

## **Planning Committee**

### **AGENDA**

**Friday 8 March 2019**

**10.00am**

- |   | Page   |
|---|--------|
| 1. <b>To receive apologies for absence and introductions</b>  |        |
| 2. <b>To receive declarations of interest</b>   |        |
| 3. <b>To receive and confirm the minutes of the previous meeting held on 8 February 2019</b> (included) | 3 – 10 |
| 4. <b>Points of information arising from the minutes</b>  |        |
| 5. <b>To note whether any items have been proposed as matters of urgent business</b>                    |        |

### **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:**
- (i) BA/2019/0002/FUL North End of Petos Marsh South of Burgh Pumping Station, Camps Heath, Oulton Broad
- (ii) BA/2018/0474/FUL Hoveton: Richardson's Day Boat Hire,

11 – 18

	Fineway Leisure, Fineway Boatyard, The Rhond, Hoveton (included)	Page 19 – 26
9.	<b>Enforcement Update</b> Report by Head of Planning (included)	27 – 30

#### MATTERS FOR INFORMATION

10.	<b>Appeals to the Secretary of State Update</b> Report by Administrative Officer (included)	31 – 32
11.	<b>Decisions made by Officers under Delegated Powers</b> Report by Head of Planning (included)	33 – 37
12.	<b>To note the date of the next meeting – Friday 5 April 2019 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich NR1 1RY</b>	

**Broads Authority**  
**Planning Committee**

Minutes of the meeting held on 8 February 2019

Present:

In the Chair - Mrs M Vigo di Gallidoro

Mr M Barnard  
Mr L B Keith  
Mr R Hanton  
Ms G Harris

Mrs L Hempsall  
Mr H Thirtle  
Mr J Timewell

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)  
Ms N Beal – Planning Policy Officer (Minute 7/10)  
Mr R Rogers – Director of Operations (up to and for Minute 7/8)  
Mrs R Sainsbury – Planning Officer (up to and for Minute 7/8)  
Ms C Smith – Head of Planning  
Mrs M-P Tighe – Director of Strategic Services

Members of the public in attendance who spoke:

**Application BA/2018/0466/FUL Land at Burgh Castle**

Dr Kevin Marsh

On behalf of Applicant

**7/1 Apologies for Absence, Welcome and Housekeeping Matters**

The Chair welcomed everyone to the meeting.

Apologies had been received from Prof J Burgess, Mr W A Dickson, Mr P Rice and Mr V Thomson.

**The Openness of Local Government Bodies Regulations**

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

**7/2 Declarations of Interest and introductions**

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

**7/3 Minutes: 11 January 2019**

The minutes of the meeting held on 11 January 2019 were agreed as a correct record and signed by the Chair.

**7/4 Points of Information Arising from the Minutes**

The Director of Strategic Services referred to a recent case *DOVER DC v CPRE Kent 2017* at the UK Supreme Court, which related to the procedures for taking decisions at Planning Committee where a decision may be contrary to the Officer's recommendation. It was understood that North Norfolk District Council had recently adopted new procedures as a result of the court case. Officers would be looking into the details and legal implications of this and examine the rules on committee voting against Planning Officers' recommendation before presenting any formal proposals for changes to the procedures to the Committee.

**7/5 To note whether any items have been proposed as matters of urgent business**

There were no items of urgent business.

**7/6 Chairman's Announcements and Introduction to Public Speaking**

**Public Speaking**

The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Members of the public were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented. They were reminded that, as the meeting was being recorded, any information they provided should be appropriate for the public. They were requested not to give out any sensitive personal information unless they felt this was necessary to support what they were saying and would not mind others being aware of it.

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

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

**7/8 Applications for Planning Permission**

The Committee considered the following application submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decision.

The following minute relates to further matters of information, or detailed matters of policy not already covered in the officer's report, and which were given additional attention.

**(1) BA/2018/0466/FUL Right bank of River Waveney, Compartment 34 of BFAP.**

Installation of new piling in front of existing to maintain the long-term integrity of this section of flood defences.

Applicant: Environment Agency

The Planning Officer gave a detailed presentation and assessment of the application to install a total of 211 metres of piling in front of existing piling. This was intended to maintain the long-term integrity of a section of flood defences on the right bank of the River Waveney immediately upstream of Burgh Castle Mariana. The proposal related to a previous application for flood improvement works, as part of the Broads Flood Alleviation Project (BFAP) which had been completed. It had been agreed to leave the piling in place due to the importance of the mooring provision this provided, particularly for safety reasons and prior to entering Breydon Water. The piling edge had been managed by the Broads Authority for 24 hour moorings but had been closed due its poor condition in 2018 and the lease with the landowner having expired. The aim of the current application was to restore the piling so the moorings could be brought back into use.

There had been no objections to the proposal. The Navigation Committee had considered the application at its meeting on 17 January 2019 and was supportive, considering that, with the width of the river at this point being 50 metres, there would not be a negative impact on navigation.

The Planning Officer concluded that the proposal could be recommended for approval as it was in line with the previously approved flood defence work in the location. It would provide clear benefits, including flood defence and nature conservation management, as well as satisfactorily protecting and enhancing recreation and navigation interests with access to water space maintained. The conditions proposed were standard but with a 5 year expiry date instead of 3 years, to increase the time to carry out the works.

The Director of Operations explained that the Environment Agency had overspent on its capital programme and therefore was not in a position to complete the works at this time.

Kevin Marsh on behalf of the applicant confirmed that the Environment Agency budget was constrained. Following the end of the BFAP, as from 2021 there would be new arrangements with a new spending plan.

It was noted that the factors relating to funding and deliverability were not a planning consideration and did not affect the planning decision.

A member suggested, that it might be worth considering a collaborative effort in raising funding for the works, given that the moorings were so important in this location particularly for safety as well as recreational reasons. Members supported such an idea for consideration. It was hoped that the works could be undertaken well before the 5 year expiry.

Members fully supported and commended the application.

Haydn Thirtle proposed, seconded by Bruce Keith and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report including a 5 year time limit condition and further details being submitted as required by the Operations team.

The proposal is considered to be in accordance with Policies CS1, CS3, CS4, CS9 and CS14 of the Core Strategy (2007), Policies DP1, DP4, DP12, DP13, DP28 and DP29 of the Development Plan Document (2011).

## **7/9 Enforcement Update**

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

### ***Burghwood Barns, Burghwood Road, Ormesby St Michael.***

Ron Hanton and Haydn Thirtle declared an interest as County Councillors for the area.

Members were reminded that they had agreed to proceed to prosecution as compliance with the Enforcement Notice had not been achieved. The applicant had subsequently indicated that he intended to comply with the Notice and therefore a court appearance on 18 December 2018 had been adjourned. Monitoring had continued and further works to comply with the Enforcement Notice had been undertaken. This included dismantling of the gazebo and removal of the slates from the path. The concrete sub base was yet to be removed. A further inspection would be made on 24 February 2019, two days before the next court hearing. The landowner had agreed to pay a contribution of £1,000 towards the Authority's legal costs and had already contributed in part.

**Marina Quays.** The initial application had been withdrawn and it was understood that the applicants would be submitting a new application following negotiations in the near future.

Members supported the action being taken and noted the progress made.

RESOLVED

that the report be noted.

#### **7/10 Wroxham Neighbourhood Plan – proceeding to Referendum**

The Committee received a report on the progress of the Wroxham Neighbourhood Plan. The submitted Neighbourhood Plan was approved by the Broads Authority Planning Committee at its meeting In November 2018, following which there was a statutory six week publication period for consultation. The representations received from this were submitted with the published Neighbourhood Plan for independent examination.

The Independent Examiner's report had been received in the last few days and this had been circulated separately to Members and incorporated into the agenda on the website. The Planning Policy Officer provided the Committee with the findings of the report together with the LPA response.

The Examiner had assessed the Neighbourhood Plan and taken on board the comments received and concluded that the Plan could now proceed to referendum subject to the Modifications listed in his report.

The Planning Policy Officer had made comments on the Plan, to improve clarity, particularly as it would be the development control officers who would need to implement the proposals and they had not been involved in their writing. She explained that not many of the comments the Authority had made had been taken on board. However, the Inspector had agreed with the Authority on two main issues. One related to a policy that seemed to conflict with an adopted Broads policy, the other to the relief road where the Authority had commented as to the uncertainty of how this could be achieved, given the land constraints.

The Wroxham Neighbourhood Plan group had discussed the Examiner's report at a meeting on 7 February 2019 and were satisfied that it could proceed to referendum. Broadland District Council was also required to agree to the next step.

RESOLVED unanimously

that the Authority endorses the Examiner's Report and supports the amended Wroxham Neighbourhood Plan proceeding to referendum.

#### **7/10B Consultation Documents and Proposed Response: Norwich City council Affordable Housing (Supplementary Planning Document)**

The Committee received a recent consultation from Norwich City Council on its Affordable Housing SPD together with the proposed response provided by the Authority's officers. The SPD had been updated in light of the changes to the NPPF and to reflect the practises over the last few years. It was relevant to the Authority since it deferred to the Housing Policies of the Districts.

Members congratulated the officers on the detailed diligence with which they scrutinised the consultation documents.

RESOLVED unanimously

that the report be noted and the proposed response be endorsed for forwarding to Norwich City Council.

#### **7/11 Appeals to the Secretary of State**

The Committee received a schedule of decisions to the Secretary of State since 1 June 2018. The Authority had submitted the statement on the appeal concerning the conditions attached to the outline permission for development at Hedera House, Thurne. The Authority was now awaiting a date from the Planning Inspector for a site visit. There were now two more appeals on the schedule received within January 2019 for which a start date was awaited from the Planning Inspectorate.

With reference to the appeal at Nursery View Burghwood Road, Ormesby where the Authority had refused permission for 4 detached dwellings under delegated powers, the Head of Planning explained that the site fell outside the development boundary and was contrary to policy. Under the scheme of delegation, applications for development below a maximum of 10 properties could be dealt with by officers. The application would have been determined by Planning Committee, if officers had proposed to recommend approval contrary to development policy (ie: Departure).

RESOLVED

that the report be noted.

#### **7/12 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 28 December 2018 to 23 January 2019.

RESOLVED

that the report be noted.

#### **7/13 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications**

The Committee received a report setting out the development control statistics for the quarter ending 31 December 2018. The Head of Planning commented that the performance levels had fallen and this reflected the changes in staff. Now the new staff had been in post for some months, it was anticipated that the figures for the next quarter would be more favourable.

RESOLVED



That the report be noted.

**7/14 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 8 March 2019 (International Women's Day) starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 10.42 am.

CHAIRMAN

## APPENDIX 1

### Code of Conduct for Members

#### Declaration of Interests

**Committee:** Planning Committee

**Date of Meeting:** 8 February 2019

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Haydn Thirtle	7/8	Board member (Internal Drainage Board) Previously attended Navigation Committee when matter discussed.
Gail Harris	7/10B	Consultation Norwich City Council Affordable Housing SPD. Appointed by Norwich City Council
Ron Hanton	7/9 and 7/11	Borough Councillor and County Councillor for Ormesby.

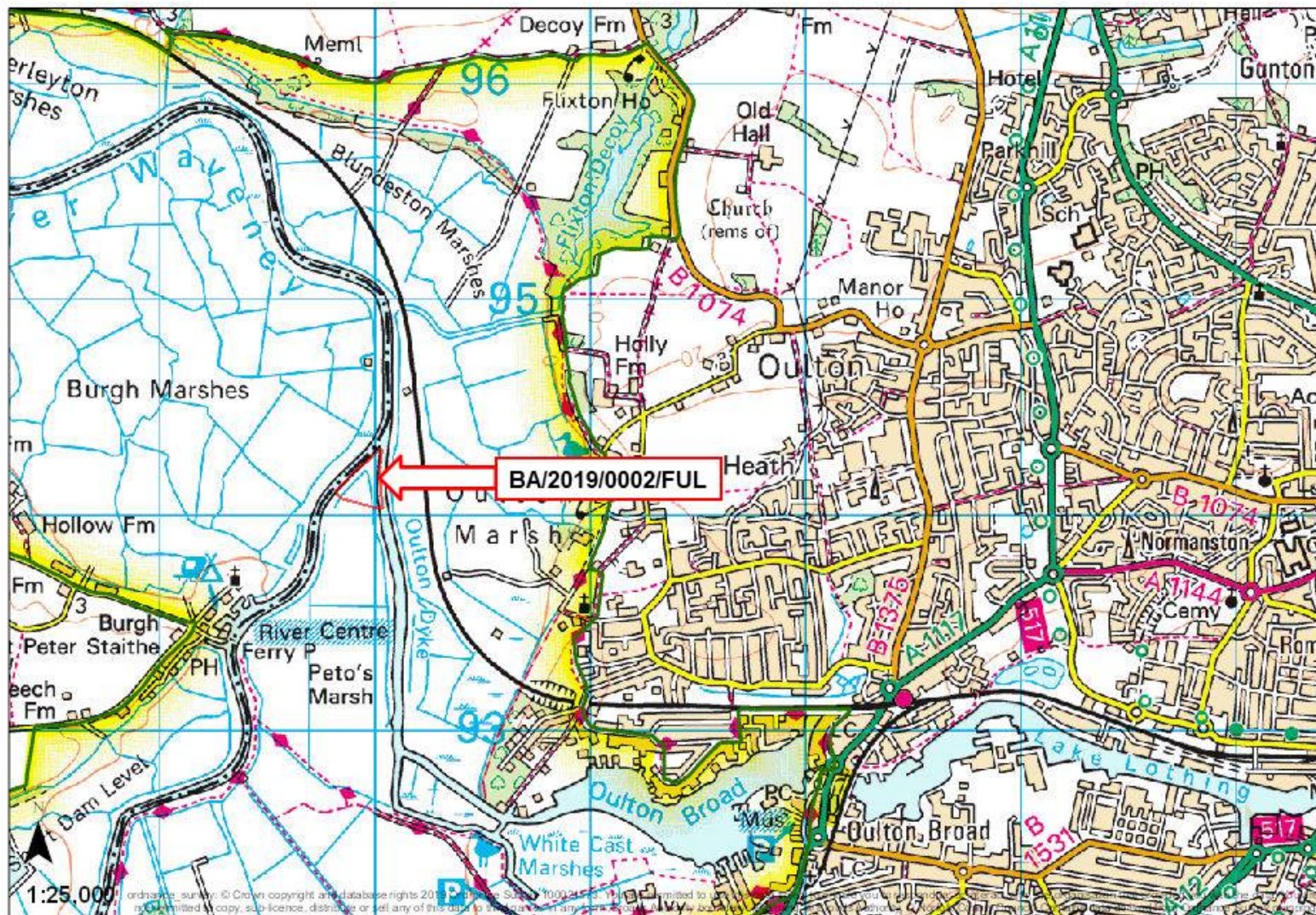
**Reference:**

BA/2019/0002/FUL

**Location**

North end of Peto's Marsh, south of Burgh  
Pumping Station, Camps Heath, Oulton  
Broad

BA/2019/0002/FUL



**Application for Determination**

<b>Parish:</b>	Carlton Colville		
<b>Reference:</b>	BA/2019/0002/FUL	<b>Target date:</b>	2019
<b>Location:</b>	North end of Peto's Marsh, south of Burgh Pumping Station, Camps Heath, Oulton Broad		
<b>Proposal:</b>	Habitat creation, construction of new section of floodwall & re-use of dredged sediment to create wetland habitat.		
<b>Applicant:</b>	The Broads Authority		
<b>Recommendation:</b>	Approve with conditions		
<b>Reason for referral to Committee:</b>	Broads Authority application		

**1. Description of Site and Proposal**

- 1.1. Members will be aware of the on-going 20 year Broadland Flood Alleviation Project (BFAP). This has been implemented from 2001 and is nearing its final stages. An extensive planning application for flood improvement works within compartment 28 (Peto's Marsh) was approved by the Broads Authority in April 2014 (BA/2014/0039/FUL). These flood defence works have been undertaken by contractors on behalf of the Environment Agency and the reinforced flood banks surround the application site which is a 2 hectares area within the wider compartment.
- 1.2. The site comprises a triangular piece of land located at the northern tip of Peto's Marsh at the point where the River Waveney and Oulton Dyke meet and these waterways form the boundaries to the west and east respectively. In 2018, the Suffolk Wildlife Trust (SWT) purchased Peto's Marsh as part of a wider land purchase scheme to extend the nature reserve at Carlton Marshes. Peto's Marsh is an area of former arable land which was farmed for many years and resulted in an area of low habitat value. The current application reflects SWT's vision for the site to be restored to an area of wetland habitat.
- 1.3. The northern-most tip will be separated from the rest of the site through the creation of a new section of flood or 'crosswall' at the southern end. This will be accompanied by a new soke dyke excavated to the south of the wall, providing connection to the existing perimeter dykes in the southern part of the site.

- 1.4. The new crosswall will be built with source material from the excavation of the new soke dyke and by taking some material from the section of marsh designated for dredged material. The construction of the wall will be phased, with the height gradually increased as dredgings are placed on the site over a 2-3 year period. The final wall will join and be finished to the same height as the existing boundary floodwalls on the southern section of Peto's Marsh. At the end of the works, a piped crossing will be installed across the new soke dyke to allow future access between the two parts of Peto's Marsh.
- 1.5. Dredged sediment will be pumped to the area north of the new crosswall over 2-3 years to an agreed fill level. Internal bunds will be constructed to aid the retention of pumped sediment; these will be a temporary feature, although one of the proposed bunds, positioned north-east to south-west has the potential to be retained as a habitat feature. These bunds will be approximately 1metre in height. Following sediment placement, a period of 12-18 months will then be needed for the sediment to settle and dry before restoration can take place.
- 1.6. To restore the site the interior of the area will be levelled to mean low water to encourage reedbed vegetation to establish, resulting in a wetland habitat at rond level, to complement the rest of the Peto's Marsh area. The restored area will also incorporate new water features. These will be connected to the river through the creation of grups, cut through the original river wall to allow water to enter and leave the site with normal tidal fluctuations. Created features will include a main footdrain, leading to deeper ponds and with smaller footdrains attached to provide additional open water habitat and feeding locations for bittern.

## **2. Site history**

- 2.1. BA/2014/0039/FUL: In 2014 consent was granted for flood improvement work.

## **3. Consultation**

- 3.1. Consultation has taken place and the responses received are outlined below:  
  
Carlton Colville Parish Council: Approve.
- 3.2. Ecologist: No objection subject to a condition relating to protection of water voles.
- 3.3. Suffolk Wildlife Trust: Supports the principle of the works. Two comments to clarify: timing of the works in relation to water voles and require a vehicle access across the new soke dyke.
- 3.4. Landscape Officer: No objection. The project involves flood protection and restoration of this area of Peto's Marsh to semi-natural wetland habitat. Visibility is likely to be limited from the River and railway line due to the existing retained floodbank and the long term landscape impact is likely to be positive.



- 3.5. Waveney and Lothingland Internal Drainage Board. The works require consent under the Board's Byelaws.

Environment Agency: No objections

- 3.6. No other representations have been received.

#### **4. Policies**

- 4.1. 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 \(adopted 2007\)](#)

CS1 - Landscape Protection and Enhancement  
CS3 – Navigation  
CS4 – Creation of New Resources  
CS9 – Sustainable Tourism

##### [Development Management Policies DPD \(adopted 2011\)](#)

DP1 - Natural Environment  
DP4 - Design  
DP29 - Development on Sites with a High Probability of Flooding

##### [Modification Version of the Local Plan for the Broads \(January 2019\)](#)

The Local Plan Modifications Version is currently being consulted on (28/1/19 – 15/3/19) and therefore some weight should be given to the emerging Policies. These have been considered in the determination of this application but there are no alterations which affect the consideration in this case.

[http://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0008/1461644/Broads-New-Local-Plan-Publication-Modifications-version-January-2019.pdf](http://www.broads-authority.gov.uk/_data/assets/pdf_file/0008/1461644/Broads-New-Local-Plan-Publication-Modifications-version-January-2019.pdf)

- 4.2. Other Material Considerations

##### [National Planning Policy Framework \(NPPF\)](#)

##### [National Planning Policy Guidance \(NPPG\)](#)

#### **Neighbourhood plans**

- 4.3. There is no neighbourhood plan in force in this area.

## **5. Assessment**

- 5.1. The key issues in the determination of this application are the impact on flood levels, nature conservation and visual appearance. The proposal is accompanied by a Statement which outlines the proposal and the positive impact on the area.
- 5.2. The previous 2014 application has delivered significant benefits, notably in relation to enhanced flood defences and nature conservation management of the area. The applicant advises that the works will not have any measurable effect on water levels within this part of the River Waveney or Oulton Dyke and consequently no change in the flood risk either upstream or downstream and the Environment Agency do not raise an objection. The completed scheme will enhance the long-term flood protection to the area and provide a valuable area of additional habitat.
- 5.3. The works will be phased as set out in section 1 above and will be undertaken by Broads Authority staff. Once the works are complete the site will be monitored by the Broads Authority for five years and it will then be managed and maintained by Suffolk Wildlife Trust as the landowner.
- 5.4. The Suffolk Wildlife Trust has been consulted in its capacity as a nature conservation body and required clarification on two points. As a result the timing of the proposed works will take account of the presence of water voles by first undertaking mitigation works to ensure any water voles are displaced to the south of the site. A vehicle access across the new soke dyke has also been added to the plans as discussed and requested. The Broads Authority Ecologist has been consulted and is satisfied that there will be no adverse impact on any habitat or species.
- 5.5. There is no plan to have direct public access on the site as this would cause too much disruption to the habitats and species. However, the long term aim is for the wider reserve at Carlton Marsh to have hides with long views over the site in order to take advantage of the enhanced habitat and new species. This will reinforce the long term sustainability of the nature reserve and promote the recreation value of the area.
- 5.6. The Landscape officer has no objection to the works given that the project involves flood protection and restoration of this area of Peto's Marsh to semi-natural wetland habitat and concludes that the long term landscape impact is likely to be positive
- 5.7. There are no nearby properties which will be adversely affected by the proposal.

## **6. Conclusion**

- 6.1. The proposal is in line with the previously approved flood defence work in this location in accordance with Local Plan Policy DP29.



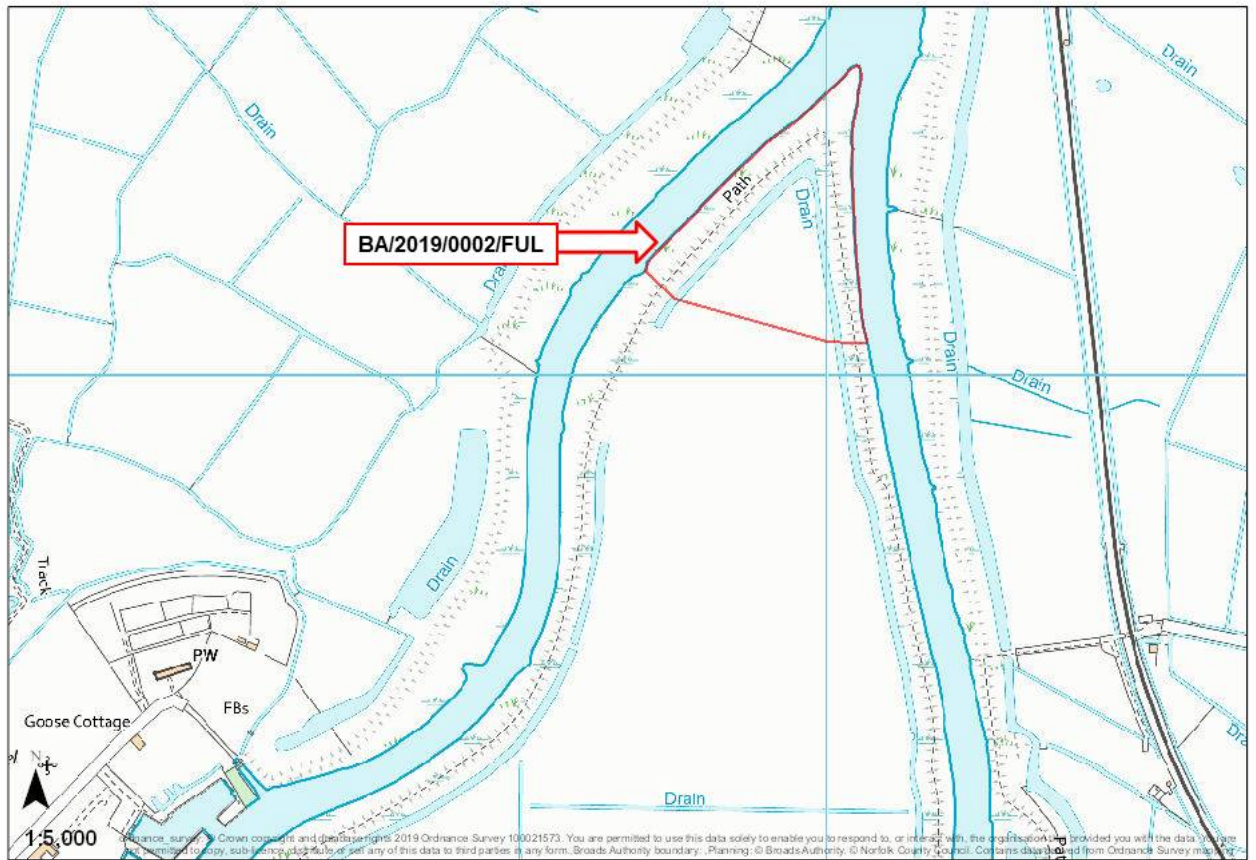
- 6.2. The flood defence and nature conservation interests of the area will be safeguarded by the proposals as required by Local Plan Policies DP1 of the Development Management Policies DPD (2011) and Core Strategy (2007) Policies CS3, CS4 and CS9.
- 6.3. Visual and residential amenity will be safeguarded as a result of sympathetic design in accordance with Local Plan Policies DP4 and DP28(DMPDPD (2011)) and Core Strategy Policy CS1.
- 6.4. The ecological interest of the area will be safeguarded by the proposal as required by Broads Local Plan Policy DP1 and Core Strategy Policy CS1.
- 6.5. It is considered that the scheme will deliver clear benefits, including continued flood defence and additional habitat and nature conservation management and it satisfactorily balances this with an enhancement of recreation interest. It is therefore considered that, subject to the conditions outlined below, the scheme is consistent with development policy as set out in the Broads Local Plan (DM DPD(2011)) Policies DP1, DP4, and DP29 and Broads Core Strategy (2007) Policies CS1, CS3, CS4, and CS9.

## **7. Recommendation**

- 7.1. Subject to no substantive representation/comment being raised from any outstanding consultees, this planning application be approved subject to the following conditions:
- Standard time limit conditions;
  - In accordance with the submitted plans and documents;
  - In accordance with the submitted water vole mitigation method statement;
- 7.2. The following informatives be specified on the decision notice:
- The permission shall be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.
  - The consent of the Internal Drainage Board is required prior to any works commencing. It is the applicant's responsibility to secure this.

### **Background Papers:**

Author: Ruth Sainsbury  
Date: 20 February 2019  
  
Appendix: Location Plan



**Reference:**

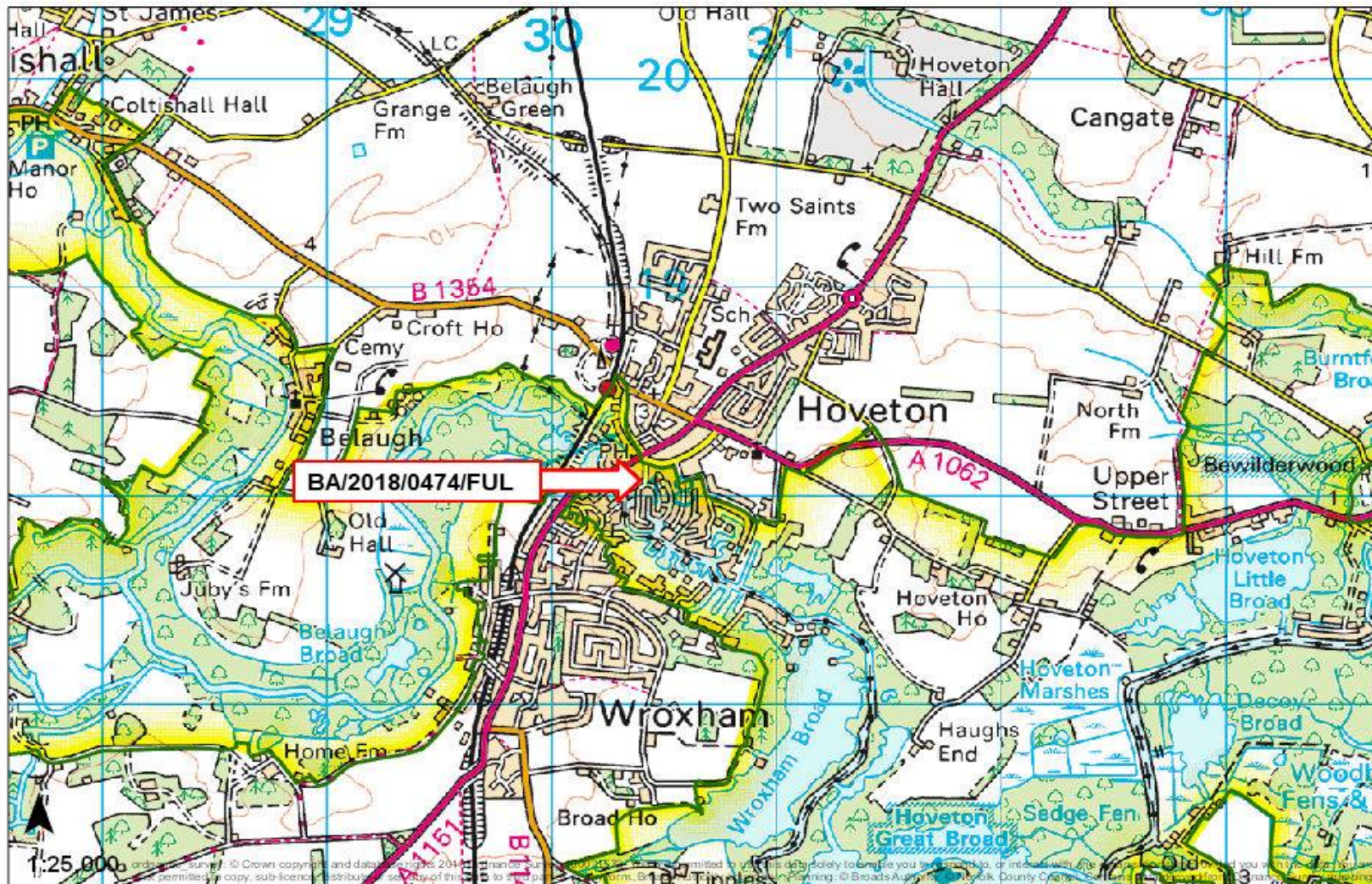
BA/2018/0474/FUL

**Location**

Richardson's Day Boat Hire, Fineway  
Leisure, Fineway Boatyard, The Rhond,  
Hoveton



BA/2018/0474/FUL



## **Application for Determination**

<b>Parish</b>	Hoveton Parish Council
<b>Reference</b>	BA/2018/0474/FUL <b>Target date</b> 11 <sup>th</sup> March 2019
<b>Location</b>	Richardson's Day Boat Hire, Fineway Leisure, Fineway Boatyard, The Rhond, Hoveton
<b>Proposal</b>	Replacement reception building
<b>Applicant</b>	Mr Paul Richardson
<b>Recommendation</b>	Approve subject to conditions
<b>Reason for referral to Committee</b>	Director of company is a Navigation Committee Member

### **1      Description of the Site and Proposals**

- 1.1      Richardson's Day Boat Hire is located centrally in Hoveton amongst other tourist and boat yard land uses, as well as other commercial and retail businesses slightly further away. In this area there are also holiday lets and residential accommodation to the south. The application site comprises of an existing single storey porta cabin/static caravan type building of pre-fabricated construction with a floor area of 23m<sup>2</sup>, which is fixed in place adjacent to day boat moorings and large areas of car parking. This structure is used as the day boat rental office and reception with associated storage, however it is coming to the end of its economic life, and is somewhat tired in its appearance. It is accessed from an existing mooring cut which links into the River Bure, and which has an angled additional cut which runs parallel to the existing structure's southern wall.
- 1.2      Planning permission is sought for the demolition of the existing day boat hire office and its replacement with a similar scale single storey structure for the same use, albeit a permanent building. The orientation of the structure would see the building turned slightly through 30 degrees clockwise and it would have a floor area of 32.3m<sup>2</sup>, which is an increase of approximately 10m<sup>2</sup> over the existing structure. The replacement building would be a timber clad mono-pitch structure, with an access ramp along the western elevation of the site to allow for improved access to the office. The proposed roof will over sail the structure to the south to create a covered canopy area above the area of proposed decking and there would be a high level of glazing.

- 1.3 Additionally, part of the existing cut is proposed to be covered over by decking to square off the cut's northern most extent. The infill of the cut would have a timber deck and timber and rope barrier. The area of quay to be covered is approximately 14m<sup>2</sup>.

## **2 Site History**

None relevant

## **3 Consultation**

Parish Council – No objection.

District Member – No response received

Environment Agency – No objection but set out in their response advice to the applicant on EA permit requirements which would be relayed by way of informative, should the application be permitted.

Norfolk County Council Highways – No objection

BA Waterways and Recreation – No encroachment on the navigation and no loss in access so no objection to the proposal.

BA Operations Directorate – No encroachment on the navigation and no loss in access so no objection to the proposal.

## **4 Representations**

- 4.1 None received.

## **5 Policies**

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

[NPPF](#)

Development Management Policies DPD (adopted 2011)

DP4 – Design

DP27 – Visitor and Community Facilities and Services

DP29 – Development on site with a High Probability of Flooding

[Development-Management-DPD2011](#)

Modification Version of the Local Plan for the Broads (January 2019)

[http://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0008/1461644/Broads-New-Local-Plan-Publication-Modifications-version-January-2019.pdf](http://www.broads-authority.gov.uk/_data/assets/pdf_file/0008/1461644/Broads-New-Local-Plan-Publication-Modifications-version-January-2019.pdf)

The Broads Authority has recently reviewed its Local Plan, with the Examination held in June and September 2018. The proposed Main Modifications are currently the subject of consultation until 15 March 2019 and it is anticipated that the Plan will be adopted in summer 2019. Given the advanced stage of the Plan, the emerging policies can be accorded significant weight. The following policies are relevant:

MODDM43 – Design (Page 131 of Broads Local Plan Modifications Document)

PUBHOV5 – Hoveton town Centre and areas adjacent to the Town Centre (Page 179 of Broads Local Plan Modifications Document)

Neighbourhood Plan

- 5.2 There is no neighbourhood plan in force in this area.

## **6 Assessment**

- 6.1 The proposed development relates to the replacement of an existing structure used as a reception and office for an established day boat hire business within Hoveton with a larger building for the same purpose, but with improved access and facilities.
- 6.2 The key issue in the determination of the application is the design of the replacement. The principle of development, flood risk, ecology, impact upon amenity, change to the mooring dyke are all issues which will also be considered as material planning matters.

### Principle of the development

- 6.3 The proposal is to replace a tired static caravan type building which has the appearance of a temporary structure with a permanent building of slightly larger proportions to fulfil the same function. The existing land use associated with the day boat yard is an acceptable land use which provides employment opportunities and is also a tourist facility supported by local plan policy. Therefore the replacement of this building and slight change to the mooring cut is considered to be in principle acceptable, and indeed welcomed.

### Design

- 6.4 The current structure detracts from the wider character of the area, and does not present a particularly positive image of either the wider area, or the business which operates from the site. The proposed development incorporates higher quality materials, including timber panel cladding, standing seam roof, timber/rope safety railings and is an attractive design which would be a positive addition to the water and street-scape. The re-orientation of the quay, and building is in principle acceptable, and whilst the building would have an approximately 10m<sup>2</sup> larger floor area, this and the more permanent character and quality of the building does not result in an over-dominance locally.



- 6.5 The proposed works would ensure that the existing building is removed and a more attractive structure replaces it to ensure better disabled access, better staff and visitor accommodation, without harming the wider character of the area. As such it is considered that the proposal in design terms is a positive change and is in accordance with policy DP4 of the Development Management Policies DPD (adopted 2011)

#### Other matters

- 6.6 The current structure is not considered to offer habitat for protected species, and as such, whilst the proposal includes demolition this is not considered to have any impacts ecologically. In regards to flood risk the site is located within flood zone 3, however the current and proposed land use is considered to be a water compatible use. The Environment Agency (EA) has not objected to the development. As part of the Flood Risk Assessment a Flood Response Plan has been provided and the detail of this document will be required by condition. An informative will be attached to ensure that the applicant is aware of the EA permitting regulations.
- 6.7 Whilst there is a slight change to the mooring cut through the inclusion of a deck, this would not affect the navigation or access to the water, and is supported. Whilst there are a number of residential and holiday properties in the area the current and proposed land use is not considered to harm any of these properties' amenity. Current access and car parking would not be adversely affected, and the Local Highways Authority has not objected to the scheme.

### **7. Conclusion**

- 7.1 The proposed replacement structure is considered to be an acceptable scheme which would replace an unattractive building which houses a land use and business which is supported by the Broads Local Plan with an attractive, proportionate replacement permanent building that would contribute to the visual amenity of this popular tourism hub. Consequently the scheme is considered to be in accordance with all relevant planning policy.
- 7.2 The proposal is considered to be in accordance with Policies DP4, DP27, DP29 of the Development Plan Document (2011). It is in accordance with the National Planning Policy Framework (2018) which is a material consideration in the determination of this application.

### **8. Recommendation**

- 8.1 Approval subject to conditions as below:
- i. Standard time limit;
  - ii. In accordance with submitted plans;
  - iii. Submission of samples of materials of all external finishes; and details and samples of the decking joinery;



- iv. Prior to the commencement of use provide a completed flood response plan in-line with recommendations as set out in the Flood Risk Assessment submitted with the application.
- v. The use of the building hereby approved shall be only be in conjunction with the use of the mooring and site as a dayboat hire business.

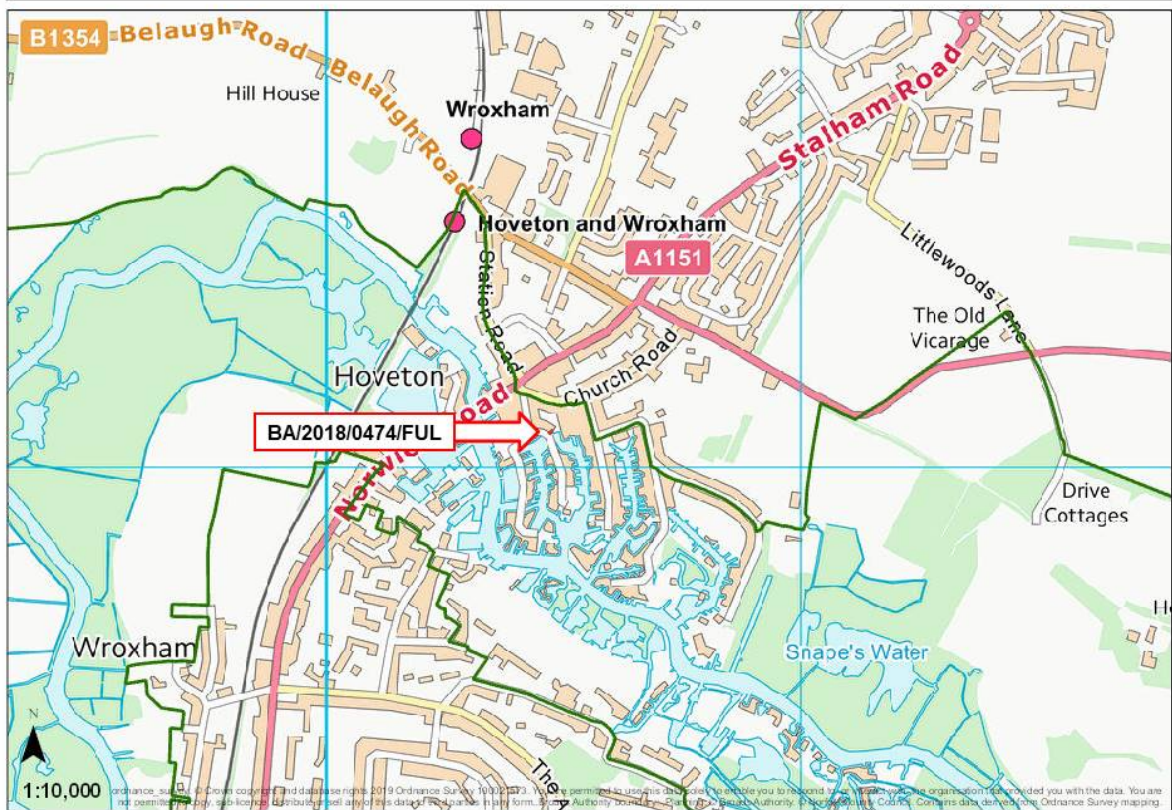
8.2 The following informatives be specified on the decision notice:

- The consent of the Environment Agency may be required in respect of work. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from the river and from any flood defence structure or culvert of the River Bure, designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> . Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please contact the EA's National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email: [floodriskactivity@environment-agency.gov.uk](mailto:floodriskactivity@environment-agency.gov.uk). It is the applicant's responsibility to secure this.

- Please consult the following guidance to confirm whether a Works licence is required from the Broads Authority - <http://www.broads-authority.gov.uk/planning/planning-permission/works-licences>

List of Appendices: Location Plan  
Background papers: Application File BA/2019/0474/FUL  
Author: Jack Ibbotson  
Date of Report: 22nd February 2019



**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
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> <li>• 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</li> <li>• Planning Contravention Notice served</li> <li>• Negotiations underway</li> <li>• Planning Application received</li> <li>• Planning permission granted 12 March 2015. Operator given six months for compliance</li> <li>• Additional period of compliance extended to end of December 2015</li> <li>• Compliance not achieved. Negotiations underway</li> <li>• Planning Application received 10 May 2016 and under</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
			<p>consideration</p> <ul style="list-style-type: none"> <li>• Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required</li> <li>• Application for extension submitted 10 July 2017, including comprehensive landscaping proposals (BA/2017/0237/FUL)</li> <li>• Further details under consideration.</li> <li>• Application approved and compliance to be monitored in autumn</li> <li>• <b>In monitoring programme</b></li> </ul>
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential curtilage	<ul style="list-style-type: none"> <li>• Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL;</li> <li>• if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution.</li> <li>• Enforcement Notice served on 8 March 2017 with compliance date 19 July 2017.</li> <li>• Appeal against Enforcement Notice submitted 13 April 2017, start date 22 May 2017 (See Appeals Schedule)</li> <li>• Planning application received on 30 May 2017 for retention of works as built.</li> <li>• Application deferred pending appeal decision.</li> <li>• Application refused 13 October 2017</li> <li>• Appeal dismissed 9 January 2018, with compliance period varied to allow 6 months.</li> <li>• Compliance with Enforcement Notice required by 9 July 2018.</li> <li>• Site inspected on 21 February in respect of other</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
			<p>conditions.</p> <ul style="list-style-type: none"> <li>• Site monitoring on-going, with next compliance deadline 31 March 2018</li> <li>• Site inspected 8 May 2018. Compliance underway in accordance with agreed timescales. Next monitoring scheduled for July 2018.</li> <li>• No further works undertaken, so non-compliance with Enforcement Notice</li> <li>• Operator given to 6 August 2018 to comply. Compliance not achieved.</li> <li>• Prosecution proceedings commenced.</li> <li>• Breach of Condition Notices issued on 30 August 2018 in respect of non-compliance with conditions 3, 4 and 5 of BA/2016/0444/FUL.</li> <li>• Provisional Court date 18 December 2018</li> <li>• Works towards compliance underway and being monitored</li> <li>• Court appearance adjourned to 26 February 2019</li> <li>• <b>Further works completed</b></li> </ul>
<p>31 March 2017</p> <p>26 May 2017</p>	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"> <li>• Authority granted to serve Section 215 Notices</li> <li>• First warning letter sent 13 April 2017 with compliance date of 9 May.</li> <li>• Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued.</li> <li>• Monitoring</li> <li>• Further vandalism and deterioration.</li> <li>• Site being monitored and discussions with landowner</li> <li>• Landowner proposals unacceptable. Further deadline given.</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Case under review</li> <li>• Negotiations underway</li> <li>• Planning Application under consideration</li> <li>• <b>Planning application withdrawn and negotiations underway regarding re-submission</b></li> </ul>
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> <li>• Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so.</li> <li>• Site being monitored</li> </ul>

## 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 22 February 2019

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 1 June 2018.

**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 June 2018.

**2 Financial Implications**

- 2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett  
Date of report: 20 February 2019

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since June 2018

## Schedule of Appeals to the Secretary of State received since 1 June 2018

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
Start date 19/11/18	<b>APP/E9505/W/18/3204127</b> <b>BA/2017/1030/OUT</b> <b>BA/2017/0487/COND</b>  Hedera House The Street THURNE NR29 3AP  Mr Richard Delf	Appeal against grant of planning permission with conditions	Committee Decision on 18 August 2017/ 2 March 2018  Notification Letters and Questionnaire by 25 November 2018  Statement of Case sent by 24 December 2018  Decision received 19 February 2019: Split decision issued with conditions 4&5 allowed and condition 6 dismissed.
Appeal received by BA on 11/01/19  Awaiting start date from Planning Inspectorate	<b>APP/E9505/W/19/3220113</b> <b>BA/2018/0259/OUT</b>  Nursery View Burghwood Road Ormesby Great Yarmouth  Mrs Gillian Miller	Appeal against refusal of planning permission:  Erect 4 no. detached dwellings of 1.5 storeys high, with garages and access.	Delegated Decision on 3 October 2018
Appeal submitted 27/01/19.  Awaiting start date from Planning Inspectorate	<b>APP/E9505/D/19/3221263</b> <b>BA/2018/0364/COND</b>  Riversdale Cottage The Shoal Irstead  Mr Andrew Lodge	Appeal against refusal to remove planning condition	Committee Decision on 9 November 2018



## Decisions made by Officers under Delegated Powers

Report by Head of Planning

**Broads Authority  
Planning Committee**

08 March 2019

Agenda Item No.11

Summary:	This report sets out the delegated decisions made by officers on planning applications from 24 January 2019	to 24 February 2019
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
<b>Beccles Town Council -</b>				
<b>BA/2018/0457/FUL</b>	<b>Riverside Chalet Puddingmoor Beccles Suffolk</b>	<b>Mr Paul Pettengell</b>	<b>Replacement chalet</b>	<b>Approve Subject to Conditions</b>
<b>BA/2018/0506/APPCON</b>	<b>49 Northgate Beccles Suffolk NR34 9AU</b>	<b>Mr &amp; Mrs David White</b>	<b>Details of: Conditions 3: Roof and wall materials, 4: Joinery finish, 5: windows, balcony screen and junctions, 6: roof supports, 7: decking, terrace, balustrades, fences, front gate, fence, trellis and steps of permission BA/2018/0388/COND</b>	<b>Approve Subject to Conditions</b>
<b>Bradwell Parish Council</b>				
<b>BA/2018/0338/FUL &amp; BA/2018/0339/LBC</b>	<b>Bradwell Hall Bradwell Hall Farm Market Road Bradwell Norfolk NR31 9EF</b>	<b>Mr Kevin Claxton</b>	<b>Demolition of milking shed, erection of new building to form rehearsal studios and private car showroom &amp; change of use of farm utility building to storage facility.</b>	<b>Approve Subject to Conditions</b>
<b>Brundall Parish Council</b>				
<b>BA/2019/0012/NONMAT</b>	<b>21 Riverside Estate Brundall Norwich Norfolk NR13 5PU</b>	<b>Miss L Dent</b>	<b>Wall colour revised from blue to Georgian Grey, non-material amendment to BA/2014/0127/HOUSEH</b>	<b>Approve</b>
<b>BA/2018/0420/FUL</b>	<b>59 Riverside Estate Brundall Norwich Norfolk NR13 5PU</b>	<b>Mr Gary Fletcher</b>	<b>Replacement cabin</b>	<b>Approve Subject to Conditions</b>

Application	Site	Applicant	Proposal	Decision
<b>Carlton Colville Parish Council -</b>				
<b>BA/2019/0042/APPCON</b>	<b>Carlton Marshes Nature Reserve Lowestoft</b>	<b>Mr Matthew Gooch</b>	<b>Details of: Conditions 6: Skylark Nesting Plot Locations, 7: Written Scheme of Investigation for permission BA/2017/0404/FUL</b>	<b>Approve</b>
<b>Claxton Parish Council</b>				
<b>BA/2018/0439/FUL</b>	<b>Claxton Manor The Street Claxton NR14 7AS</b>	<b>Mr &amp; Mrs John Heathcote</b>	<b>Change of use from stables to farm manager's office, including the introduction of two new ground floor windows to the north gable and retention of the existing stable doors in the east and west elevations.</b>	<b>Approve Subject to Conditions</b>
<b>Dilham Parish Council</b>				
<b>BA/2018/0508/HOUSEH</b>	<b>8 The Street Dilham Norfolk NR28 9PS</b>	<b>Mr &amp; Mrs Crowther</b>	<b>Replace rear flat roof with pitched roof dormer, replace garage flat roof with duo-pitched roof</b>	<b>Refuse</b>
<b>Ditchingham Parish Council -</b>				
<b>BA/2018/0509/HOUSEH</b>	<b>18 Ditchingham Dam Ditchingham NR35 2JQ</b>	<b>Mr C Bailey</b>	<b>Single storey extension &amp; alterations</b>	<b>Approve Subject to Conditions</b>
<b>Geldeston Parish Council -</b>				
<b>BA/2018/0198/FUL</b>	<b>Three Rivers Camp Site Station Road Geldeston NR34 0HS</b>	<b>Mr James Bromley</b>	<b>Provision of 12 caravan pitches with electric hook up points and bin stores</b>	<b>Approve Subject to Conditions</b>
<b>Hickling Parish Council -</b>				
<b>BA/2018/0329/FUL</b>	<b>Pleasure Boat Inn Staithe Road Hickling Norfolk NR12 0YW</b>	<b>Mr John Uff</b>	<b>Conversion and associated alterations to the roof space over the Public House dining area to create 1.no holiday let including balconies to the north and east elevation; and the extension to the public house in the form of a ground floor cold store and freezer.</b>	<b>Refuse</b>

Application	Site	Applicant	Proposal	Decision
Horning Parish Council -				
BA/2018/0475/FUL	River Ant Downstream Of Ludham Bridge	Environment Agency	Rollback of a 35m length of flood bank with timber piling retained. Installation of 51.5m of steel piling in front of existing piling which is in poor condition.	Approve Subject to Conditions
Horsey Parish Council				
BA/2018/0487/FUL	The National Trust Horsey Mill Somerton Road Horsey Norfolk NR29 4EE	Mr Paul Coleman	Installation of anemometer to gable of toilet building	Approve Subject to Conditions
BA/2018/0488/LBC				
Kirby Bedon Parish Council -				
BA/2018/0394/FUL	Ferry Crossing Bungalow Lane Thorpe St Andrew Norwich NR7 0SH	Mr Stephen Ellingham	North bank landing stage to create access for ferry route between north and south banks of the River Yare	Approve Subject to Conditions
Langley With Hardley PC				
BA/2018/0478/FUL	River Chet Downstream Of Confluence With River Yare Off Ferry Road	Environment Agency	Removal of a 37m linear length of failed sheet piling (retrospective).	Approve
BA/2018/0511/FUL	Land At Church Farm Lower Hardley Road Hardley Norfolk	Mr Dennis Tabor	Demolition of nissen hut. Erect steel clad building on adjacent part of site.	Approve Subject to Conditions
Mautby Parish Council				
BA/2018/0523/NONMAT	Mill View Meadow Chapel Road Runham Mautby Norfolk	Mr D Watts	Add 1m wide access paths to four pods (pedestrian access). Non-material amendment to BA/2018/0152/FUL	Approve

Application	Site	Applicant	Proposal	Decision
<b>Mettingham Parish Council -</b>				
<b>BA/2018/0502/COND</b>	<b>Valley House Low Road Mettingham Suffolk NR35 1TS</b>	<b>Mr &amp; Mrs Lay</b>	<b>Change to requirements of bat survey, variation of condition 13 of permission BA/2015/0426/FUL.</b>	<b>Approve Subject to Conditions</b>
<b>Oulton Broad Parish Council -</b>				
<b>BA/2018/0297/FUL</b>	<b>Plot 20 Boathouse Lane Lowestoft Suffolk NR32 3PP</b>	<b>Mr Bryan Godfrey</b>	<b>Erect portable garden chalet</b>	<b>Approve Subject to Conditions</b>
<b>BA/2018/0518/COND</b>	<b>Kessett Broadview Road Lowestoft Suffolk NR32 3PL</b>	<b>Mr Robert Catchpole</b>	<b>Change of materials, variation of condition 2 of permission BA/2017/0178/HOUSEH</b>	<b>Approve Subject to Conditions</b>
<b>Stalham Town Council</b>				
<b>BA/2018/0485/FUL</b>	<b>Wayford Bridge Inn Wayford Road Wayford Bridge Norfolk NR12 9LL</b>	<b>Aura Inns Ltd</b>	<b>Partial demolition and rebuild of employee staff living accommodation including dual pitched roof</b>	<b>Approve Subject to Conditions</b>
<b>BA/2018/0460/FUL</b>	<b>Wayford Marina Wayford Road Wayford Bridge Norfolk NR12 9LL</b>	<b>Wayford Marine Ltd</b>	<b>Erect 5 holiday lodges, enlarge boat wash facility.</b>	<b>Refuse</b>
<b>Thorpe St Andrew Town Council</b>				
<b>BA/2018/0467/HOUSEH</b>	<b>18 Bungalow Lane Thorpe St Andrew Norwich NR7 0SH</b>	<b>Mr &amp; Mrs D Savage</b>	<b>Proposed alterations and extensions</b>	<b>Approve Subject to Conditions</b>
<b>Woodbastwick Parish Council</b>				
<b>BA/2018/0365/FUL</b>	<b>Broadland Conservation Centre Broad Road Ranworth Norwich NR13 6HS</b>	<b>Mr Kevin Hart</b>	<b>Bio-manipulation scheme comprised of the installation of 3 stretches of fabric fish barriers (green RAL6005 colour) in the broad. The barriers are terminated in piling set into the bank.</b>	<b>Approve Subject to Conditions</b>

Application	Site	Applicant	Proposal	Decision
<b>BA/2018/0503/HOUSEH</b>	<b>The Old Vicarage Woodbastwick Road Ranworth Norwich NR13 6HT</b>	<b>Mr C Darley</b>	<b>Alterations to form home office and games room, including external alterations.</b>	<b>Approve Subject to Conditions</b>