

Planning Committee

AGENDA

Thursday 2 April 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 6 March 2015 (herewith) | 3 – 12 |
| 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:**
- | | |
|--|---------|
| (i) BA/2015/0068/FUL Compartments 37 - Floodbank at Fishley Marshes: right bank of River Bure immediately upstream of Northern Rivers Sailing Club clubhouse | 13 – 20 |
| (ii) BA/2015/0062/FUL - Staithcote, Beech Road, Wroxham | 21 – 27 |

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(iii) BA/2015/0072/FUL Carys Meadow, Thorpe Road, Thorpe St Andrew	28 – 34
9. Enforcement of Planning Control: Items for Consideration No. 1 & No. 2, Manor Farm, Oby Report by Planning Officer (Compliance and Implementation) (herewith)	35 – 37
10. Heritage Asset Review Member Working Group: Membership Report by Historic Environment Manager (herewith)	38 – 41
MATTERS FOR INFORMATION	
11. Appeals to the Secretary of State Update and Annual Review for 2014/15 Report by Administrative Officer (herewith)	42 – 47
12. Enforcement Update Report by Head of Planning (herewith)	48 – 52
13. Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	53 – 56
14. To note the date of the next meeting – Friday 1 May 2015 at 10.00am at <u>Yare House, 62-64 Thorpe Road, Norwich</u>	

Broads Authority
Planning Committee

Minutes of the meeting held on 6 March 2015

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr G W Jermany
Miss S Blane	Dr J S Johnson
Prof J Burgess	Mr P Ollier
Mr N Dixon	Mr R Stevens
Mr C Gould	Mr J Timewell
Mrs L Hempsall	Mr P Warner

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Mr P Ionta – Solicitor and Monitoring Officer
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer
Mr A Scales – Planning Officer (NPS)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2014/0423/FUL Compartments 5 &6 Sections of Womack Water, right bank of River Thurne and left banks of Rivers Bure and Ant

Mr M Flett	Objector
Mr J Halls	BESL on behalf of Applicant

BA/2014/0394/FUL Upper River Bure at Anchor Street, Coltishall, Top Road Belaugh to Skinner Lane Wroxham

Dr D Hoare	On behalf of Applicant
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9/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from Mrs J Brociek-Coulton.

9/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2014/0394/FUL as this was a Broads Authority application. Members indicated that they had no other declarations of pecuniary interests other than those already registered.

9/3 Minutes: 6 February 2015

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

9/4 Points of Information Arising from the Minutes

There were no points of information arising from the minutes to report.

9/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

9/6 Chairman's Announcements and Introduction to Public Speaking

(1) Heritage Asset Review Group

The Chairman announced that the HARG meeting would now follow the next scheduled meeting of the Planning Committee on Thursday 2 April 2015.

(2) Retiring Members

The Chairman announced that this would be the last Planning Committee meeting to be attended by Stephen Johnson and Phil Ollier as their terms of office would be coming to an end by the end of March 2015. He thanked them both for their valuable contributions to the Committee acknowledging Stephen Johnson's excellent ability of ensuring that decisions were policy based, effectively demonstrated when the committee was being reviewed, and Phil Ollier's role in liaising between the Navigation Committee and Planning Committee.

The Committee endorsed the appreciation expressed by the Chairman.

(4) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers. No member of the public indicated that they intended to record or film the proceedings.

9/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests had been received.

9/8 Applications for Planning Permission

The Committee considered the following application 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/2014/0423/FUL Compartments 5 &6 Sections of Womack water, Right bank of River Thurne and left banks of Rivers Bure and Ant**
 Crest Raising and Piling Removal
Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposals for crest raising and piling removal in Compartments 5 and 6 of the Broadland Flood Alleviation Project. The proposals involved crest raising works on a number of sections in Compartment 5 where bank settlement had taken place and the removal of 927 metres of piling in four areas (three in the Compartment 5 and one in Compartment 6) which had been the subject of the works relating to the Broads Flood Alleviation Project approved in 2005, 2008 and 2010 and which was now no longer required for flood protection purposes. He explained that the techniques for both the crest raising and piling removal had been used effectively in a number of other sites within the Broads and the scheme would also involve monitoring. The two sections of 24 hour public moorings would not be affected and although there were a number of SSSIs close by none would be directly affected by the works.

The Planning Officer emphasised that the access route for construction traffic had now been redirected from that in the original proposal and the material for the improvements to the path would be brought in by river.

The Planning Officer drew attention to the consultation responses particularly those from the NSBA which had no objections but had concerns over safety, and times of working and would wish to have conditions to be attached to any planning permission which would minimise any such impacts. Since the report had been written, further consultation responses had been received from Natural England with

no objections and NCC Highways which had no objections and was in support of the alternative route for the traffic to Little Reedham.

The Navigation Committee had considered the matter at its meeting on 26 February 2015 and supported the Officer's views expressed in his report in that they had no concerns over navigation provided that appropriate conditions were placed on any permission requiring adherence to standard methodology, timing of works, channel marking and removal of channel marking, and erosion monitoring.

In addition to the consultation responses within the report a further letter had been received expressing concerns over the use of the access route and footpath and traffic damage.

Having provided a detailed assessment against policies taking account of the main concerns and issues relating to navigation, recreation, highways and ecology, it was concluded that the piling removal would not increase flood risk in the compartments or elsewhere in the area. It was considered that with the imposition of planning conditions; navigation, recreation, ecological, and other interests could be protected and the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice. Therefore the recommendation was for approval with conditions and two Informatives, one of which was additional to that documented in the report and would make reference to any temporary footpath closure requiring full consultation with Norfolk County Council PROW and the necessary footpath diversion orders being in place.

Mr Flett, a resident of Turf Fen Lane, Ludham expressed concerns over the application notably the use of "heavy" granite material for the path which would again result in settling and provide a detrimental and an alien urban walkway in an unspoilt part of the Ant Valley. He considered that the crest was unnecessary and inappropriate. He also considered that the nature of the work would be intrusive and disruptive at a time of year when a large number of visitors used the area, the revised access route to the site would destroy an existing mature grassed public footpath and therefore he advocated deferring a decision for consideration of an alternative of the crest raising aspect of the application and the soke dyke being assessed by the IDB. He also suggested a site visit prior to determination.

Mr Halls, BESL on behalf of the applicant, responded to the concerns explaining that the section in question was part of the flood defence improvement works 10 years previously and was in a section where the geology changed. Given the heavily pedestrian use of the path and the fact that it would follow on from the How Hill staithe area recently improved by the Authority, it was considered that the proposed footpath surface was appropriate and it would provide an enhancement. He explained that the semi-bonded surface had been used elsewhere and was a compromise. Mr Flett's concerns relating to the Blind Lane

aspect had been taken into account and an alternative was now proposed.

Members acknowledged Mr Flett's concerns that the proposed harder surface for the footpath would appear more manicured particularly when first installed. However, it was considered that this area was very heavily used and it was considered necessary to provide a more robust surface. One member expressed considerable distaste at the use of crushed granite, particularly in the vicinity of mooring boats due to the effect it had on boats, although others considered that the path was furthest away from the boats not to have an effect. Other members suggested the use of an alternative material to crushed granite. With reference to the timing of the works, members accepted that a balance needed to be struck between what was practical and achievable and therefore a condition requiring a detailed programme and timing of works for each area was appropriate, noting that each section was likely to take a maximum of 6 – 8 weeks.

In conclusion, Members considered that the majority of the concerns had been addressed and endorsed the Officer's assessment, particularly on the basis of the conditions to be imposed.

Mr Dixon proposed, seconded by Mrs Hemsall and it was

RESOLVED by 10 votes to 0 with 3 abstentions.

that the application be approved subject to conditions as outlined within the report and informatives which

- required the permission to be granted in the context of the Memorandum of Understanding between the BA and the Environment Agency on 25 April 2003; and
- Any temporary footpath closure will require full consultation with Norfolk County Council Public Rights of Way and the necessary footpath diversion orders to be in place.

It is considered that the works are in accordance and consistent with the aims of the development plan policies particularly Policies CS1, CS2, CS4, CS15 of the Core Strategy (adopted in 2007) and Policies DP13 and DP29 of the Development Management Policies DPD (2011) and the NPPF.

(2) **BA/2014/0394/FUL Upper River Bure at Anchor Street Coltishall, Top Road Belaugh and Skinners Lane Wroxham**

Erosion protection works on the Upper River Bure at Coltishall, Belaugh and Wroxham

Applicant: Broads Authority

The Planning Officer provided a detailed presentation of the application to provide the necessary erosion protection works mainly in three

sections on the Upper River Bure between Coltishall and Wroxham. The works related to 170metres of river bank in Coltishall, 205 metres in Belaugh and 80metres at the southern end of Skinners Lane in Wroxham. All sites were within Conservation Areas. The scheme involved the dredging and removal of accumulated sediment which restricted navigation from narrow stretches of the Upper Bure and therefore was in accordance with one of the Broads Plan objectives to open the River Bure to effective depths. Some 3,000m³ of sediment would then be used to provide the erosion protection in the three identified areas.

Since the writing of the report consultations had been received from Hoveton Parish Council stating it had no objections. In addition, the scheme had been modified to take account of other representations received, particularly those relating to the Coltishall stretch resulting in the creation of an access area to the river in the position currently used by cattle as a drinking area, the realignment of the erosion protection works, and alteration of the species of plants to create the riverbank so as to keep these as low growing as possible to ensure that the views of the river would not be diminished from the meadow and public footpath in Coltishall and from the meadow in Belaugh. A member commented that the Local District Member for Coltishall had not raised any objection to the proposals.

The Planning Officer commented that the proposed development was considered necessary for the management and maintenance of the River Bure and was in accordance with the wider objectives of the Broads Plan NA.1 and the Authority's Sediment Management Strategy. Having assessed the proposals against the potential impacts on landscape, Conservation Area, ecology, navigation and flood risk the Planning Officer concluded that the application could be recommended for approval subject to conditions.

Having sought reassurances on the materials and techniques to be used as well as plant species, members were satisfied that the concerns had been addressed and concurred with the Officer's assessment.

Mrs Hemsall proposed, seconded by Mr Jermay and it was

RESOLVED unanimously

that the application be Approved subject to conditions as outlined within the report The Application is considered to be in accordance with the aims of the development plan policies particularly with Policies CS1, CS2, CS3, CS5, CS7, CS15 and CS20 of the Core Strategy (2007) and Policies DP1, DP2, DP3 and DP 29 of the Development Management Policies DPD and the NPPF.

9/9 Enforcement of Planning Control: Enforcement Items for Consideration

(1) Bathurst, PH51 North East Riverbank, Potter Heigham

The Committee received a report providing an update concerning the unauthorised installation of decking at a riverside property in Potter Heigham and prevalence of comparable decking in the vicinity. The Planning Committee on 9 January 2015 deferred making a decision on the report in order to clarify the extent of the ownership of the plot and for officers to provide information on the number of other plots in the area which had installed comparable decking.

Having made detailed investigations it was appreciated and recognised that the riverside plots in this vicinity often had an associated mooring facility. It was therefore not considered wholly uncharacteristic to have structures like decking by the water to create a safe at level access for boats. It was noted that there was one or two other properties with decking extending over much of the plot, although not having the benefit of planning permission would now have established use. Members noted that Site Specifics Policy POT2 of the development plan had the intention to restrict domestic development favouring the small scale and more open character of the riverside plots with front lawns adding significantly to their character. Although it was preferable to see as much open and green space on plots as possible, and the decking installed at Bathurst presented a full decked frontage to the property which did appear excessive, it was noted that the adjacent grassed area next to Bathurst was in the same ownership. They therefore considered that in this instance it would be unreasonable to take full enforcement action. However, they did recognise the concern that retention would establish an undesirable precedent and lead to increased urbanisation.

It was noted that officers had discussed the increasing level of decking and external structures and its impact on the character of the area with the River Thurne Tenants Association and a joint site visit was proposed to look at the extent of the issue and to agree best practice. It was considered that it would be appropriate to provide more detailed guidelines for development and that POT2 be reviewed and examined in more detail.

Members noted that the owner had previously declined to submit a planning application for a reduction in the decking as he had considered that it was permitted development. Members were in favour of a negotiated settlement and it was suggested that a personal condition would be appropriate on a planning permission.

RESOLVED unanimously

- (i) that it would be inappropriate and not expedient to pursue enforcement action in this particular instance in light of the size of the entire property in the ownership of Bathurst as well as the personal circumstances of the owner; and
- (ii) that officers be encouraged to go back to the chalet owner to seek a retrospective planning application for the extended decking and limit any permission by personal condition.

(2) **Land at North End Thurlton**

The Committee received a report on the options available to Members to recover the costs of the Authority having taken direct action to remove a fence which was the final unauthorised use of the land at North End Thurlton amounting to some £3,880. This had been the result of long standing issues of planning control and had resulted in almost complete compliance. Members noted that invoices for the cost of the works had been submitted to the landowner and separate occupier, but no payment had as yet been made. There were still a few articles remaining on the site.

Members considered various scenarios including that of doing nothing. The possibility of clearing the site totally in order to improve it and to reduce the possibility of fly tipping prior to pursuing claims through the courts was considered although it was recognised that this would increase the costs. It was noted that advice had been received from NPS on the potential value of the land and this was taken into account in considering the line to take. It was considered important to be able balance costs against potential retrieval.

In conclusion, Members considered that it was important to pursue the operator/alleged landowner for the costs of this action through a County Court claim and charging order which, in addition to enabling the recovery of costs, would act as a deterrent to further breaches.

Mr Jermany proposed, seconded by Mr Barnard and it was

RESOLVED: by 9 votes in favour, 0 against and 2 abstentions.

that a county court judgment and charging order are sought and the costs recovered through a forced sale if necessary.

9/10 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and provided further information on the following:

Thorpe Island

The court date concerning the amended Section 288 challenge against the Planning Inspector/Secretary of State's decision had been fixed for 19 May 2015. The Authority has made an application to the Court for summary judgment. The Authority's intention is to seek injunctions relating to the breaches and further breaches of planning control on the site and in the adjacent river. The Authority was still awaiting the decision by the Planning Inspector on whether or not to accept the appeal against non-determination of the planning application for the variation of conditions. This had not been validated and the Planning Inspectorate are considering their position.

Former Piggery Building adj to Heathacre, Chedgrave Common

The Head of Planning reported that following a site visit, it was confirmed that compliance had now been achieved. The site would be monitored but this would no longer appear on the schedule.

Land at Newlands Caravan Park, Geldeston

Following a site visit, there appeared to be further breaches of planning control and therefore further Enforcement action was required.

In response to Members' queries, the Head of Planning confirmed that a report would be brought to the next Planning Committee meeting on potential enforcement relating to a site at Oby and progress on the removal of office and equipment by BAM Nuttall from the Site at Acle.

RESOLVED

that the report be noted.

9/11 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 26 January 2015 to 24 February 2015.

RESOLVED

that the report be noted.

9/12 Date of Next Meeting

The next meeting of the Planning Committee would be held on **Thursday 2** April 2015 starting at **10.00 am** at Yare House, 62- 64 Thorpe Road, Norwich, This would be followed by a meeting of the Members' Heritage Asset Review Group.

The meeting concluded at 1.00 pm.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 6 March 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	9/8((3	Application BA/2014/0394/FUL As Members of the Broads Authority...

Reference

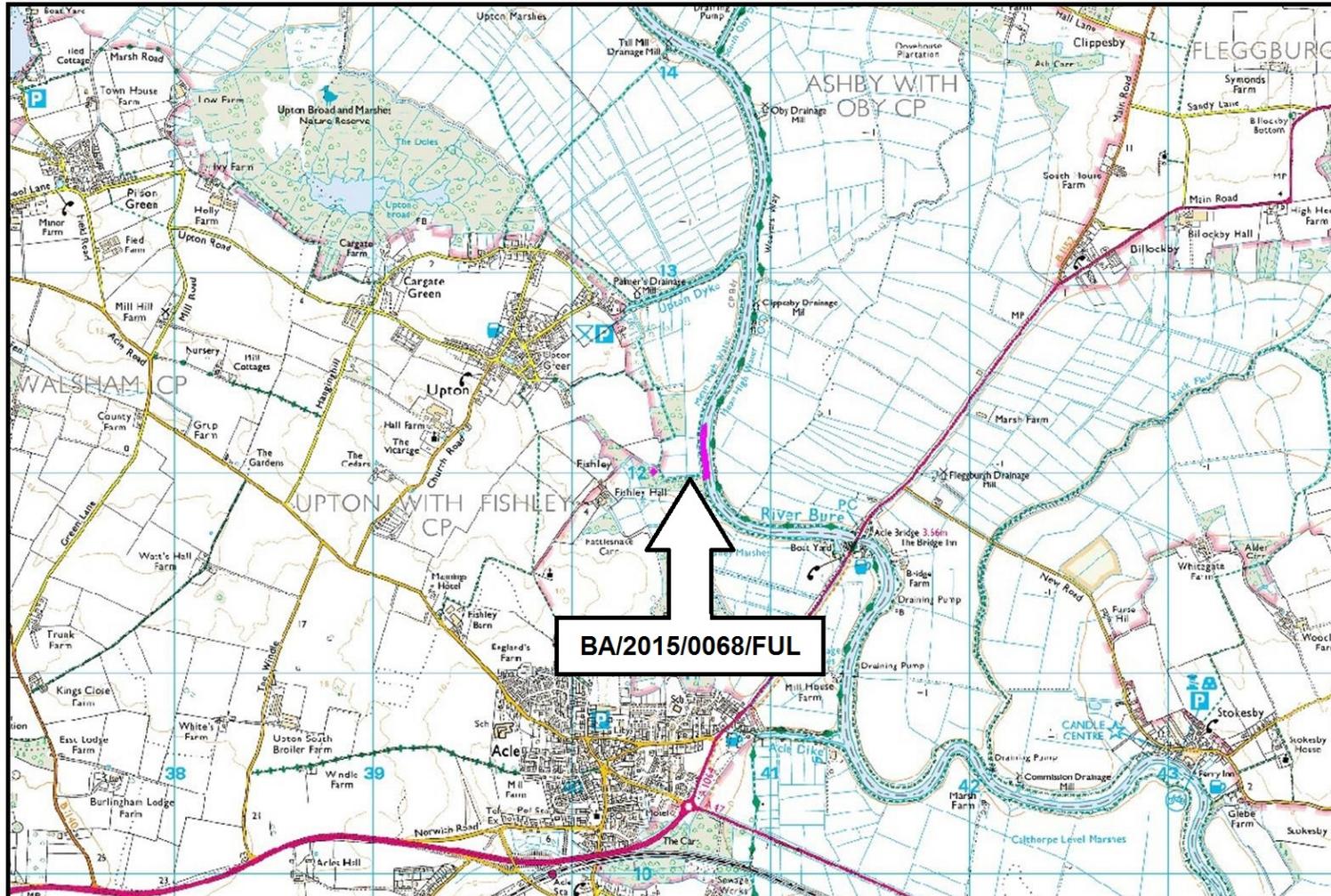
BA/2015/0068/FUL

Location

Compartment 27 – Floodbank at Fishley Marshes: right bank of River Bure immediately upstream of Northern Rivers Sailing Club clubhouse

BA/2015/0068/FUL - Floodbank At Fishley Marshes, Right Bank Of The River Bure

Install piles into the crest of the existing floodbank in order to raise the height to the necessary level to provide an adequate flood defence



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Application for Determination

Parishes:	Upton
Reference:	BA/2015/0068/FUL Target Date: 22 April 2015
Location:	Compartments 37 - Floodbank at Fishley Marshes: right bank of River Bure immediately upstream of Northern Rivers Sailing Club clubhouse
Proposal:	Installation of crest piling
Applicant:	Environment Agency
Reason for referral:	Major application
Recommendation:	Approve with conditions

1 Background / Description of Site and Proposal

- 1.1 The application site and works extends along a short section of floodbank on the right (western) bank of the River Bure immediately upstream of the Northern Rivers Sailing Clubhouse (see Location Plan).
- 1.2 The site forms part of Compartment 37 which includes a 4.5 kilometre length of floodbank between Acle Dyke and Upton Dyke. As outlined below, planning permission was granted for strengthening; rollback and set back floodbank works in 2008 (with works undertaken in 2009-10).
- 1.3 In this location, the initial flood defence works involved a modest rollback of the floodbank with piling in front to be maintained. The ground conditions were poor and limited space existed to roll back the bank due to the botanically rich fen meadow to the west which only allowed a narrow 3 metre wide soke dyke to be dug to the rear of the floodbank.
- 1.4 Since the works were completed the new floodbank has settled significantly and there is a need to raise the bank to the initially envisaged level to prevent frequent overtopping.
- 1.5 BESL have considered options and concluded in this location (with its limited space), plastic crest piling is the most suitable solution. BESL have highlighted that an area of crest piling was permitted as part of the 2008 consent in this compartment. Whilst some flood defence works represent permitted development for the Environment Agency, crest piling does not

and therefore planning permission is required.

- 1.6 Crest piling is proposed on a 237 metre length of floodbank. This crest piling is proposed to be 0.3 metres above ground level at the front riverside edge of the floodbank. The crest piling with timber capping will be about 0.3 metres above ground height. The crest is some 4 metres wide and the crest piling will be sited to allow 3.5 metres width after installation. The existing piling used for erosion protection will continue to be maintained including repair of some sections of timber boarding (this is permitted development).
- 1.7 The site is located outside any SSSI (the nearest is 1kilometre to the north west) but the land to the west is a County Wildlife site (CWS). There is a footpath that runs along the floodbank and there will be a need for a temporary closure during the short works period (a diversion route will be provided in this period). The existing piling to be maintained is used for informal mooring. There is no record of heritage features in this area.
- 1.8 Works will only take some four weeks, but BESL have not stated when between April and October 2015 the works will be undertaken. BESL have identified the traffic access route will be from the B1150 South Walsham Road and will pass Fishley Hall.

2 Planning History

- 2.1 The following application for improvement works in compartment 37 is relevant.

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

3 Consultations

- 3.1 Upton Parish Council – Awaited.

Broads Society – No objections but suggest condition no work on Sundays or Public Holidays.

NCC Highways – No objection to the proposals insofar as they relate to the chosen access route along the public highway road network. However, over part of 'off road' access route, in the vicinity of St Mary's Church, there is a public right of way and I also note that the works themselves affect a public right of way for which it is proposed to close during the works. As you will be aware the County Council is responsible for ensuring public rights of way are accessible and maintained to level commensurate with their use.

NCC PROW – Awaited.

Environment Agency – Awaited.

Natural England – Awaited.

RSPB – Awaited.

NCC Historic Environment Service – Awaited.

NNDC Environment Health Officer – Awaited.

4 Representations

4.1 No letter has been received to date.

4.2 Members should be aware that given the size and nature of the proposal, there is no requirement to report to Navigation Committee as it will not have any impact on the navigation area or available informal mooring.

5 Planning Policy

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

Core Strategy (CS) (2007)

[Core Strategy Adopted September 2007 pdf](#)

Policy CS1 – Landscape protection and enhancement

Policy CS2 – Landscape protection and enhancement

Policy CS4 – Creation of new resources

Development Management Plan DPD (DMP) (2011)

[DEVELOPMENTPLANDOCUMENT](#)

Policy DP1 – Natural environment

5.2 The policies below have also been assessed for consistency with the NPPF and have been 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.

Development Management Plan DPD (DMP) (2011)

Policy DP13 – Bank protection

Policy DP29 – Development on Sites with High Probability of Flooding

5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)

[NPPF](#)

6 Assessment

- 6.1 The works proposed are modest in scale and will have no affect on the existing navigation and water space. Therefore it is considered that the main issues relate to impact on recreation, flood risk, ecological interest, and appearance.

Recreation

- 6.2 The 2008 planning consent in this area showed piling to be maintained. This existing piling is used for informal mooring. No change is proposed to this piling and this will continue to be maintained. Therefore the proposal will have no impact on navigation interest or increase risk of erosion of the existing bank.
- 6.3 In relation to walking and access, it is considered regrettable that there will need to be a short term closure whilst crest piling is installed (targeted in a four week period). However BESL have confirmed that this will be diversion route signed for the short period for walkers.
- 6.4 In view of the above, the impact on recreation / navigation interests will be limited and the benefit of the crest piling as part of a sustainable flood defence strategy outweighs any short term impact on walking. Therefore it is considered that the proposal is consistent with development plan policies.

Flood risk

- 6.5 The planning consent granted in 2008 was on the basis of flood defences being provided in a more sustainable way (introducing set and roll back floodbanks reducing in many areas the need for hard engineered erosion protection in the form of piling) and ensuring no increase in flood risk (either in the compartment, nor up or down stream).
- 6.6 The crest piling proposed will simply raise the defences to the level sought in the 2008 consent. Whilst the views of the Environment Agency is awaited , the proposal will not materially alter the flood defence scheme approved or the water levels and therefore will not increase in flood risk in this compartment or up or down stream. Therefore there is no conflict with development plan policies CS4 and DP29 or the thrust of NPPF advice.

Ecology

- 6.7 The nature and extent of works is very limited in comparison to the initial flood defence floodbank works. The proposed works of crest piling have

been determined based on the ecological value of the area (a CWS but detached from a SSSI) and the need to limit change in the botanically rich fen meadow to the west. The conventional approach of widening the soke dyke to provide material to raise the defences would have required some land take from the botanically rich area, harming the ecological value. Whilst the view of Natural England is awaited, on the 2008 application they raised no significant comment as the proposal did not have a significant effect on the interest features of any nearby SSSIs. It is considered that these same considerations apply with this application. In this case, it is considered that works are sympathetic to ecological interest and are consistent with the aims of development plan policies CS1, CS2, CS4 and DP1.

Appearance

- 6.8 The proposed approach will alter the appearance by introducing crest piling into a short section of floodbank. In this case, the plastic crest piling is proposed to be timber capped and will reflect similar crest piling provided in the compartment as part of the 2008 permission (some 436 metres).
- 6.9 Experience of other crest piled areas (including in compartment 37) demonstrates that this has a very limited impact on the appearance of the area (especially when timber capped and that vegetation / grass close by soon helps to further limit its appearance in the landscape. Based on these factors, it is considered that the scheme is acceptable and consistent with the aims of Core Strategy policy CS4 (and the NPPF).

Other issues

- 6.10 The application submission shows a single route to the site from the B1150. The County Highway Authority view is awaited but given the limited period for use and limited alternative options to approach the works corridor, it is considered that the proposal is acceptable on highway grounds.
- 6.11 The site is detached from any dwellings and no planning condition is considered necessary and justify to restrict hours of working
- 6.12 Whilst the view of NCC Historic Environment Service is awaited, as only crest piling is proposed and this is onto a new floodbank, there is no significant risk of harm to archaeological interest in this case.

7 Conclusion

- 7.1 The application proposes crest piling where bank settlement has taken place. It is considered that this will return defences to the level proposed in 2008 in a manner that avoids botanically rich fen meadow and has no unacceptable impact on recreation, flood risk or other interests. It is considered that with the imposition of planning conditions the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice.

8 Recommendation

8.1 Subject to no substantive representation/comment being raised from any outstanding consultees, this planning application be approved subject to the following conditions.

- Approved list of plans;
- Signage for temporary footpath diversion;
- Timing of works to be agreed.

8.2 The following informative be specified on the decision notice of the planning application:

- The permission shall be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.

Background Papers: BA/2015/0068/FUL

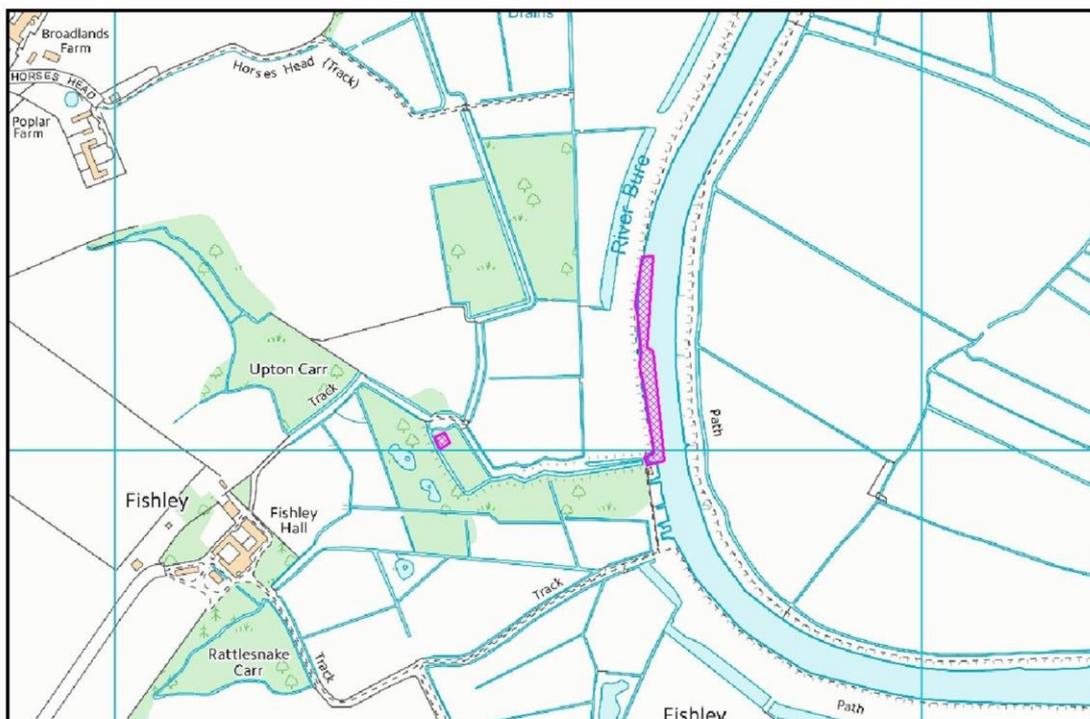
Author: Andy Scales
Date: 13 March 2015

Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2015/0068/FUL - Floodbank At Fishley Marshes, Right Bank Of The River Bure

Install piles into the crest of the existing floodbank in order to raise the height to the necessary level to provide an adequate flood defence



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Reference

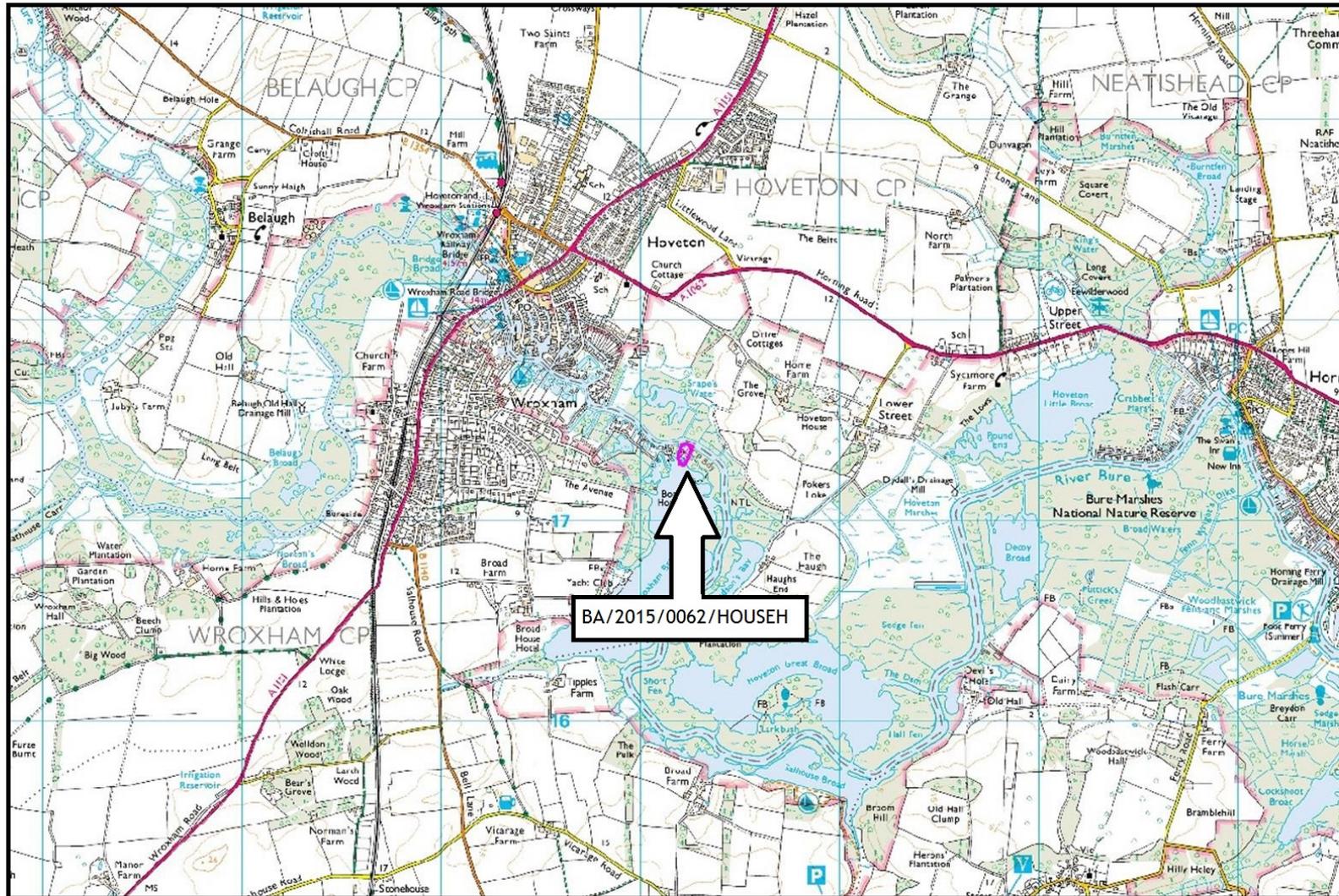
BA/2015/0062/FUL

Location

Staithecote, Beech Road, Wroxham

BA/2015/0062/HOUSEH - Staithecote, Beech Road, Wroxham

Domestic outbuilding incorporating summerhouse, storage and water treatment housing.



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Application for Determination

Parish:	Wroxham	
Reference:	BA/2015/0062/FUL	Target Date: 27 April 2015
Location:	Staithcote, Beech Road, Wroxham	
Proposal:	Demolition of existing garden sheds and erection of domestic outbuilding incorporating summerhouse, storage and water treatment housing	
Applicant:	Mr Jonathan Edye	
Reason for referral:	Applicant connected to Broads Authority member of staff	
Recommendation:	Approve with conditions.	

1 Description of Site and Proposal

- 1.1 The application site is located at the eastern end of Beech Road on the south bank of the River Bure over 1 kilometre downstream of Wroxham Bridge. Wroxham Broad is located to the south of the site (see Location Plan).
- 1.2 The proposal is associated with Staithcote, a property with a traditional appearance (about 100 years old) which is set some 40 metres back from the river at the eastern end of Beech Road. The site has a 50 metre frontage to the river with a mooring dyke. Staithcote itself has an elevated ground floor and is effectively a one and a half storey dwelling with part boarded and part render walls and a thatched roof. In the curtilage of Staithcote there are modest sized wooden sheds (located to the east of the dwelling house).
- 1.3 The application is to remove the existing shed structures and replace with a single building for use as a domestic store, including for bicycles, summerhouse (in its north facing element) and housing for water pump. This requires the removal of a small number of trees.
- 1.4 The proposed building is 10 metres by 3 metres with a ridge height of 3.7 metres above proposed floor level (some 4.4 metres above ground level). It has an internal footprint of 29 sq m in comparison to the footprint of the sheds which have in total an area of 16 sq m. The proposed building is in a similar position to the existing sheds but as described by the agent '*set at a 20 degree tapering angle to the house*'. The design and choice of

materials seek to respect the character of the area and Staithcote itself, to achieve a degree of visual harmony. It is proposed to be timber framed with vertical black weather boarding, on timber piled foundations. Timber framed windows are proposed (with narrow proportions which seek to reflect traditional interwar type of summerhouse). The roof is proposed to be steeply pitched cedar shingles covered with a generous overhang.

- 1.5 The agent explains the reason for this as a single detached building is *'the final solution has been to place the building at an angle to the house with the southern end aligned to the east and partially 'emerging' from the associated woodland..... . By placing the proposal in this manner it obviates any potential 'domestication' of the site that might occur should the building be sited parallel to the existing dwelling. Also, as it will be seen emerging from the extensive and mature woodland to the east of the house this too aids the somewhat organic nature of the building'*.
- 1.6 The site is located within the Wroxham Conservation Area and also falls within a high risk flood zone area. As the site is located within a Conservation Area, if consent is granted it will also approve the removal of trees within the Conservation Area.
- 1.7 The proposals have been accompanied by drawings and a supporting planning statement (which address the Conservation Area / heritage consideration and its position in a high flood risk) plus a tree survey which addresses the quality and health of trees close to the proposed building.

2 Planning History

- 2.1 BA/2014/0032/FUL Replacement quay heading. Approved April 2014.
NB. This application also granted consent for the demolition of the sheds

3 Consultations

- 3.1 Wroxham Parish Council – Awaited.

Broads Society – Awaited.

Environment Agency - No objection. You may wish to condition that there is to be no overnight stays. Regarding the water treatment housing we assume this is for a previously permitted private treatment plant granted when the building was converted. The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. The applicant should contact our permitting service to determine if a permit is required.

4 Representations

- 4.1 None received.

5 Planning Policy

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

Core Strategy (CS) (2007)

[Core Strategy Adopted September 2007 pdf](#)

Policy CS1 – Landscape protection and enhancement

Development Management Plan DPD (DMP) (2011)

[DEVELOPMENTPLANDOCUMENT](#)

Policy DP1 – Natural environment

Policy DP2 – Landscape and Trees

Policy DP4 - Design

Policy DP29 – Development on Sites with High Probability of Flooding

- 5.2 The following policy has been assessed for consistency with the NPPF and has been 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.

Development Management Plan DPD (DMP) (2011)

Policy DP5 – Historic Environment

- 5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)

[NPPF](#)

6 Assessment

- 6.1 The application seeks to provide a new ancillary domestic outbuilding to replace three wooden sheds in a poor condition. In view of the position of the site, adjacent to the river and its Conservation Area location, the key issues relate to appearance / design / impact on the visual amenity; affect on Conservation Area and flood risk.
- 6.2 The proposed sheds are modest in scale but make no positive contribution to the character and appearance of the area or Conservation area. The proposed replacement building will be significantly greater in scale but still will have a subordinate relationship with the main dwelling, Staithcote. The proposed siting is set back from the river so will not appear dominant and the design approach is welcomed, as it seeks to reference the character of the main dwelling and other dwellings in Beech

Road in respect to its proportions, materials and detailing. The proposal requires limited tree removal; however, this will not involve work to any tree which is identified of significant value (in an already well 'treed' area). Therefore based on the above, it is considered that the approach will meet the design tests of development plan Policy DP4 and landscape protection aspirations of Policies CS1, DP1 and DP2.

- 6.3 As the site is located with a Conservation Area, it is important to assess the impact of the proposal on the heritage asset (as promoted in NPPF advice and also development plan policy DP5). In this case as outlined above, the proposal will removal unattractive typical domestic type modest sized wooden sheds and will replace with a building which, although larger, will better respect the character of the area and will enhance the appearance of the site and make a positive contribution to the Conservation Area. Therefore it is considered that there is no conflict with NPPF or development plan policy advice.
- 6.4 It is important to consider flood risk issues in this location. In this case the proposal is ancillary domestic accommodation (a mix of summerhouse and storage) with an elevated floor height. Notwithstanding the floor level, the Environment Agency (whilst raising no objection) recommends that a condition be imposed to prevent any use for overnight stay. It is considered that with the imposition of the suggest condition, the proposal is acceptable and consistent with the key aims of development plan policy DP29 with regard to flood risk.

7 Conclusion

- 7.1 The proposal is for an ancillary domestic building to replace three sheds. It is considered that the proposal represents a sympathetic design that will enhance the Conservation Area and will, subject to no adverse comment, have no unacceptable impact in relation to flood risk, ecological, or landscape considerations and will be consistent with development plan policy.

8 Recommendation

- 8.1 Subject to no substantive representation/comment being raised, this planning application is approved subject to the following conditions.
- Standard time limit condition;
 - Submitted plans / details;
 - Material to be agreed;
 - No use for overnight stay.

Background Papers: BA/2015/0062/FUL

Author: Andy Scales

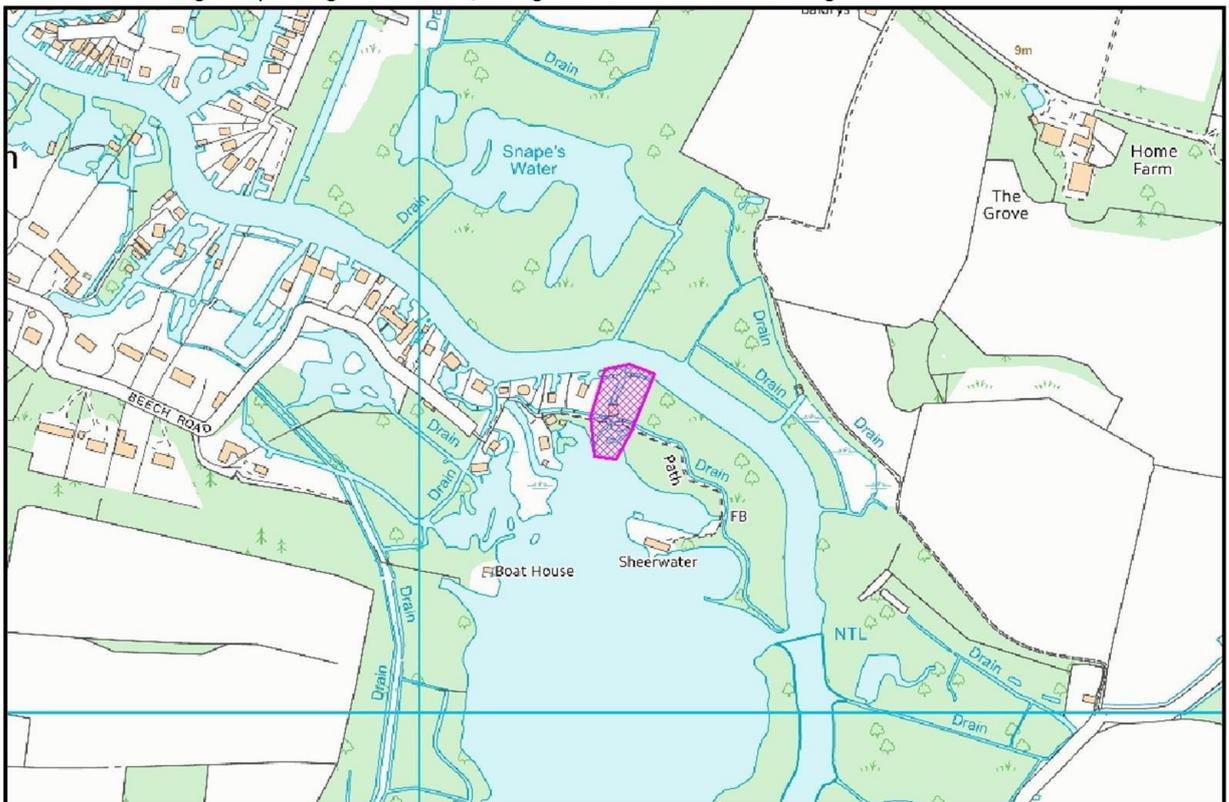
Date: 13 March 2015

Appendices APPENDIX 1 - Location Plan

APPENDIX 1

BA/2015/0062/HOUSEH - Staithecote, Beech Road, Wroxham

Domestic outbuilding incorporating summerhouse, storage and water treatment housing.



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Reference

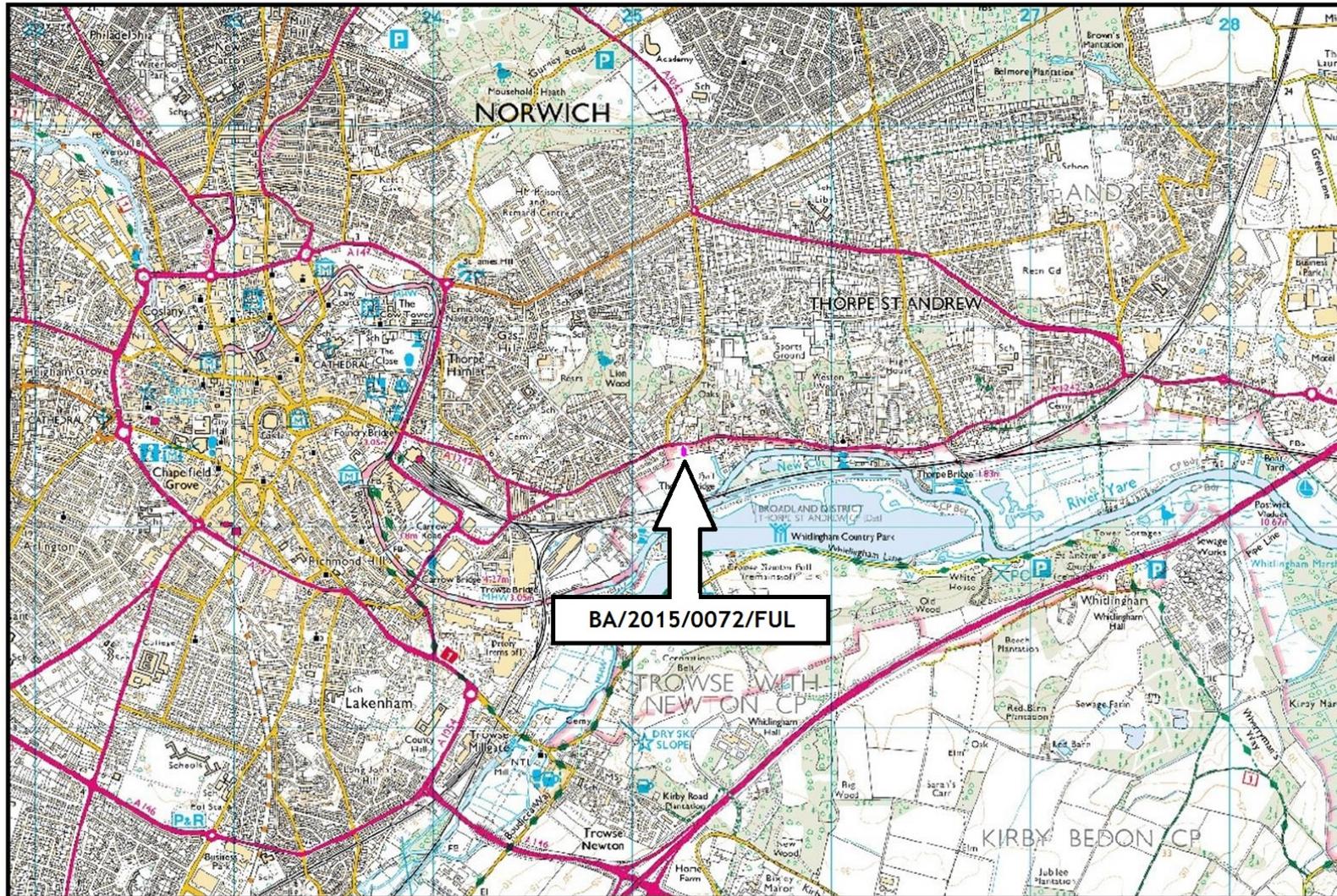
BA2015/0072/FUL

Location

Carys Meadow, Thorpe Road, Thorpe St Andrew

BA/2015/0072/FUL - Carys Meadow, Thorpe Road, Thorpe St Andrew

Improvements and extension to existing car park with new fencing, tree works (approved), new livestock corral and landscaping.



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Application for Determination

Parish	Thorpe St Andrew
Reference	BA/2015/0072/FUL Target date 24 April 2015
Location	Carys Meadow, Thorpe Road, Thorpe St Andrew
Proposal	Improvements and extension to existing car park with new fencing, tree works (approved), new livestock corral and landscaping.
Applicant	The Broads Authority
Recommendation	Approve subject to conditions
Reason referred to Committee	Application by The Broads Authority

1 Description of Site and Proposals

- 1.1 The application site sits within an area of public open space within Thorpe St Andrew. The site consists of an existing small public car park, an area of wooded scrub and a farmer's access gate which sit to the north of Carys Meadow. The River Yare exists to the south of the site and the site is accessed off Thorpe Road to the north. In terms of surrounding uses, Broadland District Council's offices sit to the immediate north of the application site, a cul-de-sac of houses sit to the west and a line of houses also sit to the east. An Anglian Water facility sits to the immediate east of the application site and is accessed from the existing car park. The site sits within the Thorpe St Andrew Conservation Area and Carys Meadow is a Locally Nature Reserve.
- 1.2 The proposal is for the extension of the existing car park to accommodate from approximately 5 to 10 vehicles and associated landscaping including the erection of fences, gates and livestock corral. A livestock corral is required as livestock are used to manage the meadow. The extension to the car park is proposed to be approximately 30m by 10m and constructed in type 1 granite surface treatment with timber and iron gates and fences.

2 Site History

In 2014 a canoe portage was installed on Carys Meadow by the Broads Authority under permitted development rights.

In 2014 tree works were approved to allow removal of various trees (mostly plum) to clear ground for establishment of new car park as part of Cary's Meadow Improvement Plan- BA/2014/0067/TCA.

3 Consultation

Broads Society - Response Awaited.

Parish Council - No Objections.

District Member - Response Awaited.

Anglian Water - Response Awaited.

Norfolk and Suffolk Boating Association - Response Awaited.

The Highways Authority - I have no objection to this proposal. The only comment I would make being that it is considered likely that the proposed parking arrangement will rely on vehicular turning needing to take place within the existing parking/turning area towards Thorpe Road. Should your Authority be minded to approve the application I would be grateful for the inclusion of the following condition on any consent notice issued:

SHC 24 Prior to the commencement of the use hereby permitted the proposed access and car parking area shall be laid out and demarcated in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

Norfolk Wildlife Trust - Response Awaited

4 Representations

None

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:

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

DP1- Natural Environment
 DP2- Landscape and Trees
 DP4- Design

DP11- Access on Land
 DP27- Visitor and Community Facilities and Services
 DP29- Development on Sites with a High Probability of Flooding

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

Development Management Plan DPD (2011)
 DP5- Historic Environment
 DP28- Amenity

- 5.3 Material Planning Consideration
 National Planning Policy Framework (2012)
[NPPF](#)

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the principle of the development, impact on highway safety, impact on landscape and character of the Conservation Area, impact on ecology and amenity
- 6.2 In terms of the principle of the development, both the NPPF and local planning policies are supportive of encouraging the use of local community and visitor facilities and services. Local planning policies are supportive of improving access to the Broads. As the small extension of the car park would help improve access to this public facility the development is considered acceptable in principle.
- 6.3 In terms of the impact on highways, the site is accessed off Thorpe Road to the north. It is not considered that the increase in use by an additional five vehicles would adversely impact on the existing access which also has an appropriate visibility splay. The Highways Authority has no objection to the proposal subject to a condition ensuring the site is demarcated prior to use. Given the small area proposed for the extension and the diagonal parking alignment proposed for the additional spaces, there is a concern regarding the need to reverse cars up to turn within the existing turning area by Thorpe Road. It is considered the proposal could be improved in this regard and slightly amended plans are awaited; the Committee will be updated verbally.
- 6.4 In terms of the impact on the landscape and character of the Conservation Area, the site already contains a small informal parking area and track into the site. The proposal is to extend this existing car park on a small scale and to retain its informal character, which is considered appropriate. The site is screened by existing trees which will help soften the development. The removal of a number of trees has been previously approved to help facilitate the development and it is therefore considered reasonable to

condition re-planting in a suitable location. Some trees are proposed to remain and it is therefore considered reasonable to append a condition to ensure trees are protected throughout the course of the works. Overall it is considered that there would not be an unacceptable impact on the landscape and that the proposal is compatible with the character of the Conservation Area.

- 6.5 In terms of the impact on ecology, as outlined above the removal of trees has been agreed by the tree works application procedure. The removal of the trees and scrub surrounding the trees will result in a loss of a small area of low-grade habitat. However it is considered that suitable mitigation and biodiversity enhancements can be agreed via condition; advice is still awaited in this regard and members will be updated verbally.
- 6.6 Given the existing natural screening and distance to neighbouring properties (over 100m approximately), and the nature and type of development it is not considered that there would be an adverse impact on neighbouring amenity as a result of the proposals. Given the proposal will take cars away from the entrance to Anglian Water's facility by encouraging them to park further to the south it is not considered that the use of the Anglian Water facility will be impacted by the proposal.

7 Conclusion

- 7.1 The development is considered to be an appropriate type of development, it is considered that the development will be well screened and complement the existing use of the site, and that there would be no adverse impact on highway safety, landscape, ecology of amenity.

8 Recommendation

- 8.1 Approve subject to the following conditions:
- (i) Time limit
 - (ii) In accordance with AMENDED plans
 - (iii) Landscaping scheme (both hard and soft including type of demarcation proposed) to be submitted
 - (iv) Should any new plant die within five years it shall be replaced
 - (v) Tree Protection Plan to be submitted
 - (vi) Details of a soak-away to be submitted
 - (vii) Shall be laid out and demarcated prior to use
 - (viii) Ecological mitigation and enhancements to be agreed

9 Reasons for Recommendation

- 9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP1, DP2, DP4, DP5, DP11, DP27, and DP28 of the Development Management Policies DPD (2011).

List of Appendices: Appendix 1: Site Location Plan

Background papers: Application File BA/2015/0072/FUL

Author: Kayleigh Wood

Date of Report: 17 March 2015

APPENDIX 1

BA/2015/0072/FUL - Carys Meadow, Thorpe Road, Thorpe St Andrew

Improvements and extension to existing car park with new fencing, tree works (approved), new livestock corral and landscaping.



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Enforcement of Planning Control
Enforcement Item for Consideration:
No.1 & No. 2 Manor Farm House, Oby
Report by Planning Officer (Compliance and Implementation)

Summary:	This report concerns unauthorised work to a Grade 2 listed building.
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Recommendation:	That members note and endorse the contents of this report
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Location: Manor Farm House, Manor Farm Road, Ashby with Oby

1 Background

- 1.1 Manor Farm House at Ashby with Oby is a Grade 2 listed building. The list description includes “2 doorways. Door to right is within doorcase of pilasters supporting simple entablature. Rectangular overlight. Sash windows with glazing bars and gauged skewback arches”.
- 1.2 In 2010 unauthorised work comprising the replacement of the windows and doors of the property with uPVC units was identified in a survey of historic buildings. This was then followed by a prolonged period of negotiation regarding the replacement of the unauthorised and inappropriate replacements between the Authority and the owner, protracted due to the difficult personal circumstances of the owner.
- 1.3 A report on the 17 August 2012 was brought to this Committee seeking authority to serve a Listed Building Enforcement Notice (LBEN) if voluntary compliance could not be achieved. The LBEN would seek the phased replacement of the windows and doors over a 10 year period. This was agreed by members.
- 1.4 Following this resolution, voluntary compliance was sought from the owner. An agreement was entered in to for a phased replacement for the windows and doors. On 1 May 2014 Listed Building Consent (LBC) was granted for the work.
- 1.5 Unfortunately little progress was made during the remainder of 2014 due to the owner’s financial situation and continued poor health. It is understood that the owner spent an extended period in hospital.

2 Update

- 2.1 In January 2015 the Authority was advised that a manufacturer for the windows had been identified and an order had been placed.
- 2.2 In March 2015 a site visit was undertaken and it was noted that the uPVC doors had been replaced with appropriate timber replacements. The owner advised that two replacement window frames have also been manufactured and they are currently waiting for a suitable weather 'window' for them to be fitted. Due to the nature of the window frame construction installation is likely to take more than a single day per frame and will leave the property exposed to the elements. The Authority has been advised that the work is expected to be completed in early April.

3 Conclusion and Recommendation

- 3.1 The progress on this long standing case is welcome.
- 3.2 Officers will continue to monitor the site and bring a report to Planning Committee at 6 monthly intervals.

Background papers: Broads Authority DC Enforcement File BA/2010/0071/UNLBP1

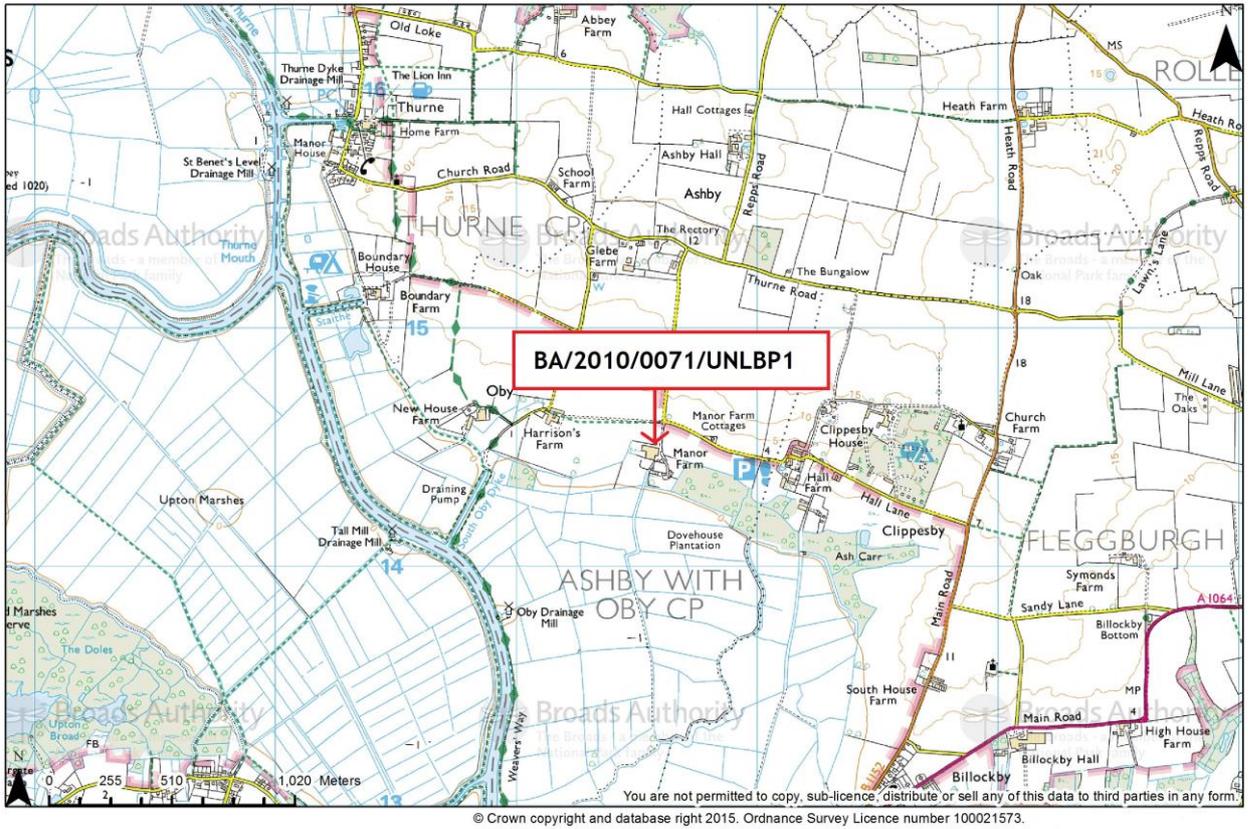
Author: S L Sewell

Date of report: 18 March 2015

Appendices: APPENDIX 1 - Site Map

**BA/2010/0071/UNLBP1 - Manor Farm House, Oby
Unauthorised work to Grade 2 Listed Building**

APPENDIX 1



**Heritage Asset Review Working Group
Membership**
Report by Historic Environment Manager

Summary: This report seeks approval for the appointment of two members of the Planning Committee on to The Heritage Asset Review Group in the light of the departure of two members from the Authority.

Recommendation: That members are invited to appoint two new members on to the Working Group.

1 Introduction and background

- 1.1 One of the three main purposes of the Broads Authority is to conserve and enhance the natural beauty, wildlife and cultural heritage of the Broads and particular reference is included within Chapter 2 of the current Broads Plan 2011. The Broads Authority Strategic Priorities have identified the need to identify buildings for inclusion on a local list and a continued review of Conservation Areas in line with national performance indicators as well as seeking the continuing protection and enhancement of the area's cultural landscape
- 1.2 In March 2010, The Planning Committee agreed to set up the Heritage Asset Review Member Working Group to provide officers with direction concerning the protection of Heritage Assets in particular the high number of Buildings at Risk identified by the survey. The Heritage Asset Review Group (HARG) had its first meeting on 26 March 2010 and in total has now had 15 meetings.
- 1.3 HARG provides a very useful mechanism by which Officers can provide updates to and seek guidance directly from Members on work in progress relating to all aspects of the Historic Environment in an informal and consensual way. Reporting back to the Planning Committee provides a formal and appropriate level of scrutiny for the work of the group.
- 1.4 The Group was reviewed in October 2013 and it was considered that the group provided a very helpful role in addressing specific and detailed issues relating to the cultural heritage of the Broads and that it should continue to do so reporting back to the Planning Committee as required.
- 1.5 HARG's Membership is made up of 5 Members of the Broads Authority Planning Committee and includes the Chair and Vice Chair of the Planning Committee, and three other Members. The Membership for the last year has been:

Murray Gray (Chair of Planning Committee) - Chair
 Stephen Johnson - Vice Chair
 Mike Barnard
 Julie Brociek-Coulton
 Colin Gould

- 1.6 HARG meets three times a year every four months following Planning Committee meetings and reports to the next scheduled Planning Committee meeting. The terms of reference of the Group are attached for Member's information at Appendix 1.
- 1.6 In light of Stephen Johnson's recent departure and with Julie Brociek-Coulton standing down from the Authority in May. Members are asked to appoint two members in their place.

2 Role of the Group

- 2.1 The need to determine what action needs to be taken in specific instances with regard to some Heritage issues - for example what particular action to take regarding a Building At Risk, how to prioritise action and develop a strategy for Buildings at Risk is a continuous process and the group has provided guidance on this very successfully.
- 2.2 The Group establishes what level of Enforcement action is appropriate in individual instances where unauthorised work has taken place.
- 2.3 The Group monitors the inclusion of buildings on a local list in order that consistency is assured and inclusion justified in case of challenge prior to adoption by Planning Committee is a continuing process.
- 2.4 The Group is particularly useful in providing guidance and on priorities for updating appraisals and management plans for existing and new conservation areas before they are taken to Planning Committee.
- 2.5 The Group also helps to further explore and advise on what might be appropriate in terms of partnership working and external funding opportunities in order to maximise positive impact on the Historic Environment.
- 2.6 The Group also provides guidance on establishing the best method of publishing advice and Guidance to owners in order to achieve the maximum impact and benefit to the Historic Environment.

3 Financial implications

- 3.1 There are potential financial implications from serving urgent works notices, repairs notices and building preservation notices and other mechanisms to secure the repair of historic assets. Similarly there are financial implications to taking enforcement action, preparing of a List of Locally important Heritage Assets and the preparation and publication of guidance for owners.

6 Conclusions

- 6.1 The HARG group has addressed specific and detailed issues relating to the Historic Environment in the Broads reporting back to Planning Committee as required. In order to continue to address these specific issues, and to further progress, both the input and approval of Members will continue to be required on particular courses of action that may be appropriate in individual circumstances.

Background papers: None

Author: Ben Hogg/Sandra Beckett

Date of report: March 2015

Appendices: APPENDIX 1 – Role of the Working Group

Role of the Working Group

The role of the Working Group is to advise officers on these issues which could include Authorisation of the serving of Urgent works and Repairs notices, Building Preservation notices, Enforcement notices. In the case of designation of new Conservation Areas and adoption of re-appraisals and management plans for existing Conservation Areas, these will continue to be reported to the Planning Committee for decision.

These matters are delegated to Officers specifically in the case of urgency when they might be exercised after consultation with the Chair or Vice-Chair of Planning Committee. It is not proposed to alter this arrangement.

Working Group Terms of Reference

The group is asked to look at the issue of Cultural Heritage with a view to:

- Protecting heritage assets identified as being “at risk “and prioritising and taking appropriate action to achieve their protection. Developing and adopting a strategy for their long/medium/short term future. This includes heritage assets at risk from Climate Change and developing and approving the publication of advice to owners of heritage assets.
- Developing and adopting criteria for the preparation of a list of locally important heritage assets and developing and adopting a strategy for their long/medium/short term future – identifying where and what changes of use might be appropriate in order to secure the future of the asset.
- Considering where necessary, appropriate enforcement action against unauthorised works to protected structures.
- Considering appropriate methodology for the preservation and enhancement of designated conservation areas in the Broads Authority Executive Area. Considering re-appraisals and boundary changes to existing Conservation Areas and the designation of new Conservation Areas in the Broads Authority executive area, including Landscape character assessment work.
- Exploring opportunities for partnership working with other organisations and agencies (English Heritage other parks etc) involved in the Historic Environment and also opportunities for external funding.

Reporting Mechanism and meeting frequency.

The working group meets quarterly or three times a year as business requires and reports to the Broads Authority Planning Committee.

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

Summary: This report sets out the position regarding appeals against the Authority since March 2015. The report also gives an annual summary of the decisions received from the Secretary of State from April 2014.

Recommendation: That the report be noted.

1 Introduction

- 1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since March 2015. There is in fact only one appeal which has been validated and which the Authority has received since May 2014.
- 1.2 The attached schedule at Appendix 2 shows a summary of the decisions by the Secretary of State on appeals in the last year since April 2014.
- 1.3 Between 1 April 2014 and 31 March 2015 the Authority has received eight decisions on appeals, although seven of these had been registered before April 2014. Three of the appeal decisions related to decisions made by officers under delegated powers all of which were dismissed, five were matters referred to Committee, four of which were appeals against enforcement. The fifth related to the site at Broads Edge Stalham. One appeal was registered and then withdrawn although the Authority was awarded costs. The table below provides a comparison with decisions in 2013/14.

<u>2013/14</u>	<u>2014/15</u>
Decisions: 6 Dismissed: 4 Allowed: 1 Part Allowed/Part Dismissed: 1 (Withdrawn: 1) (Decisions Outstanding: 6) .	Decisions: 8 Dismissed: 5 Allowed: 2 Part Allowed/Part Dismissed: 1 Withdrawn 1 (Award for costs to BA) (Decisions outstanding: 1)

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files.

Author: Sandra A Beckett

Date of report March 2015

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since March 2015
APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2014.

APPENDIX 1

**Schedule of Outstanding Appeals to the Secretary of State
since January 2015**

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
	<p>Appeal Ref E9505/W/15/3002735, BA/2015/001/NONDE T The Island, Yarmouth Road, Thorpe St Andrew</p> <p>Former Jenners Basin</p> <p>Mr Roger Wood</p>	<p>Appeal against non-determination of application for variation of conditions, 19 of which were imposed through a decision by the Planning Inspectorate to grant planning permission for 25 vessels subject to conditions in October 2014 Application not validated by BA</p>	<p>Appeal lodged with Secretary of State but not yet validated</p>
3-3-15	<p>App Ref E9505/W/15/3004216 BA/2014/0381/FUL BA/2015/0002/REF 104 Lower Street, Horning, NR12 8PF</p> <p>Mr and Mrs John and June Wright</p>	<p>Appeal against refusal Alteration of existing south west facing window and formation of a double doorway in place of double opening window and formation of access via external stairway to quay head decking area</p>	<p>Delegated Decision on 17 December 2014</p> <p>Questionnaire and Notification Letters sent by 10-3-15 Statement to be sent by 7 April 2015</p>

APPENDIX 2

BROADS AUTHORITY**Schedule of Decisions on Appeals to the Secretary of State since April 2014**

Start and Decision Dates	Appeal Details	
<p>6-12-11</p> <p>May 2013</p> <p>20-10-14</p>	<p>Appeal Ref E9505/C/11/2165163, BA/2011/0006/ENF BA/2010/0040/UNAUP4</p> <p>The Island, Yarmouth Road, Thorpe St Andrew</p> <p>Appeal against enforcement concerning unauthorised development of "marina":</p> <p>The construction and installation of two jetties, the erection or standing of a green metal storage container, the use of part of the land for the standing of motor engines and the change of use of the site for the mooring of boats without the grant of planning permission</p> <p>Public Inquiry held on 1/2-05-12</p> <p>Decision issued 15 June 2012</p> <p>Decision challenged July 2012 and subsequently conceded by Secretary of State in May 2013</p> <p>Appeal to be reheard by Written Representations. Following Site visit on 28-1-14 Inspector decided on Hearing to be held on 8 July 2014</p> <p>Appeal Decision received on 20 October 2014</p> <p>Subsequently the appellant has lodged an appeal in the High Court against the Inspector's decision.</p> <p>Mr Roger Wood</p>	<p>Committee authorisation 5 December 2008 and subsequent reports to Committee</p> <p>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</p>
<p>11-09-13</p>	<p>APP/E9505/C/13/2204391 BA/2013/0010/ENF</p> <p>The Old Grain Store, Wainford Road, Bungay</p> <p>Appeal against Enforcement (Written Representations)</p> <p>Change of use of land from single residential dwelling</p>	<p>Committee consideration 7-12-12</p> <p>Appeal dismissed and</p>

	<p>house to a dwelling house in use as self-contained flats. Mrs Helen Brundle</p> <p>APP/E9505/C/13/2204390 BA/2013/0009/ENF Change of use of land from single residential dwelling house to a house in multiple occupation (unauthorised HMO Use)</p>	<p>Enforcement Notice upheld with variations 2-4-14</p> <p>Appeal allowed and enforcement notice quashed</p>
9 -10-13	<p>APP/E9505/C/13/2206420 BA Appeal Ref - BA/2013/0011/ENF BA/2012/0044/UNAUP3 Site at Land Known As Newlands Caravan Site Or Three Rivers Caravan Site, Station Road, Geldeston, NR34 0HS</p> <p>Appeal against Enforcement Unauthorised installation of mooring platform</p> <p>Mr James Bromley</p>	<p>Committee consideration 28-03-2013</p> <p>Public Inquiry scheduled for 13-05-2014</p> <p>Appeal Withdrawn 8-5-14 BA applied to Planning Inspectorate for Award for costs - granted on 27-6-14</p>
12-11-13 24-7-14	<p>APP/E9505/C13/2208559 and 2208560 BA/2012/0056/UNAUP2 Heathacre Barns, The Common, Chedgrave</p> <p>Appeal Against enforcement (Former Piggeries) Unauthorised conversion and change of use to residential</p> <p>Dealt with by Public Inquiry 10-06-2014</p> <p>Mr David Younger and Mrs Elizabeth Younger</p>	<p>Committee Consideration 01-03-2013</p> <p>Appeal Dismissed and Enforcement Notice corrected upheld 24-7-14</p>
2-01-14 9 -6- 14	<p>APP/E9505/A/13/2210570 BA/2013/0134/COND Site at Ferry Quay, Ferry Road, Horning Appeal against refusal</p>	<p>Delegated decision 5-8-13</p>

	<p>Removal of conditions 2, 3 and 4 of PP - PF/98/0373 - to allow ground floor workshops to be used as ancillary accommodation</p> <p>Mr T Wood</p>	<p>Dismissed 9-6-14</p>
<p>27-1-14 6-6-14</p>	<p>APP/E9505/A/14/2212337 BA/2013/0170/FUL BA/2014/0002/REF Broads Edge Marina, Mill Road, Stalham</p> <p>Appeal against Refusal Provision of twelve camping pitches and the demolition of existing and erection of replacement toilet and shower building</p> <p>David Phillip Investments</p>	<p>Committee Decision 8-11-13</p> <p>Allowed 6-6-14</p>
<p>25-2-14 2-6-14</p>	<p>APP/E9505/A/14/221426 BA/2014/0004/REF Driftwood (Arcadia Moorings) Lower Street Horning</p> <p>Appeal against refusal To remove existing window to south west elevation and timber cladding below. Install double door access to sail loft in timber glazed frame set back</p> <p>Mr John Wright</p>	<p>Delegated Decision 26-11-2013</p> <p>Dismissed and Award for costs by appellant dismissed 2-6-14</p>
<p>22-05-14 15-08-14</p>	<p>APP/E9505/D/14/2218853 BA/2013/0385/FUL BA/2014/0001/HHAPP Hales Cottage, 2 Staithe Road, West Somerton, NR29 4AB</p> <p>Appeal against refusal Householder appeal procedures. Proposed extensions to rear of the dwelling</p> <p>Mr Clinton Button</p>	<p>Delegated decision 10-3-14</p> <p>Dismissed 15-08-14</p>

Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

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

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014			<ul style="list-style-type: none"> • 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 • 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 • Costs of direct action paid. Case to be closed.
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
8 November 2013	J B Boat Sales, 106 Lower Street,	Unauthorised building of new	<ul style="list-style-type: none"> • Authority for serving an Enforcement Notice in consultation

Committee Date	Location	Infringement	Action taken and current situation
	Horning	office not in accordance with approved plans	<p>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</p> <ul style="list-style-type: none"> • 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 • Case adjourned to 25 February 2015. • Planning application received 13 February 2015 and adjournment to be requested for Hearing.
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with. • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance.
10 October 2014	Land at Newlands Caravan Park, Geldeston	Unauthorised Erection of structures comprising	<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

Committee Date	Location	Infringement	Action taken and current situation
		toilet/shower unit, open fronted storage building and small shed	consultation with the Solicitor requiring the removal of the unauthorised structures with a compliance period of three months <ul style="list-style-type: none"> • 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 • No application received at 15 January 2015 • Negotiations underway with landowner • Site visit indicated further breaches of planning control • Some further clearance, further negotiations underway.
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: 18 March 2015

Appendices: Nil

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

02 April 2015

Agenda Item No. 13

Summary: This report sets out the delegated decisions made by officers on planning applications from 24 February 2015 to 23 March 2015
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Beccles Town Council				
BA/2014/0414/FUL	A small existing hard surfaced Car Park within woodland adjacent to the River Waveney in Beccles, Suffolk. Access via a hard track off Puddingmoor, Beccles	Mr & Mrs G Petersen	To increase existing car parking provision from 9 informal spaces to 11 informal spaces by tidying and trimming scrub and weeds and topping up lower areas with hardcore as per existing.	Approved Subject to Conditions
Brundall Parish Council				
BA/2015/0050/FUL	Plot 18 Hoboroughs Dyke Riverside Estate Brundall Norwich NR13 5PL	Mr William Farnell	To dredge existing mooring plot, renew quay heading and widen plot entrance by removal of small portion of existing bank and quay heading	Approved Subject to Conditions
Catfield Parish Council				
BA/2015/0013/HOUSEH	The Ice House Staithe Road Catfield Great Yarmouth Norfolk NR29 5BP	Mr C Webb	Single storey side extension to existing thatched bungalow	Approved Subject to Conditions
Ellingham Parish Council				
BA/2014/0416/HOUSEH	Ivy Cottage Geldeston Road Ellingham Norfolk NR34 0HS	Mr Simon Whitlam	Removal of concrete sectional garage, wood store and replace with brick and tile garage and greenhouse in same location	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Geldeston Parish Council				
BA/2015/0012/HOUSEH	Cat Bells 30 Station Road Geldeston Beccles Norfolk NR34 0HS	Mr J Langran	Kitchen extension and new porch	Approved Subject to Conditions
Hickling Parish Council				
BA/2015/0039/HOUSEH	Whiteslea Lodge Stubb Road Hickling Norwich Norfolk NR12 0BP	Mrs Virginia Reekie	Replacement of existing timber quay with timber clad plastic piling	Approved Subject to Conditions
Horning Parish Council				
BA/2014/0425/HOUSEH	River Cottage 26 Lower Street Horning Norwich Norfolk NR12 8AA	Mr Roger Lambourn	Alterations to fenestration and lower roof, installation of rooflights, balcony and canopy on south elevation. removal of existing external staircase.	Approved Subject to Conditions
Ludham Parish Council				
BA/2014/0220/COND	Swallow Cottage Swallow Tail Boatyard Horse Fen Road Ludham Great Yarmouth Norfolk NR29 5QG	Mr And Mrs C Buttifant	Variation of Condition 8 of pp /BA/1998/2011/HISTAP to allow the following to occupy the property in addition to a person solely or mainly employed in the operation or management of Swallow Tail Boatyard: 1) a person who was last employed in the operation or management of Swallow Tail Boatyard and the widow or widower of someone who is now or was last employed solely or mainly in the operation or management of the boatyard and any dependents, carers or family members residing with any such person.	Approved Subject to Conditions
BA/2014/0413/HOUSEH	Holm-Mere Staithe Road Ludham Great Yarmouth Norfolk NR29 5NP	Mr Derek Grainger	Proposed alterations to boathouse and rear extension to dwellinghouse	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Oulton Broad				
BA/2015/0045/FUL	Wherry Hotel Bridge Road Lowestoft Suffolk NR32 3LN	Anglia Restaurants Ltd	Single storey flat roof extension to encompass storage areas, fridge, freezers, staff changing room, furniture store, additional ladies and gents toilet facilities to function room, creation of new disabled w.c. within existing building	Approved Subject to Conditions
Potter Heigham Parish Council				
BA/2015/0022/HOUSEH	Marsh View 69 North East Riverbank Potter Heigham Norfolk NR29 5NE	Mr John Jones	Replacement of Shed	Approved Subject to Conditions
Reedham Parish Council				
BA/2015/0006/HOUSEH	Brit House 19 Station Road Reedham Norwich NR13 3TA	Mr Michael Fiske	Replace existing shed with garage	Approved Subject to Conditions
Somerton Parish Council				
BA/2015/0031/FUL	Land Adjacent The Firs Staithe Road West Somerton Great Yarmouth NR29 4AB	Mr And Mrs Grimmer	New Bungalow with attached garage	Approved Subject to Conditions
Stokesby With Herringby PC				
BA/2015/0024/FUL	Dove House Farm Runham Road Stokesby With Herringby Norfolk	Waters Farms Ltd	Grain Storage Building	Approved Subject to Conditions
Strumpshaw Parish Council				
BA/2015/0053/FUL	Land Nr Staithe Cottage Low Road Strumpshaw Norwich Norfolk NR13 4HS	Mr Tim Strudwick	Excavation of pond and construction of timber platform for educational use	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Wroxham Parish Council				
BA/2015/0008/ADV	10 Norwich Road Wroxham Norwich Norfolk NR12 8RX	Mr Mark Wilkinson	Facia Sign	Approved Subject to Conditions
BA/2015/0061/HOUSEH	The Wilderness Meadow Drive Hoveton Norwich Norfolk NR12 8UN	Mr M Cooper And Mrs S Myhra	Replacement of existing detached garden room	Approved Subject to Conditions
BA/2015/0011/FUL	Riverside Art And Glass 24 Norwich Road Wroxham Norwich NR12 8RX	Riverside Art And Glass	Proposed extension to art gallery	Approved Subject to Conditions