1.1.
- 3.3 The next steps will involve Broadland Council publishing information and giving at least 28 days' notice of the referendum (not including weekends, bank holidays, days of public thanksgiving). Again, this information will be made available on the Broadland Council and Broads Authority websites and at the Broadland District Council offices and at the alternative locations mentioned in 1.1.
- 3.4 Given this period of notice, should Broadland Council and the Broads Authority approve the Examiner's recommendations detailed within this report, then it is anticipated a referendum could be held in March 2016.

- 3.5 If more than half of the people who vote in this referendum vote in favour of the proposal then Broadland Council and Broads Authority must adopt the Neighbourhood Plan as soon as reasonably practicable, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 3.6 This means that, should the referendum yield positive results for the Neighbourhood Plan, then the Plan would be subject to Broadland Council and the Broads Authority ratification before it is fully adopted.
- 3.7 Should the local planning authority propose to make a decision that differs from the examiner's recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authority about a particular fact) then they:
- are required to notify all those identified in the consultation statement about this position and invite representations;
 - may refer the issue to an independent examination if they think it appropriate.

4 Financial Implications

- 4.1 Officer time in assisting Broadland District Council with the Neighbourhood Plan process. Referendum and examination costs have been borne by Broadland District Council.

Background papers: None

Author: Natalie Beal
Date of report: 2 December 2015

Appendices: **APPENDIX 1:** Brundall Neighbourhood Plan – Report by Independent Examiner
APPENDIX 2: Brundall Neighbourhood Plan Publication – Response Summary
APPENDIX 3: Brundall Neighbourhood Plan – Submission Version
APPENDIX 4: Brundall Neighbourhood Plan – Examiner's Recommendations and Broadland District Council's Response

All appendices can be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-8-january-2016>

Enforcement of Planning Control
Enforcement item for consideration: Staithe 'N' Willow, Horning
Report by Head of Planning

Summary:	This report concerns the erection of fencing without the benefit of the required planning approval.
Recommendation:	That authorisation is granted to serve an Enforcement Notice to secure the removal of the fence and to proceed to prosecution in the event of non-compliance.

Location: Staithe 'N' Willow, 16 Lower Street, Horning, NR12 8AA

1 Background

- 1.1 In early November 2013 the Authority was made aware of a new fence that had been erected at the Staithe 'N' Willow Tea Shop, Lower Street, Horning. The fence measured approximately 2m high, which exceeds the maximum height allowed under the General Permitted Development Order 1995 (GPDO) of 1m where a fence is adjacent to a vehicular highway. The site is within the Horning Conservation Area and detracts from its visual amenity.
- 1.2 During 2014 there was extensive correspondence with the proprietor of Staithe N Willow around the need to remove the fence. In September 2014 a compromise solution was agreed, which would see:
 - a. The reduction of the height to 1m of two of the panels fronting Lower Street; this to be completed by 1 October 2014; and
 - b. Undertake replacement planting to the rear of the newly lowered fence, with species as recommended and agreed on-site with the Broads Authority's arboriculturalist; and
 - c. Fence panels to be removed in their entirety by 30 November 2015.
- 1.3 This compromise solution allows the retention (at their existing height) of the remainder of the fence panels, but sees the ultimate removal of the most prominent of the panels.
- 1.4 A site visit on 29 October 2014 showed that no works had been undertaken and a report was prepared for the 5 December 2014 meeting recommending

that an Enforcement Notice be served to require the removal of the fence. A copy of this report is attached at Appendix A.

- 1.5 A site visit prior to the meeting of the Planning Committee, however, revealed that the actions at (a) and (b) above had been completed and at the meeting Members resolved that the compromise solution was satisfactory, subject to compliance with the final point (c) in due course.

2 Description of site and development

- 2.1 The site is within Horning, which is one of the larger Broadland villages being located on the middle part of the River Bure. The village is an important focus for boating activities and visitors to the Broads. The centre part of the village falls within a Conservation Area.
- 2.2 Staithe 'N' Willow is a tea shop which is located in a prominent position on Lower Street, Horning and falls within the village Conservation Area.
- 2.3 The fence is located right on the road frontage at Lower Street, between the road and the rear elevation of the building. It is a wooden close-boarded fence, with concrete fence posts and gravel boards. It is considered that the height, design and the materials employed in the construction of the fencing are out of character with the surroundings.

3 The Planning breach and action proposed

- 3.1 Since the breach was first identified in November 2013 there has been extensive discussion with the proprietor of the premises, and she has been clear and consistent that she does not want to remove the fence because she considers that it provides privacy and security. At the most recent meeting on 12 November 2015 she advised that she would not remove the fence in its entirety, although she would have been prepared to lower it to 1m in height had the hedge grown up.
- 3.2 The planning issues in this case relate to the impact that the fence has, at either its existing or lowered height, on the character and appearance of the Conservation Area. This part of the Conservation Area is characterised in part by the undemarcated frontages (ie non-private) which give views of buildings (including the rear of buildings) and a sense of openness as well as allowing unobstructed views up the street and glimpses through to the river. The construction of a solid timber fence disrupts this and it is considered that the fence is detrimental to the character and appearance of the Conservation Area.
- 3.3 In considering the appropriate next steps, it is necessary to consider the expediency of enforcement action and weigh the provisions of the development plan and any public benefits of such action against the cost of such action, taking into account any other material considerations and the need to be proportionate. In this case, it is considered that the fence is intrinsically detrimental to the Conservation Area and, if permitted to remain,

would set an undesirable precedent. It is contrary to policies DP4, DP5 and DP28 of the adopted Development Management Policies DPD and paragraphs 131 - 134 of the National Planning Policy Framework (NPPF) which protect Conservation Areas as designated heritage assets. It is also useful to be mindful of the guidance in paragraph 207 of the NPPF which states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system”

- 3.4 With regard to the concerns of the proprietor around security and privacy, this is a very prominent and public location in the centre of the village and not one where a high degree of privacy would be expected. Despite this, the compromise solution offered would have allowed the retention of some of the fencing at 2m in height, to give a secure and private garden space, but she does not want to implement this. It is also the case that a previous hedge, which provided such screening, was actually removed in order to erect the unauthorised fence.
- 3.5 On balance it is considered that enforcement action to protect the Conservation Area is both justified and proportionate. It is recommended that an Enforcement Notice be served to require the removal of the entire fence, with a compliance period of 2 months.

4 Financial Implications

- 4.1 There may be legal costs associated with this course of action.

5 Conclusion

- 5.1 That authority is given for officers to serve an Enforcement Notice in respect of this breach of planning control and to pursue prosecution (in consultation with the solicitor) in the event that compliance is not achieved.

Background papers: None

Author: Cally Smith
Date of Report: 11 December 2015

Appendices APPENDIX A - Report to Planning Committee 5 December 2014

Enforcement of Planning Control
Enforcement item for consideration: Staithe 'N' Willow, Horning
Report by Planning Officer (Compliance and Implementation)

Summary: This report concerns the erection of fencing without the benefit of the required planning approval and the felling of trees in a conservation area.

Recommendation: That authorisation is granted for any necessary enforcement action to secure the removal of the fencing and implementation of an agreed replanting scheme.

Location: Staithe 'N' Willow, 16 Lower Street, Horning, NR12 8AA.

1 Background

- 1.1 In early November 2013 the Authority was made aware of a new fence that had been erected at the Staithe 'N' Willow Tea Shop, Lower Street, Horning. A site visit showed the fence to exceed the maximum height allowed under the General Permitted Development Order 1995 (GPDO) of 1m where a fence is adjacent to a vehicular highway. The erection of the fencing necessitated the removal of a number of trees and shrubs. As the property is located within the Horning Conservation Area consent is required before undertaking any work to trees.
- 1.2 On 8 November 2013 a letter was sent to the operator of the business requiring either the removal of the fencing or a reduction in its height to comply with the requirements of the GPDO. A timescale of 30 days was given for undertaking this work. Following a request from the proprietor this timescale was extended until the New Year.
- 1.3 A site visit made on 23 January 2014 showed the fence to still be in place. A Planning Contravention Notice (PCN) was served on 28 January 2014 seeking information on the property ownership. The PCN required a response from the proprietor within 21 days of the date on which it was served. To date there has been no response to the PCN. Failure to respond to a PCN is a criminal offence.
- 1.4 Following a telephone call from the proprietor a letter was sent on 18 February 2014 detailing why the fencing was unacceptable within the Horning

- Conservation Area. The letter offered a number of areas where the Authority might be prepared to negotiate over the design of the fence.
- 1.5 On the 12 March 2014 a letter was received from the proprietor detailing her concerns about the removal of the fence and the effect it would have on the security and privacy of her property.
 - 1.6 On 15 April 2014 a further letter was sent to the proprietor explaining why the fence was not acceptable in the Horning Conservation Area.
 - 1.7 On the 29 April 2014 the proprietor advised that she had verbally accepted the Authority's compromise.
 - 1.8 A further letter was sent to the proprietor on 13 May 2014 clarifying the need to reduce the height of the unauthorised fencing where it abutted the Highway.
 - 1.9 On 5 June 2014 the Authority's arboricultural consultant met with the proprietor to discuss and recommend a suitable planting scheme which would help mitigate her concerns about security and privacy. The proprietor was asked to confirm that the scheme being proposed was acceptable but no response was received.
 - 1.10 A letter was therefore sent on 1 July 2014 detailing the proposed planting scheme and requesting the proprietor reply by 31 July 2014 with her intentions as to these proposals. No response was received.
 - 1.11 On 3 September 2014 a further letter was sent setting out a timescale for the removal / reduction in height of the fencing and the implementation of a planting scheme. The scheme required the reduction in height of 2 fencing panels which front Lower Street to 1 metre by 1 October 2014 and the completion of the planting scheme by 30 November 2014 and was, in effect, the compromise solution previously agreed.
 - 1.12 A site visit on 29 October 2014 showed that no action had been taken to comply with any of the Authority's requests. The proprietor has been informed in writing that authority is to be sought for the serving of an Enforcement Notice.

2 Description of Site and Development

- 2.1 Horning is one of the larger Broadland villages being located on the middle part of the River Bure. The village is an important focus for boating activities and visitors to the Broads. The centre part of the village falls within a Conservation Area. Much of the village does, however, fall outside the Broads Authority area and is not covered by the Broads Local Plan.
- 2.2 Staithe 'N' Willow is located in a prominent position on Lower Street, Horning and falls within the village Conservation Area. It is considered that the height, design and the materials employed in the construction of the fencing are out of character with the surroundings.

- 2.3 A number of small trees and shrubs were removed in order to erect the fencing. As the property is located within the Horning Conservation Area consent should have been granted before this work was undertaken. None of the trees removed were of a significant value and their loss can be mitigated with the proposed planting scheme. A separate prosecution for the illegal removal of the trees is therefore not considered to be warranted.

3 The Planning Breach

- 3.1 The fence which has been erected is approximately 2 metres in height. It is constructed of close boarded timber with concrete fence posts and gravel boards. The General Permitted Development Order 1995 (GPDO) permits the erection of fencing to a maximum height of 1 metre where it abuts a highway.
- 3.2 The development is contrary to Policy DP28 of the Development Plan.

4 Action Proposed

- 4.1 It is considered that the fencing is inappropriate and contrary to Local Planning Policy and is unlikely to gain retrospective planning permission.
- 4.2 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the fencing. It is proposed that a compliance period of 3 months is given. Authority is also sought to prosecute the owner in the event that the Enforcement Notice is not complied with.

5 Financial Implications

- 5.1 There may be legal costs associated with this course of action.

6 Conclusion

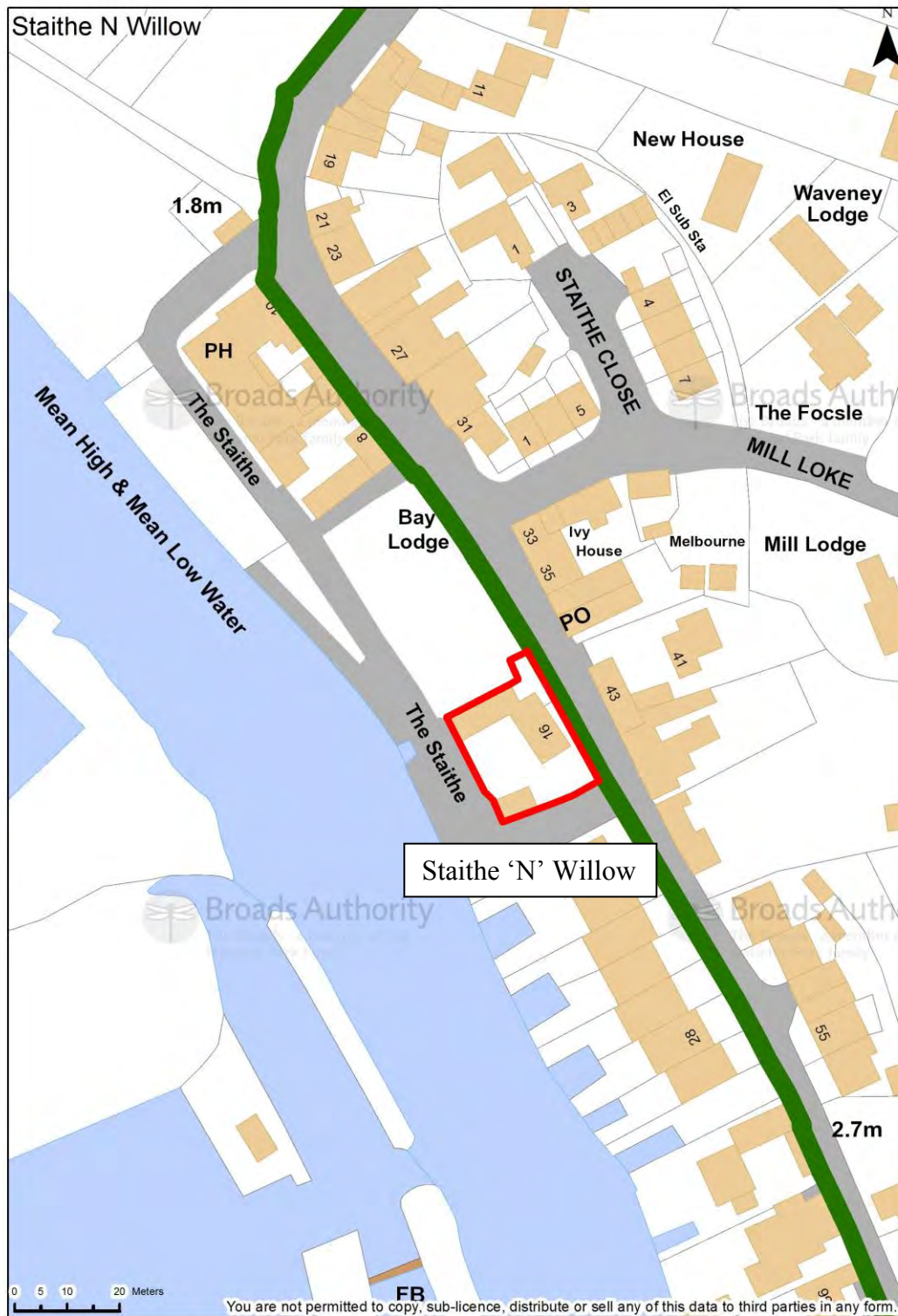
- 6.1 That authority is given for officers to take appropriate enforcement steps in respect of this breach of planning control.

Background Papers: Broads Authority DC Enforcement Files: BA/2013/0046/UNAUP1

Author: Steve Sewell
Date of Report: 18 November 2014

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1



© Broads Authority. © Crown copyright and database right 2014. Ordnance Survey Licence number 100021573. © Crown copyright and database right 2014. Ordnance Survey Licence number 100021573. Printed: 12 November 2014, 16:19:46.

Heritage Asset Review Group

Notes of Meeting held on Friday 4 December 2015 starting at 1.15pm.

Present:

Murray Gray – in the Chair
Jacquie Burgess
Mike Barnard
Sholeh Blane
Lana Hempsall

Also Present: Sir Peter Dixon

In attendance:

Ben Hogg – Historic Environment Manager
Prue Smith – Consultant on Cultural Heritage
Sandra Beckett – Administrative Officer

18/1 Apologies for absence and welcome

No Apologies for absence were received. The Chairman welcomed Peter Dixon as an observer.

18/2 To receive the note of the seventeenth meeting held on 21 August 2015

The Note of the seventeenth meeting of HARG held on 21 August 2015 was received as a correct record.

18/3 Points of Information arising from the last meeting

There were no further points of information arising from the last meeting other than those to be discussed within the agenda.

18/4 Conservation Area Re-Appraisals

Progress was reported on the following Conservation Areas.

(1) Oulton Broad Conservation Area Re-Appraisal

The Group noted that the Oulton Broad Conservation Area re-appraisal had been adopted by the full Authority on 25 September 2015 as well as by Waveney District Council.

(2) **Stalham Staithe Conservation Area Re-Appraisal**

At its meeting on 6 November 2015, the Planning Committee had agreed that the Stalham Staithe Conservation Reappraisal be endorsed for consultation. The Historic Environment Manager reported that he had been in touch with the two local publications for Stalham as suggested, and they were happy for the Authority to provide an article on the Re-Appraisal during the consultation period. It was hoped that it would be possible to obtain some more information on the allotment area as up to now this had proved limited.

18/4 Heritage at Risk

18/4 Buildings at Risk Schedule 2015

(1)

The Historic Environment Manager provided the Group with the updated Schedules relating to the Buildings At Risk Survey as well as the Schedule relating to current and potential Enforcement issues.

With reference to the **Mills** within the schedule, most came within the Landscape Partnership Scheme bid where match funding had been promised by owners should the LPS bid be successful and it was pleasing to note that most had been in contact with the Authority expressing encouragement and their wish to be involved.

It was noted that **Bridge Farmhouse, Low Road, Mettingham**, was the subject of a Section 106 Agreement, where planning permission for another property was dependent on repairs to the farmhouse and that the planning permission was due to expire. Although the owner had indicated that he wished to revisit the existing planning permission, no application had been received. A letter would be sent to the owner in the first instance and if no response, the Group agreed that a report be brought to the Planning Committee.

Langley Abbey – the owner had been informed of the possibility of the Authority issuing an Urgent Works Notice concerning the works on the former stable block. This would require authorisation from the Planning Committee. No response had been forthcoming as yet and therefore the Historic Environment Manager would contact the owner directly by telephone before a report was brought to Committee.

Brick Barn Gillingham – the Historic Environment Manager reported that there had been a response from the owner stating he was meeting with his Architect and a scheme would be forthcoming. The Architect had been in touch with the Authority and was submitting drawings for comment.

18/4 Enforcement

(2)

The Group welcomed the continued progress on the replacement of the windows and doors at Ashby with Oby Manor House.

18/5 West Somerton Conservation Area Re-Appraisal

Further to Note 17/5(3) the Group was advised that the Chair of the Authority, the Historic Environment Manager and the Director of Planning and Resources had met with Somerton Parish Council and explained the procedures and potential proposals relating to the two distinct areas with various satellites coming within the one conservation area of East and West Somerton. Both parts came under Somerton Parish Council. Although, East Somerton came within Great Yarmouth's area and West Somerton within the Broads Authority's area, Great Yarmouth was happy for the Authority to carry out the re-appraisal and consultation on its behalf. The Parish Council were keen to progress the re-appraisal and wished to have a copy of the draft before it was submitted for official consultation.

The Group received the draft text for the Conservation Area re-Appraisal. The Historic Environment Manager provided photographs and a map of the whole of the area and drew attention to those areas for particular discussion as to their contribution to the Conservation Area. Members noted that the whole of the East Somerton section was worthy of inclusion as well as the area in the vicinity of the Staithe at West Somerton.

Members congratulated officers on the text considering it to be a valuable contribution and celebration of the local history.

It was noted that the Somerton CA was one of the last Conservation Area Re-appraisals to be undertaken, Ludham and Horning being the other two. It was suggested that once all the reappraisals had been completed, these be combined together. It was also suggested that a book publication would be worthwhile.

The Group agreed:

- (i) that the text be approved for consideration by the Planning Committee for public consultation; and
- (ii) That the text be forwarded to Somerton Parish Council prior to official publication for consultation

18/6 Water, Mills and Marshes: The Broads Landscape Partnership Bid

Will Burchnall confirmed that as members will already be aware, the bid for Heritage Lottery Funding (HLF) for the Broads Landscape Partnership Project titled: Water, Mills and Marshes had been successful. The project had been allocated £220,000 for the work on preparing the Development Phase in order to submit a second round application. This had already begun with the advertising for a Programme Manager for the Project. In addition, letters had been circulated to all those who had indicated and pledged a contribution in order to seek confirmation. The following areas of work would be progressed during the 18 month development phase up until May 2017:

- Appointment of Programme Manager – December 2015

- Historic Environment Manager to work up Schedule for work on the mills – Spring/Summer 2016
- Education element to be developed – 2016
- Development of Landscape Action Plan including archaeological elements and ecclesiastical history – 2016.

The Group wished to formally thank, on behalf of all Members, Will Burchnall and the team for the success of the bid.

18/7 Any Other Business

18/7(1) Mill Wright – Vincent Pargeter

The Group noted with sadness, the loss of Vincent Pargeter at the age of 72 years. He had been one of two very experienced millwrights who worked within the Broads and his loss would leave a big gap. He was due to work on the Stracey Arms project.

18/7(2) Norfolk County Council

The Historic Environment Manager reported that the Authority had received correspondence from David Gurney at Norfolk County Council concerning consultation on the proposed budgetary cuts by the County from April 2016. This included a reduction in the services to be provided by the historic environment team upon which the Authority had relied considerably for certain areas of expertise. It was intended that the team would only do that which was a statutory requirement and this would have implications for the Authority.

The Historic Environment Manager and Director of Planning Resources would be discussing the matter. The Group urged them to provide a strong consultation response.

18/8 Date of Next Meeting –1 April 2016

It was noted that the next meeting of the Heritage Asset Review Group would take place on Friday **1 April 2016** following the Planning Committee meeting.

The meeting concluded at 1.55pm

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
9 October 2015			<p>legal advice</p> <ul style="list-style-type: none"> • Challenge to High Court decision filed in Court of Appeal on 27 August 2015 • Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container • Leave to appeal against High Court decision refused on 9 October 2015 • Request for oral hearing to challenge Court of Appeal decision filed 2015 • Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 • Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river • Site being monitored
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container	<ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013 • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway • Report to be brought to Planning Committee in February 2016
8 November 2013	J B Boat Sales, 106 Lower Street, Horning	Unauthorised building of new office not in accordance with approved plans	<ul style="list-style-type: none"> • Authority for serving an Enforcement Notice in consultation with the solicitor requiring the removal of a prefabricated building and restoration of site, with a compliance period of three months. Authority to prosecute in the event of non-compliance • Enforcement Notice served 19 November 2013

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Compliance required by 6 April 2014 • Negotiations underway regarding planning application • Compliance not achieved and no application submitted • Solicitor instructed to commence Prosecution proceedings • Case to be heard in Norwich Magistrates Court on 28 January 2014 • Case adjourned to 25 February 2015 • Planning application received 13 February 2015 and adjournment to be requested for Hearing • Revised Scheme submitted and approved • Remedial works to be completed by 8 August 2015 • Remedial works to be completed by 8 October 2015 • Compliance to be achieved by 27 November, Windows installed 13.11.15. Doors on site and being painted • Compliance achieved
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 • Site to be checked
5 December 2014	Staithe N Willow	Unauthorised	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable

Committee Date	Location	Infringement	Action taken and current situation
		erection of fencing	<p>subject to the removal of the 2 metre high fence by 31 October 2015</p> <ul style="list-style-type: none"> • Site to be checked 1 November 2015 • Compliance not achieved. Report to be brought to next Planning Committee • See report elsewhere on Agenda
24 July 2015	Cross Keys Dilham	Unauthorised siting of a static caravan	<ul style="list-style-type: none"> • Authority given for the serving of an Enforcement Notice seeking removal of the Static Caravan with a compliance period of three months; and authority given for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with • Enforcement Notice served 27 August 2015 • Compliance required by 2 January 2016 • Site to be checked
9 October 2015	Grey's Ices and Confectionary, Norwich Road, Hoveton	Unauthorised erection of canopies and Alterations to Shop Front.	<ul style="list-style-type: none"> • Authority given for the issuing of an Enforcement Notice seeking removal of the canopies and alterations and authority given for prosecution, in consultation with the Solicitor in the event that the Enforcement Notice is not complied with • Negotiations underway
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

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 14 December 2015

Appendices: Nil

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

Summary: This report sets out the position regarding appeals against the Authority since October 2015.

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 October 2015.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: 7 December 2015

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since October 2015

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State since October 2015

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
22-10-15	App Ref BA/2015/0003/REF APP/E9505/W/15/3132 155 Silver Dawn, Woodlands Way Horning Reach Horning NR12 8JR Mr N Barrett	Appeal against refusal Variation of Condition 3 of BA/2012/0056/FUL to amend approved roof material	Committee decision on 6 February 2015 Questionnaire sent by 29 October 2015 Statement of case submitted on 26 November 2015
19/11/15	App Ref BA/2015/0004/REF APP/E9505/W/15/3137 422 River Barn Church Lane Surlingham Norfolk Mr S Mitchell	Appeal against Refusal Use as existing with additional use in the commercial use of the site for holiday letting.	Delegated decision on 28 May 2015 Questionnaire sent by 26 November 2015 Statement of case to be submitted by 7 January 2016

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

08 January 2016

Agenda Item No. 16

Summary: This report sets out the delegated decisions made by officers on planning applications from 23 November 2015 to 17 December 2015
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Brundall Parish Council				
BA/2015/0346/HOUSEH	66 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mrs Elizabet Rowntree	Installation of vortex treatment plant.	Approved Subject to Conditions
Coltishall Parish Council				
BA/2015/0278/FUL	The Norfolk Mead Hotel Church Loke Coltishall Norwich NR12 7DN	Mr James Holliday	Replacement chalet and sheds.	Approved Subject to Conditions
BA/2015/0334/LBC	The Norfolk Mead Hotel Church Loke Coltishall Norwich Norfolk NR12 7DN	Mr James Holliday	Replacement chalet and sheds	Approved Subject to Conditions
Dilham Parish Council				
BA/2015/0302/HOUSEH	The Rookery Mill Road Dilham Norfolk NR28 9PU	Ms Rebecca Warren	Form a new studio building within the walled garden area of the property.	Approved Subject to Conditions
BA/2015/0303/LBC	The Rookery Mill Road Dilham	Ms Rebecca Warren	Form a new studio building within the walled garden area of the property	Approved Subject to Conditions
BA/2015/0343/HOUSEH	9 The Street Dilham Norfolk NR28 9PS	Mr And Mrs Cavill	Replacement rear extension, demolition of front porch and erection of front extension.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Gillingham Parish Council				
BA/2015/0335/HOUSEH	Boathouse Hill Cottage Yarmouth Road Gillingham Norfolk NR34 0EE	Mr Harvey Snowling	Boat house and garage.	Approved Subject to Conditions
Horstead With Stanninghall PC				
BA/2015/0325/FUL	Dove House Farm Heggatt Road Horstead With Stanninghall Norwich NR12 7AX	Mr Michael Trafford	Alterations to barn to create a 'family annex' adjacent to farmhouse including proposed link creating altered entrances to both buildings.	Approved Subject to Conditions
Hoveton Parish Council				
BA/2015/0321/FUL	Public Conveniences Lower Street Horning TIC Station Road Hoveton Adj Willow Fen Ludham Bridge Johnson Street	Mr Peter Howe	Installation of cycle hire docking stations at 3 different locations.	Approved Subject to Conditions
BA/2015/0239/COND	Bewilderwood Horning Road Hoveton Norfolk NR12 8JW	Mr Tom Blofeld	Variation of condition 2 of pp BA/2011/0067/FUL to vary the approved plans.	Approved Subject to Conditions
BA/2015/0238/COND			Variation of condition 2 of pp BA/2009/0250/FUL to vary the approved plans	Approved Subject to Conditions
Ludham Parish Council				
BA/2015/0370/HOUSEH	The Beeches Horse Fen Road Ludham Norfolk NR29 5QG	Mr Roy Mercer	Replacement quay heading.	Approved Subject to Conditions
Reedham Parish Council				
BA/2015/0356/COND	Joseph House 1 Church Road Reedham Norwich Norfolk NR13 3TZ	Mrs Beverley Terry	Variation of condition 2 of permission BA/2015/00147/FUL to allow for the provision of a wet room.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Salhouse Parish Council				
BA/2015/0366/FUL	Salhouse Broad Lower Street Salhouse Norwich Norfolk NR13 6RX	Mr Henry Cator	Replacement of timber quay heading with 3-4m corrugated steel sheet quay heading.	Approved Subject to Conditions
Somerton Parish Council				
BA/2015/0317/HOUSEH	White House Horsey Road West Somerton Somerton Norfolk NR29 4DW	Ms Cora Mullinger	Front porch, rear single storey extension and conversion of garage to studio.	Approved Subject to Conditions
Stokesby With Herringby PC				
BA/2015/0336/HOUSEH	Dragonfly Barn Hall Farm Runham Road Stokesby With Herringby Norfolk NR29 3EP	Mr Martin Farrimond	Garage loft conversion.	Approved Subject to Conditions