

Planning Committee

AGENDA

9 January 2015

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 5 December 2014 (herewith) | 3 – 14 |
| 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: | |
| <ul style="list-style-type: none"> • BA/2014/0205/FUL St Olaves Marina, Beccles Road, St Olaves | 15 – 42 |
| <ul style="list-style-type: none"> • BA/2014/0347/FUL Compartment 25 13 Buttle Marshes, Off Blind Lane, Ludham | 43 – 49 |

9.	Enforcement of Planning Control: Enforcement Item for Consideration: Bathurst, Potter Heigham Report by Planning Officer (Compliance and Implementation) (herewith)	Page 50 – 53
10.	Oulton Neighbourhood Plan: Designating Oulton as a Neighbourhood Area Report by Planning Policy Officer (herewith)	54 – 58
11.	Consultation Documents Update and Proposed Responses Report by Planning Policy Officer (herewith)	59 – 64

MATTERS FOR INFORMATION

12.	Enforcement Update Report by Head of Development Management (herewith)	65 – 68
13.	Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	69 – 71
14.	To note the date of the next meeting – Friday 6 February 2015 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority
Planning Committee

Minutes of the meeting held on 5 December 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr G W Jermany
Miss S Blane	Mrs L Hemsall
Mrs J Brociek-Coulton	Dr J S Johnson
Prof J Burgess	Mr P Ollier
Mr N Dixon	Mr P Warner
Mr C Gould	

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Assistant
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning
Ms C Whitaker – Trainee Solicitor with NPLaw as observer

Members of the Public in attendance who spoke:

BA/2014/00336/HOUSEH Landfall, 8 Anchor Street, Coltishall

Mr Peter Cobb/Jonathan Burton	Applicant and Agent
Mr Michael Lane	On behalf of Objectors Mr and Mrs Smith (neighbour)
Mr Alan Mallett	District Ward Member.

BA/2014/0369/COND Silver Dawn, Woodlands, Horning

Mr Nick Barrett	Applicant
Mr Nick Murrells	Objector – resident of Broadhaven
Mrs Barbara McGoun	District Ward Member

6/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public including Catherine Whitaker– trainee Solicitor, Nplaw, as an observer.

Apologies were received from: Mr R Stevens and Mr J Timewell

6/2 Declarations of Interest

Members indicated that they had no declarations of pecuniary interests other than those already registered.

6/3 Minutes: 7 November 2014

The minutes of the meeting held on 7 November 2014 were agreed as a correct record and signed by the Chairman.

6/4 Points of Information Arising from the Minutes

Minute 5/11 Salhouse Neighbourhood Plan Designating Salhouse as a Neighbourhood Area

The Chairman reported that following consideration of the objection to the boundary by the Parish Council and Broadland District Council it had been agreed that the whole of the Salhouse Parish be designated as a Neighbourhood area with the boundary as originally proposed.

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

(1) Dates for Members to note: BA Planning Policy – Shaping the Broads Local Plan – 5 December 2014

The Chairman reminded members that there would be a workshop for all members of the Authority following this Planning Committee meeting to provide an understanding of Planning Policy and to give them the opportunity to help formulate and contribute to the first stages of the Broads Local Plan.

(2) Public Speaking and Openness of Local Government Regulations

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers. The Chairman also asked if any member of the public intended to record or film the proceedings and if so whether there was any

member of public who did not wish to be filmed. A member of the public indicated that he would be recording one particular item but there would not be any filming.

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

A request for application BA/2014/0307/COND Silver Dawn Woodlands Way, Horning to be deferred for a site visit had been received from solicitors acting on behalf of the neighbour objecting to the application. This would be taken into account when the Committee came to consider the application at Agenda Item 6/8(2).

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/2014/0336/HOUSEH Landfall, 8 Anchor Street, Coltishall**
Resubmission of BA/2013/0313/FUL to remove existing conservatory and provide first floor extension / side extension
Applicant: Mr P Cobb

The Planning Assistant referred to Minute 5/8(2) and in accordance with that decision members had had the opportunity of visiting the site of the application on 28 November 2014, a note of which had been circulated. In addition, the Parish Council and District Council Member had been re-consulted and representatives had also attended the site visit.

The Planning Assistant provided a very detailed presentation of the proposal for the removal of the existing conservatory and replacement with a first floor extension and side extension to form a cross-wing arrangement. She provided photographs from various vantage points to illustrate the context of the site, the proximity to the existing neighbour dwellings including the Grade II Listed Buildings and Curtilage Listed Building of the Old Maltings, which had originally been part of the Maltings and referred to the extant planning permission granted in 1989 for extensions to the latter. She drew attention to the copper beech tree within the roadside curtilage of the application site as well as the cypress tree in the riverside curtilage, explaining that Conservation Area consent had been given to remove the leylandii trees on the boundary as well as two more trees from the site. The leylandii hedge had been removed but the large cypress tree had not.

Although the applicant had indicated he did not wish to remove it, this could not be guaranteed since it had consent for removal and this could not be revoked as it was part of a wider consent which had been implemented. If planning permission was granted, it could be retained with a Section 106 Agreement or a TPO. However, given the tree species, the latter mechanism was not considered appropriate.

The Planning Assistant drew members' attention to the consultation responses received since the last meeting. The Broads Society had no objection; neither did the Parish Council subject to a landscaping scheme.

In providing the detailed assessment of the proposals, the Planning Assistant referred to the Light Assessment provided by the objectors. On this issue according to the Building Research Establishment Guidance, if the angle of light was above 25° this was considered to be sub-optimal and required assessing. The existing situation provided a 28° angle; the proposed building would reduce this angle to 26° and therefore it did not automatically follow that there would be loss of daylight. It was therefore considered that although the effect on amenity was a material consideration this would not, in the Planning Assistant's view be significant to justify refusal.

The Planning Assistant concluded that the principle of the proposal was acceptable, the design was an improvement on the original and more acceptable in terms of the Coltishall Conservation area and the Listed Buildings would remain dominant; the existing distance of the building with the boundary would be maintained and although there would be some obscuring of the public view of The Old Maltings this would not be significant. Although the objections were appreciated, and there would be some effect on the neighbour amenity, it was not considered that this would be so detrimental as to justify a refusal. The recommendation was for approval subject to conditions with the addition of a landscaping scheme including a tree protection plan since privacy could be compromised by the removal of the cypress tree.

Mr Michael Lane, Counsel - East Anglian Chambers on behalf of the objectors Mr and Mrs Smith of Old Maltings spoke to the summary he had provided for the Committee commenting that the application site was highly visible from the roadside and riverside within the important cultural asset of Coltishall and deserved a high degree of protection from inappropriate development. He considered that the proposals would result in a more conspicuous building using material very different to the properties on either side. He questioned the officer's assessment of the proposal particularly in relation to criteria (d) and (f) of Policy DP4 and considered the officer's conclusions regarding compliance with Policy DP5 were unsustainable. He considered that Policy CS5 should have been taken into account in the assessment but had been ignored and if it had been considered would militate against the application. In conclusion he commented that the Old Maltings

would suffer loss of amenity, particularly by way of both the overlooking and overshadowing. With reference to the Broads Society's consultation, he commented that the applicant was a member of one of its major sub-committees and therefore no reference should be made to the Society's comments.

Mr Burton on behalf of the applicant, Mr Cobb commented that Landfall was a 1960s property of little architectural value with limited attractive appeal or contribution to the riverside setting. The aim of the proposal was to create a dwelling which would do more justice to the area. In taking account of the objections, adjustments had been made in the preparation of the plans to minimise the impact on the Old Maltings and the applicant had negotiated with the planning officers throughout the process to make those adjustments. He drew attention to the view diagrams and referred to the diagrams provided by Lanpro on behalf of the objectors which he considered contained incorrect measurements. He commented that the existing trees on the application site blocked most of the views into the garden of the Old Maltings and that sitting on the proposed balcony would not have a significant effect. The gardens did not afford privacy since they were visible from the river and would be open to observation most days. He urged members to support the Planning Officer's recommendation.

Mr Mallett, the Local District Member commented that having now received all the relevant information, attended the site visit and seen the technical information his main concern was the balcony aspect of the proposal. Although he recognised that there were side walls to the balcony, he considered the balcony would afford an undesirable level of overlooking and impact on the amenity of the neighbour. In reference to the existing cypress tree, he commented that should this be removed there would be significantly greater overlooking of the Old Maltings and even with the imposition of a landscaping scheme this would take a considerable time to develop to afford acceptable screening.

In terms of the assessment, the Historic Environment Manager confirmed that in his view the proposed design was acceptable and the Policies CS5 and DP5 referred to by Mr Lane required to be assessed in line with the NPPF, the relevant paragraph being 132, since this superseded the development of these policies and was more stringent. The application had been assessed in line with the NPPF criteria. He was of the view that the proposal would not result in any demonstrable harm to the curtilage Listed Building or to the Conservation Area. There would be an impact but he was satisfied that the Listed Buildings would remain dominant from the roadside, and these together with the Old Maltings would remain dominant from the riverside. He therefore concluded that there would be no demonstrable harm to the heritage assets. Although the proposal would impact on the bungalow, it was considered that it would be in line with the other properties in the area,

would enhance the Conservation Area and he fully supported the recommendation.

The Chairman supported by a number of members commented that having visited the site and listened to all the comments, he was of the view that the proposed design, scale and materials of the extension would be an improvement in the Conservation Area as it would introduce a gable and improve the appearance of the property in the context of Anchor Street. In addition it was not considered that the copper beech tree would be adversely affected. The main concerns were that of neighbour amenity in particular the issues of the impact of light and privacy. With regard to light it was considered that there would be a slight improvement. In addition, when the conservatory, which had extant planning permission, was built, this would also have an effect on the light into the kitchen of the Old Maltings. The main cause of concern was that of privacy, not just of the impact on the conservatory not yet built but on the sitting area within the garden of the Old Maltings. Some of that impact was reduced by the Lawson Cypress. If this was removed there would need to be landscaping appropriate to the circumstances. In addition members were aware that the issue of privacy was compromised by the river traffic albeit transient in nature. It was considered that it would be very difficult to predict the use of the balcony and assess the impact. In conclusion, the Chairman proposed to accept the application subject to a landscaping scheme and the possibility of retaining the coniferous tree. The motion was seconded by Dr Johnson.

Some members took an opposing view about the design expressing uneasiness about the height, scale and massing of the proposal and the impact on the visual setting of the Maltings and Conservation Area seen from Anchor Street. On balance they were not convinced it was an acceptable form of development for the area or persuaded that Policy DP4 and DP5 had been properly assessed, commenting that it was also a matter of judgement and subjectivity. The privacy issue was of major concern and the views of the Local District Member were accepted.

In view of the concerns expressed by members relating to privacy and impact on amenity, the Applicant confirmed that he was prepared to enter into a Section 106 Agreement to retain the Lawson Cypress and for a condition relating to a Landscape scheme.

On being put to the vote, it was

RESOLVED by 9 votes to 3

that the application be approved subject to conditions as outlined within the report and an additional condition for a Landscaping Scheme and a Section 106 Agreement to retain the Lawson Cypress. The proposal is considered acceptable in accordance with Policies DP2, DP4, DP5 and

DP28 of the adopted Development Management Policies (2011), Policy CS1 of the adopted Core Strategy (2007) and the National Planning Policy Framework.

(2) **BA/2014/0307/COND Silver Dawn, Woodlands Way, Horning**

The Planning Assistant provided a detailed presentation of the proposal for the variation of a condition on application BA/2012/0056/FUL, which was granted planning permission for a replacement dwelling and new car port following a Committee site visit. The condition in question required precise details of external materials to be agreed prior to commencement and these were submitted and approved in July 2013. Unfortunately, the pre-weathered zinc roof covering installed this summer was found not to be in accordance with the agreed sample materials as it had been supplied by a different manufacturer. There was therefore a difference in colour and surface finish. The present application sought to regularise the situation and retain the roof material.

Since the report was written no further responses had been received but a letter from the Solicitor on behalf of the neighbour objector Mr Nick Murrells had been sent to all members requesting a deferral for a site visit in order for members to view first-hand the visual impact of the material being used.

The Planning Assistant showed photographs some of which had been provided by the objector between August and November 2014 to illustrate the reflection from the roofing material. In addition a small sample of the material approved and that which had been used were circulated.

In providing the assessment, the Planning Assistant commented that the retrospective nature and breach of condition was disappointing and regrettable, however, this together with how the material came to be used were not material considerations for determination. It was acknowledged that the material did provide a greater reflection and was more visible and also had an adverse effect on the amenity of the neighbouring occupiers. However, this depended on the time of day, the weather conditions and the season. It was also not possible to quantify how or when the material might change or weather. The use of pre-weathered zinc was acceptable and as such was in accordance with Policy DP4, DP28 and HOR4. Therefore on balance, it was not considered that this was unacceptable and the application was recommended for approval.

Mr Murrells, objector and resident of Broadhaven commented that the condition the Committee imposed was that the material should be dull, non-reflective and pre-weathered to mitigate any form of reflective glare. The material used was intolerable to himself and his family and impeded on the use and movement within his own home. He was able

to provide a large sample of the galvanised zinc sheet which had been approved and a sample of the material that had been installed on Silver Dawn. These were held under the lights to illustrate the impact of light on each. He emphasised that health and safety issues needed to be considered, especially given his personal circumstances of being wheelchair bound. He urged the Committee to ensure that the condition relating to the original roofing material agreed be upheld. Mr Murrells provided some supplementary information to the Committee members including photographs, and also a letter referring to the roofing materials and their differences from Metal Line, metal roof fabricators and installers.

Mr Barrett, the applicant commented that it was regrettable that the pre-weathered zinc used was not the same as that which had been agreed. He acknowledged that a mistake had been made. He was expecting to install a pre-weathered zinc and this is what had been delivered. He was not aware that it was significantly different until a large part of the roof had been installed. If he was to have the material treated in any way, this could affect the guarantee. With reference to some of the photographs provided he considered that some were misrepresentations. From the information from the manufacturer of the material he had used, he was of the understanding that the sheen on the material would dull down in time but he could not be sure when this would be. He confirmed he had not had sight of the letter provided by Mr Murrells nor had he been afforded the opportunity to address its contents and may wish to seek his own advice.

Mrs McGoun the Local District member spoke on behalf of Mr Murrells and his family emphasising that it was established beyond doubt that the roofing material installed was totally different from that which had been approved. As such it created tremendous problems and discomfort for Mr Murrells throughout the year. Given that officers had accepted that there was glare, she could not understand why the recommendation was for approval. She urged members not to accept the recommendation in the interests of Human Rights. If they wished to agree, the application should be deferred for a site visit on a sunny day.

In discussions, some members were inclined not to accept the current application on the basis of the impact on the neighbour. In addition the effect of the different materials was very different and it was also unclear as to the weathering properties and possible time taken to reduce the shine. Members were able to see the samples of the materials and they considered that this was very helpful. In response to the request from the objector's solicitor that the application should be deferred for a site visit, Members considered that this would not provide any additional information as they would only be able to gauge the impact in the weather conditions on that particular day and therefore this was rejected.

However, Members were mindful that the objector had provided evidence to support his case at a very late point in proceedings and therefore as the applicant had not had the opportunity to examine this or respond, it was considered that it would be inappropriate to determine the application at this stage. It was proposed that the application be deferred on this basis which would also enable the applicant to investigate ways in which the roof could be treated to reduce the glare if possible.

The motion was seconded and

RESOLVED by 10 votes with one against

- (i) that the application be deferred to enable the applicant to have sight of the letter circulated by the objectors concerning the materials used for the roof and to give him reasonable opportunity to consider and respond as well as investigate further the possibilities of reducing the impact and weathering properties of the “proposed” materials subject of the retrospective application.
- (ii) that a site visit was not necessary as it might not provide any additional information.

(3) **BA/2014/0407/FUL Pound End and Hoveton Marshes, Horning Road, Hoveton**

New vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, boardwalk and canoe slipway at Pound End; landing stage, boardwalk and viewing platform at Hoveton Great Broad; and temporary dewatering lagoon

Applicant: Natural England

The Planning Assistant provided a brief presentation of the recently submitted planning application from Natural England relating to the access arrangements to the Hoveton Great Broad as part of the lake restoration project, part of which was given planning approval (BA/2014/0248/FUL) subject to conditions in September 2014.

Due to the level of public interest in the lake restoration project and the desire to improve public access, it was proposed to undertake a site visit in order to provide members with a full understanding of the site. The scheduled site visit date was 30 January. However, in order to give officers sufficient time to provide any additional information prior to the Planning Committee meeting in February, it was proposed that this be held on 16 January 2015. Eight members indicated that they would be available.

RESOLVED

that Members undertake a site visit on Friday 16 January 2015 starting at 10.00am in order to provide a full understanding of the location and features of the application site and the details of the proposal prior to the application being considered by the Planning Committee in February 2015.

6/9 Enforcement of Planning control: Enforcement item for consideration: Staithe N' Willow, Horning

The Committee received a report concerning the erection of 2 metre high fencing without the benefit of the required planning approval and the felling of trees in a Conservation Area at Staithe N'Willow, Horning. Despite negotiations, visits and correspondence since November 2013, a site visit on 29 October 2014 showed no action had been taken to comply with any of the Authority's requests to either remove or reduce the height of the fencing or implement a planting scheme. Given the prominence of the property and its location within the Conservation Area, the height, design and material used in the construction of the fencing were considered important to the character of the vicinity, and what had been installed was inappropriate and contrary to Local Plan Policy. (DP28).

However, a site visit at the beginning of December revealed that work had now been carried out with some of the panels reduced and a hedge planted. It was apparent that the compromise solution negotiated with the landowner had been implemented and therefore compliance with that had been achieved. If members were satisfied with the compromise solution, enforcement action would not be necessary.

Members considered that the compromise solution was acceptable, provided the 2 metre high fence was removed by 31 October 2015, once the hedge was on the way to being established.

RESOLVED by 11 votes with 1 abstention

that the compromise solution to seek compliance was acceptable subject to the removal of the 2 metre high fence by 31 October 2015.

6/10 Heritage Asset Review Group – 7 November 2014

The Committee received the notes from the Heritage Asset Review Group meeting held on 7 November 2014.

RESOLVED

that the report be noted.

6/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. In particular the Head of Planning reported on the progress since the appeal decision in relation to Thorpe Island.

Planning Contravention Notices had been issued and responses had been received from some boat owners. In the meantime, a Section 73 application had been received from the landowner to vary 19 of the 20 of the Inspectors' appeal decision on the basis that the Inspector had gone beyond his powers and their imposition was unlawful. Officers' view was that the application hinged on the legality of the Inspector's decision and therefore should be a matter for challenge in the High Courts

The Authority also received notice of a legal challenge to the Inspector's decision which was received by the Authority on 2 December 2014. The deadline for such a challenge was 1 December 2014 and had been served in the Courts on 28 November 2014. Although this was between the landowner and the Inspector, the Authority was an interested party and had 21 days to acknowledge service.

There were other breaches on the site and how to proceed on these would be discussed between officers and legal advisers. Members noted that any costs incurred by the Authority could be unpredictable at this stage but members would be kept updated on progress.

With regards to the other breaches on the site, although individually they were considered relatively minor, cumulatively they had an impact on the amenity of other residents. Members considered that investigations should continue and the matters pursued. It was noted that the breaches in relation to moorings could be dealt with by Norwich City Council under adverse possession procedures.

RESOLVED

that the report be noted and officers continue to give regular updates.

6/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 27 October 2014 to 24 November 2014.

RESOLVED

that the report be noted.

6/13 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 30 September 2014. There were one or two discrepancies which were being investigated.

RESOLVED

that the report be noted.

6/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 9 January 2015 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 13.25pm

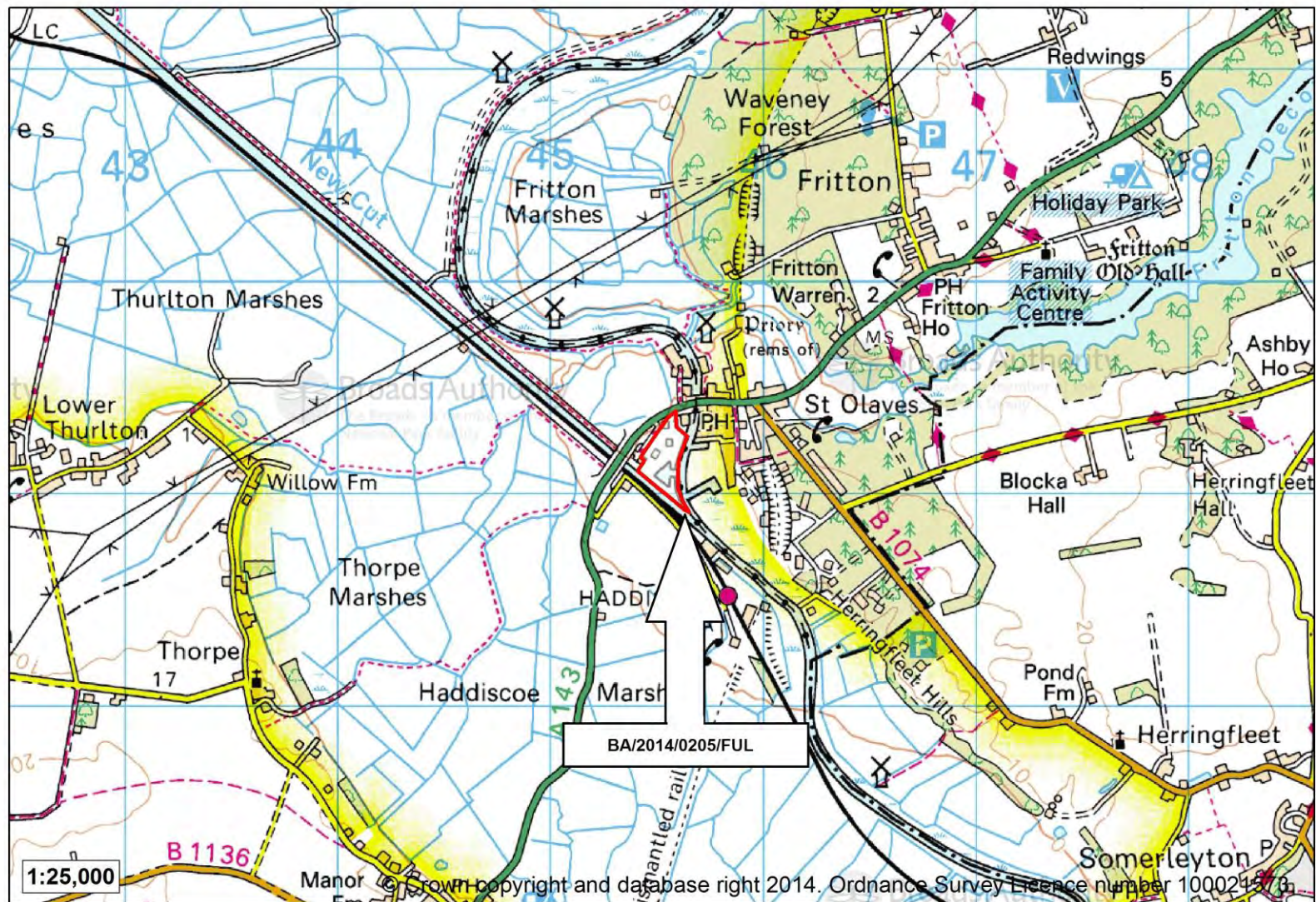
CHAIRMAN

Reference

BA/2014/0205/FUL

Location

St Olaves Marina, Beccles Road, St Olaves



Application for Determination

Parish Haddiscoe Parish Council

Reference: BA/2014/0205/FUL **Target date:** 26/08/2014

Location: St Olaves Marina, Beccles Road, St Olaves

Proposal: Proposed Mooring Pontoons along River Waveney frontage to St. Olaves Marina Ltd.

Applicant: Mr David Bromley

Reason for referral: Objections received

Recommendation: Refuse.

1 Background

- 1.1 In October 2014 the Planning Committee considered this application which proposes the creation of new moorings in the channel of the River Waveney, adjacent to the St Olaves Marina site.
- 1.2 The application seeks consent for the installation of 164m of floating pontoons and piled frontage. The application has been amended on a number of occasions, and the details of the various iterations are as follows:
- 1.3 Original application (version 1): 164m of floating pontoon including 16.4m of short stay visitor moorings at the southern end of the moorings. The scheme also proposed installation of timber deflectors in the river at either end of the pontoons. The originally submitted scheme did not propose any width restrictions along the length of proposed new moorings (though it should be noted that Navigation byelaws impose a 5.5m beam restriction on this part of the River Waveney. Also the introduction of 3 fishing platforms set over a 99m length of riverbank to the south of the proposed new mooring pontoon. This scheme was the subject of the October report to Planning Committee.
- 1.4 Amendment (version 2): 164m of floating pontoon including 16.4m of short stay visitor moorings. This amended version removed the proposed in-river deflectors at either end of the pontoon and proposed beam (width) restrictions for boats moored along the pontoons, with a maximum beam of 5.5m for the northernmost 56m of pontoon, and 4.5m for the remainder of the moorings. This amended proposal also included the installation of

three fishing platforms. This version was submitted after the preparation of the report to the October Committee and was presented as amendments to Committee.

- 1.5 Amendment (version 3): 116m of floating pontoon and installation of 48m of piled frontage to the south of the pontoon, including 22m of visitor/demasting moorings at the southern end of the piled frontage. This further amended scheme proposed beam restrictions along the pontoon with the 81m of moorings (comprising 26m of private, quay headed moorings and 55m of private pontoon mooring) being restricted to boats of up to 3.6m beam, and the remainder providing moorings for boats up to 4.5m beam. It is not clear whether or not the applicant proposes any width restriction on the 22m quay headed length of visitor/demasting mooring.
- 1.6 The report to the 10 October 2014 (which considered version 1) recommended approval, subject to conditions. Officer presentation to the same committee considered version 2, and also recommended approval subject to conditions. However, the Planning Committee resolved to defer determination of the application and requested that Officers sought clarification on the issue of mooring rights on the eastern side of the river and the discrepancies between the Authority's and the objectors' measurements of the river width. They also requested that the application was referred to Navigation Committee for comments on specific issues,.
- 1.7 Version 2 of the application was considered by Navigation Committee on 23 October 2014; an objection to the application was raised and full comments from the committee are summarised at section 4 of this report, with the full minutes available at Appendix 3
- 1.8 In response to the comments from the Navigation Committee the Authority's Senior Waterways and Recreation Officer submitted further, revised comments and raised an objection to the application on the grounds of impact on navigation. At the same time further representations on the latest amendments (ie version 2) were also received from a number of consultees (including the Norfolk and Suffolk Boating Association and the Broads Society) in which the consultee amended their original comments and raised objections to the proposal, principally on the grounds of navigation impacts. In addition, representations continued to be received from local residents objecting to the revised proposal.
- 1.9 Mindful of these objections to the revised proposal (i.e. version 2 considered by both the Planning and Navigation Committees) the applicant has submitted a further revised proposal, which is detailed above as Version 3. It is this proposal which the Planning Committee are now asked to determine. Version 3 has been the subject of further public consultation, with comments recorded below where received (see section 4 of this report).

2 Description of site and current proposal

- 2.1 The application site comprises the river bank and part of the River Waveney situated immediately to the east of St Olaves Marina.
- 2.2 St Olaves Marina is a large riverside marina site extending to an area in excess of 5ha. A full description of the site can be found at section 1 of the report taken to Planning Committee in October, a copy of which is attached at Appendix 1.
- 2.3 The current iteration of the proposal (version 3), seeks consent for the installation of 116m of floating pontoon moorings and, at the southern (upstream) end of this run of pontoons, the construction of 48m of piled river frontage. The application proposes that the southernmost 22m of this piled frontage would be dedicated as demasting moorings, with the remainder providing private moorings for boats up to 3.6m beam. The length of pontoon moorings would provide new private moorings, with the southernmost 55m being restricted to boats of up to 3.6m beam, and the remainder providing moorings for boats up to 4.5m beam.
- 2.4 The pontoons would measure 14.5m long and 2.6m wide and would be secured in the river by means of piles driven into the river bed. The applicant has indicated that the pontoons would be set at 1m out from the existing bank.
- 2.5 The proposed pontoons would be accessed via an articulated ramp located at the southern end of the proposed pontoons, with the ramp attached to a section of new timber staging secured to the existing river bank.
- 2.6 The applicant has provided no information regarding the design or specification of the proposed piling, but has indicated that the southernmost 22m of piling must be paid for and maintained by the Broads Authority as it is to be used for the provision of demasting moorings.

3 Site History

See Appendix 1

4 Consultation

- 4.1 The consultation responses below are the most recent comments submitted by the consultee at time of writing.
- 4.2 Comments have been submitted in response to consultation on the various iterations and for clarity, the version to which the comments relate is indicated in *italics* at the start of the comments. Where a party objected to the original and/or revised proposal(s) and has submitted no further comments the original objection is maintained unless specifically superseded by comments submitted by the same party at a later date.

District Member Cllr William Kemp – (*Version 1*) Object. This application will harm navigation and reduce access to the Broads for the casual user. It is damaging to ecology and the landscape. New moorings are not needed here so the hazards created and the harm caused outweighs the ‘benefits’ of the scheme. In any event it is contrary to policy DP16 and so I would ask you to reject this application.

Haddiscoe Parish Council - (*Version 3*) Object. The demasting moorings proposed are not needed, the pontoons proposed would be detrimental to the habitat and landscape of this watercourse, and the water deflectors proposed would harm the ecology of the area.

Fritton and St Olaves Parish Council – (*Version 3*). The proposal will result in unacceptable impacts on navigation; any positive decision would be questionable due to the Broads Authority’s publically stated aspiration to deliver a de-masting mooring in this location; the applicant has a duty not to adversely impact other riparian holders rights; the survey of river widths is suspect as it takes no account of variations in river height and width which occur with the tide.

Broads Society – (*Version 3*) Object. The Society maintains its original objection. It is noted that the Broads Society objected to Version 3, but not version 2.

Norfolk and Suffolk Boating Association – (*Version 3*) Object. The NSBA notes that in the proposal the applicant has sought to address the NSBA's concern about the impact of the scheme on navigational safety, but in doing so the revised proposal raises concerns about the landscape and about ecological impact. Quite apart from this the revised proposal has not adequately addressed the NSBA's concern that the scheme (as it had been amended) did not provide a demasting area close to St Olaves Bridge.

River Waveney Trust – (*Version 2*) The RWT would prefer that our comments on the original application are now withdrawn. In the light of the intense email campaign and the myriad of spurious secondary issues raised around vole habitats etc., we do not want to take sides and therefore believe we should neither support nor object. This seems to be a navigation issue and RWT is not too well qualified to comment on these.

Environment Agency – (*Version 3*). We are not raising an objection to the proposal however the introduction of piling is undesirable both morphologically (preference should be given to retaining the natural margin) and ecologically (in respect of habitat for water voles etc)

Navigation Committee – (*Version 2*) At their meeting on 23 October, the Navigation Committee unanimously recommended that the planning application should be refused as it would have a negative impact on navigation for the following reasons:

1. It restricted the extent of river width for navigation required for the safe turning and mooring of boats in established nearby mooring cuts and for their waiting alongside for tidal access in very strong tidal conditions
2. The proposed pontoons, extending beyond the dog-leg in the river, encroached into a narrower and more restricted part of the navigation that exacerbated these factors
3. The pontoons, by being set out from the bank and not set back by recess within it, further restricted the width of the navigation and hence its safety unnecessarily as further vegetation zones could be located there.
4. There were no significant mitigating factors that would provide any necessary or desirable improvements to the navigation that would in any way ameliorate these safety issues or compensate for them.

At their meeting on 11 December 2014, the Navigation Committee were apprised of the further amendments. They confirmed that they wished to maintain their previous objection, and that their advice and recommendation still stood.

Brandon Lewis MP (Member of Parliament for Great Yarmouth) – (Version 2)
Local people have explained to me that they are concerned that the proposal could present a significant impact on the safety and navigability of the River Waveney due to the width of the river and the pre-existing moorings on the other bank. I would appreciate it if the committee could ensure that they fully investigate the concerns of local people before considering to grant planning permission.

5 Representations

- 5.1 Representations from various residents of Fritton and St Olaves and owners of mooring and leisure plots reiterating previously made objections. Objections to the various iterations of the application centre around the impact on navigation, impact on ecology and impact on landscape. Concerns regarding impact on residential amenity have also been raised.

6 Assessment

- 6.1 This application seeks consent for the installation of 116m of new mooring pontoons on the western bank of the River Waveney and for the piling of a further 48m of river bank to provide private and demasting moorings. Applications for new moorings are assessed against policy DP16, which permits new moorings where they contribute to the network of facilities around the Broads system in terms of location and quality.
- 6.2 The policy asks decision makers to evaluate the contribution the moorings would make in terms of location and quality by assessing proposals for new moorings against a series of defined criteria 'a' to 'k'; an assessment which includes considerations of navigation impacts, access to local services, impact on landscape character and impact on the ecology of the area.

- 6.3 Considering these defined criteria, criterion 'a' requires that new moorings must be located where they would not have a negative impact on navigation, and cites examples of development situated in off-river basins or within boatyards.
- 6.4 The development proposed would be in the river and would necessarily result in a reduction in the amount of water available to other river users. The issue of navigation impacts has been raised by a considerable number of objectors to the development and forms the basis of the objections received from the NSBA, the Broads Society, two Parish Councils, the District Councillor and the Broads Authority's Navigation Committee.
- 6.5 In order to properly consider the impact on navigation there must be clarity as to the width of the existing channel of navigation, the width of the proposed channel of navigation and information regarding any lawful development which could further restrict this channel, such as moorings on the eastern bank.
- 6.6 Following concerns expressed by objectors to the application the applicant has commissioned a survey of river and provided accurate bank-to-bank measurements. This survey shows that the river is at its narrowest at the southern end of the application site (approximately 31.5m wide) and widest at the northern end (approximately 38m).
- 6.7 The survey was undertaken by a professional and independent surveyor and is identified as being accurate to 10mm. The survey broadly accords with the measurements as shown on the Broads Authority's Ordnance Survey mapping system and, consequently, it is considered that the measurements in the survey and on the mapping system can be considered to be a good representation of the width of the river measured bank to bank.
- 6.8 This notwithstanding, it must be noted that the effective width of the river will alter dependant on tide – with more water in the river at high tide resulting in a slightly wider channel, and a narrower water body at low tide. It is also the case that any boats moored along either side of the river edge would also have the effect of reducing the navigable width.
- 6.9 Considering the presence or otherwise of any existing restriction on river width along the length of the proposed new pontoons, objectors to the application have stated that land owners enjoy a right to moor boats along the eastern bank of the River Waveney and that this right, whether exercised or not, represents an existing obstruction which must be taken account of when considering whether or not the proposal would result in an unacceptable obstruction on the navigation.
- 6.10 It is the case that riparian landowners in the Broads do not enjoy an automatic right to permanently moor a boat along riverbank they own; the use of land for the provision of a private mooring (i.e. not temporary mooring required for the purposes of navigation) is development and would normally require planning consent for change of use of the land from riverbank to private mooring.

Consequently, if weight is to be given to claims that the river width is already restricted through the presence of moorings on the eastern bank of the Waveney opposite the application site, the lawfulness of these moorings must be established.

- 6.11 It is the case that land can be lawfully used as a mooring in one of three ways: use of the land for provision of moorings can be granted by planning consent; a right to moor along the riverbank can be expressed in the property's deeds; or a right to moor can be established over time through consistent use of the land as a mooring (which could, if properly evidenced, support an application for the granting of a Lawful Development Certificate for use of the land as a mooring).
- 6.12 In this instance officers can find no evidence of any planning consent being granted which permits the land on the eastern bank of the Waveney to be used as a mooring. The deeds to the properties in question have been searched through the Land Registry and no express or implied right to moor along the bank can be found in these deeds. In response to a request for information to support a claim that the bank has, through custom and practice over a number of years, established a lawful use as a mooring, two residents submitted information. This information has been considered by the Authority's Solicitor and, judged on the balance of probabilities, is not considered sufficient to evidence a claim that a lawful mooring use has been established though consistent use over a period of ten years or more (the requisite standard for the issuing of a Lawful Development Certificate).
- 6.13 Having regards to the above, it is concluded that there is no right to permanently moor a boat on the eastern bank of the River Waveney opposite the application site and, consequently, for the purposes of this application the existing navigable channel can be considered to be from bank to bank.
- 6.14 Turning to the width of this navigable channel, the proposed pontoons would be set 1m out from the edge of the bank and would measure 2.6m wide. This means an intrusion into the channel of 3.6m. The proposed length of 48m of quay heading would not intrude into the river channel.
- 6.15 The proposed maximum beam (width of boat) along the new moorings is 3.6m along the southernmost of the moorings (i.e. all of the quay headed area bar the demasting moorings and the southernmost 55m of pontoons) and 4.5m along the remaining 61m of pontoon at the northern end of the run.
- 6.16 This represents a maximum intrusion into the river channel of 7.2m along the southernmost run of pontoons, and 8.1m along the remainder. An officer sketch of the further revised proposal is included at Appendix 2.
- 6.17 Whilst there are no published standards regarding what constitutes an unacceptable impact upon navigation, Officers and Rangers have tended to use the maxim that no obstruction should occupy more than 25% of the navigable water space. In this instance, the further revised proposal would occupy less than 25% of the navigable water space along the length of the

proposed new moorings. Having regards to this it is not considered that the proposal offends the informal maxim of 25%.

- 6.18 In addition, it is material to note that the remaining river channel available for navigation would be not less than 27m wide; on a river where the maximum permitted beam is 5.5m it is not considered that this represents an unacceptable restriction of channel width.
- 6.19 In response to specific concerns from objectors to the application and concerns expressed by the Authority's Navigation Committee the applicant has proposed quay heading at the narrowest point of the river. This quay heading would mean that there is no pontoon to narrow the river corridor and that, consequently, any restriction would be limited to 3.6m. This would give a navigable river channel of approximately 28m in the area which lies opposite the mooring cuts on the eastern bank of the River Waveney (i.e. the opposite bank to the proposed new moorings) and it is considered that the additional width afforded by the specification of quay heading (as opposed to pontoons) does help to address the 'pinch point' at the southern end of the proposed new mooring. Notwithstanding the increased manoeuvring area required in order to navigate in and out of mooring cuts on the opposite bank, on balance it is considered that the further amendments to the proposal mean that it would not have a negative impact on the navigation sufficient to warrant a refusal of planning permission and, on balance, satisfies criterion 'a' of policy DP16.
- 6.20 Criterion 'b' of DP16 requires that new moorings should not have a detrimental impact on protected habitats or species nor have an adverse impact on landscape character.
- 6.21 In this instance the application proposes quay heading a 48m length of natural bank. The introduction of an engineered river edge in place of the existing reeded river edge would have a significant detrimental impact on the riparian habitat, resulting in the total loss of existing reed bed; effectively sterilising an environment which currently provides habitat for protected species such as water voles and nesting birds.
- 6.22 No compensatory habitat or mitigation is proposed as part of the application and, given the importance of this habitat in a riparian environment which, in the locality of the application site, is dominated by engineered bank treatments, it is considered that the further revised scheme proposed by this application would have a significant adverse impact on protected species and their habitats.
- 6.23 Accordingly, it is considered that the application fails to satisfy criterion 'b' of Policy DP16 due to impact on protected species and habitats; this is the first reason for refusal.
- 6.24 It is noted that in making the submission the applicant indicates that consent has already been granted for the installation of piling along this river frontage, citing the consent granted in 1997 (1997/0241). Whilst it is recognised that, if

this scheme did permit a low engineered edge along this frontage, this fact would be a material consideration in the determination of this application, it is the case that officers do not consider that the 1997 consent grants consent for quay heading along this bank. It is further noted that even if consent had been granted, the Authority is not bound by historic precedent and the current proposal must be assessed against current planning policies; considering these policies, it is concluded that the development proposed is contrary to the provisions of the development plan.

- 6.25 The second matter to be considered under criterion 'b' is the impact of the proposed development on the landscape of the Broads. The application site lies on a stretch of the River Waveney which is notable as a transition area, where the managed reed beds on the river banks upstream of the site give way to a landscape characterised by marine uses and a more suburbanised landscape, where bank edges are often quay headed and land use is given over to boatyards, mooring plots and gardens rather than natural reed bed.
- 6.26 In this context the natural reeded river bank along the eastern flank of the St Olaves Marina site provides a softer, natural edge to what is a large commercial site and, in doing so, helps to preserve some semblance of the natural waterside landscape character in an area where this character has been substantially eroded. Removal of a 48m stretch of this natural edge would be considered to have a significant detrimental impact on the landscape character of the area.
- 6.27 In addition, in terms of landscape sensitivity, a proposal to introduce quay heading at the southern end of the proposed run of pontoons is considered to be particularly inappropriate in landscape terms as the engineered edging would be located at the most visually sensitive end of the marina site.
- 6.28 The southern tip of the marina site is undeveloped and largely given over to reed bed, with this reeded area extending northwards along the eastern edge of the site, creating a natural bank along almost the whole length of the marina's river frontage. Whilst in some locations the quality of this reed bed has been greatly compromised through insensitive land raising, it nonetheless remains a largely natural and undeveloped visual (and ecological) buffer to the marina and boatyard site; this is particularly noticeable when approaching the site on river from the south (i.e. travelling downstream).
- 6.29 The current proposal would see a 48m length of this reed bed removed, creating a substantial break between the undeveloped southern tip of the site and the relatively thin strip of reeded edge to the north of the proposed quay heading. This significant visual break would erode the sense of a softer, more natural development which is created by the existing reed bed, especially when viewed from the river.
- 6.30 Having regards to the above, the development proposed by the further revised scheme is considered to have a significant adverse impact on the protected landscape of the Broads and the specific landscape character of the application site. Consequently, the application is considered to be contrary to

the provisions of criterion 'b' of policy DP16 regarding landscape; this is the second reason for refusal.

- 6.31 The final matter to consider is the requirement, set out at criterion 'h' of Policy DP16, for developments at commercial marinas to allocate not less than 10% (with a minimum provision of two) of all new moorings as visitor moorings.
- 6.32 In this instance the applicant has indicated that the first 20m of the proposed quay heading will be given over to the provision of a demasting mooring. The principle of substituting visitor moorings for demasting moorings is, in this instance, welcomed; both the Authority's Senior Waterways and Recreation Officer, the NSBA and the Navigation Committee have referenced the need for demasting moorings at St Olaves when commenting on this application, and the substitution of demasting mooring provision for visitor moorings to address an identified navigation need is not considered to offend the principle of criterion 'h' of Policy DP16.
- 6.33 However, whilst the further revised scheme appears to satisfy the principle of criterion 'h' (notwithstanding the objections on grounds of landscape and ecology to the introduction of an engineered edge, detailed above), the specific details of the proposal by the applicant do not satisfy the requirements of criterion 'h'.
- 6.34 In this instance the applicant proposes a 20m length of quay heading to provide the demasting mooring in lieu of dedicating 10% of the new moorings as visitor or demasting moorings as is required by DP16. However, the applicant is not proposing to install or maintain this 20m length and indicates that this cost should be borne by the Broads Authority; so, in practice the applicant is actually proposing to give over a 20m length of bank to enable the Authority to construct a demasting mooring.
- 6.35 This proposal does not satisfy the provisions of criterion 'h' of Policy DP16; this is the third reason for refusal.

7 Conclusion

- 7.1 This application seeks consent for the creation of 164m of new in river moorings along the river frontage of the St Olaves Marina site. The scheme considered in this report is a further revised proposal in which the applicant has made amendments to the original and revised proposals in order to address concerns expressed regarding the impact on Navigation.
- 7.2 It is considered that these amendments – which propose narrower width restrictions for boats moored on the proposed new moorings and the specification of a 48m length of quay heading at the narrowest point of the river in lieu of pontoons – do help to address the principle concerns expressed by the Authority's Navigation Committee and Senior Waterways and Recreation Officer and that the further revised proposal would not have a negative impact on navigation sufficient to warrant a refusal of planning permission on these grounds.

- 7.3 It is the case, however, that in addressing concerns regarding navigation the applicant has proposed a solution – the introduction of quay heading – which has unacceptable impacts in terms of the ecology and landscape of the area. These adverse impacts are considered to be substantial and, as such, the proposal is not considered to satisfy the requirements of Policy DP16.
- 7.4 In addition, the proposal fails to provide the required visitor moorings, or, in lieu of visitor moorings, demasting moorings. It is noted that the applicant proposes to make land available to the Authority in order to install and maintain such a facility, however, this does not satisfy the requirements of criterion ‘h’ of Policy DP16.
- 7.5 For these reasons, summarised below, members of the Planning Committee are invited to refuse the application.

8 Reasons for Refusal

- (i) Through the introduction of an engineered river edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on protected species and protected habitats. As such the development is contrary to criterion ‘b’ of Policy DP16 of the adopted Broads DM DPD in respect of ecological impacts.
- (ii) Through the introduction of an engineered river edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on the landscape character of the protected landscape of the Broads. As such the development is contrary to criterion ‘b’ of Policy DP16 of the adopted Broads DM DPD in respect of landscape impacts.
- (iii) The application does not provide new visitor moorings or, in lieu of visitor moorings, demasting moorings, as required by criterion ‘h’ of Policy DP16. As such the development cannot be considered to accord with criterion ‘h’ of Policy DP16.

Background Papers: None

Author: Fergus Bootman
Date: 11 December 2014

Appendices: Appendix 1 – Report to Planning Committee October 2014
Appendix 2 – Officer sketch illustrating Further Revised Proposal
Appendix 3 – Minutes to Navigation Committee October 2014

Application for Determination

Parish	Haddiscoe Parish Council	
Reference:	BA/2014/0205/FUL	Target: 26/08/2014
Location:	St Olaves Marina, Beccles Road, St Olaves	
Proposal:	Proposed Mooring Pontoons along River Waveney frontage to St. Olaves Marina Ltd.	
Applicant:	Mr David Bromley	
Reason for referral:	Objections received	
Recommendation:	Approve with conditions.	

1 Description of site and proposals

- 1.1 St Olaves Marina is a large marina situated at the confluence of the River Waveney and the Haddiscoe New Cut, in the southern half of the Broads system. The marina comprises two basins extending to approximately 1.8ha, a boat sales area, washrooms building, reception and office building and extensive areas of hardstanding for car parking, boat storage and marine maintenance activities. In total the site covers an area of approximately 5ha and, whilst it does not appear that the total number of moorings offered by the site is restricted by planning, it is believed that the marina can accommodate in excess of 150 boats in the water, and has space for a considerable number more in dry storage on the land. There are currently no moorings along the River Waveney frontage of the site.
- 1.2 The marina site, broadly triangular in shape, is bounded on two sides by water and on the third by the A143, a busy 'A' class road which crosses the Haddiscoe New Cut via a substantial modern road bridge. The landscape to the north, south and west of the marina is characterised by expanses of flat grazing marsh, with small fields separated by drainage dykes in the traditional pattern of the Broads. The large road bridge (with a height above mean high water of just over 7m) is a very prominent feature in the landscape surrounding the marina.
- 1.3 To the east of the application site, across the River Waveney, the landscape is more developed and domestic in nature. A row of gardens, moorings and leisure plots face the marina across the river and to the

east of these the land rises up to meet a linear development of houses running on a north/south axis. These houses are largely orientated to take advantage of views of the river situated some 200m to the west.

- 1.4 The site is not subject of any site specific policies within the Broads Site Specifics DPD and lies entirely within Flood Zone 3b (functional flood plain).
- 1.5 This application seeks consent for the installation of 164m of floating pontoons along the River Waveney (eastern) frontage of the marina site and for the installation of three fishing platforms over a further 99m length of this frontage. The application has been revised following initial comment from Broads Authority officers and objections received, with the revisions reducing the proposed length of pontoons from 264m to 164m.
- 1.6 The pontoons would be standard units, similar to those used elsewhere in the marina. Each unit would measure 14.5m long and 2.6m wide and would be secured by a set of vertical steel poles driven into the river bed; these poles would ensure the pontoons remained in one location but, at the same time, can rise and fall with the tide. The decking of the pontoons can incorporate a number of finishes (galvanised mesh, timber planks, plastic planks etc) and no detail has been provided as to the proposed finish.
- 1.7 The pontoons would be set 1m off the existing bank edge and would be accessed via a ramp. The ramp would be articulated to allow for the ramp to respond to the height of the pontoon, which will vary according to the tide conditions. This ramp would be located at the southern end of the length of pontoons and on the land side would be mounted on a timber frame set at the foot of the river bank and extending upwards to provide a level access from the land to the inclined ramp. This is a similar approach to that used on the Broads Authority Dutch Tea Gardens Moorings which are located further up the River Waveney.
- 1.8 The application also proposes the installation of two timber deflectors to be installed at either end of the new run of pontoons. These deflectors will be set at an angle from the river bank and deflect any debris, crafts and (to some extent) water flow, away from the bank and moorings and into the main river channel. The applicant has indicated that these deflectors, together with the proposed pontoons, would aid natural reed bed regeneration on the bank behind the pontoons by protecting the bank from the worst effects of the strong tide in this part of the Waveney.
- 1.9 Other than indicative locations (showing three platforms set out at 33m intervals along the southern part of the River Waveney site frontage), no information has been submitted regarding the precise design or siting of the proposed fishing platforms.
- 1.10 The applicant has not provided any detail of the number of new moorings to be created by the proposal, however based on an industry average of

allowing 10m per mooring, it is considered that the proposal will create at least 16 new moorings, with the actual number being dependant on boat size. The moorings would be private moorings, as defined by policy DP16.

2 Site History

1992/1147 - Raise level of land up to existing flood wall – withdrawn.

1995/1004 - New pitched roof and fill in corner to provide storage space.

1996/0953 - Change of use of land adjoining marina to yacht sales with ancillary office use of former public house/restaurant building | St Olaves Marina Beccles Road St Olaves Great Yarmouth Norfolk Nr - Approved.

1997/0242 – Replacement of ten holiday chalets and conversion of two existing buildings to holiday units – approved.

1997/1032 – Modification of condition 4 of E97/0242/O to allow occupation of replacement chalets all year round – Approved.

1997/0241 - Extend mooring basin, access to New Cut, close existing access to R. Waveney, relocate yacht sales (96/0953), new flood walls, car park and building (office/showroom/manager's flat), retain gates – Approved.

2005/02638 – Erection of temporary workshop for a period of one year – approved (expired Jan 2007).

BA/2007/0072/FUL – Erection of 4 holiday units – refused.

BA/2007/0073/FUL – Erection of a manager's house – withdrawn.

BA/2008/0015/FUL – Erection of manager's house and garage – refused.

BA/2008/0016/FUL – Erection of 4 holiday units – refused.

3 Consultation

District Member – No response received.

Haddiscoe Parish Council – No response received.

Fritton and St Olaves Parish Council – Comments awaited.

Broads Society – No objections.

Norfolk and Suffolk Boating Association – Provided that there are appropriate conditions as to the width of the pontoons and the distance from the bank of their outer edges, the NSBA supports the proposed development.

River Waveney Trust – On behalf of the River Waveney Trust and as their Chair, I would support this application. Particularly interested and concerned to ensure the reed bed enhancement is both sustainable and effective.

Environment Agency – No response received.

4 Representations

- 4.1 22 letters of objection were received to the originally proposed scheme raising concerns regarding landscape impacts, amenity impacts, ecological impacts and impact on navigation.

25 letters of objection were received following re-consultation on the amended scheme. Concerns raised were the same as those expressed against the original application, with impact on the navigation being the principle concern of most objectors.

5 Policy

- 5.1 The following policies have been assessed for consistency with the NPPF and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is due to the content of the policy being largely Broads-specific and therefore not being reflected in the document. The policy below is not considered to conflict with the NPPF:

Adopted Broads Development Management DPD (2011)
[DEVELOPMENTPLANDOCUMENT](#)

DP16 – Moorings

- 5.2 Material Considerations
[NPPF](#)

6 Assessment

- 6.1 This application seeks consent for the installation of 164m of pontoons along the river frontage of an existing marina site, to be used for the provision of private moorings. It is estimated that this run would create approximately 16 new mooring berths.
- 6.2 Policy DP16 permits new moorings where the proposal would contribute to the network of facilities around the Broads system in terms of their location and quality, and subject to the satisfaction of certain defined criteria.
- 6.3 In this instance the application site is an existing marina which is readily accessible by river, road and rail (Haddiscoe Station lies across the road bridge, some 1.6km from the marina) and, having regards to this, it is considered that the proposed moorings would contribute to the network

of existing moorings within the Broads. In addition, there are no objections to the quality of the moorings proposed and, consequently, it is considered that the development is acceptable in principle and should be approved if the circumstances of the application satisfy the defined criteria 'a' to 'k' set out in policy DP16.

- 6.4 With reference to these criteria, in terms of the ability for the proposed new moorings to take advantage of existing infrastructure and the capability of this infrastructure to serve the proposed additional moorings, the marina is located a short walk from local services at St Olaves (criterion 'c'); has adequate provision for car parking, waste and sewage disposal (criterion 'i'); provides pump out facilities and gives access to an appropriate range of services and ancillary features, including toilet and shower block, lift out and marine repairs (criterion 'j').
- 6.5 Given the existing use of the site as a marina and associated marine services it is not considered that the proposal would prejudice the current or future use of adjoining land or buildings (criterion 'd') and, having regards to the distance to the nearest neighbouring residential properties (circa 60m) and mindful of the limited noise impacts associated with private moorings, it is not considered that the proposal would adversely affect the amenity of adjoining residents (criterion 'e').
- 6.6 Having regards to the above, the principle considerations in this application are considered to relate to impact on the navigation (criteria 'a' and 'f'), impact on the ecology of the Broads (criterion 'b') and impact on the protected landscape of the Broads (criterion 'b').
- 6.7 Considering first navigation impacts, this is an issue which features prominently in the letters of objection received to both the original and the revised application proposals, with concerns raised regarding the restriction of river width caused by the proposed pontoons, the potential for conflict between anglers using the proposed new platforms and river users and possible difficulties caused by river flow being deflected further into the main channel.
- 6.8 The principle concern raised relates to the navigation impacts associated with restricting the width of the river. There is a general principle (based on guidance within Broads Bylaw 60) within the navigation that intrusions into the river should not occupy in excess of one quarter of the channel, and concerns have been raised that the introduction of pontoons (plus the width of the boats moored alongside) would offend this principle, resulting in hazardous boat movements.
- 6.9 At present the river channel past the application site ranges from approximately 32m wide at its narrowest point to approximately 40m wide. The channel is narrowest at the southern end of the application site and widens as it heads north (upstream). The average width along the length of the proposed pontoons is 36m. The proposed pontoons would measure 2.6m wide and would be set at 1m from the bank. With regards to vessel

size, set of byelaws (Broads Authority Vessel Dimension Byelaws 1995) apply a series of beam (width) restrictions throughout the Broads system, and the maximum permitted vessel width on this part of the Waveney (excluding certain exceptional circumstances, for which provision is made on the Byelaw) is 5.5m.

- 6.9 Considering the above, if the widest possible boat (5.5m) was moored against the pontoons (3.6m) at the narrowest section of the river then the total width (9.1m) would exceed one quarter of the river's width and, as such would be considered unacceptable in terms of impact on the navigation. If the widest possible boat was moored on the widest part of the river (40m) it would still occupy less than one quarter of the channel.
- 6.10 Consequently, to ensure the proposal accords with the established custom and practice of moorings not exceeding one quarter of the channel width, it is considered necessary to restrict the maximum beam width along approximately 90m of the proposed 164m of new pontoons to 4.4m. This being the case, if the largest possible boat (4.4m) was moored against the pontoon (3.6m) in the narrowest part of the river (total width 32m) it would still be in accordance with the navigation bylaws. For the same reason, it is considered necessary to restrict the maximum beam to 5.5m for the remainder of the proposed new moorings. These restrictions can be secured by planning conditions and it is considered that the conditions would satisfy the six tests laid out at paragraph 206 of the NPPF. The applicant has been asked to submit a revised plan which illustrates the extent of these restrictions and which would form the basis of the conditions restricting beam widths along various lengths of the proposed pontoons.
- 6.11 It is noted that several of the objections to the application raise concerns regarding the impacts reducing the navigable channel width would have on accessing the mooring plots which front on to the river. Whilst it is recognised that a reduction in width would reduce the area of river available to manoeuvre within, it is considered that the remaining navigable width – some 26.9m based on an average river width of 36m, a maximum beam of 5.5m and the pontoons sitting 3.6m out from the bank – is sufficient to enable boats to access and egress the plots safely. It is also noted that the revised, much shorter, proposal would result in only a maximum of 5 mooring cuts being located immediately opposite the proposed new pontoons; this is significantly fewer than the original proposal which would have created some 264m of new moorings and potentially directly impacted on at least 12 mooring plots.
- 6.12 Mindful of the reduction in river width which would occur as a result of the proposed new moorings, and notwithstanding the beam width restriction on this part of the Waveney and the proposed restriction on beam width for the southern half of the proposed moorings, it is also considered necessary to prohibit by way of planning condition stern-on and double mooring along the entire length of the proposed moorings.

- 6.13 It is not considered that the introduction of three fishing platforms would have any significant impact on the safe navigation of the river. Whilst the concerns of the objectors regarding the potential for conflict between anglers and river users is noted, it is considered that the river in this location is sufficiently wide to accommodate these two sets of users without impeding the safety or functionality of the navigation. It is also noted that angling makes an important contribution to the Broads economy and is a potentially low cost way to enjoy the Broads. There are a large number of these angling platforms around the Broads system, often in locations where the river is significantly narrower than the Waveney as it passes the application site.
- 6.14 In considering impacts on navigation regard has been given to both the remaining available navigable width and the responses of the Authority's Senior Waterways and Recreation Officer and the Norfolk and Suffolk Boating Association, both of whom raised no objection to the proposal.
- 6.15 Finally, in determining the impacts of this proposal on navigation, it must be noted that under criterion 'h' of policy DP16 10% (with a minimum provision of two) of the new moorings created must be made available as short stay/visitor moorings. In this instance the applicant has indicated that these moorings – a length of 20m - can be situated at the northern end of the proposed new pontoons and, rather than act as a visitor mooring, can be used as demasting moorings. These demasting moorings, situated just upstream of the St Olaves road bridge, would provide valuable navigation infrastructure in a location which is well used and currently is without demasting moorings. The provision of demasting moorings in this strategically important location is considered to be of more benefit to navigation than the provision of short stay visitor moorings, particularly given that there are Broads Authority 24 hour visitor moorings situated downstream of the old road bridge at St Olaves. It is proposed that the provision of these demasting mooring be secured by planning condition.
- 6.16 Subject to the conditions detailed above, it is not considered that the proposal would have a negative impact on navigation and, consequently, accords with criterion 'a' of policy DP16.
- 6.17 With regards to impacts on the ecology of the Broads, the proposed pontoons would be set away from the existing, natural bank and as such, barring some limited disturbance during the period of construction, would have no adverse impacts on the ecology of the area. Whilst the mooring of boats and associated increase in activity on the river frontage would increase disturbance of the natural banks, by providing a physical barrier between the natural bank and the river channel the pontoons would provide a degree of protection to the bank edge from the scouring effects of the tide, which in this location is particularly strong. This protection would help in protecting the bank and retaining and improving the existing natural reeded bank.

- 6.18 In response to requests from officers the applicant has provided a methodology for the installation of the pontoons and has confirmed that, with the exception of the installation of the walkway from the bank to the pontoon, the existing reed bed habitat would remain undisturbed. The authority's Ecologist has considered this methodology and has confirmed that, subject to a condition requiring works are carried out in accordance with this method statement and another condition which requires vegetation management prior to the limited bank works (to ensure no protected species are present at the time of the works), there are no objections to the proposal.
- 6.19 Considering these impacts, the net effect of the proposal on the ecology of the area is considered to be neutral. Consequently, there are no objections to the application on the grounds of impact on the ecology of the Broads and the application is considered to satisfy the requirements of criteria 'b' of policy DP16 in respect of protected species.
- 6.20 The final area to consider is the impact of the proposal on the landscape of the Broads. When considering applications for development in the protected landscape of the Broads consideration must be given to landscape impacts as perceived from both the land and the water, as well as recognising the intrinsic landscape value of the area.
- 6.21 The St Olaves Marina site marks the start of a cluster of boatyards and marine related development on the western bank of the River Waveney which extends up to and beyond the old road bridge crossing – a length of just over 1km. This linear group of development represents a noticeable departure from the wide and open expanses of flat grazing marsh and reed bed which surrounds the group to the north, south and west, and is also distinct from the heavily wooded, rising land to the east.
- 6.22 Historically, this group of development started with a cluster of boatyard buildings around the old road bridge and, over time, these boatyards extended to the north, with the St Olaves Marina/boatyard and a few smaller buildings to the south. Over time the marina/boatyard has extended further north, with substantial areas of hardstanding (including gravelled areas) and a sizeable basin extension resulting in a development which now occupies all the space between the River Waveney and the A143 road.
- 6.23 This expansion of the boatyard/marina site, and its gradual shift towards marina rather than boatyard use, has resulted in an almost total erosion of the natural environment. Set against the backdrop of the elevated new road bridge, whether viewed from the road or the water the marina site appears as a significant intrusion on the character of this part of the Broads.
- 6.24 In this context, it is accepted that the application site is a location where on river moorings would not appear incongruous and a site where the creation of some new on-river moorings through the installation of

pontoons is considered to be acceptable in landscape terms.

- 6.25 However, it is also the case that the St Olaves Marina site is a location which already represents a significant – and largely detrimental – impact on the Broads landscape and in locations such as this within the protected landscape of the Broads, Policy DP2 makes it clear that new development should seek to retain any existing features of landscape significance, rather than further intensify those elements of the site which represent a landscape intrusion.
- 6.26 In this instance the undeveloped south-eastern and east facing banks of the site present a softer, natural edge to the river and help to balance the rather stark appearance of the marina. Despite significant land raising in this area, parts of this undeveloped portion of the site retain narrow pockets of Norfolk reed which help to assimilate this part of the marina site with the surrounding natural landscape, particularly when approaching the site from the south (i.e. travelling downstream). This natural and undeveloped ‘buffer’ at the southern tip and the natural bank along the east-facing frontage is, given the important landscape role it has in relating the marina site to the wider, natural landscape within which it sits, considered to be a feature of landscape importance.
- 6.27 It is because of the landscape impacts on this undeveloped, southern portion of the site that the original scheme was considered unacceptable in landscape terms and it is considered that the significantly reduced length now proposed (164m as opposed to 264m) satisfactorily addresses these concerns. The revised proposal retains the natural and largely undeveloped southern portion of the site and it is accepted that the protection the proposed pontoons would offer the reed bed along the north section of the site would, through promoting a healthy reed fringe to this part of the boat yard site, confers certain landscape benefits.
- 6.28 Consequently, the development is not considered to have an adverse impact on landscape character and to satisfy the requirements of criterion ‘b’ of policy DP16 in respect of landscape.
- 6.29 As an addendum to the above considerations of landscape impacts, it is noted that a number of representations made highlight the lack of landscaping on the wider St Olaves Marina site and express concern regarding the general appearance and landscape impacts of the marina and boatyard on the landscape. Whilst it is the case that boatyards (including moorings and areas for the standing of boats) form part of the riverside landscape of the Broads, it is also noted that many of the negative landscape impacts associated with such sites can be diminished through provision of an appropriate landscaping scheme. In the case of St Olaves Marina significant landscaping has been required in association with previous, historic, consents and it would appear that this landscaping has either failed or has not been carried out. This matter is not material to the determination of this application for new moorings, but is something which is being investigated further.

7 Conclusion

- 7.1 This application seeks consent for the installation of a length of 164m of pontoons along the River Waveney frontage of the St Olaves Marina site for the provision of private moorings.
- 7.2 The St Olaves Marina site is a large commercial marina and boatyard site which provides a number of facilities to boaters including, toilets, showers, pump out and marina repairs. It is considered an appropriate location for new moorings.
- 7.3 The proposal would reduce the navigable width of the river but, having regards to the remaining unobstructed channel width and the navigation benefits associated with the proposal (i.e. the provision of demasting moorings), it is not considered that the proposal would have a negative impact on navigation. Due to the location, extent and nature of the development it is not considered that the development would have any adverse impact on the landscape or ecology of the Broads.
- 7.4 Consequently, subject to conditions, it is considered that the development proposed accords with the requirements of policy DP16 and that there are no material consideration which would justify the refusal of this consent.

8 Recommendation

- 8.1 Approve subject to conditions:
1. Time limit
 2. In accordance with approved plans
 3. Works carried out in accordance with approved method statement
 4. All works must be carried out in accordance with the agreed Vegetation management plan
 5. Moorings identified on approved plan as 'demasting moorings' shall be retained as free to use demasting moorings and shall not be used as private moorings.
 6. Prior to commencement of any works hereby permitted precise details of design a location of fishing platforms shall be submitted to an approved in writing by the local planning authority
 7. Prior to commencement of works hereby permitted details of the materials to be used to finish the pontoons shall be submitted to an approved in writing by the local planning authority
 8. No vessel shall be moored stern on or double moored on the pontoons hereby permitted
 9. In accordance with the approved plan. no vessel with a beam width in excess of 4.4m shall be moored alongside the pontoons hereby permitted along the length marked X to XX on the

approved plan number XXXX, and no vessel with a beam width in excess of 5.5m shall be moored along the remaining length on pontoon subject of this consent.

8.2 Reason for Recommendation

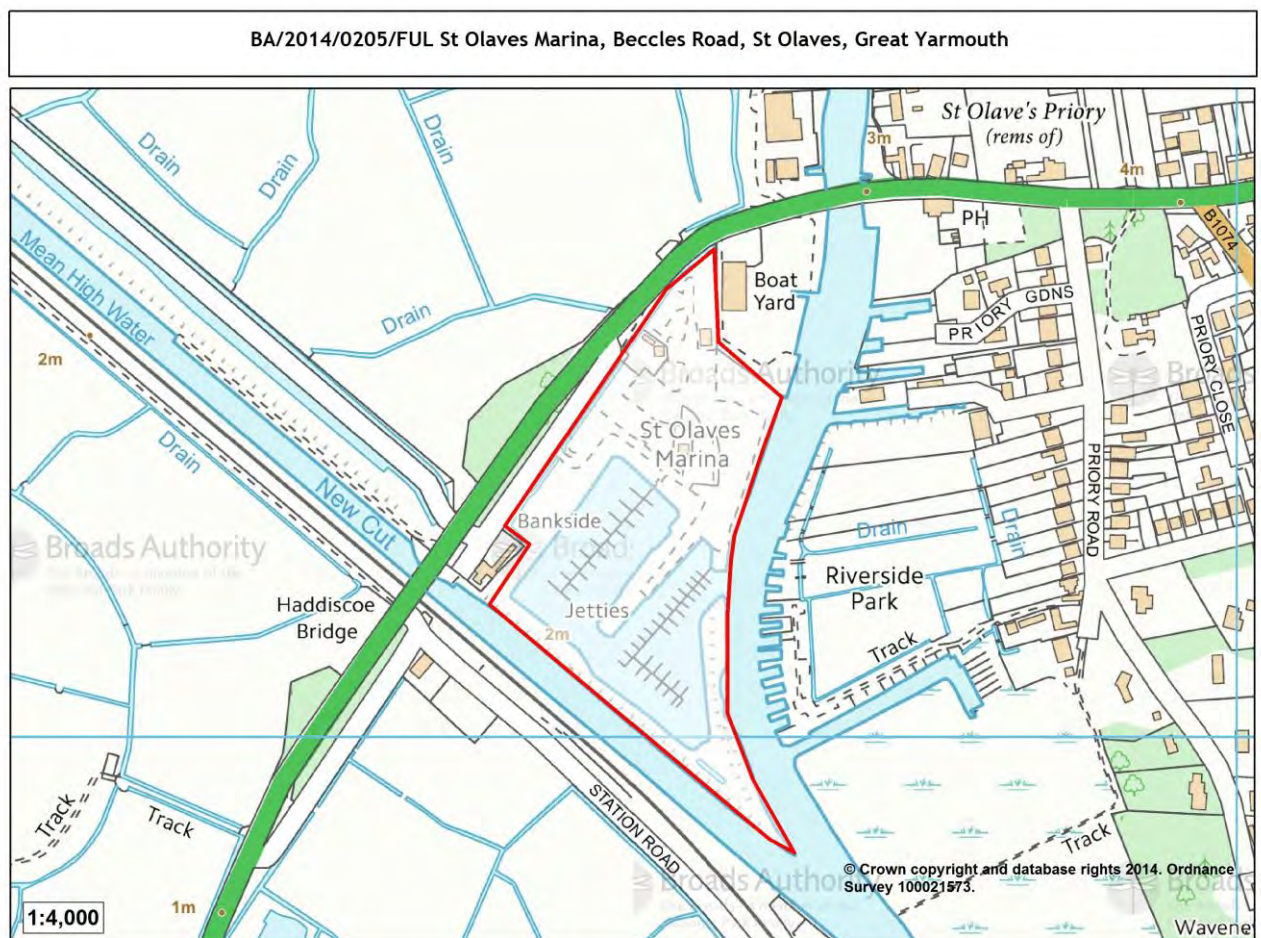
The application is considered to be in accordance with Adopted Broads Development Management DPD (2011) and consistent with the National Planning Policy Framework

Background Papers: Planning File BA/2014/0205/FUL

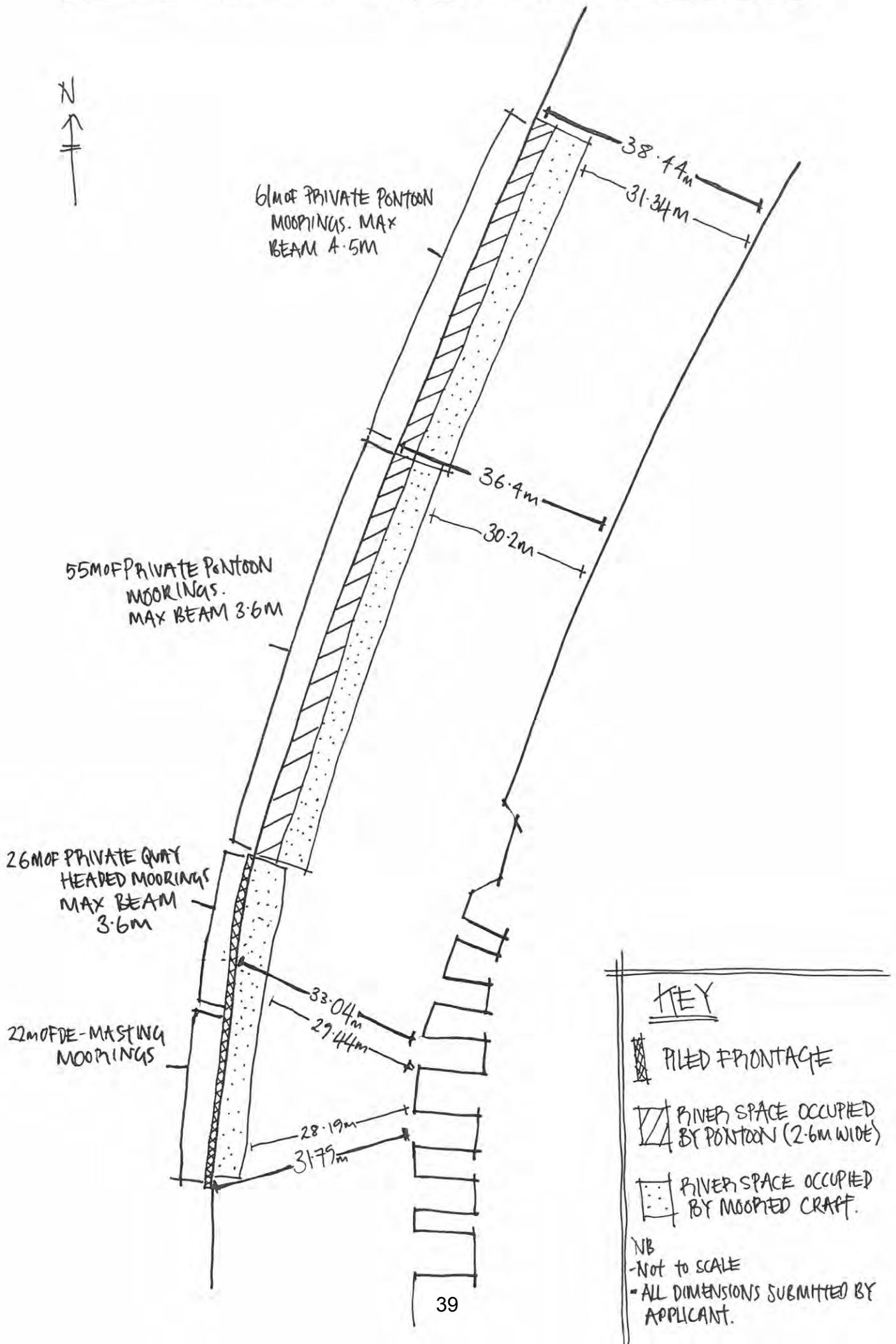
Author: Fergus Bootman
Date: 24/09/2014

Appendices: APPENDIX – Location Plan

APPENDIX



OFFICER SKETCH ILLUSTRATING FURTHER REVISED PROPOSAL



Extract from Navigation Committee Minutes – 23 October 2014

2/14 Planning Application with Navigation Implications: Proposed Mooring Pontoons along River Waveney Frontage to St Olaves Marina Ltd

This agenda item was addressed earlier after agenda item 2/6 Summary of Progress and before item 2/7 Mooring Strategy Review update.

The members received a report outlining the planning application for the installation of 164m of mooring pontoons and three angling platforms at St Olaves Marina, Haddiscoe, Great Yarmouth.

Members were informed that the moorings would be private moorings as defined by policy DP16 and that 10% of the new moorings created will be dedicated as short stay visitor moorings.

Two principle areas of concern were highlighted which were the width of the river and the right of mooring on the opposite site of the proposed planning application area.

As there was doubt about the accurate width of the river the applicant submitted a survey undertaken by an independent surveyor. This survey confirmed that the original bank to bank measurement sufficiently accurate, with a discrepancy of less than one meter.

The second concern was regarding the right to moor at the opposite bank. The members were informed there were three reasons which would allow right of moorings:

Firstly there is expressed planning permission and officers couldn't find any consent granted. Secondly is Right to Deed but land registration searches showed that there were no indications of a right to moor in the deeds being found. Finally there is Established Use. Officers searched historical images from 1945 to 2012 and have consulted the relevant Broads Authority Ranger but have found no proof of boats mooring at the site in question. Residents were asked to submit details of use by 5th November 2014 but nothing has been received so far and it was emphasised that any party knowing of such evidence should supply it by then.

The application was considered by members of the Planning Committee on 10 October and as the proposed pontoons will reduce the width of navigable channel at the River Waveney, there will potentially be an impact on the navigation. Members of the Planning Committee therefore highlighted three specific questions on which input from the Navigation Committee would be welcomed and would assist them in their determination of the application.

The questions the views of the members were sought on are the following:

1. To what extent would the proposed moorings contribute to the network of facilities within the Broads?
2. What comment does the Navigation Committee have regarding the location, quality and type of proposed moorings?
3. Would the moorings be located where they would not have a negative impact on navigation?

After the officer's presentation, the Chairman allowed a member of the public to make a brief response to the case presented, during which time the main points of contention were the supposed 'rights of Riparian Owners' to moor boats and the perceived inaccuracies in the assessment of river width at the site.

It was clarified that there are no absolute rights of moorings arising from Riparian ownership and that the survey had been an independent one and not undertaken by officers. There remained the issue of what part of the tidal range the measures were taken at and the member of the public still believed that it might be less at Spring Low Water.

Members decided that the proposed mooring would contribute very little to the Broads, especially as the application didn't include de-masting moorings and as it was also unclear whether additional mooring is necessary as it is too early for results from the Stakeholder Surveys to be available.

Members noted that the only mention of St Olaves in the Mooring Strategy referred to the provision of de-masting moorings.

Regarding the quality and design of the pontoons, the Committee recognised that they were of industry-standard quality and of a robust nature but the rise and fall of that tidal section would require a much longer and better access ramp than that shown in the application.

Members expressed concerns about the location of the proposed moorings being set off 1 meter from the bank and were advised that the applicant had stated that the reason for this was an ecological and not a financial one, in order to protect the reed beds.

Members remained concerned however that this design would be saving a considerable level of construction costs at the expense of river width for navigation.

The members also stressed their reservation about the application extending beyond the wider section towards the bend and towards the narrower section of the river, where increased tidal currents would make manoeuvres more difficult.

The Navigation Committee unanimously recommended that the planning application for installation of 164 m of mooring pontoons along the River Waveney should be refused as it would have a negative impact on navigation for the following reasons:

1. It restricted the extent of river width for navigation required for the safe turning and mooring of boats in established nearby mooring cuts and for their waiting alongside for tidal access in very strong tidal conditions
2. The proposed pontoons, extending beyond the dog-leg in the river, encroached into a narrower and more restricted part of the navigation that exacerbated these factors
3. The pontoons, by being set out from the bank and not set back by recess within it, further restricted the width of the navigation and hence its safety unnecessarily as further vegetation zones could be located there.
4. There were no significant mitigating factors that would provide any necessary or desirable improvements to the navigation that would in any way ameliorate these safety issues or compensate for them.

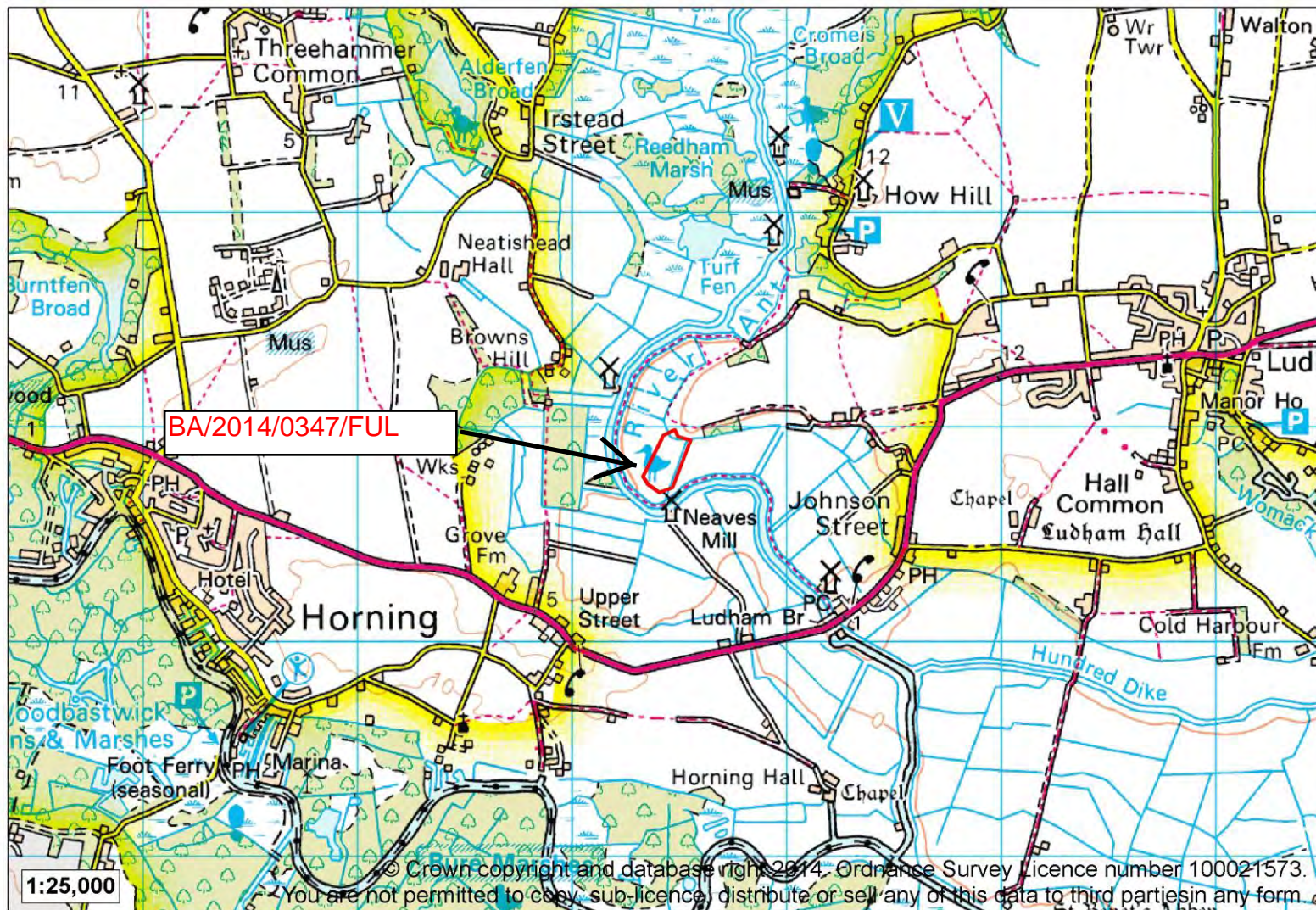
Reference

BA/2014/0347/FUL

Location

Compartment 25 13 Buttle Marshes, Off Blind Lane,
Ludham

BA/2014/0347/FUL Compartment 25 13 Butties Marshes, Off Blind Lane, Ludham



Application for Determination

Parish	Ludham Parish Council		
Reference	BA/2014/0347/FUL	Target date	13 January 2015
Location	Compartment 25 13, Buttles Marshes, Off Blind Lane, Ludham		
Proposal	To extend the existing Scrape by excavating some of the lower areas along two edges of the Compartment and to renovate an existing access track to the site.		
Applicant	Broads Authority		
Recommendation	Approve subject to Conditions		
Reason for referral to Committee	Broads Authority Development		

1 Description of Site and Proposals

- 1.1 The site covers an area of approximately 3.6ha and is situated on Buttles Marsh, which is land owned by the Broads Authority. Buttles Marsh is situated on the eastern side of the River Ant between Johnson Street and How Hill.
- 1.2 The site is a self-contained block of ex arable land, on which excavations have occurred in the past few years under the European 'LIFE' funded 'Bittern Two Project', to create fen and water habitats particularly suitable to encourage breeding Bitterns on the site, by providing better feeding areas.
- 1.3 In the ten years since the original scrape was created on this site as part of the Bittern Two Project, BESL have created the new flood bank and soke dyke in the vicinity of this site. This work has meant that the edge of the existing scrape had to be filled in to create the new bund between the soke dyke and the site of this scrape, so reducing the extent of the open water scrape. The proposal is for the excavation of the area around the current open water to extend the area of permanent open water suitable for fish breeding. The area surrounding the water would gradually rise up to the existing high ground. This would give an extended band of tall reed vegetation grading into wet mixed fen.
- 1.4 The scrape to be created will be u-shaped with the deeper excavations down to a depth of -0.75m to -1m, covering an area of 0.34ha, located at the southern end of the scrape, closest to the river. The north-eastern arms of the scrape will be excavated to a depth varying between -0.25m and -0.75m and

will cover an area of 1.09ha. The total volume of material to be excavated as a result of this development would be 2000m³. The excavated material would be used to raise the existing track that extends from Clint Street and Buttle Barn to the site by no more than 0.5m to fill in the deeply rutted stretches.

- 1.5 The machines and personnel necessary to carry out the works will access the site from the A1066 Wroxham to Potter Heigham road via Clint Street to Buttle Barn and then via the existing track to the site. Once on the site the machinery will not leave the site until the works are completed. The machinery to be used will be the Broads Authority's 360 JCB excavator and two tractors and tipping trailers.
- 1.6 The site is situated within Flood Risk Zones 2 and 3 on the Environment Agency's Flood Risk Maps.

2 Site History

- 2.1 None

3 Consultation

Broads Society – No comment

Ludham Parish Council - The Parish Council supports this application.

Environment Agency - We have no objection to the application.

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](#)

5.2 Core Strategy

[Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement
CS2 Nature Conservation
CS4 Creation of New Resources

5.3 Development Management Document DPD

[DEVELOPMENTPLANDOCUMENT](#)

DP1 Natural Environment
DP2 Landscape and Trees

DP29 Development on Sites with a High Probability of Flooding

- 5.4 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.

5.5 **Core Strategy**

CS20 Development within Flood Risk

6 **Assessment**

- 6.1 In terms of the assessment of this proposal the main issues to be considered include: the principle of the development; ecology; landscape; and floodrisk.
- 6.2 The site comprises of former arable marshland and is currently managed by the Broads Authority as a wildlife area. The proposed development is designed to enhance the wildlife and biodiversity value of this area by improving the existing scrape. The proposed development is therefore considered to be an appropriate use of this site. Policy CS1 of the Core Strategy states that proposals for changes in landuse/ management should ensure opportunities for positive impacts on the value and integrity of nature conservation interest are addressed. Policy DP1 of the Development Management Policies DPD states that, all development should maximise opportunities for restoration and enhancement of natural habitats. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment by providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity , including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 115 of the NPPF states that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks and the Broads. It is therefore considered that the principle of the proposed development is in accordance with relevant Development Plan policy and the relevant paragraphs of the NPPF.
- 6.3 In terms of the specific impact on ecology the objective of this proposal is to create an increased area of open water and to improve the fen habitats already present on the site by deepening and enlarging the existing scrape on this area. The enhancement of the existing scrape on this site will make it suitable for priority fen plants such as Lesser Water Parsnip, Broad-Leaved Pondweed and Reedmace and animal species typical of the Broads area such as Water Vole, fish and birds. It will particularly increase the suitability of the site for Bitterns. Open water is necessary to provide fish breeding areas, essential prey for Bittern. It is accepted that the enlarged and re-contoured scrape will result in an enhancement of the biodiversity and ecological value of this site. Furthermore the use of the excavated material to resurface the track to the site is not considered to

have any adverse ecological effect on the marshland. There is therefore no objection to this proposal in terms of any adverse effect on ecology but it is recommended that any consent that is granted is subject to Conditions which govern what time of year the work is carried out to ensure that there is no disturbance to nesting birds or Water Voles and Reptiles that may be present on the site. It is considered that this development is in accordance with Policy CS1 of the Core Strategy and Policy DP1 of the Development Management Policies DPD as well as the NPPF.

- 6.4 The site, although remote, will be visible from the public footpath that runs along the top of the floodbank, the other side of the new soke dyke, and in the distance from the footpath that runs along Blind Lane to the north. The application states that it is envisaged from previous operations that any bare ground following the works will be colonised within a few months. All the habitats present currently on the Compartment will continue to exist, there will be more open water and transitional fen habitats and the main areas of higher grassland will remain. The spreading of excavated material along the track would slightly raise the surface of the track. However it is envisaged that this material would quickly become vegetated and the track would remain as a grassy track. The visual landscape will therefore remain essentially unchanged, the main feature being a larger area of open water. It is therefore concluded that this scheme will not have a detrimental effect on the landscape of this area will therefore be in accordance with Policies CS1 and CS4 of the Core Strategy and Policy DP2 of the Development Management Policies DPD. It will also be in accordance with Paragraphs 109 and 115 of the NPPF which seek to protect and enhance valued landscapes particularly in National Parks and the Broads.
- 6.5 The site is situated within Flood Risk Zones 2 and 3 of the Environment Agency's Flood Risk Zone Maps. However, this existing marsh area is defended from flooding from the River Ant by the new flood bank installed in the last 10 years by BESL. Therefore this area of marshes does not normally act as a functioning flood plain. Adding excavated material along the access track would raise the land level within the drained area with an additional volume of 1,000m³. The application states that there will be no significant increased flood risk to the surrounding or adjacent area because the River Ant flood defences will not be affected by the works; there will be no net change to the IDB pumping system; and in the extreme event of overtopping of the River Ant there would be a very minor increase in flood level calculated to be 1.28mm. The Environment Agency have no objection to the proposal. It is therefore concluded that this proposal is in full accordance with Policy CS 20 of the Core Strategy, Policy DP29 of the Development Management Policies DPD and Part 10 of the NPPF.

7 Conclusion

- 7.1 It is concluded that this scheme is designed to enhance the ecological and biodiversity value of this area in line with the wider Broads Authority land management and conservation objectives. The adverse effects of the proposed works in terms of any effect on the landscape of the area or

floodrisk are considered to be insignificant. The proposal is therefore considered to be in full accordance with the relevant Core Strategy and Development Management Policies DPD Policies and also with the relevant sections of the NPPF.

8 Recommendation

8.1 It is recommended that this application be granted consent subject to the following Conditions:

1. Standard time limit
2. In accordance with the approved plans
3. Timing for the works outside the bird breeding/nesting season
4. Mowing of the vegetation in the areas to affected by the proposal, including the scrape and trackway should be undertaken in the autumn months. Cut material should be moved away from the area of work

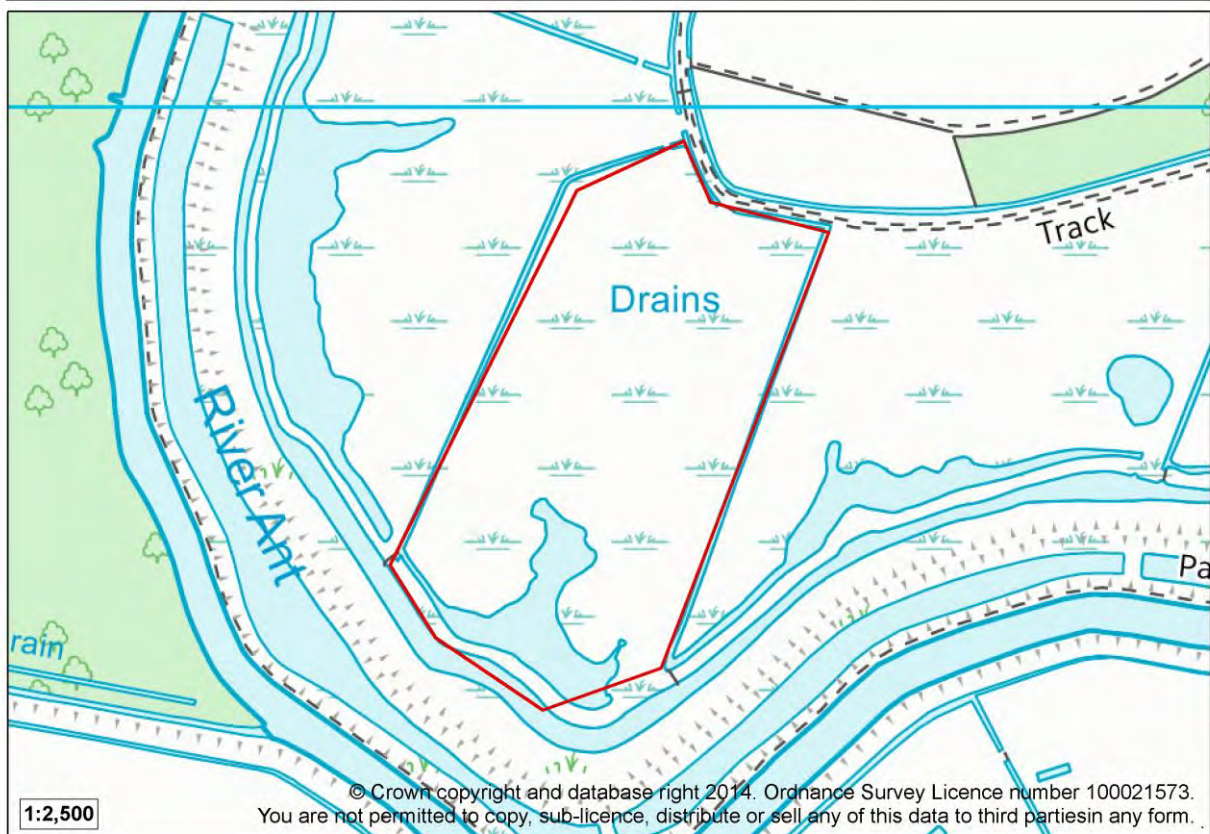
Background papers: Application File BA/2014/0347/FUL

Author: Alison Macnab
Date of Report: 11 December 2014

List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2014/0347/FUL Compartment 25 13 Buttles Marshes, Off Blind Lane, Ludham



Enforcement of Planning Control
Enforcement Item for Consideration: Bathurst, Potter Heigham
Report by Planning Officer (Compliance and Implementation)

- Summary:** This report concerns the unauthorised installation of decking at a riverside property in Potter Heigham
- Recommendation:** That authorisation is granted for any necessary enforcement action to secure the removal of the decking and the restoration of the site to its condition prior to the installation of the decking
- Location:** 'Bathurst' PH51North East Riverbank, Potter Heigham

1 Background

- 1.1 On 22 July 2014 the Authority was made aware that an area of new decking had been installed at the riverside property 'Bathurst' PH51North East Riverbank, Potter Heigham.
- 1.2 A site visit was made on 31 July 2014. This showed that extensive decking had been installed forward of the property up to the riverbank which could not be considered as permitted development under the General Permitted Development Order (GPDO) and therefore required planning approval.
- 1.3 On 1 August 2014 a letter was sent to the property owner advising that planning approval was required and that a retrospective application for the decking in its current form was unlikely to be successful due to its extent and location and the effect on the character of the riverbank.
- 1.4 On 10 August 2014 a letter was received from the owner disputing the need for planning approval and asserting that the decking was permissible under the GPDO.
- 1.5 On 22 August 2014 a letter was sent by the Authority clarifying why the decking was not allowable under the GDPO and why retrospective planning was unlikely to be approved.
- 1.6 A further letter was received from the property owner on 28 August 2014 explaining that his partner was a wheelchair user and the decking was required in order for her to access the property's garden and safely board their boat. In his letter the owner continued to maintain his view that planning approval was not required for the decking. The owner also advised that the

matter was now to be dealt with by the River Thurne Tenants Association (RTTA).

- 1.7 On 26 September 2014 a letter of introduction was received from the RTTA. This letter set out the reasons why the RTTA also considered the installation of the decking to be Permitted Development (PD) and therefore did not require planning approval.
- 1.8 The Authority wrote in response to RTTA on the 9 October 2014 setting out why it considered the decking not to be PD and therefore required planning approval and why it was unlikely to gain planning approval in its current form.
- 1.9 The RTTA wrote to the Authority again on 13 October 2014 questioning the Authority's interpretation of the GDPO.
- 1.10 On 30 October 2014 a further letter was sent to RTTA clarifying why the Authority considered the decking required planning approval and why it was unlikely to gain approval in its current form. In this letter the owner was given 30 days to submit a valid planning application for the decking in a modified form or remove the decking or face more formal enforcement action. As of 11 December 2014 the decking remained in situ

2 Description of Site and Development

- 2.1 Potter Heigham is one of the larger Broadland villages being located on a busy reach of the River Thurne. The village with its medieval bridge is an important focus for boating, shopping and visitors to the Broads.
- 2.2 Bathurst is located in a prominent position on the River Thurne adjacent to the Potter Heigham by-pass bridge.
- 2.3 The decking is of a wooden construction and fills the entire area between the front of the chalet and the riverbank. It is considered that the extent and location of the decking is out of character with the surroundings and is unlikely to gain retrospective planning permission

3 The Planning Breach

- 3.1 The GDPO allows householders to undertake small forms of development such as the installation of decking without the need to gain full planning permission, but subject to certain criteria. One of the principle requirements is that development is not permitted forward of a wall forming the principle elevation of a dwelling house. For planning purposes the principle elevation of this property is considered to be the elevation that faces the river. In this instance the decking has been constructed between the front wall of the dwelling and the riverbank so is not PD.
- 3.2 The development is contrary to Policy POT2 of the Development Plan. It is the intention of this policy to restrict domestic development favouring the small scale and more open character of the riverside plots. The front lawns add

significantly to the character of the plots and when existing, reduce the visual impact of the fairly built up banks. It is therefore preferable to see as much open and green space on plots as possible. There is a general policy presumption against the extent of decking which has currently been installed and which effectively presents a fully decked frontage to the property

- 3.3 It is appreciated that these riverside plots often have an associated mooring facility. It is therefore not considered wholly uncharacteristic to have structures like decking by the water to create a safe at level access for boats. It has been suggested to the owner that he might like to submit an application for a reduced more acceptable scheme

4 Action Proposed

- 4.1 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the decking. It is proposed that a compliance period of three 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 action in respect of this breach of planning control

Background Papers: Broads Authority DC Enforcement Files: BA/2014/0034/UNAUP2

Author: Steve Sewell
Date of Report: 11 December 2014

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1



Oulton Neighbourhood Plan
Designating Oulton as a Neighbourhood Area
Report by Planning Policy Officer

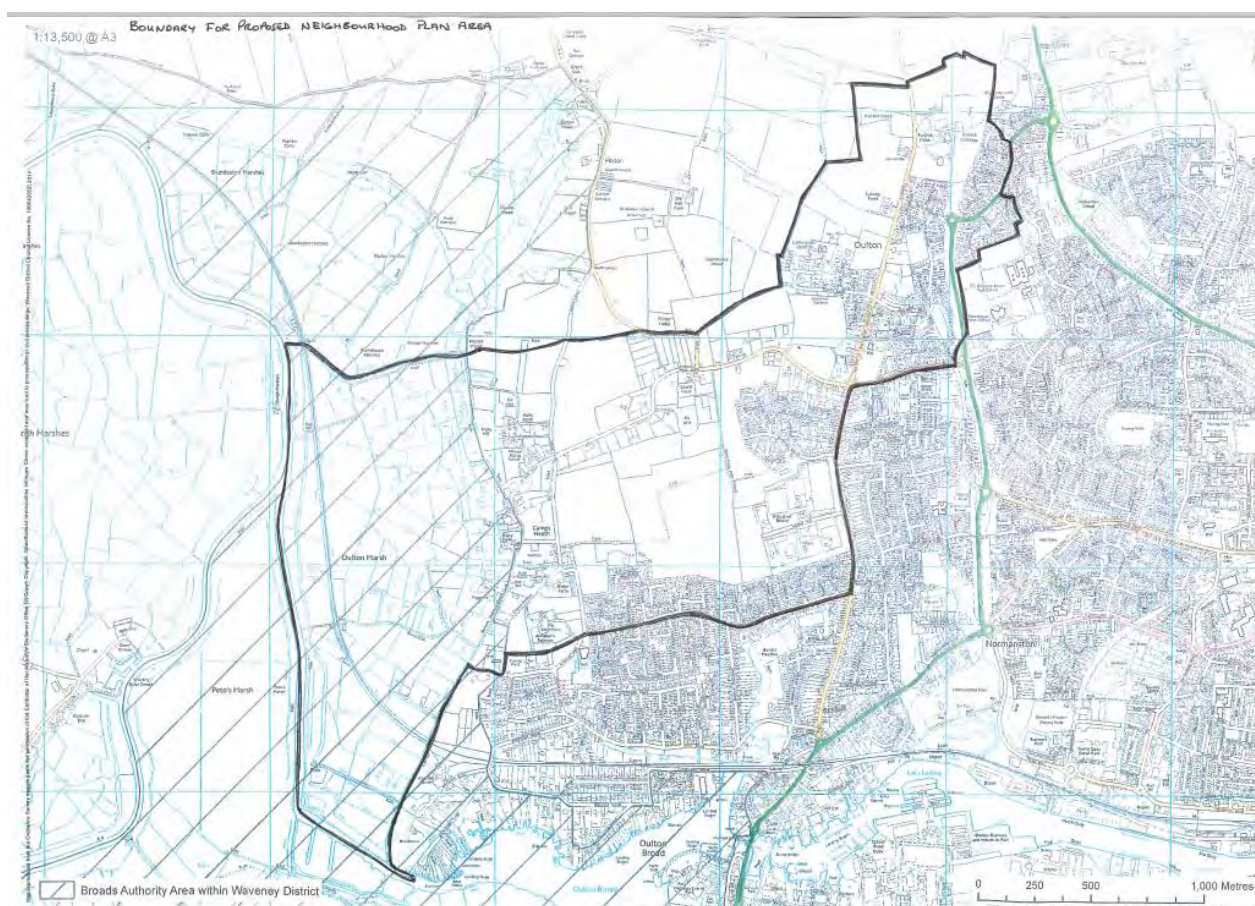
Summary:	The report briefly summarises the comments received during the six week consultation period on Oulton becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.
Recommendation:	That the Planning Committee notes the comments received and agree to designate Oulton as a Neighbourhood Area (subject to a verbal update in relation to the Parkhill Estate part inclusion).

1 Neighbourhood Planning

- 1.1 Neighbourhood planning was introduced through the Localism Act 2011. Neighbourhood planning legislation came into effect in April 2012 and gives communities the power to agree a Neighbourhood Development Plan, make a Neighbourhood Development Order and make a Community Right to Build Order.
- 1.2 A Neighbourhood Development Plan can establish general planning policies for the development and use of land in a neighbourhood, for example:
 - where new homes and offices should be built
 - what they should look like
- 1.3 Under the Neighbourhood Planning (General) Regulations 2012, parish or town councils within the Broads Authority's Executive area undertaking Neighbourhood Plans are required to apply to the Broads Authority and the relevant District Council to designate the Neighbourhood Area that their proposed plan will cover.
- 1.4 Once these nominations are received, there follows a six week period within which any member of the public may submit written comments to the Broads Authority and the relevant District Council regarding the proposed Neighbourhood Area, who will then consider the area, and the comments received, before approving or rejecting its designation. The designation of a Neighbourhood Area is therefore the first step in the process of preparing a Neighbourhood Plan.

2 Oulton Neighbourhood Area

- 2.1 The area that the parish council wishes to designate is made up of the civil parish of Oulton plus a small unparished area as the parish boundary cuts through properties on the new Parkhill Estate in the extreme north east of the parish. The proposed area includes some properties that are partly outside the parish boundary. The Broads Authority Executive Area has been added for reference.



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3 The Consultation and Responses Received

- 3.1 The consultation on the designation of Oulton as a Neighbourhood Area took place between Friday 17th October until Friday 28 November 2014.
- 3.2 The following comments were received.
- *Do you think the submitted area is suitable for a Neighbourhood Development Plan?*
Yes 67% No 33%
 - *Please tell us why not and suggest an alternative boundary:*

Organisation	Summary of Comment	Discussion
Resident	The infrastructure is not good, or big enough and the road system is not capable of coping with it.	At this stage it is not known what the Neighbourhood Plan will actually say to know if the proposals will affect infrastructure. This comment will be considered as the plan progresses. Suffolk County Council will be consulted on the Neighbourhood Plan. The Neighbourhood Plan needs to be in conformity with the Strategic Plans for the area and those particular plans would have considered the issue of infrastructure. Does not affect designating Oulton as a Neighbourhood Area.
Resident	I live on the Parkhill Estate but only part of this estate has been included.	<p>Oulton Parish boundary has been 'built upon' in parts. As such the boundary effectively cuts some houses in half.</p> <p>Parkhill Estate is not a parished area so Oulton Parish Council consulted with individuals. The Parish Council have subsequently included one of the streets in the estate within the Neighbourhood Plan Area.</p> <p>If they included the whole estate, there would be a significant increase in the area included in the Neighbourhood Area as well as more housing. The communities in other parts of the Parkhill Estate may wish to produce their own Neighbourhood Plan in the future.</p> <p>At the time of writing the report, Waveney Council officers were seeking clarification in relation to including part of the Parkhill Estate. Waveney are due to make a decision on designation at their working group meeting on 17 December which is after the deadline of this report. As such, at the Planning Committee on 9 January there will be a verbal update.</p>

- *Do you have any further comments that you would like to make?*

Organisation	Summary of Comment	Discussion
Resident	<p>Having looked at the plan I am not sure of what difference this would make to the area being part of Oulton Neighbourhood.</p> <p>I don't have any objections but just uncertain how this will affect our neighbourhood</p>	At this stage it is not known what the Neighbourhood Plan will actually say. Does not affect designating Oulton as a Neighbourhood Area.

Organisation	Summary of Comment	Discussion
	understanding that we would have a say in Oulton Village area.	
Resident	Yes, the planners need to be more flexibility to allow more housing to be developed and for common sense to prevail, not just answer questions with " These are the rules and that's that". They need to look at land and be more flexible with their thinking.	This could be in reference to either Waveney or the Broads Authority – no detail given. With regards to the Broads Authority, the Local Plan is about to be reviewed and the community will be invited to have their say. Does not affect designating Oulton as a Neighbourhood Area.
Resident	No.	Noted.
Resident	Not really sure from the map shown where in fact my house actually lies within the boundary.	Does not affect designating Oulton as a Neighbourhood Area.
Resident	Having moved into our new house in the September of 2001, I was wondering when the Oulton boundary was established, as there were not any green fields about at that time as Persimmon and Badgers were both busily building in the area as stated in the letter I received from the Parish council. I have also copied and distributed to my neighbours who did not receive the letter.	Does not affect designating Oulton as a Neighbourhood Area.

4 Links of relevance:

- 4.1 The Broads Authority Neighbourhood Planning webpage:
<http://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning/oulton>
- 4.2 Waveney District Council Neighbourhood Planning webpage:
http://www.waveney.gov.uk/site/scripts/documents_info.php?documentID=841&categoryID=856
- 4.3 Some guidance/information on Neighbourhood Planning:
<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

5 Financial Implications

- 5.1 Occasional Officer time in supporting the process (as required by regulations).
- 5.2 There will be no cost to the Broads Authority for the referendum at the end of the process as Waveney District Council have agreed to take on this task and cost.

6 Conclusion and Recommendation

- 6.1 The comments received do not act as 'show stoppers'. It is therefore recommended that the Oulton Neighbourhood Area is designated.

Background papers: None

Author: Natalie Beal
Date of report: 15 December 2014

Appendices: None

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

Summary:	This report informs the Committee of the Officers' proposed response to planning policy consultations recently received, and invites any comments or guidance the Committee may have.
Recommendation:	That the report be noted and the nature of proposed response be endorsed.

1 Introduction

- 1.1 Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2 The Committee's endorsement, comments or guidance are invited.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: None

Author: Natalie Beal
Date of report: 15 December 2014

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Brundall Parish Council
DOCUMENT:	Brundall Neighbourhood Plan
LINK	http://www.inghampinnock.com/brundall-neighbourhood-plan/
RECEIVED:	5 December 2014
DUE DATE:	30 January 2015
STATUS:	Consultation
PROPOSED LEVEL:	Planning Committee endorsed.
NOTES:	<p><u>Background</u> This Pre-Submission Consultation Draft Neighbourhood Plan for Brundall has been prepared over the course of 2014 by a Working Group representing a range of community interests in the village. It represents the first opportunity for local residents and other stakeholders to see the first draft of the Neighbourhood Plan in full. The Brundall Neighbourhood Plan Working Group was formed at the end of 2013 after a call for members. It comprises Ingenuity in Business (local business group), Brundall Primary School, Brundall Memorial Hall, Brundall Local History Group, Brundall Riverside Association, Brundall Allotments Association, Broads Society, Brundall Health Centre, Brundall Parish Council and a number of local residents.</p> <p>Planning Committee (and Broadland Council) designated Brundall as a Neighbourhood Area for the purpose of producing a Neighbourhood Plan on 28 March 2014.</p> <p><u>Summary of document</u> Our vision for Brundall is to remain a high-quality rural village surrounded by tranquil open countryside and the Broads landscape where people want to live, visit, work and engage with a vibrant and thriving community. Policy 1: Run Dike Green Corridor Policy 2: Walking and cycling routes Policy 3: Important views Policy 4: Boating and marine businesses Policy 5: Leisure and tourism Policy 6: Improving the pedestrian environment on The Street Policy 7: Enhanced recreation provision Policy 8: Enhanced provision for the very young and the very old</p> <p><u>Next Steps</u> Once this stage of consultation is complete the Working Group will review the comments received and revise the document accordingly. The document will then be submitted to Broadland District Council and the Broads Authority for review. Following a further process of public consultation. Broadland District Council will appoint an independent specialist examiner to review the Plan. The results of this examination will be publicised. Following that, Broadland District Council will organise a local referendum where residents of Brundall (Parish) will be asked to vote on the Plan. If</p>

	<p>more than 50% of votes are in favour of the Plan. It will become an adopted document and have sufficient status to help make a real difference to the future of the village and shape future proposals put forward by developers.</p>
PROPOSED RESPONSE:	<p><u>Main Comments</u></p> <ul style="list-style-type: none"> • There is no mention of the following designated/protected sites, which are shown on the Broads Authority's policies maps of the Sites Specifics: <ul style="list-style-type: none"> ○ Broadland Ramsar site ○ Yare Broads and Marshes SSSI ○ Mid Yare National Nature Reserve ○ The Broads SAC ○ Highnoon Farm County Wildlife Site • There is no mention of the JCS or Broadland Site Allocations or the Broads Site Specifics Local Plan. That is the context in which the Neighbourhood Plan needs to operate, as it will be part of the development plan for the area.. Strongly recommend a summary of the policies (existing and under examination) that relate specifically to Brundall. • Some policies are not clear in their intentions or what they refer to. See detailed comments below. Namely policies 2, 5, 6 and 7. • Brundall consistently comes up in the top three of places where access to the water needs to be improved (as a result of numerous surveys). Slipways are therefore desired in the area. Is this something the Neighbourhood Plan could look into? The BA would be interested in any work undertaken on this. • In assessing policy 4, the SA identifies that traffic movement and contributions to climate change could get worse as a result of the policy. It identifies a mitigation measure of Travel Plans. However the mitigation measure for ENV1 is not included in the policy and therefore the effect is not mitigated. Suggest there is either reference to the need for travel plans in line with local policy (and say what it is) or include such a requirement in the policy. At the moment, it does not seem the effect of the policy is mitigated. <p><u>Specific Detailed Comments</u></p> <p><u>Section 1</u></p> <ul style="list-style-type: none"> • Figure 1 – for the avoidance of doubt, suggest that it is stated that the Neighbourhood Area is the same as the Parish Boundary. <p><u>Section 2</u></p> <ul style="list-style-type: none"> • First paragraph – Broads has a status equivalent to a National Park. • Throughout – perhaps the use of maps to display what is talked about might be a useful way of presenting things. • The text implies that the Great Yarmouth bus service has ceased – is this correct? • Are there any community transport schemes that could be worthy of mention? • Many of the gardens in Brundall are of a decent size and many provide private greenspace which is important for wildlife. • There is no mention of flood risk. The Brundall and Brundall Gardens maps of the Broads Sites Specifics could be used to assist. • As with the mention of historic buildings, this section needs to contain text on the quality of this environment. This area is notable for its wildlife supported by these

	<p>wetland habitats.</p> <ul style="list-style-type: none"> • There is no mention of the Country Park that is mentioned later on in the document. <p><u>Policy 1</u></p> <ul style="list-style-type: none"> • People only benefit from public access in some parts of the river course. It is incorrect to say that the run dyke benefits from public access when in fact there may be conflicts such as wildlife disturbance and dogs running off the lead for example. • Would the NGOs (RSPB) be more important than the statutory organisations unless planning permission is required or funding will be forthcoming from CIL/S106 and LPAs are holding this? • In the policy itself, it is suggested that ‘.....creation of natural margins to buffer the run dyke from any agricultural inputs and....’ could be added. <p><u>Policy 2</u></p> <ul style="list-style-type: none"> • Are the journeys to which this policy relates recreational or every day? • It is very similar as Policy 6 in its background and justification. Recommend clarifying the fundamental aim of this policy or explaining how it does relate to Policy 6. • . • Suggest the map identifies locations or destinations which are talked about in the text to show how the routes relate to these. • The existing routes – are they of adequate quality or do they need improving? • ‘Proposed Potential Routes’ – are these the gaps in the network? Have the changes or improvements been looked into? • The Waterways and Recreation Team at the Broads Authority is interested in this proposal and any detail. <p><u>Policy 3</u></p> <ul style="list-style-type: none"> • Could photos be used to help illustrate the important characteristics? This could aid Development Management Officers. <p><u>Policy 4</u></p> <ul style="list-style-type: none"> • Fourth paragraph of the background. What is meant by ‘valuable’? Employment land is valuable to the economy. • Fourth paragraph of the background. We understand that access to this area is an issue for Boat Builders. Access could be mentioned here. • Suggest an assessment of this policy against the Broads Authority Sites Specifics DPD, policies BRU1 to BRU6. Does Policy 4 repeat the provisions of those adopted policies? • Recommend a plan to show the area to which Policy 4 applies. <p><u>Policy 5</u></p> <ul style="list-style-type: none"> • The term ‘leisure’ is very broad. It is not clear what this policy actually relates to.
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	<p>What are some examples that this policy would relate to?</p> <ul style="list-style-type: none"> • Suggest an assessment of this policy against the Broads Authority Sites Specifics DPD, policies BRU1 to BRU6. Does Policy 5 repeat the provisions of those adopted policies? • Recommend the map zooms in to the area this policy applies to. • Is there merit in a concept plan of some kind to show what this policy means? <p><u>Policy 6</u></p> <ul style="list-style-type: none"> • See comments on Policy 2 relating to clarifying the difference between the two policies. • The policy says 'see plan' but there is no map for Policy 6. A Plan would be useful in showing where each part of the policy refers to. Is the plan that accompanies policy 7 actually the plan for policy 6? If so, recommend the plans are zoomed in. <p><u>Policy 7</u></p> <ul style="list-style-type: none"> • The term 'recreation' is very broad. It is not clear what this policy actually relates to. What are some examples that this policy would relate to? <p><u>Sustainability Appraisal</u></p> <ul style="list-style-type: none"> • Figure 5, Query the following in the table: <ul style="list-style-type: none"> ○ Obj1 v Env2 ○ Obj1 v Soc7 ○ Obj1 v Econ1 ○ Obj2 v Econ1, 2 and 3 ○ Obj3 v Econ1 ○ Obj3 v Econ3 ○ Obj4, 5 and 6 v Env7 ○ Obj7 v Soc2 • Page 17 – suggest use 'single occupancy car use' rather than 'private car'. • Page 21 – Env 7. Rather than using the term 'historic', perhaps consider 'existing'. Historic buildings tend to be protected, or the term refers to a particular type of building, but it seems this policy refers to all buildings that are already there. Suggest this is clarified. • Page 21 – Env8. The policy considers flood risk as an issue so it is recommended that there is a '+' in this row. • Page 22 – SOC3. Suggest there is a positive from this policy in relation to skills. • Page 23 – Env8. The policy considers flood risk as an issue so it is recommended that there is a '+' in this row. • Page 24 – SOC9. There is no information in the 'justification and evidence' cell. • Page 25 – Env 1, Env3 and Env7. As this policy could result in more people walking to the area, there could be benefits of the policy to these three SA Objectives. • Paragraph 4.2. As stated above, it is not clear how the issue has been mitigated as there is no mention of travel plans in the policy or supporting text.
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Enforcement Update
Report by Head of Development Management

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
			<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
23 April 2010	Land at OS4229 at North End, Thurlton	Unauthorised storage of non-agricultural items	<ul style="list-style-type: none"> • Enforcement Notices re-served on 25 February 2013, on advice of Solicitor • Appeal against Enforcement Notice received. Hearing requested • Written representations appeal in process • Planning Inspector’s site visit 8 January 2014 • Appeal dismissed • Compliance required by 18 January and 15 April 2014 • Site visit 11 March showed limited clearance undertaken • Extension of time for compliance to 30 April 2014 agreed by Committee on 28-03-14

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014			<ul style="list-style-type: none"> • Full Compliance not achieved • Authority given at 23 May meeting to commence prosecution proceedings in consultation with the Solicitor • Solicitor instructed and prosecution papers in preparation • Appellant interviewed 11 July and committed to full clearance by 8 August. Site to be monitored. • Site not cleared, but good progress being made • Fence not removed. Authorisation to take direct action • Contractor instructed • Direct action taken 6 November 2014 and fence removed. • Seeking recovery of costs
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
1 March 2013	Former Piggery Building adj to Heathacre, Chedgrave Common	Unauthorised conversion and change of use to residential	<ul style="list-style-type: none"> • Authority to serve an Enforcement Notice requiring the removal of the conversion of the building as a dwelling and the restoration of the site to its previous use as an agricultural building, with a compliance period of six months and authority to take prosecution, if necessary; • that in the event that the proposed enforcement action is outside the time limits set out in section 171B of the Town and Country Planning Act 1990, authority, in consultation with the Solicitor, given to proceed with a planning enforcement order in the Magistrates Court

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Investigations underway • Enforcement Notice issued 1 October 2013 • Appeal documents received 8 November 2013. Public Inquiry scheduled for 10 and 11 June 2014. • Appeal dismissed and Enforcement Notice corrected, upheld 24-7-14 • Compliance required by 24 January 2015
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 • 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
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 given for prosecution to proceed should the enforcement notice not be complied with. • Planning Contravention Notice served • Negotiations underway

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014	Land at Newlands Caravan Park, Geldeston	Unauthorised Erection of structures comprising toilet/shower unit, open fronted storage building and small shed	<ul style="list-style-type: none"> landowner to be invited to submit a planning application for the unauthorised structures if no planning application is submitted within three months, authority granted to serve an Enforcement Notice in consultation with the Solicitor requiring the removal of the unauthorised structures with a compliance period of three months; and authority given to proceed with prosecution of the owner should the enforcement notice not be complied Deadline of 15 January 2015 for receipt of valid application
5 December 2014	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015. Site to be checked 1 November 2015

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: 12 December 2014

Appendices: Nil

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

09 January 2015

Agenda Item No. 13

Summary: This report sets out the delegated decisions made by officers on planning applications from 24 November 2014 to 15 December 2014
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Barsham And Shipmeadow PC				
BA/2014/0339/CU	Roos Hall Farm Buildings Bungay Road Beccles Suffolk NR34 8HE	Mrs Pepe Ong	Change of use from Plumbing Centre (D1 use) to repair, service and maintenance of packaging and processing machinery (retrospective); removal of existing roof sheets and replacement with Kingspan KS1000 RW 40mm thick composite panel with 10% rooflights in Goosewing Grey	Approved Subject to Conditions
Barton Turf And Irstead Parish Council				
BA/2014/0330/HOUSEH	Ice House Dyke The Shoal Irstead Norwich Norfolk NR12 8XS	Mr And Mrs A Lodge	Replacement windows to west elevation, formation of river mooring, and erection of cart lodge	Approved Subject to Conditions
BA/2014/0329/FUL	Coxs Boatyard Ltd Staithe Road Barton Turf Norwich Norfolk NR12 8AZ	Cox' Boatyard Ltd	To permit the retention of temporary office building for a further temporary period of three years (until December 2017).	Approved Subject to Conditions
BA/2014/0287/HOUSEH	Driftway Lodge Hall Road Barton Turf Norwich NR12 8AR	Miss Hollie Smith	Replacing existing conservatory, linking roof and porch to the existing double garage. Improvements to external paving and driveway. Two new parking spaces added.	Approved Subject to Conditions
Bungay Town Council				
BA/2014/0317/HOUSEH	51 Staithe Road Bungay Suffolk NR35 1EU	Mr & Mrs Jan And John Putman	Erection of single storey rear and side extension	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
BA/2014/0318/LBC	51 Staithe Road Bungay Suffolk NR35 1EU	Mr & Mrs Jan And John Putman	Erection of single storey rear and side extension	Approved Subject to Conditions
Great Yarmouth Town				
BA/2014/0353/FUL	Former Marina Keys Public House River Walk Great Yarmouth Norfolk NR30 4BZ	Mr D Tucker	Minor amendments to approved fenestrations provision of porch to north elevation	Approved Subject to Conditions
Hoveton Parish Council				
BA/2014/0344/FUL	The Firs Brimbelow Road Hoveton Norwich Norfolk NR12 8UJ	Mr Laurie Buck	Resubmission of withdrawn application BA/2013/0326/FUL for a proposed two-bedroom holiday chalet	Approved Subject to Conditions
Loddon Parish Council				
BA/2014/0340/HOUSEH	35 Mill Road Loddon Norwich NR14 6DR	Mr C Williams	Single storey rear infill extension, utility extension to rear of garage and attic conversion.	Approved Subject to Conditions
Norton Subcourse PC				
BA/2014/0367/LBC	Thatched House Farm Low Road Norton Subcourse Norwich Norfolk NR14 6SA	Mr Richard Bloss	Renovation / repair of derelict outbuilding	Approved Subject to Conditions
Norwich City				
BA/2014/0273/FUL	Former Eastern Electricity Board Site Duke Street Norwich Norwich City Council	Highcourt Developments Ltd	Reinstatement of water source heat pump and provision of pontoon and floating landscape planters.	Approved Subject to Conditions
Reedham Parish Council				
BA/2014/0335/REM	Land Adjacent To 20 Riverside Reedham Norwich Norfolk NR13 3TF	Mr Chris Mutton	The Erection of 1 Dwelling	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Somerton Parish Council				
BA/2014/0352/CU	Sunways Staithe Road West Somerton Somerton Norfolk NR29 4AB	Mr Michael Ives	Change of use to allow part of the garden land of "Sunways" to be run as a cattery business and retrospective permission for the installation of cat pens and parking area	Approved Subject to Conditions
Wroxham Parish Council				
BA/2014/0358/HOUSEH	Willow Bend Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr David Smith	Construct small Mooring Dyke and Slipway to replace existing Slipway.	Approved Subject to Conditions