

Planning Committee

AGENDA

Friday 18 August 2017

10.00am

- | | Page |
|--|--------|
| 1. Appointment of Chairman | |
| 2. Appointment of Vice-Chairman | |
| 3. To receive apologies for absence and introductions | |
| 4. To receive declarations of interest | |
| 5. To receive and confirm the minutes of the previous meeting held on 21 July 2017 (herewith) | 4 – 14 |
| 6. Points of information arising from the minutes | |
| 7. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

8. **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
9. **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
10. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

	Page
<ul style="list-style-type: none"> • BA/2017/0103/OUT Hedera House, the Street, Thurne • BA/2017/0224/FUL Land to North of Cemetery, Pyebush Lane, Acle • BA/2017/0179/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael • BA/2017/0193/HOUSEH Freshfields, St Olaves 	<p>15 – 45</p> <p>46 – 56</p> <p>57 – 72</p> <p>73 – 81</p>
<p>11. Enforcement of Planning Control Enforcement Item for Noting: No.1 & No.2 Manor Farm House, Oby Report by Enforcement Officer (herewith)</p>	<p>82 – 84</p>
<p>12. Enforcement Update Report by Head of Planning (herewith)</p>	<p>85 – 88</p>
<p>POLICY</p>	
<p>13. Local Plan – August Bite Size Piece Report by Planning Policy Officer (herewith)</p> <ul style="list-style-type: none"> • Appendix A: Local Development Scheme • Appendix B: Consultation Plan • Appendix C: Housing Section • Appendix D: Duty to Cooperate Statement. 	<p>89 – 147</p>
<p>14. Winterton on Sea Neighbourhood Plan Report by Planning Policy Officer (herewith)</p>	<p>148 – 150</p>
<p>15. Consultation Documents Update and Proposed Responses: Waveney District Council First Draft Local Plan Report by Planning Policy Officer and Senior Ecologist (herewith)</p>	<p>151 – 154</p>
<p>16. Enforcement of Planning Control Enforcement Item for Consideration: Condition Monitoring Report by Planning Officer (Compliance and Implementation) (herewith)</p>	<p>155 – 157</p>
<p>MATTERS FOR INFORMATION</p>	
<p>17. Appeals to the Secretary of State: Update Report by Administrative Officer (herewith)</p>	<p>158 – 159</p>
<p>18. Decisions made by Officers under Delegated Powers Report by Head of Planning (herewith)</p>	<p>160 – 163</p>

19. **Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications**
Report by Head of Planning (herewith) *Quarter ending 30 June 2017*
20. **To note the date of the next meeting – Friday 15 September 2017 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich**

Broads Authority

Planning Committee

Minutes of the meeting held on 21 July 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard (Minute 8(3) onwards)	Mr P Rice
Prof J Burgess	Mr H Thirtle
Mr W Dickson	Mr V Thomson
Ms Gail Harris	

In Attendance:

Ms N Beal – Planning Policy Officer
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Ms M Hammond – Planning Officer
Mr N Catherall – Planning Officer
Ms A Cornish – Planning Officer
Mr G Papworth – Planning Assistant
Mr R Rogers – Director of Operations/on behalf of Director of Planning and Resources
Ms C Smith – Head of Planning

14/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr J Timewell. Mr M Barnard had apologised that he would be slightly late.

14/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared an interest on behalf of all members in relation to Applications BA/2017/0190/FUL and BA/2017/0164/FUL since they involved a member of the Navigation Committee and a member of the Authority respectively.

14/3 Chairman's Announcements and Introduction to Public Speaking

(1) Director of Strategy and Sustainable Communities

The Chairman welcomed Ms Marie Pierre Tighe as an observer. She would be joining the Authority as the Director of Strategy and Sustainable Communities later in the year.

(2) The Openness of Local Government Bodies Regulations

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January 2017 to record all its public meetings on a trial basis. The copyright remained with the Authority and the recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The minutes would be as a matter of record. If a member of the public wished to have access to the recording they should contact the Monitoring Officer.

- (3) **Introduction to Public Speaking** The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

14/4 Minutes: 23 June 2017

The minutes of the meeting held on 23 June 2017 were agreed as a correct record and signed by the Chairman.

14/5 Points of Information Arising from the Minutes

There were no points of information to report.

14/6 To note whether any items have been proposed as matters of urgent business

No matters had been proposed as items of urgent business

14/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

14/8 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 decision.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' report, and which were given additional attention.

- (1) **BA/2017/0078/FUL Tipperary Cottage, Thimble Hill, Wayford Road, Smallburgh** Single storey dwelling house to be used as an annexe to the existing dwelling house on the site.
Applicant: Mr Neil Cousins

The Planning Officer provided a detailed presentation with assessment of the application proposing the development of a dwelling house in the form of a 2 bedroomed modest bungalow to be used as an annexe, sited in the curtilage of Tipperary Cottage towards the rear of the site. The annexe was intended as ancillary to the existing dwelling house on the site to accommodate a family member. Members of the Committee had had the benefit of a site visit on 6 July 2017 in order to fully appreciate the relationship between the existing and the proposed units within the local context.

The Planning Officer explained that the application proposed a new form of residential accommodation ancillary to the main dwelling. He explained the complexities involved in this instance since the definition of an annexe in planning terms was not precise and could result in a level of ambiguity as to where a proposal ceased to be an annexe and could in fact be an independent form of residential accommodation. The applicants had signed a Section 106 Agreement in order to protect the main dwelling from being sold separately from the proposed ancillary dwelling and for it to be maintained as integral to the whole unit. The Planning Officer drew attention to the adjacent holiday site, pointing out that the proposal would not be visible from the highway or neighbouring footpath, as well as being well screened. Its siting would ensure that it did not contribute to a cluttered or overdeveloped appearance of the site. Although the extent of the separation of the building from the main dwelling unit was not insignificant, the Planning Officer considered that there were unique circumstances associated with the site. When assessing the application, he emphasised that account had been taken of the context of the site. It was considered that the proposal would not harm or be detrimental to the Broads landscape or have a detrimental effect on the neighbouring amenity. Therefore he concluded that the application could be recommended for approval subject to the Section 106 Agreement and conditions.

In answer to Member's questions, the Solicitor confirmed that the Section 106 Agreement related to securing a restriction on the sale of the dwelling separately from the proposed dwelling and this could not be challenged for five years, although after that period it could be negotiated. Any other issues such as the use would be covered by planning conditions. If a planning condition that had been imposed was not observed, it would be open to the Authority to serve a breach of condition notice for which there was no right of appeal.

A member queried as to the size of the proposed dwelling being modest given that the total floor area appeared to be greater than that of the average three bedroomed modern properties. He considered that in his view it was a substantial property that was not subservient to the main dwelling and could not be described as an annexe. He considered that there were other opportunities within the site. He considered that it was an application for a new build in an

unsustainable location outside the development boundary and could therefore set a precedent and could be of considerable harm.

Other members considered that it was a unique and unusual site and in the context in which it was set would not be out of place, cause harm or set a precedent. They were particularly mindful of the recent appeal decisions and the issues discussed at their previous meeting. They considered that the Officers had provided a thorough assessment, there was a clear justification for approving this scheme and which would not set a precedent given the particular circumstances here (as outlined in the report and presentation) and provided the application was carefully conditioned in association with the Section 106 Agreement should be accepted.

Paul Rice proposed, seconded by Jacquie Burgess and it was

RESOLVED by 5 votes to 2 against

- (i) That the application be approved subject to the prior completion of a Section 106 Agreement and conditions outlined within the report as the proposal is considered to be in accordance with Policy CS1 of the Core Strategy (2007), Policies DP2, DP4, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.
 - (ii) That any proposal to vary the section 106 Agreement in relation to this proposal be brought to the Planning Committee for consideration.
- (2) **BA/2017/0103/OUT Hedera House, the Street, Thurne**
Demolition of existing buildings and redevelopment of Hedera House to form 6 residential dwellings and ten new holiday units.
Applicant: Burlington Hotel (Great Yarmouth) Ltd.

The Planning Officer provided a detailed presentation of the outline proposal for planning permission to demolish existing buildings and provide a comprehensive redevelopment of the site at Hedera House to provide a mixture of replacement holiday accommodation comprised of 10 new holiday cottages of different building designs and six new residential dwelling houses as enabling development. He explained that a number of objections had been received including those from the Thurne Community Action Group, the Parish Council and the Thurne Archive Group. He provided the assessment giving particular attention to the criteria in Site Specific Policy THU1 that related to Thurne and specifically the Hedera House site.

The issues related to site use distribution, layout and design, landscape, neighbour amenity, biodiversity, landscaping and trees, flood risk, drainage, sewerage, all of which were considered to be

satisfied and in accordance with policy and the development would be appropriate within the existing village and not adversely impact on the surrounding landscape character. He explained that the site was allocated for a mixed holiday/residential use in the Local Plan and the Site Specifics Local Plan allowed for a proportionate amount of enabling development subject to a viability assessment and this had been submitted with the application together with an Ecological and Protected Species Survey. The Viability Assessment had been undertaken by an independent expert and independently reviewed to test the accuracy of the conclusions that a minimum of 6 general market houses would be required to make the proposed development viable. The conclusions of the independent review was that the appraisals had provided a fair assessment to provide both landowner and developer a fair return to ensure that the development of the proposed open market housing would enable delivery of the new holiday accommodation. The Planning Officer concluded that the objections had been adequately addressed and the application could be recommended for approval.

The Planning Officer clarified that the question of affordable housing had been considered in association with Great Yarmouth Borough Council and the site had not been identified as one of the key areas for such a scheme.

Members considered that they had been presented with a lot of information and that the issues were very finely balanced. Thurne was a small community and they considered that a site visit would be useful.

The Head of Planning clarified that the site had been allocated within the Local Plan Site Specifics Policies and therefore the principle of development for the Hedera House site was already established. One of the members noted that the Committee would not be able to consider the principle of viability, but they did request that further information on the detailed submission be provided. Members would need to have regard to whether the proposals met the 8 criteria of the Site Specifics policy and that they could be satisfied with the arguments made about the balance of development and whether the mix and configuration of the proposed units were appropriate given the local context.

Bill Dickson proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

That Planning Committee undertake a site visit on Friday 4 August 2017 prior to determination of the application in order to achieve a greater understanding of the development in the context of the village of Thurne to have regard to whether the proposal meets the policy criteria required.

(3) **BA/2017/0147/FUL Peto's Marsh (Compartment 28) Carlton Colville**

Excavation of a series of ponds to provide material for adjacent flood defence improvements.

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the application to create a series of ponds on an area of flat marshland area to generate material required by BESL to reshape and strengthen the existing flood bank running along the eastern boundary of Peto's Marsh. The area had recently been acquired for the Suffolk Wildlife Trust who had a vision and plans for the future development and management of the area to increase biodiversity and improve the ecology of the site, which had previously been under arable cultivation. Works to the floodbank were not part of the application. Some members had had the opportunity to view the whole site on the Members Annual Site visit, although this application had not been discussed

Having assessed the major issues in relation to the application, the Planning Officer concluded that although the purpose of the application was to generate sufficient material to strengthen and re-profile the existing flood bank on the eastern boundary of the site, part of the overall BESL flood defence programme, the application would also provide welcome biodiversity benefits and significantly improve the habitat value of the land as well as the landscape value. The scheme was therefore recommended for approval.

Having been satisfied on possible safety issues, Members were very supportive of the proposals and commended the application.

The Chairman put the Officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to conditions as the development was considered to be in accordance with policies CS1, CS2, CS4 and CS20 of the Core strategy and Policies DP1, DP2, DP11 and DP29 of the Development Management Policies DPD(2011) and an appropriate form of development, with no detrimental impact on ecology and designated sites or the landscape.

(4) **BA/2017/0190/FUL Ferry Marina, Ferry Road, Horning**

Extension to Boatshed

Applicant: Ferry Marina Ltd.

The application was before the Committee as a member of the Navigation Committee was a director of the company submitting the application. It was noted that the Solicitor had confirmed that the

application had been dealt with in accordance with the normal processes and procedures and the recommendation appeared uncoloured by the relationship noted in the report.

The Planning Officer provided a presentation of the application to add a subservient extension to an existing substantial commercial boatshed as part of the Ferry Marina boatyard site, on the northern side furthest from the river. The extension would occupy an area currently open grass, to be used as an additional workshop space and ancillary facilities to the boatyard.

The Planning Officer concluded that on balance and having taken into account the representations received, the extension was acceptable in design, would not result in any unacceptable impacts on amenity and therefore subject to a landscaping condition would comply with policy, including Policy HERR7 and was recommended for approval.

Members concurred with the Officer's assessment and on being put to the vote

RESOLVED unanimously

that the application be approved subject to conditions outlined within the report as the proposal is considered acceptable in accordance with Policies CS1 and CS9 of the adopted Core Strategy (2007), Policies DP2, DP4, DP20, DP28 and DP29 of the adopted Development Management Policies (2011), Policy HOR7 of the adopted Site Specific Policies (2014) and also the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (5) **BA/2017/0164/FUL Fineway Cruisers, Fineway Boatyard, The Rhond, Hoveton** Replacement Quay Heading
Applicant: Richardsons Leisure Ltd.

The application was before the Committee as a member of the Authority was the Managing Director of the company submitting the application - Richardsons Leisure Ltd. It was noted that the Solicitor had confirmed that the application had been dealt with in accordance with the normal processes and procedures and the recommendation appeared uncoloured by the relationship noted in the report.

The Planning Assistant provided a presentation of the part retrospective application to replace approximately 112 metres of timber quayheading at the Fineway Boatyard with steel piling and timber capping and waling. Additional information had since been received which satisfied the Environment Agency and they had no objection. In conclusion, the Planning Assistant recommended approval as the application was in accordance with policy.

Members concurred with the officer's assessment.

RESOLVED unanimously

That the application be approved subject to conditions outlined within the report as the development is considered to be acceptable in respect of Planning Policy and in particular in accordance with policies DP4, DP13 and DP29.

14/9 Enforcement Update

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

RESOLVED

that the Enforcement Update report be noted.

14/10 Code of Conduct for Planning Committee Members and officers

The Committee received a report updating the ' Code of Conduct for Planning Committee Members and Officers' which had been revised to ensure consistency with the recent revisions to other governance documents particularly the Authority's Code of Conduct adopted in 2016 and the Protocol on Member and Officer relations adopted in May 2017 and the latest best practice. The Committee was supportive of the proposed amendments and it was

RECOMMENDED to the Authority

that the Code of Conduct for Planning Committee Members and Officers be adopted.

14/11 Broads Local Plan: July Bite Size Piece

The Committee received a report introducing the latest topics to inform the publication version of the Local Plan set out as the July 2017 Bite Size pieces.

This included policies on Design (Appendix A), the Central Norfolk Strategic Housing Assessment (CNSHMA) (Appendix B) which informed the Revised Housing Topic. (Appendix C).

Members welcomed and endorsed the proposed policies. They noted that the amendments to the proposed policies on Design took account of the discussions at the previous meeting particularly in light of recent appeal decisions.

It was noted that with regard to CNSHMA the Authority's need was calculated on the basis of its neighbouring Districts and Members were pleased to see

the improved cooperation with those adjacent LPA colleagues which were beneficial.

The Planning Policy Officer provided notice of the considerable number of policy items as part of the Broads Local Plan for consideration at the next two Committee meetings.

RESOLVED

that the proposed revised policies within the July Bite Size Pieces on Design and Housing for the Broads Local Plan be noted and endorsed.

14/12 Landscape and Landscaping Guides for Adoption

The Committee received a report which provided an information guide to help applicants address landscape and landscaping in relation to their schemes. This had been the subject of public consultation, the responses of which were contained in the report at Appendix A.

The Committee endorsed the proposed Guide and recommended that it be adopted. Once approved the Guide would be produced in paper format only on request.

RECOMMENDED to the Authority

that the responses and amendments to the Guide are noted and endorsed and the Broads Authority adopt the Landscape and Landscaping Guides

14/13 Salhouse Neighbourhood Plan for Adoption

The Committee received a report setting out the details of the referendum held in relation to the Salhouse Neighbourhood Plan. Members noted the progress of the Plan, all of which were in accordance with the statutory procedures including those encompassed in the appropriate Planning legislation. The Referendum was held on 19 July 2017 and in order for the Neighbourhood Plan to be successful, greater than 50% of those that voted on the Plan needed to vote in its favour. The Planning Policy Officer informed members that the Referendum vote had provided a resounding "Yes" with 288 votes in favour and 24 against. It would be up to the Authority as to whether to adopt the Neighbourhood Plan.

RECOMMENDED to the Authority

that the Salhouse Neighbourhood Plan be adopted and therefore become part of the Broads Development Plan, a major consideration in the determination of applications with Salhouse Parish.

14/14 Consultation Documents Update and Proposed Responses

The Committee received a report on the latest Consultation Document received from South Norfolk council on its proposed Supplementary Planning Document setting out guidelines for recreation provision in new residential developments. The Committee considered the proposed response to the consultation. The local authority members appointed by South Norfolk and North Norfolk Districts commented that the costs of managing recreational areas were increasing and proving to be difficult to sustain.

Members welcomed the proposed response

RESOLVED

that the report be noted and the proposed response be endorsed and forwarded to South Norfolk Council.

14/15 Appeals to Secretary of State

The Committee received a report on the current appeals against the Authority's decisions since April 2017. The Authority had received a start date of 19 July for the appeal relating to Eagles Nest, Ferry Road, Horning.

RESOLVED

that the report be noted.

14/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 9 June 2017 to 4 July 2017. It was noted and welcomed that there was only one application within the schedule which had resulted from the monitoring being undertaken by officers. A report on Monitoring would be brought to a future meeting.

RESOLVED

that the report be noted.

14/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 18 August 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 11.35 am

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 21 July 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Items 8(4) and Item 8(5)	Member of Navigation Committee Director of the Company making the application. Member of the Authority is the Managing Director of the company making the application.
Mr W A Dickson	Item 8(5)	Near Neighbour
Paul Rice	Item 8 (4) Item 8 (2)	Chairman of Broads Society Boat temporarily in Ferry Marina boatyard Member of IDB
Haydn Thirtle	Item 8(2)	Know applicant, have been lobbied. Norfolk County Councillor for area

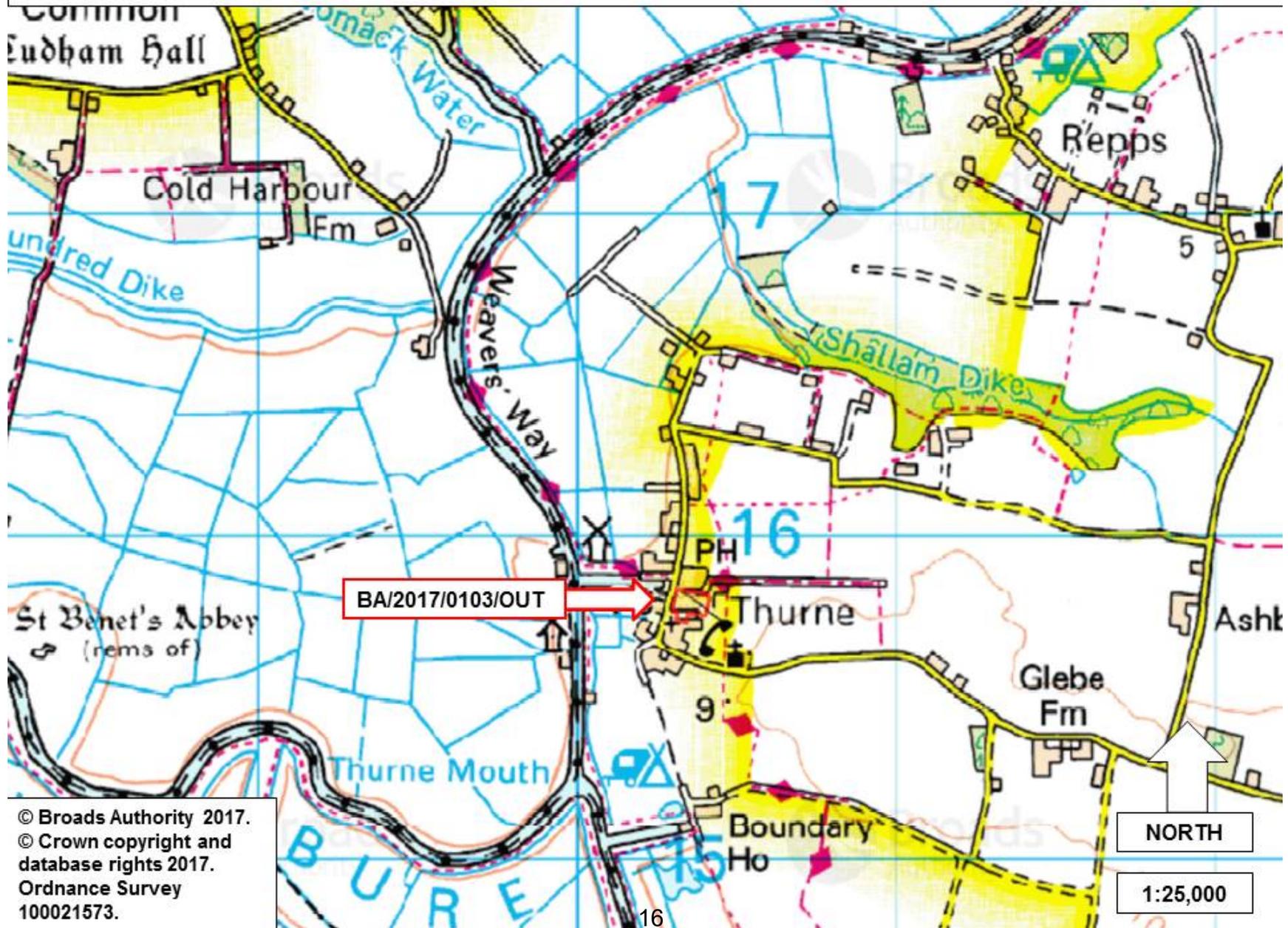
Reference:

BA/2017/0103/OUT

Location

Hedera House, the Street, Thurne

BA/2017/0103/OUT - Hedera House, The Street, Thurne, NR29 3AP



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Ordnance Survey
100021573.

Application for Determination

Parish	Thurne
Reference	BA/2017/0103/OUT
Target date	03 August 2017
Location	Hedera House, The Street, Thurne, NR29 3AP
Proposal	Outline application to redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages
Applicant	Mr Delf
Recommendation	Approve subject to conditions
Reason for referral to Committee	Objections received

1. Background

- 1.1 A report was prepared for the 21 July 2017 meeting of the Planning Committee, recommending approval subject to conditions. The full report is attached as Appendix B to this report.
- 1.2 Members resolved to defer determining the application until a site visit has been undertaken. The site visit is scheduled for 10.00am on Friday 4 August 2017.
- 1.3 The draft Minutes record the reason for the site visit as follows:

Members considered that the application remained very finely balanced within the village of Thurne and that a site visit would be valuable and appropriate.... to achieve a greater understanding of the development in the context of the village of Thurne to have regard to whether the proposal meets the policy criteria required.

- 1.4 The notes of the site visit will be reported at the Planning Committee on 18 August 2017.

2. Update

- 2.1 Since the 21 July meeting of the Planning Committee additional information was requested from the person carrying out the independent review of the

applicant's submitted viability assessment in response to concerns raised by Members at the meeting. The additional information provided sets out the approach taken to the review of the submitted viability report, explains the resultant viability appraisal carried out by the reviewer, and provides an amendment to the wording of the conclusion. This document has been added to the application documents and is available to view by Members for consideration prior to the Planning Committee on 18 August 2017.

- 2.2 The reviewer clarifies assumptions around sales values and development costs, gives rationale to the need for their own assessment based on their knowledge and opinions in order to provide comparison and test the conclusion presented in the submitted viability report, sets out the differences between the two assessments, and concludes that the differing approach results in only a marginal difference which does not materially impact on the case submitted.
- 2.3 Further explanations are given for the conclusion stated in the original review, and explanation of the intended meaning behind certain turns of phrase are provided in order to provide necessary clarity, including in relation to the term 'not wholly unreasonable'. The reviewer states that this 'appears to have led to some uncertainty as to exactly what my advice is to the Authority, therefore I suggest that the term 'not wholly unreasonable' is replaced by 'justifiable'. With this in mind an amended second paragraph of the conclusion under 1.4 of the review of the viability assessment has been provided as follows:

The Viability Assessment provides limited supporting evidence justifying the assumptions, costs and values used in the appraisals. Whilst I do not necessarily agree with all assumptions and inputs used, however, in my opinion, those used are justifiable.

- 2.4 No further representations or documents have been received.

3. Conclusion and Recommendation

- 3.1 There has been no change in circumstances since the previous report was prepared, nor has the further information submitted at the time of writing materially affected the officer recommendation for approval.
- 3.2 Approve subject to the following conditions:
- i. Reserved matters submission time limit, and time limit on commencement following approval of reserved matters;
 - ii. Reserved matters - landscape, design details, materials, boundary treatments, trees, hedge to street boundary, native hedgerow planting/gap filling;
 - iii. Timing of works;
 - iv. Occupation (holiday accommodation and residential);
 - v. Length of stay (holiday accommodation);
 - vi. Disabled accommodation up to required standards;
 - vii. Details of type and siting of foul sewage treatment plant;

- viii. Surface water drainage;
- ix. Obscure glazing;
- x. Highways - width of access;
- xi. Highways - length of access;
- xii. Highways - visibility splay;
- xiii. Highways - access, parking, and turning;
- xiv. Ecology - timing of works to trees and hedgerows;
- xv. Ecology - external lighting;
- xvi. Ecology - length of grass prior to works commencing;
- xvii. Ecology - Further bat surveys if Trees (T1, T7, T8, T20) are proposed for removal/ tree works;
- xviii. Ecology - provision of two bird boxes;
- xix. Ecology - provision small wildlife pond in one corner of the site;
- xx. Works to be carried out in accordance with the submitted Arboricultural Implications and Method Statement;
- xxi. Details of type and siting of foul sewage treatment plant
- xxii. Demonstration of flood resilient construction in accordance with FRA
- xxiii. Flood evacuation plan
- xxiv. Sign up to flood warnings
- xxv. Remove permitted development rights

4 Reason for Recommendation

- 4.1 The proposal is considered to be in accordance with Policy THU1 of the Site Specific Policies Local Plan, Policies CS1, CS9, CS18 and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP11, DP28, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application, along with National Planning Practice Guidance.

Background papers: Planning file BA/2017/0103/OUT

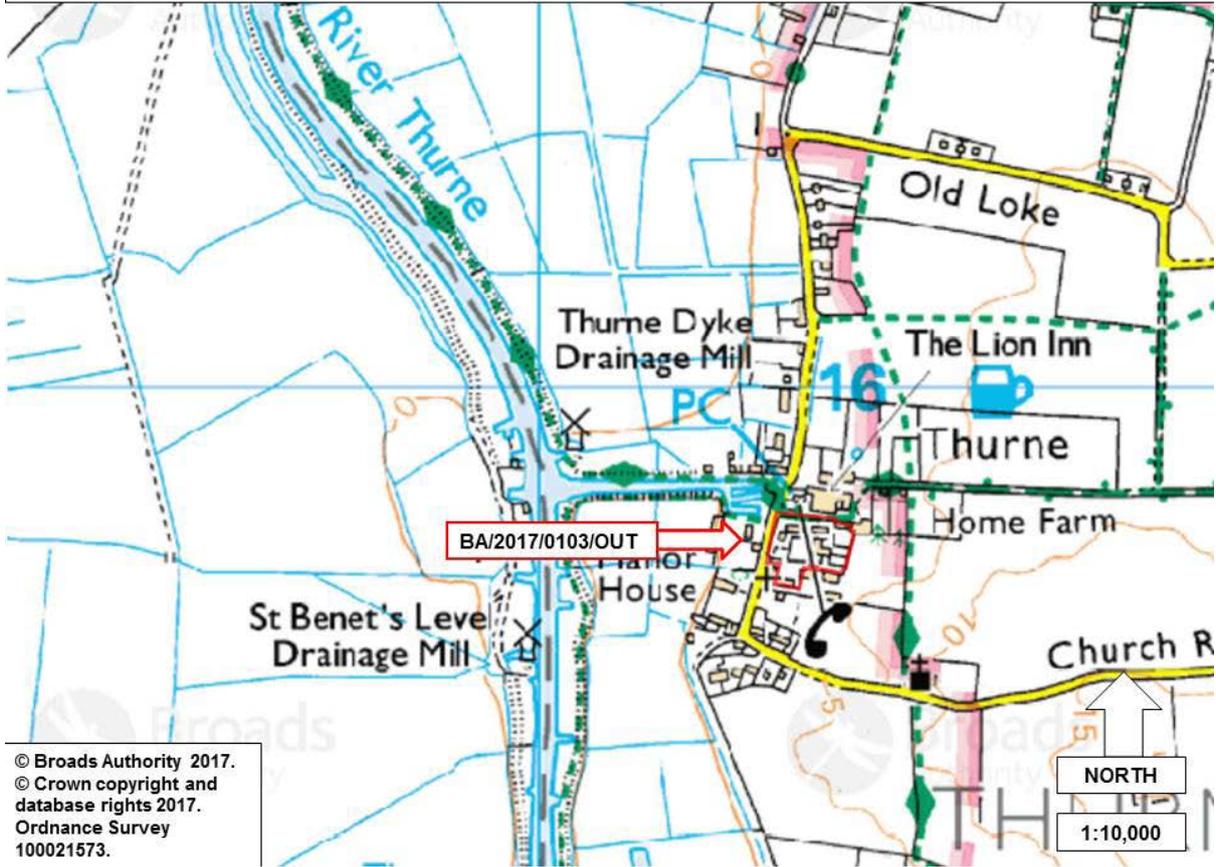
Author: Nigel Catherall

Date of report: 02 August 2017

List of Appendices: Appendix A – Location Plan

Appendix B – Report to Planning Committee on 21 July 2017

Appendix C – Note of site visit held on Friday 4 August 2017



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Application for Determination

Parish	Thurne
Reference	BA/2017/0103/OUT Target date 03 August 2017
Location	Hedera House, The Street, Thurne, NR29 3AP
Proposal	Outline application to redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages
Applicant	Mr Delf
Recommendation	Approve subject to conditions
Reason for referral to Committee	Objections received

1 Background

- 1.1 The application site comprises an area of 0.8 hectares known as Hedera House located on the east side of The Street in Thurne, close to the centre of the village. Thurne is comprised of a village centre which includes the Staithe, a shop, and a public house, with development around the Staithe area and north and south along The Street, and a small amount along Church Street. Residential development is effectively in sections, with a cluster at the southern end of The Street and Church around where the road turns 90 degrees to run roughly parallel to the River Thurne, a couple of properties opposite the application site, there are then properties on the northern side of the Staithe, following which there is a stretch of housing along the west side of The Street, followed by a stretch of housing along the east side of The Street. There are a number of farm buildings, predominantly around the application site, and a Methodist Church immediately south of the site. The depth of developed plots in Thurne in terms of distance from street frontage to rear boundary is reasonably regular with the notable exception of a bulge on the eastern side of The Street. This section comprises the Hedera House site and sections of farm buildings on either side, with some residential development on the northern side of Hedera House continuing a little further eastward.
- 1.2 The Hedera House site is predominantly rectangular save for a much smaller rectangular protrusion at the south of the site and to the rear of the Methodist Church. The western boundary of the site is along The Street for a distance of 65 metres although it is noted that at present the site has its back to the street with a tall hedge along the majority of the street frontage. The site comprises a large 2-storey dwelling located roughly in the centre of the site which offers

holiday accommodation for up to 12 people, 10 holiday chalet bungalows comprising 7 units adjacent to the northern boundary, 1 adjacent to the western boundary and 2 within the small rectangular protrusion at the south of the site, and an open air enclosed swimming pool which is located in the south-eastern corner of the site.

- 1.3 The 2-storey dwelling known as 'Hedera House' is a large dwelling but is not a dominating presence in terms of views from the surrounding area owing to the size of the site within which it sits and the level of screening surrounding the site. Anecdotal evidence suggests the house was previously the farmhouse for one of the surrounding farms but was subdivided from the original property and subsequently the site developed for tourism purposes. The building is fairly unremarkable and has been extended unsympathetically to the rear which creates a cluttered and jumbled appearance so that only from the front does the building have any appeal. It is noted that the traditional joinery has been replaced by modern windows which further undermine the appearance of the property.
- 1.4 The 10 holiday chalets are single storey with an extremely slight mono-pitch to the roof. There appear to be two sizes although the differences are reasonably minor and the uniform appearance of cream colour rendered walls, white eaves with an overhang to the front featuring two metal V-shaped supports allows for a calm rhythm of appearance. However, the chalets have no visual merit and are accurately described in a 1991 planning decision notice as 'of a poor standard of design'. The swimming pool is enclosed on all sides but has the unfortunate appearance of a static caravan with the roof cut off and therefore has no visual merit.
- 1.5 The boundary treatments are varied. The western boundary which fronts The Street mostly comprises a tall hedge although there is a vehicle access opening at the southern end and a section of the hedge is absent towards the southern end, both of which allow views of the site. The northern boundary is mostly tree lined, with an opening adjacent to The Street which allows pedestrian access, and at the northern end there is a barn on neighbouring land adjacent to the boundary. The eastern boundary is a mix of trees, hedge, and fencing, with one noticeable gap in the boundary which is partly filled by a low post and rail fence. The southern boundary features trees adjacent to the church, close boarded fencing, and a pair of large barns with a brick wall in between. The overall appearance lacks clear form or approach in terms of boundary treatment or appearance. The site is mostly screened from public vantage points along The Street with occasional views of the site, and has a fairly open appearance to the eastern boundary which can be viewed from public footpaths which run parallel to the boundary and form part of the Weavers' Way.
- 1.6 This application follows a previous application which was submitted in 2016. Concerns were raised in relation to design and site layout and discussions were held with the Agent for the application. Revised plans were not submitted and a significant time elapsed before any agreement on a way forward occurred, it was therefore considered appropriate to request that the application be withdrawn and the scheme resubmitted to ensure a clarity of approach. There

was further delay in the scheme being resubmitted and a substantial amount of time has passed since the original submission. The submitted scheme is not markedly different from the previous proposal but has sought to address design issues and make alterations to the site layout.

2 Proposals

- 2.1 An outline planning permission is sought for the demolition of the existing buildings on site and a redevelopment of the site to provide a mixture of replacement holiday accommodation comprising 10 units, and residential dwellinghouses as enabling development.
- 2.2 The site would effectively be divided into two halves with the western half comprising the tourism element, and the eastern half comprising the residential element. The split in terms of site area is roughly 50/50.
- 2.3 The proposed holiday accommodation comprises three different building designs. Two pairs of semi-detached 2-storey units located within the rectangular protrusion at the south of the site. A short terrace of three units and a semi-detached pair with an appearance of 1.5 storeys sited to the western side of the site at an angle of 18 degrees to The Street. A single bungalow described as 'disabled friendly' sited adjacent to the northern boundary. All holiday accommodation would be 2-bedroom units.
- 2.4 The proposed residential accommodation comprises three different styles based on a common design approach which features a main 2-storey element with either one or two 'wings' which are 1.5 storeys. Each unit features its own driveway, integral garage, and private amenity space. The provision would be three 3-bedroom houses and three 4-bedroom houses.
- 2.5 The submitted application indicates that the only matter to be reserved would be landscaping, although it is noted that the submitted plans do not feature a full set of elevations and upon raising this issue with the Agent it was accepted that some aspects of appearance would also be reserved.

3 Site history

- 3.1 BA/1990/3082/HISTAP - Single storey extension to chalets. Approved with conditions, March 1990.
BA/1991/0055/HISTAP - Alterations to chalets to form new bedrooms with en suite facilities. Refused, September 1991.
BA/1991/0083/HISTAP - Alterations to chalets to form new bedrooms with en-suite facilities. Approved with conditions, January 1992.
BA/2016/0009/OUT - Redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages. Withdrawn

4 Consultation

Parish Council - the Parish Council commented as follows:

- 1: We strongly agree with the points set out by Mr Malcolm Cater in his comments to you and presented to a meeting of the Parish Council.
- 2: This application seems to ignore Local Plan policy which states:
 - i) The majority of the site be retained in holiday accommodation. More than half the site is for large private housing.
 - ii) A layout, form and design which strengthens the rural characteristics of the village. The application fails to address this.
- 3: We agree the site is tired and in need of an upgrade. We feel the replacement holiday units should be single storey, the proposed two storey cottages will be too intrusive, particularly as they are close to existing properties.
- 4: Bearing in mind Thurne is a very small village, to create what is in effect a mini housing estate right in the middle would detrimentally alter the character of the village.

Thurne Community Action Group (TCAG) - A number of points raised which are summarised as follows:

- o Tourism is important to village, modernising this site is welcomed, important not to damage character of the village.
- o Two storey development in heart of village will be visually prominent and spoil rural nature of village.
- o Loss of Hedera House is disturbing to TCAG, there is a strong case for retention.
- o Concerns over drainage and run-off.
- o Concerns over increase in traffic.
- o Management of holiday chalets needs to be clarified.
- o Opportunity here to do something exciting and imaginative, not reflected in this plan.

NCC Highways - No objection subject to conditions and informative.

Internal Drainage Board - As stated within the FRA the site falls within the Drainage district of the Broads Internal Drainage Board. Any change to the impermeable area of the site or the positive discharge to the drainage system, may result in increased flows (by rate and/or volume) entering the district, which will need to be dealt with by the boards infrastructure.

Therefore further details will be required from the applicant to confirm how excess surface water from the site will be dealt with and of any change to the drainage characteristics of the site.

Land Drainage consent may be required as may a one off surface water discharge contribution. Details of this and the charges associated can be found on our website.

Environment Agency - No objection on flood risk grounds providing that the LPA have taken into account flood risk considerations.

BA Ecologist - No objection subject to conditions.

BA Tree Officer - No objection raised over loss of trees to centre of the site. Concern raised about loss of hedge to western boundary to provide visibility

splay, request made to confirm if this is necessary, any loss should be mitigated and secured by planning condition.

BA Landscape Officer - Concerns raised and current proposal not supported. The outline application does not seek approval of landscaping, however matters of landscape and setting are relevant to the acceptability of a proposal given the nature of the site and its location. The site sits within an area of relatively open arable land, with some long views towards the settlement of Thurne, in particular from Church Road/Thurne Road and Repps Road to the south, due to slightly higher elevation.

The proposals locate the holiday accommodation along The Street and larger units of market housing to the east of the site. This is positive in terms of the development maintaining a green frontage and providing character in keeping with the village from The Street itself, however the form and layout of the development from the wider setting is of some concern. It is acknowledged that the housing types proposed have been designed with relatively low profile roof heights and styles and variation in roof form, all of which will likely assist in minimizing the impact on the wider views, however I am unconvinced that the same consideration has been applied to the layout. Currently the site is not readily identifiable from surrounding views due to the built form being at a scale similar to surrounding development. The introduction of larger scale built form and at a higher density is likely to make the development a visible introduction within the wider setting of existing buildings in the area and increase the sense of density and scale perceived from wider views.

In order to limit any notable increase in density and massing of the existing settlement, the layout of the eastern part of the site could be reconsidered to ensure it responds more sensitively. More information could also be provided about the rationale behind the current layout beyond simple consideration of the marketability of units. In addition the use of boundary treatments around the site will have the potential to either add further negative impact to the proposals or to partially mitigate the proposals. The applicant may therefore wish to consider these issues and provide additional information.

Without a full application, or landscape forming part of the matters for outline approval, it is difficult to determine the full extent of the impact of the proposals on the surroundings and establish suitable measures to integrate the development into its setting and mitigate any change. I conclude that currently the application lacks sufficient information to demonstrate that there would not be a visual impact and some impact on the character of the landscape setting. Therefore, in landscape terms I would be unable to support the current outline proposal due to a lack of certainty over the impact it would have on the wider setting.

Representations

Four responses to the public consultation were received from Thurne residents which raised a number of points which are summarised as follows:

- Loss of Hedera House building should be avoided.
- Consideration should be given to refurbish the existing accommodation.
- Viability arguments are contradictory and lacking justification
- No justification that the holiday accommodation is much needed.
- Concern that houses will be built and holiday accommodation not.
- Concern over use of holiday accommodation as residential
- Planning permission required for change of use.
- New homes are considered to be 'executive' style, they do not reflect village architecture or improve quality of built environment.
- Cul-de-sac style does not exist in village.
- No provision of affordable housing.
- Lack of mix of house sizes
- Two storey holiday accommodation would be more intrusive, overbearing, and result in a loss of amenity.
- Increase in traffic a hazard for pedestrians, cyclists, and animals.
- Drainage is an important issue.
- Contention that development will contribute to local economy is questioned.
- Application reduces holiday accommodation provision.
- Flood risk assessment is incorrect.
- No specific need for housing in Thurne.
- Lack of supporting infrastructure.
- Contrary to Core Strategy CS18, CS19, CS20, CS21, and CS24.
- Contrary to Development Plan DP22-30 excluding DP25.
- Sewage treatment needs to be addressed.
- No consultation over emergency access.

5 Policies

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

5.2 Site Specific Policies Local Plan (adopted 2014)

http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf (Page 90/91)

THU1 - Tourism Development at Hedera House, Thurne

Neighbourhood Plans

5.3 There is no Neighbourhood Plan in force in this area.

6 Assessment

- 6.1 The proposal is for the redevelopment of the Hedera House site in the village of Thurne. The proposal seeks a comprehensive redevelopment which would involve the demolition of all structures currently on the site, the division of the site into part residential comprising 6 houses and part holiday accommodation comprising 10 units.
- 6.2 The main issues in the determination of this application are the principle of the development, design and layout, landscape, neighbour amenity, trees and ecology, highways, flood risk, and developer contributions.

Principle of development

- 6.3 The site is currently in tourism use primarily providing holiday accommodation in the form of chalets. There is a large old dwellinghouse on the site but according to the documents submitted with the application this is also utilised to provide holiday accommodation. Whilst the principle of holiday accommodation provision is well established and accepted, there is no current residential use and the proposed use of part of the site to provide residential housing must be considered as a new residential development.
- 6.4 Site Specific Policy THU1 relates to Thurne and specifically the Hedera House site. The Policy states:

“Land at Hedera House is allocated for tourism- uses, with a proportionate amount of general market housing as enabling development. Development proposals on this site shall provide the following:

- (i) The majority of the site to be retained in holiday accommodation available as short-stay lets;
- (ii) The proportion of the site to be developed for general market housing shall be only that required to deliver satisfactory redevelopment, renovation or upgrading of the existing holiday accommodation. This shall be demonstrated to the satisfaction of the Broads Authority, in a viability assessment of the proposed development which shall be prepared by an independent chartered surveyor;
- (iii) A layout, form and design which strengthens the rural character of the village and its location in a national park equivalent area and reinforce local distinctiveness and landscape character;
- (iv) Retention of mature hedgerows and provision of suitable boundary landscaping and areas of open space to retain a spacious and ‘green’ approach within the site appropriate for a rural village;
- (v) Demonstration that there is adequate capacity in water recycling centre (sewage treatment works) and the foul sewerage network to serve the proposed development and that proposals demonstrate they will not have an adverse impact on surface or ground water in terms of quality and quantity;
- (vi) Protect the amenities of nearby residents;
- (vii) Adequate vehicular access compatible with the above criteria; and

- (viii) Proposals must ensure no adverse effects on the conservation objectives and qualifying features of the nearby SSSI.

The inclusion of ancillary facilities (for example the retention of the swimming pool and/or games room) for the benefit of visitors or residents would be welcomed, subject to it not compromising the provision of a suitable scheme.”

- 6.5 The preamble to the policy states that ‘Open market residential development is considered to be an appropriate and complementary land use for the Hedera House site redevelopment’. It is considered that the proposed use of part of the site for residential development is acceptable in the broadest principle, but that analysis of the criteria for assessment within Site Specific Policy THU1 is essential in considering whether the current proposal is itself acceptable in policy terms. Each point is considered in turn.

Site Use Distribution

- 6.6 In essence the criteria under (i) and (ii) of Policy THU1 are interlinked. In order to deliver a viable development it is accepted that general market housing would need to be provided as enabling development. Criteria (ii) states clearly that ‘The proportion of the site to be developed for general market housing shall be only that required to deliver satisfactory redevelopment’, whilst criteria (i) states that ‘The majority of the site to be retained in holiday accommodation available as short-stay lets’.
- 6.7 The submitted application includes a viability assessment prepared by an independent chartered surveyor as required by Policy THU1. The assessment shows that a minimum of 6 general market houses would be required in order to make the proposed development viable. This assessment has been independently reviewed in order to test the accuracy of the stated calculation and the following conclusions were drawn:
- The viability appraisals are based upon the demolition of the existing holiday chalet accommodation and replacement with ten new units together with enabling development involving the removal of the existing dwelling and the construction of six open market detached dwellings.
 - The Viability Assessment provides limited supporting evidence justifying the assumptions, costs and values used in the appraisals. Whilst I do not necessarily agree with all assumptions and inputs used, however, in my opinion, those used are not wholly unreasonable.
 - I consider the appraisals to be a fair assessment of the relative viability of the two parts of the proposed development and provide both landowner and developer with a fair return sufficient to ensure that the development of the proposed open market housing will enable the delivery of the new holiday accommodation.

With the assessment and independent review in mind it is considered that sufficient information has been submitted to demonstrate that the level of enabling development is reasonable and at a level which would allow for the

satisfactory redevelopment of the site whilst ensuring the need for significant investment can be made with a sound level of confidence.

- 6.8 The issue quickly arises that the level of enabling development required is at a quantity which would challenge the requirement stated in criteria (i). The western half of the development which provides the holiday accommodation has a gross area as measured on the submitted plans of 3856.4sqm. The eastern half of the development which provides the general market housing has a gross area as measured on the submitted plans of 3871.1sqm. This equates to a near 50/50 divide. It is considered that six houses on a site of this size, taking into account the need to provide reasonable setting and layout, avoid clustering or overdevelopment, and achieve acceptable levels of private amenity space, requires the portion of the site proposed and it is not considered to reasonably be at a lower level in terms of the submitted proposal.
- 6.9 Having accepted that the enabling development proposed at a level of 6 houses has been satisfactorily demonstrated to be at the minimum level required, and that the proportion of the site allocated is at a reasonable and acceptable level for the siting of 6 houses, consideration must turn to how this impacts on criteria (i) of Policy THU1. It is clear that the majority of the site would not be retained as holiday accommodation, but the thrust of the policy is to ensure a satisfactory redevelopment of the site and one which is viable. To undermine the viability of the site would undermine the prospects of the site being redeveloped. It is consistently accepted, even by those objecting to this scheme, that the site is tired and in need of redevelopment, and the existence of Site Specific Policy THU1 emphasises this. In placing enabling development at the centre of the policy it acknowledges difficult realities in redeveloping a site such as this.
- 6.10 As a basic measure the requirement for the majority of the site to be retained as holiday accommodation could be achieved by moving the dividing line between the two halves of the development a short distance to the east. This simple act of redistribution would result in a majority of the site being retained as holiday accommodation but would be a largely technical exercise without any tangible benefit. It would still be possible to provide 10 holiday units and six residential houses only with a minor change in the position of the proposed boundary between the two. The area around the holiday units and the setting this provides is considered to be generous and not in need of expansion. Conversely a reduction in the area for setting and amenity of the residential houses would have an impact on the acceptability of that element of the scheme.
- 6.11 It is further considered that the proposed scheme achieves a satisfactory redevelopment of the site. Taking into account the level of holiday accommodation currently provided, the proposed scheme achieves a reasonably comparable provision, by utilising predominantly 2-storey units the site density is increased which ensures that provision is continued and this retains this location as a dedicated tourism site. In turn the economic benefits

of such an asset in the village is sustained which helps support businesses such as the public house and shop.

- 6.12 Finally it is noted that the provision of accommodation in terms of number of units favours the holiday accommodation provision which numbers 10 as opposed to the six residential houses. It is noted that the primary difference between them is the size of the buildings and their type, with the residential being detached and the holiday units being terraced, semi-detached, and detached. Consideration could arguably be given to taking a similar approach with the residential houses and providing a different approach to the provision of accommodation with smaller units taking up less of the site and therefore having the potential to retain more of the site in holiday accommodation use. However, any reduction in the numbers proposed would result in a loss of potential value which would undermine the scheme in terms of providing a sound level of enabling development. Another possible approach would be to provide a lower quality of holiday accommodation which would require less investment and therefore require a smaller proportion of enabling development. Whilst this may assist in retaining a larger portion of the site for holiday accommodation it would not assist in bringing about a satisfactory redevelopment of the site which would raise the standard not only of the accommodation provision but also providing a character and appearance which seeks to complement the character and appearance of the village of Thurne.
- 6.13 Having regard to the above assessment it is not considered that a strict interpretation of this aspect of the policy would result in an improvement to the scheme (much less a significant one) and there is therefore no benefit to requiring the division between the element of the scheme to be revised. The proposed enabling development is considered to be the minimum required to make the scheme viable and that the approach to dividing the site between the holiday accommodation and residential housing elements is sound on this basis. The division is roughly 50/50 which allows for a reasonable balance of uses, and by siting the holiday accommodation to the western end of the site the existing interface with the village is maintained. It is therefore considered that the site use distribution is in accordance with criteria (ii) of Policy THU1 and is not considered to undermine the thrust and intention of criteria (i) of Policy THU1.
- 6.14 Having determined that the proposal is acceptable in principle and in terms of the distribution of development types across the site, consideration must be given to the layout and design of the development including siting and scale of the proposal, and the impact the works would have on the landscape of the Broads. Policy DP2 requires that development would not have a detrimental effect on a feature of landscape importance. Policy DP4 requires that development must be appropriate in terms of scale, form and massing when considered in the context of the site and the surrounding landscape and streetscape. Criteria (iii) and (iv) of Policy THU1 relate to design, landscaping, and areas of open space and are detailed above in paragraph 5.7. Policy CS1 seeks to protect the distinct landscape of the Broads and varied landscape character of both the built and natural environment.

Layout and Design

- 6.15 The pattern of development in Thurne comprises a number of different elements. To the north of the Staithe the appearance is more open chiefly due to the siting of development on only one side of the street, first to the west and then to the east. Development around the Staithe area is more built up but still retains an open feel due to the Staithe itself. To the south of the Staithe the street scene becomes more enclosed but still retains a reasonably open feel, however it is noticeable around this part of the village that development on the eastern side of The Street spreads further from the road which gives an increased perception of depth of development. Where The Street becomes Church Street there is a small collection of houses which are obviously set back and away from the public highway which again gives a different perception to the pattern of development.
- 6.16 The layout of the application site proposes a reasonably straightforward division into two halves, with the western half of the site providing holiday accommodation and the eastern half of the site providing residential houses. This approach ensures a clear demarcation between the two uses which also contributes to providing readable clusters of development. By concentrating the holiday accommodation to the western side of the site it ensures that views from The Street achieve a degree of comprehensible development and with a layout that conforms to the overall pattern of development in the village. A similar argument can be put forward when considering views of the residential development to the eastern side of the site from public vantage points to the east, and from that vantage point the site is framed by not unsubstantial farm buildings. Views of the two site elements together would be reasonably limited to the site entrances on The Street, and even these will be diluted once landscaping elements have matured.
- 6.17 Taking each element in turn, the layout of the holiday accommodation comprises a semi-detached pair and three unit terrace roughly parallel to The Street, with the single storey unit slightly further to the north with an increased set back, and two semi-detached pairs in the rectangular protrusion at the south of the site. This is considered to spread the development reasonably evenly across this section of the site, providing a mix of established building positions, and development which reflects the pattern of development within the village. It also helps ensure that a single access point can provide access to the entire site which limits the requirement for hard surfaced areas and allows the site to be reasonably enclosed boundary wise. It is noted that the proposed buildings parallel to eastern boundary are set at an angle of 18 degrees to The Street, this is not reflective of development within Thurne but is not considered to undermine the appearance of the development or character of the village.
- 6.18 The layout of the residential housing is broadly two rows of three detached properties with a central access road. This approach is largely in keeping with existing development in Thurne in the few locations where roads run at a right angle to The Street such as on the corner with Church Street and the sites

either side of Hedera House. It is a simple layout that provides a clear pattern of development, regular siting of amenity space, a minimum level of potential overlooking, and contributes to an unfussy and less cluttered appearance when viewed from the surrounding area.

- 6.19 In terms of building design the village of Thurne features a variety of form, design, and siting, and a notable range of materials and finishes. There is a mix of single storey and two storey, traditional old buildings and more modern constructions, some buildings featuring low eaves and some with prominent front gables. There are plenty of examples of quality design alongside examples of design without obvious merit, but it seems possible to find examples across a range of architectural styles which have varied throughout the years. Across the village there are brick and render finishes, although it is noted at the southern end of the village where the subject site lies there are arguably more brick than rendered buildings. Roof coverings are predominantly pantiles, with some thatch and the odd example of slate.
- 6.20 The application proposes a few styles of building around a central theme which the submitted design and access statement describes as 'Norfolk Barn appearance'. The properties fronting The Street have a reasonably low eaves level with rooms in the roof and small traditional dormer projections. The design has a rural feel which it is considered complements the overall feel of properties in the immediate surrounds and would result in a positive addition to the street scene. The two semi-detached pairs at the south of the site have a more rudimentary appearance but are of a design and appearance which would sit comfortably within the village setting. The separation and siting of the two properties would allow for a different approach in terms of design but it is noted in terms of scale there is a comparable overall form. The bungalow is set away from the adjacent terrace row which allows for a different scale and form with a design that is simple and unfussy.
- 6.21 The design of the residential housing has a common theme of a main 2-storey element with either one or two 'wings' which are 1.5 storeys with three different configurations proposed. The design does pick up on some aspects of the village vernacular, but again with such a variety of housing design it is difficult to argue that there is a particular Thurne style. The strong front gable, here emphasised by the two storey nature of that element of the house, reflects an approach which is evident in the village, including at the immediately adjacent site. The 1.5 storey elements feature low eaves and small dormer projections which provides some level of continuity in design approach across the site. The scale of the properties is only comparable to the larger houses in Thurne, but are not considered to be of a scale that is out of keeping with the village, or overly dominant on the site. Either side of the site are varying scales of farm buildings, and in this context the scale of development would sit quite comfortably.
- 6.22 In terms of materials the submitted design and access statement envisages red brick and pantiles but concedes that this is expected to be determined at reserved matters stage and will be conditioned so. Certainly a brick and

pantile appearance would sit well in the village but will need a reasonable level of certainty in terms of actual type and appearance.

- 6.23 Concerns have been raised by the Parish Council, the Thurne Community Action Group and a number of objectors about the loss of Hedera House itself. Hedera House is a brick and slate building, which is visible from public viewpoints and forms part of the familiar local landscape. Although it clearly needs maintenance, it is not an unattractive building and its retention within the scheme would have been likely to have been supported. However, it is not listed (or of a quality to justify listing) and neither is it in a Conservation Area so the Local Planning Authority has no power to require its retention. It may be regrettable that the scheme which has been developed does not include it, but this is not a planning consideration as such and the LPA can only consider whether the submitted scheme is acceptable on its merits, not whether an alternative scheme might have been better. On this basis, whilst the loss of Hedera House is regretted, this is not a matter to which weight can be given.
- 6.24 It is proposed that permitted development rights relating to extensions, roof additions, and outbuildings are removed as part of any grant of planning permission. That is not to say that reasonable outbuildings are not acceptable, but it is important to have control over their size and design.
- 6.25 In conclusion it is considered that the proposal strikes a reasonable balance in reflecting some aspects of the varied style of the village, proposing a simple and unimposing difference in design while seeking common characteristics and a reasonable level of site identity. The layout and scale would ensure that the overall scheme reads well from public vantage points, does not appear cluttered or overdeveloped, and introduces a good level of interaction with The Street. The space between the sections of development is considered acceptable, allowing for the different forms to be read in sections whilst not undermining the overall flow of development across the site. The proposed development is therefore considered acceptable with regard to DP4 of the Development Management Policies DPD and criteria (iii) and (iv) of Policy THU1 of the Site Specifics Policy.

Landscape

- 6.26 The application site is reasonably level and so when considered from within the confines of the village itself is not a prominent presence. In addition given the sections of farm buildings on either side of the site, its presence is fairly well contained. There will be views of the new development from the Staithe and logically from the river itself at certain points, but when considered within the village setting, the concentration of development in this section, and the scale of buildings on either side, the proposed development will relate well in terms of scale of development and overall appearance and is considered to be acceptable in terms of landscape when taking into account views from the west.

- 6.27 The land rises gently to the east of the village which gives it a slightly higher elevation than the village itself. To the east of the Hedera House site is open fields without obvious field boundaries and therefore the proposed development will be visible from surrounding land. Views from Church Road to the north of St Edmund church offer a wide vista of Thurne village, what becomes apparent is wide and low level spread of buildings with significant trees, Thurne Mill clearly visible in the background, and the backdrop to all this is fields on the western side of the river Thurne. To the south of the church views from Church Road allow for much more of the village detail to become obvious, views of the mill disappear, and only snatches of a backdrop beyond the village are visible. The application site can be clearly distinguished and owing to the sporadic boundary treatment single storey chalets become part of the landscape. What is most apparent is that the scale and form of development in Thurne becomes readable, and a number of buildings have a strong presence in views, this includes residential properties and farm buildings, with the significant trees becoming a more striking presence. There is a public footpath forming part of the Weavers' Way which runs directly north from the church and runs parallel to the application site at a distance of approximately 70 metres. This footpath allows clear views of Thurne and the application site.
- 6.28 Taking into account the above description any development at Hedera House will be part of the village and wider landscape. The BA Landscape Architect has reviewed the proposed scheme and has concluded that, owing to this application being outline with landscape forming part of the reserved matters, they are unable to support the current proposal. The issues cited are layout, with the larger properties forming the residential housing element being at a higher density and visible from the east of the site, and the potential for poor boundary treatments. The conclusion reached is that without landscape forming part of the submitted scheme it is difficult to determine the full extent of the impact of proposals on the surroundings and establish suitable measures to integrate the development into its setting and mitigate any change.
- 6.29 It is accepted that any development will have a visual impact, and there will be some impact on the character of the landscape setting. The key issue is whether that impact will be negative taking into the landscape character, existing development, and the development as proposed. The scale of the buildings proposed will undoubtedly result in a more obvious presence when viewed from the east, the existing site is predominantly characterised by single storey buildings, and although the 'Hedera House' building itself is not insignificant, it is the only 2-storey form on the site. However, the presence of the 'Hedera House' building does at least allow for an appreciation for the potential impact of development, and in terms of the surroundings it is not a particularly prominent presence. When viewed from the east it is the buildings either side which have a greater presence, and the application site itself is almost an anomaly in this context, therefore to provide a more apparent built presence on this site would only be that, a more apparent presence, not a negative or unacceptable presence.

- 6.30 The layout of the residential housing element is broadly in two rows which to some level would limit the perceived extent of development, this includes the orientation of the buildings. The height of the proposed buildings is not excessive, and taking into account the scale of neighbouring development would assimilate reasonably well with its surroundings. There would be some loss of through views but this would not be detrimental to the landscape character taking into account the impact of development in general at this part of the village, the views not being characteristic or an indelible feature of this location.
- 6.31 The issue relating to boundary treatments is acknowledged and uncharacteristic boundary treatments such as close boarded fencing would have a poor relationship to the existing situation. The submitted plans indicate that boundaries would be formed by natural planting, although no detail is presented in this outline application. Boundary treatments would form part of the reserved matters, and it is proposed to remove Permitted Development rights for boundary treatments to ensure that future proposals are within the control of the Local Planning Authority.
- 6.32 One final point to note is that whilst the existing chalets are fairly diminutive, their appearance is an incongruous presence in the village landscape setting both in terms of design and materials which arguably draws more attention to itself than a more subtle form of design. The proposed scheme by that measure would undoubtedly be an improvement on the existing situation.
- 6.33 In conclusion it is considered that the proposed development at Hedera House will not be an unnecessarily obvious or unwarranted presence in the wider landscape, and taking into account its setting and context would not have an unacceptable adverse impact on the surrounding landscape character. Any landscape impacts are reasonably related to the scale of development in this location, and the proposal represents an improvement in the overall appearance of the site both in isolation and in relation to its surroundings. In this respect the proposed development is considered acceptable.

Neighbour Amenity

- 6.34 There are neighbouring residential properties to the west and south of the application sites, and it is noted that an objection has been received from the residents of the property on the opposite side of The Street citing a loss of amenity and a visually overbearing form of development dominating the skyline to the east.
- 6.35 There are currently two chalets, one of which is side on, adjacent to the eastern boundary of the site. The boundary is comprised of a tall hedge which is open in places. The Street is a narrow road and there is no footpath. However, the proposed siting of the holiday accommodation is away from the boundary, with a separation of a minimum of 11 metres at its closest point, and 20 metres at its furthest point, taking into account the angle of the line of buildings in relation to the boundary. Further to this is the width of the road and small set back from the road of the neighbouring building, this ensures

that a separation of between 20 and 25 metres is maintained between the two built forms. The design of the buildings is such that the upper floor is within the roof which takes up a greater proportion of the buildings height than the ground floor walls, this results in a form which pitches away from the boundary. The combination of these factors is considered to mitigate any potential for the development to be unacceptably overbearing or visually enclosing. There will be some loss of skyline at certain points but this is not considered to be unacceptable taking into account the separation between properties. In terms of privacy the separation again is considered to be sufficient to overcome any concerns, and an established boundary treatment would allay concerns over the perception of being overlooked at a direct level.

- 6.36 In relation to the residential property to the south of the site, the separation between the built forms, particularly at two storey level is considered sufficient to ensure no undue loss of amenity. The proposed buildings are set away from the boundary as is the neighbouring property, and there is an access road between the two sites. The combination of these factors would ensure that the proposed development would not be visually overbearing or result in a sense of enclosure. The holiday units adjacent to the southern boundary have been designed so that there are no first floor windows to the rear elevation which would therefore ensure no loss of privacy or overlooking.
- 6.37 The proposed development is therefore acceptable with regard to Policy DP28 of the Development Management Polices DPD and criteria (vi) of Policy THU1 of the Site Specific Policies Local Plan.

Biodiversity

- 6.38 The applicants have submitted an ecological and protected species survey of the site. The report concluded that the plant communities are ecologically unremarkable, the marginal habitats are of greater ecological value, in particular the scattered trees and hedging to the north, east, and west. No evidence of protected species was found within the site, although the boundary hedges and trees contain some features that may be of value to nesting birds and foraging bats.
- 6.39 The report has been reviewed by the BA Ecologist who has raised no objections to the scheme subject to conditions including enhancements, and advice notes which will be included in any grant of planning permission in the form of Informatives. Should any enhancement measures be proposed up front Members will be updated verbally. In this respect the proposed development is considered acceptable.

Trees

- 6.40 The applicants have submitted an arboricultural impact assessment and method statement for the proposed development, this has been assessed by the BA Tree Officer. No objections have been raised to the loss of trees in the centre of the site but some concern was raised about the proposed removal of the frontage hedge in order to provide the required visibility splay. This point

was raised with the applicant's agent who confirmed that the removal was specifically a highway safety issue and that a replacement hedge would be planted behind the area of the visibility splay. It is noted that criteria (iv) of Policy THU1 requires retention of mature hedgerows but in criteria (vii) it requires highway access compatible with the other criteria. In this respect having regard to the consultation responses it would appear that these two elements are incompatible, but it would not be reasonable to refuse a scheme over the loss of an existing hedgerow, however regrettable, when highway safety considerations in this respect would outweigh that element of the assessment criteria. Taking into account the highways requirement for a visibility splay and the fairly sporadic form of the existing hedge it is considered that the loss of the hedge would be acceptable in these specific circumstances, a point which has been accepted by the BA Tree Officer. The replacement hedge would need to be detailed to the satisfaction of the Local Planning Authority at the reserved matters stage. In this respect the proposed development is considered acceptable with regard to criteria (iv) of Policy THU1 of the Site Specific Policies Local Plan.

Flood Risk

- 6.41 The subject site is located within flood zones 1, 2, and 3. The western part of the site is within flood zone 3 up to approximately the mid-point of the 'Hedera House' building. The north-east portion of the site is with flood zone 2, with the remainder of the site in flood zone 1.
- 6.42 This is an allocated site, where the principle of mixed residential and holiday use has been accepted following consideration of all the relevant issues, including flood risk. A flood risk assessment (FRA) was submitted as part of this application, which the Environment Agency have reviewed and confirmed that they have no objection on flood risk grounds providing that the LPA have taken into account the flood risk considerations. The FRA includes measure to cover finished floor levels and a flood response plans and these represent a satisfactory mitigation of the residual risks. It is concluded that the proposed development at Hedera House has sufficiently considered flood risk and related matters.

Drainage

- 6.43 The application site falls within the Drainage district of the Broads Internal Drainage Board (IDB). The Broads IDB have commented as follows:
- Any change to the impermeable area of the site or the positive discharge to the drainage system, may result in increased flows (by rate and/or volume) entering the district, which will need to be dealt with by the boards infrastructure.
 - Therefore further details will be required from the applicant to confirm how excess surface water from the site will be dealt with and of any change to the drainage characteristics of the site.
 - Land Drainage consent may be required as may a one off surface water discharge contribution.

6.44 The comments of the IDB were passed to the Agent for the application and a response was received with the following:

- Regarding the IDB, I have calculated that the existing impermeable area is 1568 sqm, and the proposed impermeable area is 2590 sqm. Therefore, as soil infiltration is likely to be poor at this location, surface water would need to be discharged into the adjacent ditch system and a financial contribution to the IDB is expected due to the increase in impermeable area.

6.45 The IDB have accepted that increased drainage flows will need to be dealt with by existing infrastructure, there is no suggestion that the development would otherwise compromise the efficient working of the drainage system within the Drainage District, and provisions exist for regularising how this will be achieved as well as required contributions. Should planning permission be granted it will be necessary to include a condition requiring demonstration of agreement with IDB over the proposed drainage discharge. Subject to this requirement the proposed is considered to be acceptable with regards to Criteria (v) of THU 1 of the Site Specific Policies Local Plan.

Sewerage

6.46 Criteria (v) of THU 1 requires demonstration that there is adequate sewerage capacity. There are no specific details submitted as part of this application although on the submitted plans there is a reference to Sewage Treatment System with treated effluence discharged into Thurne Dyke. It is accepted that there are a number of systems which would adequately deal with sewage disposal from the site and which discharge clean water into the dyke, with a treatment plant installed below ground level and minimal provision of apparatus above ground level. The provision of a sewage treatment plant can be secured by planning condition as well as an informative relating to Environmental Permitting Regulations which would adequately address the objectives of Criteria (v) of THU 1.

Highways

6.47 A single access at the same location as the existing access is shown on the submitted plans, this has been reviewed by the County Highway Authority who have raised no objection subject to a planning conditions and an informative. The scheme is therefore considered acceptable on highway grounds with regard to criteria (vii) of Policy THU1.

Planning Contributions

6.48 Planning contributions may be sought from applicants under specific circumstances. According to the NPPG contributions for affordable housing and tariff style planning obligations should not be sought from small scale developments. Small scale developments are defined as developments of 10-units or less. The NPPG goes on to state that in designated rural areas,

local planning authorities may choose to apply a lower threshold of 5-units or less. The Department for Communities and Local Government provided a list of designated rural areas which does not include Thurne. The threshold for planning contributions for the provision of affordable housing contributions is therefore at a base level of more than 10 units. The proposal is for six units of residential accommodation and therefore there is no grounds for requiring a contribution to affordable housing.

SSSI

- 6.49 Criteria (viii) of THU 1 requires that the proposed development must ensure no adverse effects on the nearby SSSI. The SSSI is to the west of the street, beginning generally at the rear of residential boundaries, and to the north of the Staithe with its southern boundary in line with Thurne Mill. The site is towards the edge of the SSSI Impact Risk Zone, this requires consideration where proposals are outside or extending outside existing settlements, or are for residential developments of 10 units or more. Taking into account the proposed development the threshold is not exceeded here. The application site is considered to be of a sufficient distance from the SSSI and is of a scale and density which would not result in any adverse impact on the special interest of the SSSI taking into account the existing development within the village. The scheme is therefore considered acceptable with regard criteria (viii) of Policy THU1.

7 Conclusion

- 7.1 The proposed redevelopment of the Hedera House site has been outlined in the adopted Site Specifics Local Plan which allows for a proportionate amount of enabling development subject to a viability assessment. This has been assessed independently and is considered acceptable. The policy goes on to stipulate a number of provisions which the proposed scheme has been assessed against and is considered to meet. The approach to development in terms of division of the site between holiday accommodation and residential housing is considered to be acceptable, the layout, design, and scale of development would result in a form of development which would compare well to existing development in the village and would sit well in relation to surrounding sites. The proposal would improve the appearance of the whole site both in isolation and in relation to its surroundings and would not adversely impact on surrounding landscape character. In terms of impact on surrounding neighbours there would be no undue loss of amenity and privacy. Overall the proposed development would ensure the continued provision of holiday accommodation in this location and the scheme has struck a reasonable and acceptable balance between this provision and the necessity of enabling development. Whilst it is acknowledged that a number of objections have been received from local residents and the Parish Council, taking into account the above assessment the proposed scheme is considered to be policy compliant and any material concerns raised have been adequately addressed.

8 Recommendation

Approve subject to conditions

- i. Reserved matters submission time limit, and time limit on commencement following approval of reserved matters;
- ii. Reserved matters - landscape, design details, materials, boundary treatments, trees, hedge to street boundary, native hedgerow planting/gap filling;
- iii. Timing of works;
- iv. Occupation (holiday accommodation and residential);
- v. Length of stay (holiday accommodation);
- vi. Disabled accommodation up to required standards;
- vii. Details of type and siting of foul sewage treatment plant;
- viii. Surface water drainage;
- ix. Obscure glazing;
- x. Highways - width of access;
- xi. Highways - length of access;
- xii. Highways - visibility splay;
- xiii. Highways - access, parking, and turning;
- xiv. Ecology - timing of works to trees and hedgerows;
- xv. Ecology - external lighting;
- xvi. Ecology - length of grass prior to works commencing;
- xvii. Ecology - Further bat surveys if Trees (T1, T7, T8, T20) are proposed for removal/ tree works;
- xviii. Ecology - provision of two bird boxes;
- xix. Ecology - provision small wildlife pond in one corner of the site;
- xx. Works to be carried out in accordance with the submitted Arboricultural Implications and Method Statement;
- xxi. Details of type and siting of foul sewage treatment plant
- xxii. Demonstration of flood resilient construction in accordance with FRA
- xxiii. Flood evacuation plan
- xxiv. Sign up to flood warnings
- xxv. Remove permitted development rights

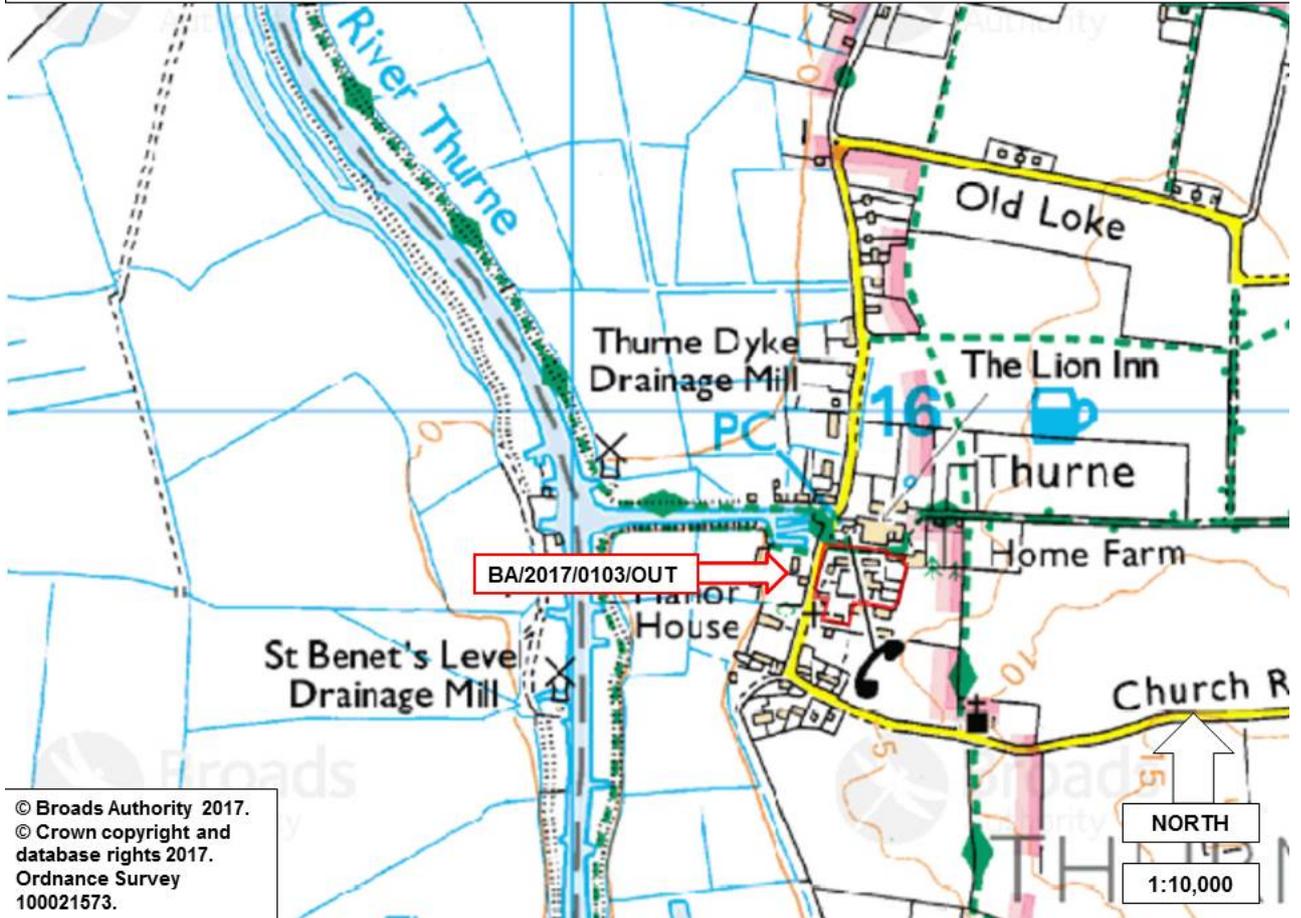
9 Reason for Recommendation

The proposal is considered to be in accordance with Policy THU1 of the Site Specific Policies Local Plan, Policies CS1, CS9, CS18 and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP11, DP28, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application, along with National Planning Practice Guidance.

List of Appendices: Location Plan

Background papers: Application File BA/2017/0103/OUT

Author: Nigel Catherall
Date of Report: 07 July 2017



PLANNING COMMITTEE

18 August 2017

Note of site visit held on Friday 4 August 2017

BA/2017/0103/OUT Hedera House, The Street, Thurne

Outline application to redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages

Applicant: Mr Delf

Present:

Sir Peter Dixon– in the Chair

Mr Mike Barnard

Mr V Thomson

Mr Bill Dickson

Mr H Thirtle

Mr Paul Rice

Mrs M Vigo di Gallidoro

Also Present:

Mr John Molineux – Chairman of the Parish Council

Mr Paul Savage – Broads Society (Chairman of)

Mrs Carol Delf– The Applicant

Mr A Hollis – The Applicant

Mrs Pat Hollis – The Applicant

In attendance:

Mrs Sandra A Beckett – Administrative Officer (BA)

Mr Nigel Catherall– Planning Officer (BA)

Mr Ben Hogg – Historic Environment Manager (BA)

Ms Cally Smith – Head of Planning (BA)

Apologies for absence were received from: Prof J Burgess and Ms Gail Harris

Introduction

The Chairman of the Planning Committee welcomed everyone and invited them to introduce themselves.

The Chairman reminded members of the procedures for the site visit emphasising that it was purely fact finding and no decisions would be made at this visit but the matter would be considered in detail at the next meeting of the Planning Committee on 18 August 2017. He reminded them to avoid discussing the merits of the application, to keep together as a group when moving round the site and not enter into debate. Members were on the visit to aid their understanding of the

development in the context of the site and the village of Thurne, and to make sure that all the relevant factors of the site had been pointed out. They were able to ask questions.

Members met in the entrance drive of the application site which was off the main village thoroughfare. Following the introductions and the Planning Officer providing a brief outline of the plans for the site, Members were given the opportunity to walk around the site to view the various elements within it. They were provided with three sets of plans (1) showing the existing layout of the site (2) the proposed layout and (3) the propose lay out overlaying the existing.

The Context

The Planning Officer provided an overview of the site explaining that the existing buildings on the site had provided tourist accommodation in the form of chalets together with accommodation within Hedera House itself for 12. There was single vehicle access into the site with the driveway running up to the east of Hedera House. The whole site was predominantly rectangular in shape. The surrounding properties were pointed out – the Methodist chapel to the south along the main street, the farm buildings to the southern and northern boundaries and the residential properties to the south and across the road from the site to the west, as well as the proximity of Thurne Staithe to the north-west.

Mrs Delf and Mrs Hollis confirmed that the site had been in the family's ownership since 1979. It had been closed for business since October 2016. The current buildings were outdated and not at all suitable for the current holiday market.

The Plans

The Planning Officer explained that the plans involved the complete redevelopment of the site with all existing structures being removed. The site was allocated for redevelopment within the Local Plan to be used for tourist accommodation and enabling development in the form of open market housing. The first part of the existing access and entrance to the site would be retained and would then be redirected through the centre of the site.

Members were able to walk around the whole of the site and stopped at various vantage points to examine the plans.

Members viewed the entrance to the site and the substantial screening from the main street in Thurne. Norfolk County council Highways had requested that the visibility splays involved removing some of the screening. The plans would then be to re-site the hedge behind the point where the visibility splay ended and then to provide screening to a similar standard as currently existed. This would form part of a comprehensive landscaping scheme for the whole site. This would be one of the conditions of any planning permission granted. Norfolk County Council had also asked for various improvements to the width and depth of the entrance for safety reasons and this again would be included within the conditions. Such issues would form part of the discussions for the future.

Members were then able to move into the site again and view the area for the holiday accommodation. The two existing chalets on the southern part of the site would be replaced with two semi-detached pairs of two storey design with a height of 7.4 metres and height up to the eaves of 4.85 metres. There would be a single storey element on the boundary side. There would be windows at the ground floor rear but not on the first. These would be 2 times the height of the existing chalets but less tall than the house behind.

It was clarified that the boundary fence, part of which was dilapidated was in the ownership of the applicant.

In answer to a member's question, it was clarified that the design of the holiday accommodation, which might appear to be suitable for permanent accommodation was what was demanded by those on holiday in order to make such a tourist business viable. Such a use would be the subject of monitoring.

Members moved to the other side of the existing track to view the sites of the other units of holiday accommodation. These consisted of a semi-detached pair of chalets and a terrace of three. Beyond which would be a single storey two bed roomed disabled friendly use. The semi-detached unit and terrace of three would look towards the main street with a maximum height of 9.1 metres sloping down to 3.1 metres with accommodation at ground floor and within the roof.

Members walked down the site to the pedestrian access gate leading out on to the main street and to the staithe where the group were able to look back to the development site from Thurne Dyke and Staithe. It was just possible to see the top of the existing house. It was noted that there would be snatched views of the proposed development from this vantage point and the river, noting that it may be more visible in the winter months.

Members walked back into the site where a chair marked the centre of the site demarcating the holiday accommodation area from the open market housing. Hedera House would be demolished, having seen better days and with various unsympathetic extensions to the rear. The Group walked through where the six new open market houses would be built noticing the relocation of the access track and the boundaries. They viewed the agricultural buildings to the southern boundary and noted that the existing lean-to's would be demolished. It was clarified that the adjacent Barns were in different ownership and formed the boundary.

The Group also noted the agricultural field to the east of the site, the Listed church of St Edmund and the site of the Angles Way. They noted the site of the proposed access track and the layout of the six houses and the variation of accommodation proposed.

It was clarified that there were no details of the materials for the proposed houses as yet.

With regards to sewerage disposal, the Planning Officer commented that the applicants intended to have a sewage treatment plant on site but details had not yet been received. This aspect would need to be considered by the Environment

Agency. Matters such as this and drainage, as well as landscaping , design etc would be material considerations and the subject of further applications at reserved matters stage.

Having walked around the whole site members returned to the area in front of Hedera House. The Head of Planning commented that comments were awaited from the Broads Society. The Parish Council was welcome to provide further comments. The Chairman stated that it was important that any further comments were received at least three days before the Committee meeting, which was the cut-off point.

Conclusion and Procedures

The Chairman confirmed that the application would be considered by the Planning Committee at the next scheduled meeting on 18 August 2017. He thanked everyone for attending the site inspection and explained that applicants and interested parties were welcome to attend the Committee meeting to hear the debate.

The meeting was closed at 11.10 am.

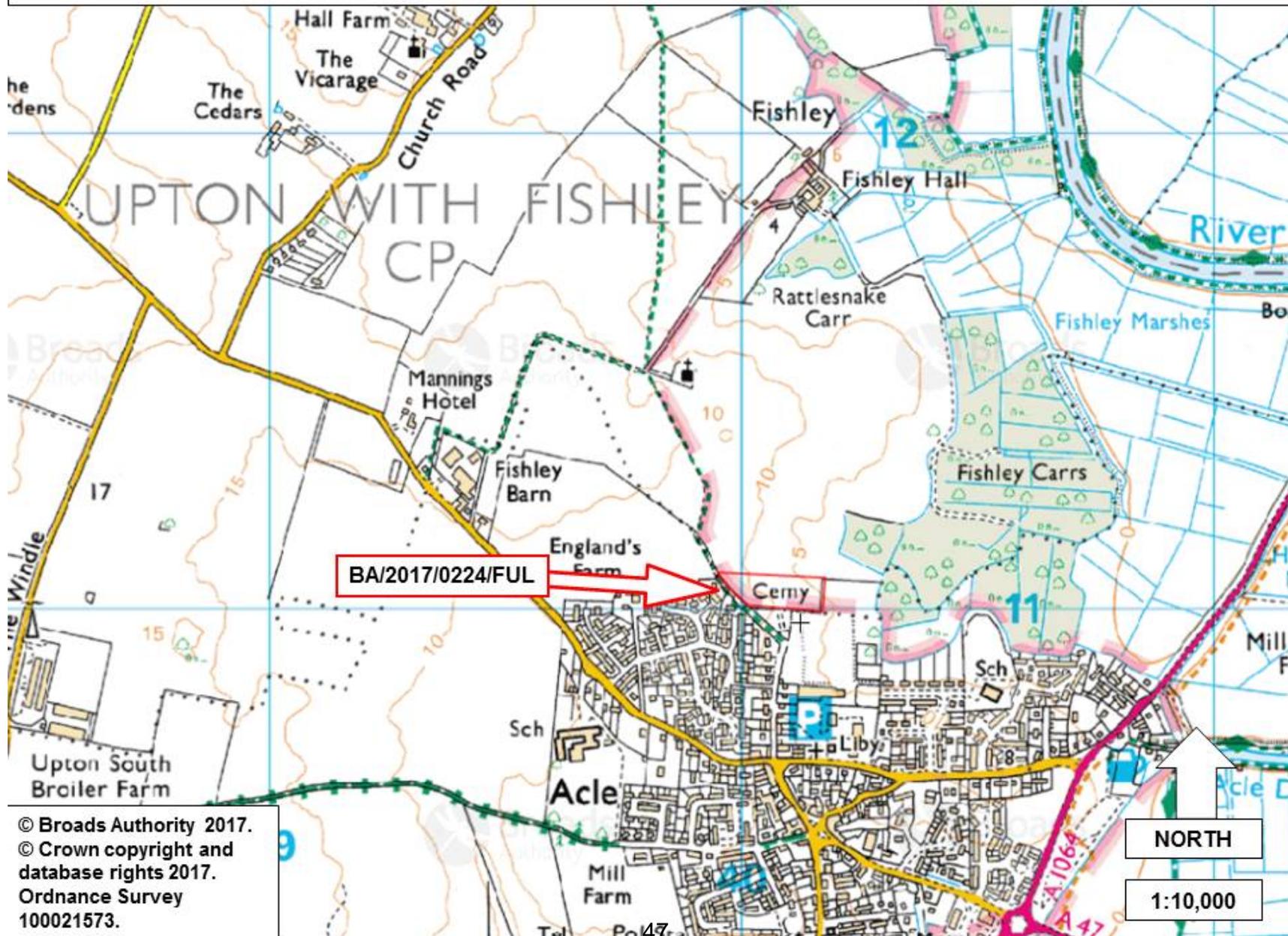
Reference:

BA/2017//0224/FUL

Location

Land to North of Cemetery, Pyebush Lane, Acle

BA/2017/0224/FUL – Land North Acle Cemetery



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Ordnance Survey
100021573.

Application for Determination

Parish:	Upton with Fishley Parish Council
Reference:	BA/2017/0224/FUL
Location:	Land to North of Cemetery, Pyebush Lane, Acle
Proposal:	Change of use from agricultural land to cemetery and playing fields.
Applicant:	Acle Parish Council
Recommendation:	Approve subject to conditions
Reason for referral to Committee:	Small scale major application

1 Description of Site and Proposals

- 1.1 The application site is an area of agricultural land to the north of the village of Acle. It measures approximately 1.3 hectares in area and forms part of a larger arable field from which there is no physical separation. To the south this site is bordered by Acle Cemetery for a distance of approximately 100 metres and the remaining 65 metres of the southern boundary abuts the War Memorial Playing Fields which form part of the Acle Recreation Centre. The 70 metre long eastern boundary would also abut the War Memorial Playing Fields and these boundaries are marked by trees and hedges.
- 1.2 To the west, the site borders Pyebush Lane which is a single track road that extends north from the junction of South Walsham Road and Bridewell Lane. The road takes a north-south axis with residential development lining both sides up to the point where the road turns to the northwest. Here the playing fields lie to the east and a car park to the cemetery lies to the north. Pyebush Lane borders the existing cemetery on its southwest boundary, which is defined by a hedge, and this hedge reduces in height and density on the southwest boundary of the application site and at the northwest corner of the site the boundary is open. At this point Pyebush Lane becomes a public footpath which runs across open arable fields towards Upton to the northwest. Across the site, ground levels vary, dropping to the east.
- 1.3 The application proposes a change of use of this land from agricultural land to extensions to the existing cemetery and playing fields. The line of the existing

eastern boundary of the cemetery would extend 70 metres northwards, west of which of 875 square metres is proposed as an extension to the cemetery and the remainder is proposed to extend the existing playing fields. The application has been made by Acle Parish Council and it is noted they do not own this land.

- 1.4 Native hedges adjacent to post and wire fences are proposed to the new boundaries and access would be created through the existing boundary of the cemetery and from the existing playing fields to the east.
- 1.5 The existing cemetery measures approximately 300 square metres and has been in operation since 1950. It is anticipated the cemetery will reach capacity in the next two to three years if the historical average of six to ten burials a year continues. The existing cemetery is laid to grass with headstones and memorials arranged in rows on an approximate north-south axis either side of a central path. A water standpipe and litter bins are provided inside the pedestrian entrance on the southern boundary and facilities would be provided within the extension. Access to the extension would extend from the existing path in a matching material.
- 1.6 Acle Recreation Centre, which is accessed by vehicles from Bridewell Lane, currently provides many sports pitches, courts and play areas, as well as indoor facilities sited to the south of the playing fields. The proposed area would extend the existing site by approximately 10% and is not proposed to be used as a formal sports pitch with no permanent goal posts, structures, floodlights or play equipment proposed in this area. The extension would provide an informal recreation space accessed from the existing playing fields.

2 Site History

- 2.1 No records of planning applications on the application site.
- 2.2 In 1996 planning permission was granted for floodlights to the football pitch immediately east of the application site (BA/1996/4440/HISTAP). The rest of the playing fields and Recreation Centre are in Broadland District Council's area but none of the available planning history is considered material to this application.
- 2.3 In 2014 planning permission was granted for the same development as proposed in this application (BA/2014/0090/CU). This permission has not been implemented and expired in March 2017. In this time the applicants have been trying to acquire the land and it is understood a Compulsory Purchase Order is currently being considered by the Department for Communities and Local Government.

3 Consultations

Upton with Fishley Parish Council - No objections.

District Member - No response.

Acle Parish Council - Obviously the parish council supports this application; the current cemetery is fast running out of space for burials. Acle residents are very concerned about the lack of burial space. The proposed site is a good choice for cemetery land as it would be adjacent to the current cemetery and would share the current car park. Broadland District Council has said that Acle is short of recreation space. The extension would provide much needed open space for residents.

Highways Authority - No objections

Environment Agency - Response awaited.

Historic Environment Service - No objection.

Broadland District Council Environmental Health - No response.

Norfolk County Council Waste and Minerals - Site is partially underlain by a Mineral Safeguarding Area and proposal is exempt from requirements of Policy CS16 of Norfolk Minerals and Waste Core Strategy. The Mineral Planning Authority also notes the results from the trial puts indicating sand across the proposed cemetery extension and resources containing high proportions of sand compared to gravel are unlikely to be considered viable therefore sterilisation of the site would not take place even if the proposed development was not considered to be exempt.

Representations

Eight letters and emails of support have been received. These largely relate to the cemetery extension, need for this and aspiration of local people to continue using this site and maintain family connections.

Three objections have been received. One considers the application should be refused due to the potential of the cemetery extension to result in pollution of groundwater and surface water. Another cites the extension being too large and not justified, there being no statutory need for a Parish Council to provide a cemetery, potential groundwater pollution preventing double graves, inadequate access, no mention in the Acle Neighbourhood Plan, intrusion into the open countryside and contrary to support for sustainable agriculture.

The land owner (not the applicant) objects to the proposal on the basis that the site forms part of an environmental farming scheme with Natural England and the viability of this scheme would be in question if the area were reduced as a result of the proposal. They have also commented that the land is prime farming land with productive soil and the proposal would reduce the yield and income to the farm considerably over time.

4 Policies

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

Adopted Core Strategy (2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement
CS6 – Historic and Cultural Environments

Adopted Development Management Policies (2011)
[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment
DP2 – Landscape and Trees
DP3 – Water Quality and Resources
DP11 – Access on Land
DP27 – Visitor and Community Facilities and Services

- 4.2. 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.

[NPPF](#)

Adopted Core Strategy (2007)
CS7 – Environmental Protection
CS11 – Sustainable Tourism

Adopted Development Management Policies (2011)
DP5 – Historic Environment
DP14 – General Location of Sustainable Tourism and Recreation
Development
DP28 – Amenity

- 4.3 Site Specific Policies (2014)
ACL 1 – Acle Cemetery Extension
ACL 2 – Acle Playing Field Extension
http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf

Neighbourhood Plans

- 4.4 There is no Neighbourhood Plan adopted for this area. There is however a Neighbourhood Plan for the adjoining Parish of Acle.

5 Assessment

- 5.1 The key considerations are the principle of the proposal, the impact on landscape, amenity, water quality, archaeology and highways.

Principle

- 5.2 This development was considered acceptable when previously considered in April 2014. At that time Site Specific Policies ACL1 and ACL2 were at an advanced stage but not yet adopted. These policies have subsequently been adopted and allocate the land subject of the application for extensions to the cemetery and playing fields. The adoption of these policies is the only change in policy since the approval of the previous application and there has been no other change in the circumstances of the site or its immediate surroundings.
- 5.3 The previous permission was not implemented as the applicants have not been able to acquire the land and are currently pursuing a Compulsory Purchase Order for a small part of the cemetery extension. As well as resisting selling the land, the landowner objects to the proposal, as they did on the previous application. It is appreciated the existing agricultural land is good quality and part of an environmental scheme, however it is part of a large farm and the proposed new uses would be for the benefit of the community. Prior to consideration of the policy allocations and the previous application, the applicants exhausted all other options but found no other suitable sites around the village nor landowners willing to sell land. As extensions of the existing cemetery and playing fields, the application site is a practical and sustainable solution which has local support.
- 5.4 Acle is a village with a predominantly older population but is also growing with new housing outside the Broads part of the village. There is an increasingly urgent need to extend the cemetery and the existing recreation centre and playing fields are already well used. Whilst it is understood the landowner does not wish to lose this part of their productive agricultural land, the site has been allocated for these uses which would be of benefit to the wider community.
- 5.5 It should be noted that Acle has an adopted Neighbourhood Plan that covers the whole parish but this site is just beyond the parish boundary, in the parish of Upton with Fishley, and is not therefore included in that Plan.
- 5.6 As an extension to an existing recreational facility, the playing field extension is in accordance with Development Management Policies DP14, DP27 and Core Strategy Policy CS11. The two extensions have been brought forward together and coordinated in terms of design and boundary treatments in accordance with Policies ACL1 and ACL2. The proposal is therefore acceptable in principle.

Landscape

- 5.7 The cemetery and playing fields currently form the northern edge of the settlement of Acle in this location, although the development to the west of Pyebush Lane extends as far north as the application site does. North of the site the landscape is characterised by arable fields and is not a typical Broads landscape. This edge of settlement location is not viewed directly from the waterways and, in any case, it is not considered the nature of the proposal would result in any direct landscape impacts. The hedgeline and grass buffer the proposed land uses would create between the settlement and Broads may even offer landscape enhancements. Furthermore, new hedges would offer some ecological interest and should be secured by condition.
- 5.8 Extending the existing access from the cemetery through the hedgeline to the north could affect an adjacent tree and it is considered that any necessary protection measures can be agreed by condition in a landscaping scheme which should also include details of any new hard surfaces, boundary treatments and facilities such as bins, seats and waste disposal. Subject to appropriate conditions, the proposal is considered acceptable in accordance with Policies DP1 and DP2 and criterion (c) of Policy ACL1 and criterion (b) of Policy ACL2.

Amenity

- 5.9 Residential properties lie to the south and southwest of the application site and the proposed playing field extension is sited furthest from these. Given the nature of the use of the proposed cemetery extension and small scale of the playing field extension relative to the existing site and the distance of this from the nearest dwellings, it is not considered the proposal would result in any unacceptable impacts on amenity in accordance with Policy DP28.

Water Quality

- 5.10 During the development of the Site Specific Policies, it was identified that use of the allocated land for a cemetery would need to be the subject of a prior groundwater risk assessment and this forms criterion (b) of Policy ACL1. One representation received raises concern in this respect and notes Aspiration 2 of the Broads Plan (2017) with regards protecting, conserving and enhancing water quality. The Environment Agency's response to the current application is awaited but they were satisfied that the same assessment and findings from trial digs submitted with the previous application were satisfactory and raised no concerns in respect of the proposed use affecting water quality. Subject to their response on this application, the proposal is therefore acceptable in accordance with criterion (b) of Policy ACL1 and Development Management Policy DP3.

Archaeology

- 5.11 The development of the Site Specific Policies identified that the application site should be subject to prior archaeological assessment and a desk based assessment has been submitted. This assessment identifies an undated cropmark which has been recorded within the site and various other heritage assets and archaeological features and finds have been recorded in the surrounding area.
- 5.12 As with the previous application, the Historic Environment Service have no objection to the proposals and do not recommend that any further archaeological work is required by condition. On the previous application it was considered necessary to require a field walking survey as the submitted assessment concludes there would be a moderate adverse direct effect on archaeological remains, but this could be mitigated by a programme of archaeological work. The National Planning Policy Framework advises (at paragraph 135) that where an application would affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. Furthermore, it advises that local planning authorities should require developers to record and advance the understanding of the significance of heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact (paragraph 141). This approach is also consistent with Core Strategy Policy CS6 and Development Management Policy DP5 which encourage the recording and interpretation of finds. It is therefore still considered necessary to require a field walking survey by planning condition and to encourage the applicants to make this a community event. Subject to this survey, the proposal is considered acceptable in respect of the impact on archaeological heritage assets in accordance with the Framework and Policies CS6 and DP5.

Highways

- 5.13 Each extension would utilise the existing access arrangements and the Highways Authority have no objection to the proposal which can be considered acceptable in accordance with Development Management Policy DP11.

Minerals

- 5.14 The proposal is partly on a safeguarded mineral site and Norfolk County Council, as the mineral planning authority, have no objection to the proposal.

6 Conclusion

- 6.1 The proposal would provide the additional space necessary to retain the village cemetery in its current location and take the opportunity to provide additional informal recreation space for this growing village. Whilst the loss of a portion of agricultural land is regrettable, the proposal should offer benefits

to the Broads landscape providing more of a buffer between the settlement and open agricultural landscape to the north. Precise details of boundary hedges, tree protection, surfaces and facilities shall be required by condition and it is not considered any unacceptable impacts on amenity, water quality, archaeology or highways would result. The proposal is therefore considered acceptable.

7 Recommendation

Approve subject to conditions:

- (i) Standard time limit
- (ii) In accordance with submitted plans
- (iii) Landscaping scheme to include new boundary treatments, tree protection, surfaces, provision of facilities, etc.
- (iv) Replacement of any trees or shrubs that die within five years
- (v) Archaeological field walking survey
- (vi) No structures, gravestones or memorials shall be erected within cemetery extension in excess of 1 metre high above ground level without planning permission
- (vii) No external lighting without prior permission
- (viii) Permission for areas of land identified on submitted site plan as cemetery and playing fields only

8 Reason for Recommendation

In the opinion of the Local Planning Authority the proposal is considered acceptable in accordance with Policies DP1, DP2, DP3, DP5, DP11, DP14, DP27 and DP28 of the adopted Development Management Policies DPD (2011), Policies CS1, CS6, CS7 and CS11 of the adopted Core Strategy (2007), Policies ACL1 and ACL2 of the adopted Site Specific Policies (2014) and the National Planning Policy Framework which is a material consideration in the determination of this application.

Background papers: BA/2017/0224/FUL
Author: Maria Hammond
Date of report: 1 August 2017
Appendices: Appendix A – Map



Reference:

BA/2017/0179/FUL

Location

Burghwood Barns, Burghwood Road, Ormesby St
Michael

BA/2017/0179/FUL – Burghwood Barns



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Ordnance Survey
100021573.

Application for Determination

Parish:	Ormesby St Margaret Parish Council
Reference:	BA/2017/0179/FUL
Location:	Burghwood Barns, Burghwood Road, Ormesby St Michael
Proposal:	Change of use of agricultural land to wildlife garden
Applicant:	Mr D Tucker and Miss S Burton
Recommendation:	Refuse
Reason for referral to Committee:	Director discretion

1 Description of Site and Proposals

- 1.1 The application site is a dwellinghouse at Burghwood Barns, Burghwood Road, Ormesby St Michael. Within the village of Ormesby St Michael residential development is interspersed with significant areas of waterworks operations and this development is concentrated in a ribbon along the A149 road that runs through the village towards Great Yarmouth to the east. Burghwood Road is an unmade road leading south from the A149 with residential development at the northern end, a sailing club, agricultural/horticultural land and a significant reservoir south of this and two dwellings at the southern extent over 500 metres from the road, one of which is the application site.
- 1.2 The application dwelling is a converted barn and to the west of this stands the retained farmhouse (Burghwood Farmhouse). These dwellings are isolated from the rest of the village and surrounded to the south, east and west by agricultural land and woodland on the edge of, but not visible from, Ormesby Little Broad, one of the Trinity Broads. The site is within approximately 5 metres of SAC and SSSI designations.

- 1.3 In 2013, planning permission was granted retrospectively to extend the curtilage of the dwelling into agricultural land by approximately 1000 square metres and for the retention of existing and erection of new domestic outbuildings (BA/2013/0271/CU - the 2013 application).
- 1.4 In March 2017, following a site visit, the Planning Committee resolve to grant planning permission to retain a further 5000 square metres of land to the east consisting of a continuation of the lawn within the area covered by the 2013 permission and a large pond along the eastern side of the now 'L' shaped site (BA/2016/0444/FUL - the 2017 application). This was all retrospective and included new buildings along the northern boundary. The permission is subject to conditions requiring various improvements to the landscaping, pond, buildings and a new fence and hedge across the southern boundary. These are due to be completed by the end of 2018.
- 1.5 Part of the resolution to grant planning permission for that development included serving of an enforcement notice on a further 6,000 square metres of agricultural land which has been used as residential curtilage. This area is also grassed with a 1.8 metre wide paved path around the edge enclosed by ornamental planting and a 1.8 metre high fence. A large metal gazebo structure sits in the southwest corner and lighting has been installed on the southern boundary facing out of the site. The enforcement notice that was served requires cessation of the use of the land as residential curtilage and removal of the path, gazebo, domestic paraphernalia and lighting. This is currently subject of an appeal and a decision is awaited.
- 1.6 This new application concerns the same land which is the subject of the enforcement notice (and appeal). It seeks to retain the land as a wildlife garden which would include the retention of the path and gazebo. The path around the western, southern and eastern boundaries is 1.8 metres wide, extending wider around the gazebo and benches, and has a slate paved surface. The large metal gazebo structure sits in the southwest corner of the site. This circular structure measures approximately 3 metres in diameter and the domed roof stands at 3.85 metres above the level of the slate paving.
- 1.7 The existing lawn would be partly replaced with three different planting specifications. A sweep of land across the north would be planted with a flowering lawn mix, south of this a larger band would have a wildflower mix and around the southern perimeter the soil would be scraped back to create a shallow, dished attenuation meadow up to 200mm deep and seeded with a wildflower mix. Climbing plants would be provided to grow over the 1.8 metre high post and mesh fence and gazebo, the ornamental trees adjacent to the fence on the west and south boundaries would have understorey shrubs and grasses and five trees would be planted outside the fence on the southern boundary.
- 1.8 The proposal is presented as restoring a landscape heritage feature and enhancing local biodiversity. According to the submissions, the creation of a grass-heath/meadow habitat would enhance biodiversity and restore an historic habitat which was lost with the cultivation of the uplands. It is

suggested a small scale transitional habitat would be recreated which would support other small local areas of relict habitat and complement other work currently undertaken elsewhere around the Trinity Broads. The attenuation meadow would provide an area for temporary storage and infiltration of surface water run-off from the impermeable path and replicate a dry-wet ground transition on a small scale.

- 1.9 It is proposed that the understorey planting to the boundary fruit trees would create a habitat similar to that of open woodlands and scrub communities around the margins of the Broads and any fruit trees that fail would not be replaced to create a less formal appearance to the site boundary. Climbing plants and boundary trees are proposed in order to soften the appearance of the fence and gazebo. The existing lighting would be removed.

2 Site History

- 2.1 Planning permission was granted for the conversion of a barn and outbuildings to a single dwelling with attached double garage in 1997 (BA/1996/0419/HISTAP). The approved site plan indicated an area of residential curtilage and the total site measured approximately 1850 square metres.
- 2.2 In March 2013, a planning application proposing conversion of an existing attached double garage to a lounge and the erection of a new garage block was submitted (BA/2013/0065/FUL). Upon visiting the site, it was apparent that land outside the original curtilage of the dwelling was being used incidental to the enjoyment of the dwelling and a number of outbuildings (shed, summerhouse and open-fronted carport) had been built which did not benefit from permitted development rights. The application was withdrawn to allow it to be amended to include regularisation of this unauthorised development.
- 2.3 Following pre-application advice, the above application was resubmitted in August 2013 and proposed a change of use from agricultural land to residential garden along with change of use of existing garage to lounge, erection of new garage block, erection of greenhouse and previously erected car port, shed, summer house and play area (BA/2013/0271/CU). The area of agricultural land proposed to be used as residential curtilage measured approximately 1000 square metres and immediately east of this an area of a similar size was to be planted with native trees and shrubs. This was approved subject to conditions and later the greenhouse siting was amended (BA/2014/0121/NONMAT).
- 2.4 Further visits to the site observed that the above permission had not been implemented in accordance with the conditions and further agricultural land had been annexed. In September 2014, a planning application was submitted to retain this additional development as an amended version of the previously approved scheme (BA/2014/0328/CU). This was withdrawn pending amendments but never resubmitted.

- 2.5 In February 2015, an application proposing to relocate the garage approved (but not built) under planning permission BA/2013/0271/CU was made (BA/2015/0059/HOUSEH). This was subsequently withdrawn.
- 2.6 Following a visit in December 2015, a planning application was received in May 2016 proposing similar development to that in withdrawn application BA/2014/0328/CU and retaining two additional buildings and a gazebo structure (BA/2016/0209/FUL). The total area of land proposed to be changed from agricultural to residential measured approximately 11,000 square metres. Biodiversity enhancements were proposed in the application, including the same proposals for the lawn area which are the subject of the current application.
- 2.7 Concurrently, an application proposing extensions to the dwelling was also considered (BA/2016/0232/HOUSEH) and this was amended to include proposing retention of various rooflights and openings on the dwelling that had been completed without the benefit of planning permission.
- 2.8 In August 2016, the application for extensions and alterations to the dwelling was refused due to the impact these would have on the character of the dwelling and its historic agricultural setting and the loss of original fabric of the barn that was converted to provide the dwelling. The existing alterations which this application sought to regularise remain unauthorised.
- 2.9 In September 2016, the application for change of use of agricultural land to curtilage and other retrospective development was refused due to: the significant direct adverse impact it would have on the local landscape character; the significant adverse impact it would have on the perceptual qualities of the area and experience of tranquillity adjacent to the Trinity Broads; the built development was considered unacceptable in character and design, exacerbating the impact of the change of use of land; and, the impact on the character and appearance of the dwelling. The enhancements proposed were not considered sufficient mitigation.
- 2.10 Application BA/2016/0444/FUL was submitted in December 2016 proposing retaining the same development as refused application BA/2016/0209/FUL but excluding approximately 6000 square metres of land to the south – this is the land subject to the current enforcement notice appeal and the planning application subject of this report.
- 2.11 This application for a reduced area (5,000 square metres of additional curtilage) was approved in March 2017 subject to conditions requiring the details of and timescales for the implementation of landscaping, biodiversity and building enhancements. The conditions were subsequently discharged in June 2017 (BA/2017/0119/APPCON), subject to satisfactory completion on site.
- 2.12 On 8 March 2017 the enforcement notice described above was served (BA/2015/0026/UNAUP2) and is subject of an appeal (BA/2017/0001/ENF).

3 Consultations

3.1 Consultations received

Parish Council - No response.

District Member - No response.

Natural England - Response awaited.

Representations

None received.

4 Policies

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

[NPPF](#)

Core Strategy (adopted 2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement

Development Management Policies DPD (adopted 2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - Natural Environment

DP2 - Landscape and Trees

DP4 - Design

- 4.2 Site Specific Policies Local Plan (adopted 2014)

XNS1 - Trinity Broads

http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf

- 4.3 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 Policies DPD (adopted 2011)

DP28 - Amenity

- 4.4 Site Specific Policies Local Plan (adopted 2014)

XNS1 - Trinity Broads

Neighbourhood Plans

- 4.5 There is no Neighbourhood Plan for this area.

5 Assessment

- 5.1 This proposal must be considered on its own merits. However, regard should be had to how this proposal differs from the development which is the subject of the enforcement notice and the reasons why that notice was served. The development is also the same as that which formed part of the application considered in 2016 which was refused (BA/2016/0209/FUL) and that is a material consideration insofar as there are similarities between the proposals.
- 5.2 Whilst this proposal is presented as a 'wildlife garden' it is understood it would be for the enjoyment of the occupiers of Burghwood Barns and as such be part of the residential curtilage in planning terms. This is the same use as covered by the enforcement notice and previously refused planning permission. The proposal is to retain the land as it exists – as part of the residential curtilage of the dwelling and with the path, gazebo and perimeter planting. In that respect this is identical to the development subject to the enforcement notice (only the lighting would be removed in accordance with the notice). The additional aspect of the current application is the proposal to provide new planting and create an attenuation meadow and it should be noted that this in itself does not require planning permission (but any associated change of use of land does).
- 5.3 The enforcement notice was served as the unauthorised development was considered unacceptable. This had previously been considered (including the majority of the planting proposals covered in the current application) in the application refused in September 2016 (BA/2016/0209/FUL) as part of a proposal which also included the development subsequently approved in March 2017 (BA/2016/0444/FUL). The cumulative impacts of both parts of the development were considered in that application and refused due to: the significant direct adverse impact it would have on the local landscape character; the significant adverse impact it would have on the perceptual qualities of the area and experience of tranquillity adjacent to the Trinity Broads; the built development was considered unacceptable in character and design, exacerbating the impact of the change of use of land; and, the impact on the character and appearance of the dwelling. Removal of the part of the site subject to the current application resulted in a compromise solution which was, on balance, considered acceptable in the March 2017 application.
- 5.4 In support of the enforcement notice, the LPA's appeal statement summarised the reasons for finding the development unacceptable as follows:

'The LPA consider that the development causes significant harm to the landscape of the Broads, the experience of tranquillity, the rural character of the site and its setting and the dark skies and adjacent bat habitat. The Broads has the equivalent status of a National Park and the NPPF gives the landscape the highest status of protection and great weight must be given to

the conservation of it, as well as wildlife and cultural heritage, indicating that development should be restricted where such conservation cannot be achieved. Rather than conserve, this development directly and significantly harms the Broads landscape and local landscape character of one of the most distinct and tranquil parts of the designated area.'

- 5.5 The principle of the development must be considered in terms of the change of use and loss of agricultural land and the landscape impact of this. The acceptability of the enhancements and benefits these offer with regards to any adverse impacts must be weighed up and any impacts on dark skies, the designated habitats and amenity should be considered.

Loss of agricultural land

- 5.6 Paragraph 112 of the NPPF advises the economic and other benefits of the best and most versatile agricultural land must be taken into account when considering proposals affecting it. The land in this area is classified by Natural England as grade 3 agricultural land, which is of good to moderate quality. The area surrounding Ormesby St Michael is predominantly in arable use and the site and remaining field to the west are/were part of a larger fruit farming operation locally. Whilst the loss of good quality agricultural land is regrettable, it is a relatively small area when considered in the context of the agricultural land in this area as a whole and the loss is not, in principle, unacceptable in that it would not have a significant effect on the agricultural economy in the area. Paragraph 112 does, however, identify that agricultural land has more than just economic benefits and the other values of the land are considered below.

Landscape

- 5.7 The Landscape Character Assessments which cover this area (by both the Broads Authority and Great Yarmouth Borough Council) identify the large, deep lakes with a carr woodland periphery that separates them from the arable agricultural landscape beyond. Around the Trinity Broads, this arable landscape is predominant with isolated farmsteads outside more settled areas. Edge influences around the existing settlements, including the creation of paddocks and abrupt settlements edges, are identified as eroding the character and quality of the local landscape and there is an objective to ensure settlement edges are porous and transitional in character.
- 5.8 As an arable field, the application site forms part of the typical and dominant local landscape character. It also provides an open and undeveloped buffer between the tranquil and habitat rich Trinity Broads and the settlement and associated activity of Ormesby St Michael. This arable landscape buffer is considered a feature of landscape importance and plays a role in protecting the SSSI and SAC from the settlement pressures of Ormesby St Michael.
- 5.9 The proposal to take the land out of agricultural use and retain it as a wildlife garden to a residential dwelling would extend the residential land up to the edge of the woodland fringe to Ormesby Little Broad. This would remove this

part of the buffer (in addition to those smaller parts lost as a result of the 2013 and 2017 permissions), leaving only that to the west of the site. There would be no gentle transition between undeveloped and developed and no buffer to the sensitive and special character of the Trinity Broads from the settlement and its activities. Residential development would extend up to the woodland fringe with only an agricultural access track approximately five metres wide between the development and activity associated with residential curtilage and wet woodland fringe which is typical of the Trinity Broads landscape character and also the designated SSSI and SAC habitats. The settlement edge would become abrupt and not transitional or porous.

- 5.10 The permitted extensions to the curtilage have changed the balance between arable and residential use in this area at the southern extent of Burghwood Road, but in terms of area and character, arable remains predominant. Changing the use of a further 6000 square metres of arable land and infilling the current void in the 'L' shape would significantly change the balance, meaning the whole of the eastern part of the original arable field would be in residential use. The woodland enclosure of the site and distance from the main settlement mean it is not publically visible, however this does not mean it is invisible and its character is perceptible outside the site. Locally there would be significant adverse impacts on the perceptual qualities of the area as the domestic character of the extended curtilage would dominate the arable landscape character which was typical of the wider area. This has an adverse effect on the local landscape character and is detrimental to the landscape setting of the Trinity Broads. It must, however, be considered whether the proposed enhancement measures would be sufficient to outweigh this loss of a feature of landscape importance and harm to the local landscape character and this is assessed below.
- 5.11 Furthermore the Broads Landscape Character Assessment identifies the Trinity Broads as having a 'strong sense of tranquillity and remoteness'. The change of use from agricultural to residential use would extend this domestic activity up to the woodland edge to the Broad. The activity associated with this use would be perceptible from the woodland and water and it is considered that this would have an adverse impact on the experience of tranquillity locally. Whilst the difference between this proposal, the existing situation and the previous proposal (2016 application) is the planting proposals to the large lawn that covers the majority of the site and this is likely to limit the use of this area for children's play, seating and other domestic activities, this area would remain a contiguous part of the domestic garden and the perimeter path and gazebo sit almost immediately adjacent to the woodland fringe around Ormesby Little Broad and their presence and use would be perceptible from outside the site.
- 5.12 The existing boundary fence, path and gazebo are considered inappropriate in design by virtue of the overly domesticated and urbanising effect they have in a rural, arable landscape. The positions of these features around the boundaries of the site serves to define the space and character within it and that character is considered inappropriate to the local landscape character. Softening the inappropriate features by providing additional planting is not

considered sufficient mitigation to make their retention acceptable and the site would still retain an inappropriate and incongruous domestic character.

- 5.13 The loss of arable land would remove a feature of landscape importance – a feature which protects the character, tranquillity and setting of one of the most distinct and special areas of the Broads; it erodes the local landscape character and introduces a character of development and use which is detrimental to the local landscape character; and directly impacts upon the experience of tranquillity. This is contrary to development plan Policies CS1, DP2 and XNS1 and paragraphs 112, 115 and 123 of the NPPF. The applicants propose ecology and landscape enhancement measures and it must be considered whether these outweigh this significant landscape harm.

Enhancements

- 5.14 It is noted the proposals are informed by an historical assessment of habitat around the Trinity Broads and that work is being done elsewhere locally by other parties to restore a heath-fen transition. The application acknowledges that in the overall scale of the landscape, the site is relatively small and any restored habitat would only make a small contribution to restoring a landscape heritage feature. In ecological terms, any native wildflower planting is beneficial to biodiversity and indeed the enhancements to the pond area covered by the 2017 permission include new wildflower planting. The wildflower meadow would be more beneficial to biodiversity than the existing mown lawn but as the application is retrospective it is not possible to fully assess the biodiversity impact of the loss of the agricultural land. It is considered likely that the proposed wildflower meadow would be more biodiverse than the arable field in its condition prior to the unauthorised change of use, however it must be considered whether this benefit is sufficient to outweigh the adverse landscape and tranquillity impacts discussed above. If these enhancements are considered necessary to make the development acceptable, whether they can be secured in for the lifetime of the development. It should also be noted that biodiversity benefits could be achieved on this site if it were retained in agricultural use.
- 5.15 Paragraph 115 of the NPPF gives the Broads the highest status of protection in relation to landscape and scenic beauty and states great weight should be given to conserving it. It also states conservation of wildlife is an important consideration to be given great weight. In this case it is not considered the proposal would result in any harm to wildlife (thus conserving it in accordance with paragraph 115) but would significantly adversely affect the landscape which paragraph 115 seeks to protect and conserve. The enhancements should therefore outweigh the harm, not just neutralise it and Policy DP2 only allows for the loss of features of landscape importance and adverse impacts on landscape character where they are outweighed by the landscape, biodiversity, navigation, social or economic benefits. In this case, the only benefit would be the biodiversity enhancements resulting from the planting when compared to the current (unauthorised) situation and likely also the original agricultural use. Whilst the planting would offer enhancement it is not considered so significant in its scale or effect to change the character or

appearance of the site from its existing domesticated and urbanised state and, as that developed character and appearance would be retained, the loss of the site as landscape buffer would not be mitigated.

- 5.16 The domestic use of the land may be less intense with the replacement of the large mown lawn by wildflowers, but the perimeter areas of the path and gazebo could still be used as intensely and the enhancements are not considered sufficient to mitigate the perception of domestic activity from outside the site nor the adverse effect on the tranquillity of the area.
- 5.17 If the enhancements were considered sufficient to outweigh the landscape and tranquillity impacts then their implementation and subsequent retention and management would be necessary to make the development acceptable. Some management provisions are indicated in the application and conditions requiring this could be included on any permission, but the planting would have to be maintained and managed for the lifetime of the development to ensure the landscape impact continued to be mitigated effectively. As part of an open domestic garden, there may be pressure to make use of this space or manage or plant it differently over time and landscape management plans generally only cover an initial five year period to ensure the planting becomes established. It is therefore considered that securing the enhancements in a beneficial condition long term and throughout the whole lifetime of the development by planning condition may not be sufficiently effective and only offer temporary mitigation to the permanent landscape loss.
- 5.18 The inclusion of biodiversity enhancements is encouraged in all developments. Here they are proposed to mitigate and outweigh the significant adverse landscape and tranquillity impacts but it is not considered that these impacts can be mitigated whilst retaining the land in residential use and with a domestic character. Taking into account the proposed enhancements, it is therefore still considered the proposal is unacceptable in landscape terms and contrary to development plan Policies CS1, DP2 and XNS1 and paragraphs 112, 115 and 123 of the NPPF.

Dark Skies

- 5.19 The application proposes removing the existing lighting along the southern boundary which illuminates the adjacent woodland and this is welcomed. The proposal would therefore protect the dark skies of the Trinity Broads and wider Broads landscape and the woodland as a likely bat habitat.

Designated Habitats

- 5.20 The application site is within five metres of the SAC and SSSI habitats. The response of Natural England to this application is awaited, but they have raised no objection to previous proposals on this site and it is considered unlikely the proposal would adversely affect the features of the designated sites in accordance with Policy DP1.

Amenity

- 5.21 There is one neighbouring dwelling and it is not considered the proposal would result in unacceptable impacts on the occupiers' amenity in accordance with Policy DP28.

Intentional unauthorised development

- 5.22 It is considered that the development of this and the wider site in breach of planning regulations over recent years has been done knowingly and this and the retrospective nature of the application is extremely regrettable. Whilst the intentional nature of the unauthorised development is a material consideration in the determination of the application, it is not considered a significant one and the landscape considerations attract greater weight.

Implications

- 5.23 As noted above, the application site and development proposed within it are subject of an enforcement notice which is currently being appealed. The outcome of the appeal is anticipated within the next couple of months and whilst this proposal must be considered on its own merits, it is worth considering the implications of the outcome of that appeal and determination of this application.
- 5.24 Should the appeal be allowed in full, the status quo would be maintained and the site could be retained as it is. In this respect, the enhancements proposed in this planning application represent some landscape and ecological improvement. Should this application be approved, there is no guarantee it would be implemented and the site may remain as it is. However having a permission which requires the implementation and maintenance of these improvements may encourage the applicants to undertake them. To this end it is suggested that if Members resolve to follow the recommendation below, the decision is not issued until the target date to enable the appeal decision to be reviewed if it is received in that time.
- 5.25 Should the appeal be dismissed, the requirements of the enforcement notice (cessation of use as residential curtilage, removal of path, gazebo and lighting) would come into effect.

6 Conclusion

- 6.1 The change of use of approximately 6,000 square metres of agricultural land to residential curtilage on the edge of Ormesby Little Broad would result in the loss of the buffer of agricultural land that distances and protects the sensitive habitat and tranquil environment of the Trinity Broads from the settlement of Ormesby St Michael. This buffer of land is considered to be a feature of landscape importance and its loss and conversion to residential curtilage is considered to result in significant harm to the landscape and erode the rural, arable character which is characteristic of the area. These impacts are

compounded by the built development within the site and it is not considered that the planting proposals throughout the site are sufficient mitigation or enhancement to outweigh the adverse landscape impact.

7 Recommendation

Refuse (subject to 5.22 above)

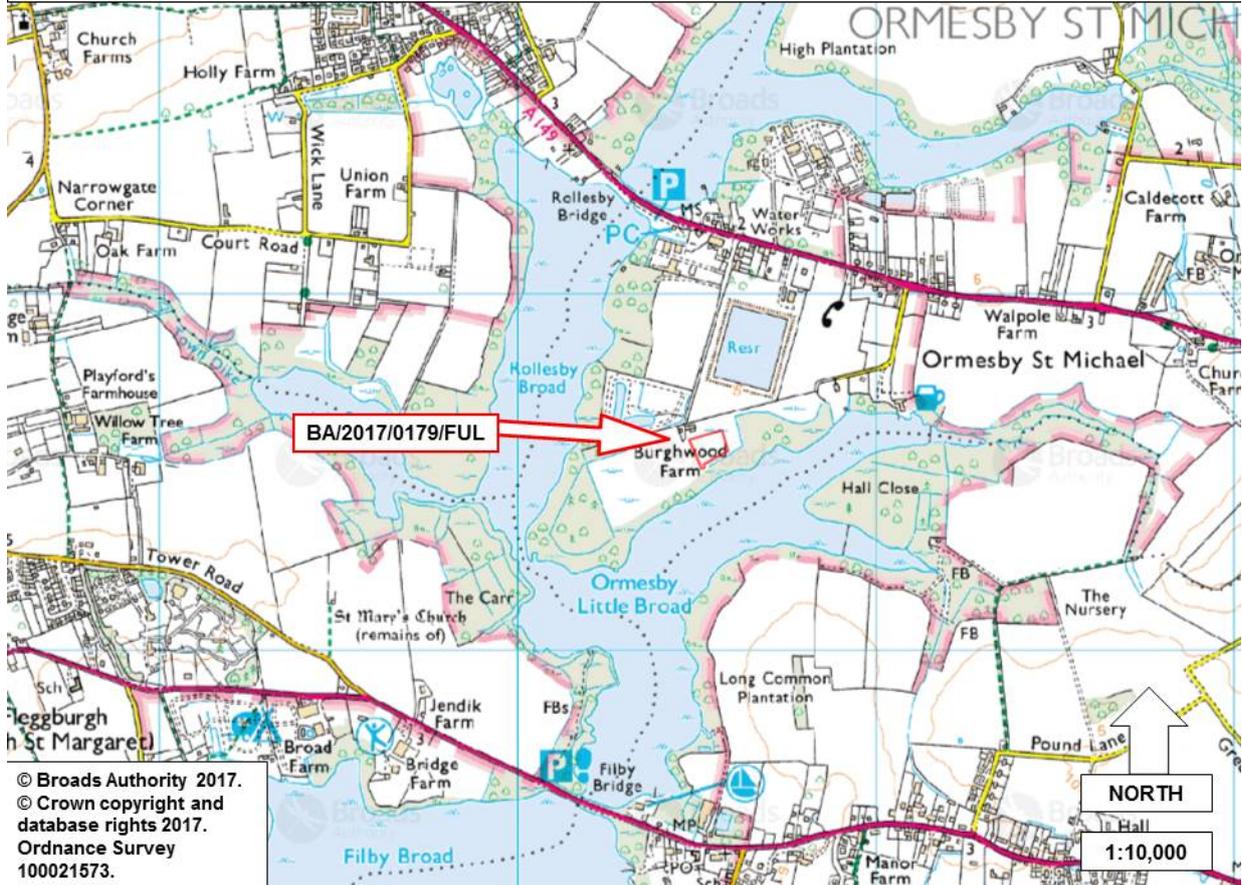
8 Reasons for Recommendation

- 8.1 The application proposes retaining approximately 6,000 square metres of arable agricultural land on the edge of the Trinity Broads (designated a Special Area of Conservation and Site of Special Scientific Interest) as an extension to the residential curtilage of an existing barn conversion dwelling. It is considered that the loss of arable land, which is a distinctive feature of the local landscape character surrounding the Trinity Broads, has a significant direct adverse impact by removing this buffer between the Trinity Broads and the settlement to the north. This significant direct adverse impact is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).
- 8.2 The change of use of approximately 6,000 square metres of arable agricultural land to residential curtilage forms a significant intrusion into the countryside and has a significant adverse impact on the perceptual qualities of the area as the residential curtilage becomes the predominant character, making the arable character, which is typical of the local landscape character surrounding the Trinity Broads, subservient. This significant direct adverse impact is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).
- 8.3 The change of use of approximately 6,000 square metres of arable agricultural land to residential curtilage forms a significant intrusion into the countryside immediately adjacent to one of the most undeveloped and tranquil areas of the Broads - the three waterbodies known as the Trinity Broads. It is considered that the use of a significant area of agricultural land as residential curtilage, with its associated activities and management, has a detrimental impact on the experience of tranquillity of the identified XNS1 Trinity Broads policy area (inset map 10). The detrimental impact on tranquillity is considered to be unacceptable and contrary to Policy XNS1 of the adopted Site Specific Policies Local Plan (2014) and paragraph 123 of the National Planning Policy Framework (2012)
- 8.4 The application seeks to retain hard surfaced paths and a large metal gazebo within the proposed extension of residential curtilage. This built development, by virtue of its scale, siting, form, design and materials is considered to compound the significant adverse impacts of the change of use of land on the

landscape character and is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).

Background papers: BA/2017/0179/FUL
Author: Maria Hammond
Date of report: 2 August 2017
Appendices: Appendix A – Map

BA/2017/0179/FUL – Burghwood Barns



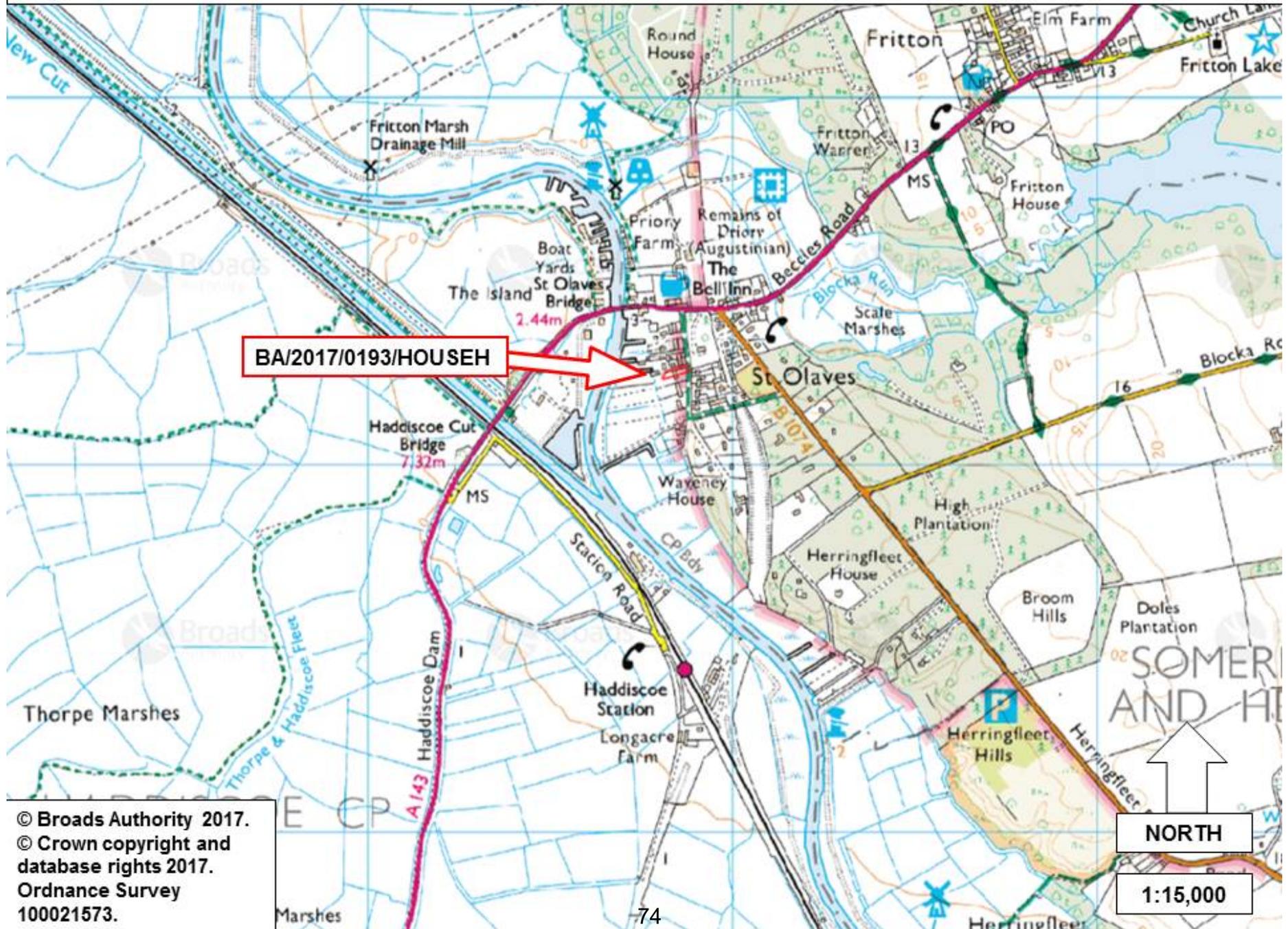
Reference:

BA/2017/0193/HOUSEH

Location

Freshfields, Priory Road, St Olaves

BA/2017/0193/HOUSEH - Freshfields St Olaves



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Ordnance Survey 100021573.

Application for Determination

Parish	Fritton with St Olaves		
Reference	BA/2017/0193/HOUSEH	Target date	10 August 2017
Location	Freshfields, Priory Road, St Olaves		
Proposal	External cladding, replace garage doors with full height windows and replace windows on the front elevation.		
Applicant	Greg Munford		
Recommendation	Approve subject to Conditions		
Reason for referral to Committee	Applicant is a Secretary of State Appointee to the Broads Authority		

1 Description of Site and Proposals

- 1.1 The site subject of this application is situated on the western edge of St Olaves. The property fronts onto Priory Road, whilst the rear of the property overlooks the Haddiscoe Marshes, Haddiscoe Cut and the River Waveney. The residential property known as 'Burwin' is adjacent to the southern site boundary with the northern site boundary adjoining an access lane leading to a number of properties situated close to the bank of the River Waveney. The property known as 'Broadvista' lies to the north of this access lane.
- 1.2 The boundary of the Broads Authority's Executive Area runs north-south along Priory Road with the properties on the western side of the road falling within the Broads area and the properties on the eastern side covered by Great Yarmouth District Council.
- 1.3 The house, subject of this application, is situated in the middle of the site with the principal elevation running parallel to Priory Road. The house itself is a two storey circa 1980 property, constructed of red brick with a concrete tile roof. The joinery in the front elevation is currently timber with the joinery in both the rear and side elevations having been replaced with uPVC joinery, pale grey in colour. An integral double garage is located in the northern corner of the property.
- 1.4 The applicant wishes to convert the double garage into a study, which can be carried out under Permitted Development Rights. However the conversion

scheme includes the replacement of the garage doors with full height windows, which would have French Grey uPVC joinery, which require planning permission. Planning permission is also being sought for the replacement of all the existing timber windows on the front elevation with light grey uPVC joinery to match the windows already replaced on the rear and side elevations. The proposed amendments to this property also include the rendering of the ground floor garage and porch feature with dark grey render and the cladding of the front elevation of the house with light grey Eternit cladding.

2 Site History

2.1 There is no planning history associated with this site.

3 Consultation

3.1 Parish Council - No objection

Representations

No Representations have been received.

4 Policies

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

Core Strategy [Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement

CS4 Creation of New Resources

Development Management Policies DPD [DEVELOPMENTPLANDOCUMENT](#)

DP4 Design

Neighbourhood Plans

4.2 There is no Neighbourhood Plan that affects this site

5 Assessment

5.1 In terms of the assessment of this application the main issues to be considered include the principle of the development and the material to be used in the works.

5.2 The applicant wishes to modernise and lighten the appearance of the building when viewed from Priory Road and also to replace the remaining timber windows in the front elevation of the property so that they match the windows in the other elevations of the house. The modernisation and

updating of the frontage of this house is accepted as a reasonable change for the owner to make. The principle of the development is therefore accepted.

- 5.3 In terms of assessing this development the main issue, which requires careful consideration, is the choice of materials for the replacement windows and the cladding. Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness. Paragraph 64 of the NPPF goes on to say that planning permission should not be granted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Criteria (ii) and (iii) of Policy CS4 of the Core Strategy follow this strategy through by requiring all developments to improve the quality of the built environment and to use sustainable construction methods and locally sourced materials. Policy DP4 of the Development Management Policies DPD in criterion (f) requires the detailing and materials of a building to be of high quality and appropriate to its context. New development should employ sustainable materials, building techniques and technology where appropriate.
- 5.4 In accordance with the above national guidance and local Policy approach the starting point in determining the acceptability, or otherwise, of the materials, must be to secure the best quality, sustainable material taking into account the context of the site and the design, character and architectural merit of the dwelling concerned. It is necessary to be pragmatic and assess each case on its merits and be proportionate in what is expected. Members will be aware of the recent Appeal decisions where materials have been the key issue, and the subsequent discussion at the Meetings on 26 May and 23 June 2017 where Members encouraged a more pragmatic approach to these matters.
- 5.5 The character of the residential development along Priory Road, particularly on the western side of the road, is typified by two storey red brick dwellings constructed in the 1970s/ 1980s. Most of the original timber joinery in the dwellings has been replaced by a variety of uPVC products, of varying quality. The houses on the eastern side of the road, outside the Broads Authority's area, are older brick built houses with a mix of original timber sash windows and uPVC windows. The pallet of materials visible along the road is red brick, of varying vintages, and render or painted brick. There is very little cladding present on any of the dwellings and what little there is, is timber. The house, subject of this application, is typical of the development along the western side of the road, being a red brick 1980's two storey dwelling, with limited individual architectural merit and generic in character.
- 5.6 The application is seeking planning permission for the replacement of the existing timber windows on the front elevation with uPVC windows to

match those used on the side and rear elevations. The elevation which will be subject to change is the elevation that faces the private drive, Priory Road, rather than the West elevation of the building which overlooks the River and is visible in long views from the River and the marshes beyond. Given that the houses in the immediate vicinity of the site all have uPVC joinery, and the rest of the house has already got replacement uPVC joinery, the principle is not unacceptable. However regard must be had to whether the uPVC joinery as proposed is suitable in terms of quality. Whilst the windows are storm proof and not flush casement in design (and are therefore bulkier in appearance than flush casement timber windows) the overall profile is not unacceptable given the existing timber windows are of a similar design and the design matches the windows already replaced. Whilst the frames are bulkier than timber frames they are slimmer than the standard uPVC frames. The windows would also be finished in a light grey finish, which is preferable aesthetically to the standard white uPVC finish. On balance therefore, and taking into account the factors set out above, it is considered that this material is not unacceptable here.

- 5.7 The other major feature of the applicant's scheme to modernise the appearance of this house is the rendering of the porch and garage element with dark grey render and the cladding of the entire front elevation with light grey Eternit cladding. This is considered to be of greater significance visually than the windows.
- 5.8 The dark grey render is considered to be an acceptable alteration, given that the existing pallet of materials along Priory Road includes render. Looking at the other properties along Priory Road, however, cladding is not a prevalent feature in terms of materials. The only example to be seen, south of the subject property, has dark stained timber boarding to the gable ends. It is acknowledged however cladding is a traditional design feature seen throughout the Broads, albeit timber cladding, and therefore the introduction of cladding in this location can be considered acceptable in principle. The judgement that has to be made is whether the light grey Eternit cladding is the appropriate material for use within this particular context or whether an alternative cladding material would be more appropriate in this location which would offer visual benefits in accordance with Policy direction.
- 5.9 Timber boarding/cladding is a traditional material within the Broads area. Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness. Therefore the starting point in the assessment of this proposal is whether or not it is reasonable to insist on the proposed cladding being timber as this typifies the wider local character of the Broads. In this instance the immediate area is characterised by relatively modern 1970s/1980s properties which do not in the main contain traditional detailing or materials and they are not particularly representative of, or contribute to, the local distinctiveness of the area. The cladding is a modern intervention on a relatively modern property. Further, on the elevation proposed to be over clad the visual

impact of the cladding will be restricted. It is therefore considered that this could be an occasion where a non-traditional material may be acceptable.

- 5.10 The proposed Eternit cladding is cement based boarding which has a grain impressed on to each board. The grain impression is the same on every board, therefore once a number of boards are added to an elevation the visual impression created is one of a uniform grain across the elevation. This creates an artificial appearance to the boarding which will not mellow or weather over time. A smoother finish would better replicate traditional stained or painted boarding. However, although alternatives are available, the assessment to be made is whether the proposed Eternit cladding is appropriate in this particular location. As set out above, the character of the immediate area is typified largely by non-traditional dwellings and the contribution they make to local distinctiveness is minimal. Given this, and the location and orientation of the dwelling, the visual impact of the boarding is limited. It is therefore considered that having regard to the individual merits of the case the use of Eternit boarding is not considered so unacceptable as to justify a refusal.
- 5.11 In conclusion, whilst the NPPF, Policy CS4 of the Core Strategy and Policy DP4 of the Development Management Policies require any development to result in an improvement to the built environment and for sustainable material to be used, each case has to be assessed on its own merits and within the context of the setting of the development and the character of the building. In this case the proposed window joinery is considered to be satisfactory. On balance, in this case, the proposed cladding, judged against the above criteria is not considered to be unacceptable.

6 Conclusion

- 6.1 Planning permission is being sought to modernise the front elevation of the subject property by replacing the windows and adding cladding and render to the existing brickwork. Whilst the choice of materials is perhaps not strictly in accordance with the aspirations of the NPPF and the relevant Local Plan Policies, it is necessary to be pragmatic and assess the application within the context of the site and the architectural quality of the original dwelling. On this basis it is considered that on balance this application is acceptable.

7 Recommendation

Approve subject to the following conditions:

1. Three year timeframe for commencement
2. In accordance with approved plans
3. In accordance with submitted material details.

8 Reason for Recommendation

- 8.1 On balance the proposed replacement windows and cladding, whilst not being strictly in accordance with the NPPF guidance and Policy CS4 of the Core Strategy and Policy DP4 of the Development Management Policies DPD are not considered to be unacceptable.

9 Note by Solicitor and Monitoring Officer

- 9.1 In accordance with the procedures set out in paragraph 2 of the Code of Conduct for Members on Planning Committee and Officers, I have been informed of this application. I have read the file and this draft report on 1st August 2017. I confirm that I consider that this matter has been dealt with in accordance with normal processes and procedures and the recommendation appears uncoloured by the relationship noted in this report. I have asked that this paragraph be inserted into the report.

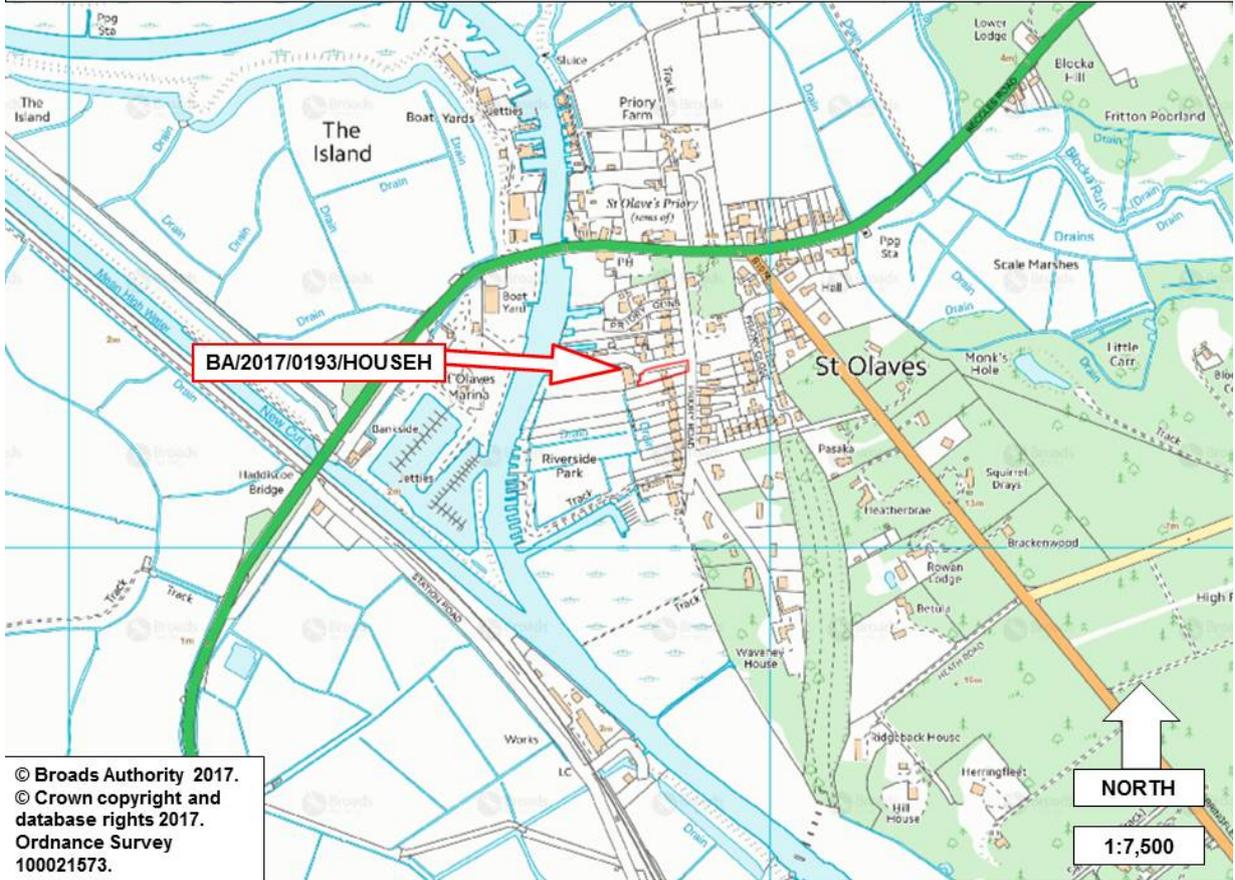
List of Appendices: Location Map

Background papers: Application File BA2017/0193/HOUSEH

Author: Alison Cornish

Date of Report: 1 August 2017

BA/2017/0193/HOUSEH - Freshfields St Olaves



Enforcement of Planning Control
Enforcement Item for Noting:
No.1 & No.2 Manor Farm House, Oby
Report by Enforcement Officer

Summary:	This report concerns unauthorised works to a Grade II Listed Building and offers an update on the on-going regularisation of the works.
Recommendation:	That Members note and endorse the contents of this report.
Location:	Manor Farm House, Manor Farm Road, Ashby with Oby.

1 Background

- 1.1 Manor Farm House at Ashby with Oby is a Grade II 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, which were protracted due to the difficult personal circumstances of the owner.
- 1.3 A report on the 17 August 2012 was brought to the Planning 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 into for a phased replacement for the windows and doors. On 1 May 2014 Listed Building Consent (LBC) was granted for the work (BA/2014/0076/LBC) and a period of 10 years was given for completion of the works.
- 1.5 At the end of April 2015 the site was visited and it was confirmed that 3 doors and 2 windows had been replaced.

- 1.6 In February 2017 it was noted that no works had taken place since April 2015 and Members resolved to continue to monitor the situation and for officers to enter into discussions with the Applicant in order to maintain momentum.

2 Update since 3 February 2017

- 2.1 Officers have kept in contact and are aware of continued issues surrounding the health of the Applicant and close relatives. No additional work has taken place. It remains the case that 5 of the 28 apertures have been completed and the remaining 23 will require replacement by May 2024. Whilst the Applicant could wait until year 10 before completing the work the longer it is left the more onerous the task becomes.
- 2.2. The applicant is aware of the works that needs to be done and is keen to have the matter resolved. The applicant is hoping to have more replaced in the new year but the cost is a constraint and officers will keep in contact with the applicant for progress on this. They have also offered to provide any (non-pecuniary) assistance which will help progress the matter. The need to deal with this site sensitively is noted.

3 Conclusion

- 3.1 Members' endorsement is sought on continuing discussions with the Applicant in order to maintain momentum with the replacement windows and doors.
- 3.2 Whilst Members and officers are aware of the continuing health issues of the Applicant and a close family member, continued dialogue to encourage the Applicant to undertake the work in a staged approach is considered to be of mutual benefit. Negotiations will continue to be carried out sensitively.
- 3.3 Officers will continue to monitor the site and bring a report to Planning Committee at 6 monthly intervals.

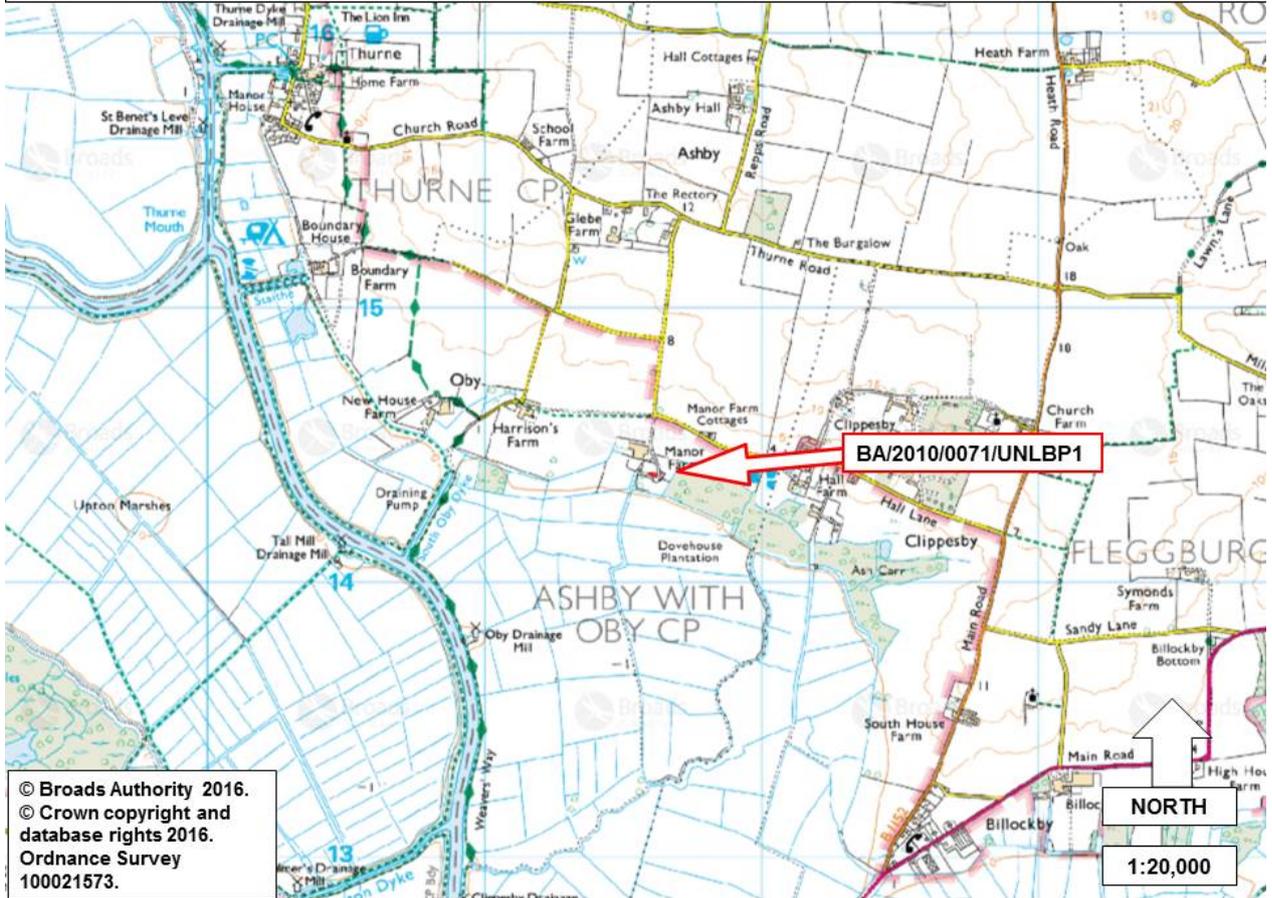
Background papers: Enforcement File BA/2010/0071/UNLBP1

Author: Kayleigh Wood

Date of report: 03 August 2017

Appendices: APPENDIX A - Site Map

BA/2010/0071/UNLBP1 – Farmhouse Manor Farm, Manor Farm Road, Ashby With Oby, Norfolk, NR29 3BN.



Enforcement Update
Report by Head of Planning

Summary:	This table shows the monthly updates on enforcement matters.
Recommendation:	That the report be noted.

1 Introduction

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

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Planning Application received 10 May 2016 and under consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required • Application for extension submitted 10 July 2017, including comprehensive landscaping proposals (BA/2017/0237/FUL)
9 December 2016	Eagle's Nest, Ferry Road, Horning	Non-compliance with conditions 3 and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential accommodation.	<ul style="list-style-type: none"> • Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> (i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and (ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months. And (iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not complied with. • Invalid CLEUD application for materials received; subsequently validated • Application to remove materials condition received • Planning Contravention Notice served 30 December 2016. • Breach of Condition Notice served 19 January 2017. Compliance date 19 April 2017. • Retrospective application for retention of manager's flat submitted 20 February 2017. Application under consideration.

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • CLEUD for materials issued • Retrospective application for retention of manager's flat refused planning permission. • Correspondence with landowner over compliance • Appeal received (See Appeals schedule)
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential curtilage	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL; • if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution. • Enforcement Notice served on 8 March 2017 with compliance date 19 July 2017. • Appeal against Enforcement Notice submitted 13 April 2017, start date 22 May 2017 (See Appeals Schedule) • Planning application received on 30 May 2017 for retention of works as built.(See application elsewhere on the agenda)
31 March 2017 26 May 2017	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"> • Authority granted to serve Section 215 Notices • First warning letter sent 13 April 2017 with compliance date of 9 May. • Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued. • Monitoring • Further vandalism and deterioration.

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 3 August 2017

Appendices: Nil

Local Plan – August Bite Size Piece
Report by Planning Policy Officer

Summary: This report introduces the following topics for the Publication version of the Local Plan: Local Development Scheme, Consultation Plan, Housing Section and Duty to Cooperate Statement.

Recommendation: Members' views are requested.

1 Introduction

- 1.1 This report introduces the following topics for the Publication version of the Local Plan: Local Development Scheme, Consultation Plan, Housing Section and Duty to Cooperate Statement.
- 1.2 Members' views are requested to inform the draft policy approach in the Publication version of the Local plan.
- 1.3 It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the final version being presented to Planning Committee.

2 Topics covered in this report:

- a) Local Development Scheme. This is the timeline for producing the Local Plan. This is the fourth version of the LDS for this Local Plan. It is a requirement when producing Local Plans that this is kept up to date.
- b) Consultation Plan. This sets out how the next consultation stage of the Local Plan will be undertaken. This stage is more formal than the previous stages and as such we have produced a representations form and also guidance.
- c) Housing Section. This is updated following the new SHMA that was discussed at the last Planning Committee meeting as well as to include new policies. Note that there will be a section in the final Local Plan relating to the evidence we are yet to receive about Gypsy, Travellers, Travelling Show People, Caravans and Houseboats.
- d) Duty to Cooperate Statement. This sets out how we have cooperated during the production of the Local Plan. This also sets out how the Local Plan meets the requirements of the draft Norfolk Strategic Framework. Please note that the NSF is out for consultation from around 4 August 2017 and a report on that will come to the next Planning Committee.

3 Financial Implications

- 3.1 Generally officer time in producing these policies and any associated guidance as well as in using the policies to determining planning applications.

Background papers:None

Author: Natalie Beal
Date of report: 2 August 2017

Appendices:

- Appendix A – Local Development Scheme
- Appendix B – Consultation Plan
- Appendix C – Housing Section
- Appendix D – Duty to Cooperate Statement.

**Broads Local Plan
Publication Local Plan.
October to November.
Consultation Plan**

Introduction

The Publication Local Plan is set to publish for public consultation between 4 October to 15 November 2017. The consultation period covers 6 weeks.

Documents to be consulted on

- The Publication version of the Local Plan
- The Sustainability Appraisal
- The Habitats Regulation Assessment
- The various pieces of evidence and the topic papers are also available for comment.

Advanced notice of the consultation has been given

- We emailed and wrote to Parish Councils on 4 May 2017 and then on 10 July 2017.

Advertising the consultation.

- Email or letter to all on our contact database.
- Press advert.
- Press release to go out at the start of the consultation period as well as early November to act as a reminder.

Versions of the Local Plan

- Hard copies at libraries and Council offices. Some documents on DVDs.
- Summary leaflet. This will include one line description of the thrust of the policy and ask for comments. There will be a link to the main document so people can read the detail of the policy if they wish.
- Copies of the documents will be available on line.

Drop in sessions

- Posters to go on Parish notice boards to advertise drop in sessions.
- Advertised through the press release and press advert.
- Three drop in sessions – on a Saturday am/pm and weekday evening. One in the north, central area and south of the Broads.
- Venues likely to be Potter Heigham, Loddon and Oulton. Dates and times TBC.

Comments received at this stage of the Local Plan process.

For this stage of the Local Plan, we are introducing a form and related guidance. The comments need to relate to the soundness of the Local Plan and use the tests of soundness accordingly. Please see Appendix A for the form and Appendix B for the Guidance.

Appendix A –Representation Form

Broads Authority Local Plan

Publication version (October 2017)

Representation Form

For Office Use Only
Consultee ID:
Received:
Processed:

Please use this form to make any representations on the Broads Authority Local Plan: Publication version. Completed forms should be returned by email to planningpolicy@broads-authority.gov.uk or by post to: Planning Policy Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY.

The documents being consulted on, together with a guidance note on making a representation on the Plan, may be found here: www.broads-authority.gov.uk/planning/consultations

This public consultation starts on **xxx** and will last 6 weeks **until xxx** Only representations received within this period have a statutory right to be considered by the Inspector at the subsequent examination. Responses received after the closing date may not be considered.

Paper copies of this form are available from the Broads Authority's offices in Norwich and at the drop-in events taking place across the Broads. All details are available on our website (see above).

Please note:

- **Separate forms should be completed for each comment made.**
- All respondents **must** provide their personal details.
- Representations should be on the basis of the **soundness** or **legal compliance** of the Plan. (Please see guidance note for more details.)
- It is recommended that groups who share a common view submit a **single form rather than multiple copies** and provide a list of each person supporting the representation.
- By completing this form you agree to your details being shared. Your name, address and comments (but not your other personal details) will be made available for public viewing. **These representations cannot be treated as confidential.**

Please expand the boxes as necessary, or attach additional sheets. Clearly mark any additional sheets with your name and the part of the document the representation relates to.

1.	Your contact details	Agent Details (if applicable)
Name		
Organisation / Group	(if applicable)	
Address line 1		
Address line 2		
Town / City		
County		
Postcode		
Telephone number		
E-mail address		

2. Group Representations

If your representation is on behalf of a group, how many people support it?

Is a list of each person in your group that supports the representation attached with this form - including name, postal address, email or telephone number and signature?

Yes No

3. To which part of the Plan does your representation relate?

Paragraph number	
Policy number	
Map reference	
Appendix	
Supporting Document	

4. Do you consider that this part of the Plan meets the legal and procedural requirements?
(see guidance note for assistance with this question)

Yes No

5. Do you consider this part of the Plan has met the tests of soundness? *(see guidance note for assistance with this question)*

Yes

No

6. Do you consider this part of the Plan to be unsound because it is not:

Positively prepared

Justified

Effective

Consistent with national policy

7. Please give details of why you consider this part of the Plan is not legally compliant or sound. If you wish to support the legal compliance or soundness of the Plan please also use this box to set out your comments.

(Please continue on a separate sheet / expand box if necessary)

8. Have you raised this issue during previous consultations on the Local Plan?

Yes

No

If you have answered 'No', please explain why this has not been raised before:

(Please continue on a separate sheet / expand box if necessary)

9. Please set out what change(s) you consider necessary to make the Plan legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text and cover all the evidence and supporting information necessary to support/justify the representation.

(Please continue on a separate sheet / expand box if necessary)

10. If your representation is seeking a change, do you consider it necessary to participate in the public examination? (Please note that the Planning Inspector will make the final decision on who will be invited to attend individual sessions at the public examination, although all members of the public may observe the proceedings)

Yes No

11. If you wish to participate in the public examination, please outline why you consider it to be necessary?

(Please continue on a separate sheet / expand box if necessary)

12. Please tick this box **if you would like to be notified of the following:**

- Submission of the Local Plan to the Secretary of State for Public Examination;
- The publication of the recommendations of any person appointed to carry out an the Examination of the Local Plan (the Inspector’s Report); and
- The adoption of the Local Plan.

Please sign and date this form:

Signature: _____ Date: _____

The closing date for responses is xxx

Appendix B – Guidance Note to Accompany Representation Form

Broads Authority Local Plan Publication version (October 2017)

GUIDANCE NOTE

This note is to help you make a formal representation on the Broads Authority Local Plan: Publication version. All representations to this plan must be submitted by **xxx**. A representation form is available on our website (see below).

The Broads Authority wishes to submit the **Broads Authority Local Plan: Publication version** to the Secretary of State for Communities and Local Government for public examination under Section 20 of the Planning and Compulsory Purchase Act 2004. Before we do this, we must get public views on the legal compliance and ‘soundness’ of the Plan. This is an important stage of consultation, as it is the final opportunity for you to comment on the Plan.

We will take account of all representations made on the Publication Plan, and consider appropriate amendments to make sure it is legally compliant and sound. We will then submit the Plan to the Secretary of State early next year. The Public Examination will be held in Norwich, at a date to be agreed by the Planning Inspectorate. At the examination, an independent Inspector will assess whether the Plan complies with the law and is sound.

Where to view the Publication documents

The Broads Local Plan: Publication version, together with supporting documents and a representation form, may be viewed on our website here: www.broads-authority.gov.uk/planning/consultations

Paper copies of the Publication Plan and accompanying proposals map are available to view at selected Council Offices and libraries in the Broads. We are also holding drop-in events, where you can talk to our Planning Officers about the Plan. Details are also on our website.

How to complete the representation form

Questions 1 and 2

Personal information provided as part of a representation **cannot** be treated as confidential, as the Authority is required to make representations available for inspection during the Public Examination. We will also need to use this information to formally notify you regarding the Examination in Public. Data will be processed and held in accordance with the Data Protection Act 1998.

Question 3

You will need to complete a separate form for each comment you are making, stating which part of the Plan your representation relates to.

Question 4

If your representation relates to how the Authority has **prepared** the Local Plan, it is likely to relate to **legal compliance**. The Plan must:

- comply with Section 20 of the Planning and Compulsory Purchase Act 2004 and other related legislation;
- be in accordance with the Authority's Local Development Scheme and Statement of Community Involvement;
- comply with the Town and Country Planning (Local Planning) (England) Regulations 2012, national planning policy and the Duty to Co-operate.

The Inspector will check that the Local Plan has been prepared in accordance with the legal and procedural requirements. Please consider the following before making a representation on these requirements:

Local Development Scheme (LDS)

The LDS is a programme of work prepared by the Authority for the production of its Local Plan. The programme should be in the current LDS and key stages should have been followed. Our LDS may be viewed here <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>

Statement of Community Involvement (SCI)

The process of community involvement for the Local Plan should be in general accordance with the SCI. Our SCI may be viewed here <http://www.broads-authority.gov.uk/planning/planning-policies/development>

Town and Country Planning (Local Planning) (England) Regulations 2012

The Regulations require that the local planning authority should publish the documents prescribed in the Regulations, and make them available at their principal offices and on their website. It also sets out who the Authority should consult on the preparation of the Plan and when. To view the Regulations, visit: <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Sustainability Appraisal (SA) Report

The Authority is required to publish a SA Report when it publishes a Plan. It also prepares an Appropriate Assessment (Habitats Regulations Assessment). Our SA and AA may be viewed here: www.broads-authority.gov.uk/planning/consultations

Duty to Cooperate

The Authority is required to fulfil the Duty to Co-operate in preparing the Plan as required by Section 110 of the Localism Act 2011 and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Its purpose is to ensure that plans consider planning issues that cross administrative boundaries and issues of concern to agencies with a wider geographical responsibility. The Duty To Cooperate Statement may be found here: www.broads-authority.gov.uk/planning/consultations

Questions 5 and 6

If your representation is on the **content** of the Local Plan, it is likely to relate to its soundness. To be considered **sound**, the Plan must be positively prepared, justified, effective and consistent with national policy as defined in National Planning Policy Framework (NPPF) paragraph 182 (see below).

Positively Prepared

- The Plan should seek to meet objectively assessed development and infrastructure requirements and be consistent with achieving sustainable development.

Justified

- The Plan should be founded on a robust and credible evidence base involving: evidence of participation of the local community and others having an interest in the area; and evidence that the choices made in the Plan are backed up by facts.
- The Plan should provide the most appropriate strategy when considered against reasonable alternatives.
- The Plan should show how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved.

Effective

- The Plan should be deliverable, embracing sound infrastructure delivery planning; having no regulatory or national planning barriers to delivery; delivery partners who are signed up to it; and coherence with the strategies of neighbouring authorities.
- The Plan should be flexible and able to be monitored, and indicate who is to be responsible for making sure that the policies and proposals happen and when.
- The Plan should be flexible to deal with changing circumstances, such as changes in economic circumstances. It should also make clear that major changes may require a formal review of the Plan in the future.

Consistent with national policy

- The Plan should promote sustainable development in accordance national policy.

Question 7

Please state why you consider the Local Plan is either unsound or not legally compliant. Refer to legal and procedural requirements and/or the tests of soundness, as set out above.

Question 9

Please set out what change(s) you consider necessary to make the Plan legally compliant or sound. Your representations should be supported by evidence showing why the Plan should be changed, and why this change will make the Plan legally compliant or sound. It will be helpful to put forward suggested revised wording for any policy or text.

Questions 10 and 11

These questions ask if you wish to be heard by the Inspector at the Public Examination, and to give your reasons why. Please note that the Inspector will make the final decision on who will be invited to participate in individual sessions at the Public Examination.

All representations, whether supporting and opposing the Plan, will be submitted to and examined by the Inspector. If you submit a representation, you are not obliged to attend the Public Examination.

Only people who have made representations in objection to the Local Plan are allowed to speak in the Examination, but are not obliged to do so. This process allows objectors to either rely on their written representation, or to expand on their concerns for the specific issues the Inspector wants to discuss.

Members of the public are able to attend the hearing sessions to observe proceedings, but are not allowed to speak.

More information

If you have any questions about this process, or about the Broads Local Plan, please call Natalie Beal, Planning Policy Officer on 01603 610734 or email our Planning Team at planningpolicy@broads-authority.gov.uk.

1. Housing

Policy PUBSP12: Residential development

a) Meeting the Objectively Assessed Housing Need

The Authority will endeavour to enable housing delivery to meet its objectively assessed housing need throughout the plan period.

The Authority will allocate land in the Local Plan to provide around 146 net new dwellings. To meet the remaining requirement of 44 dwellings to 2036, which falls within that part of the Broads in the Borough of Great Yarmouth, the Authority will work with Great Yarmouth Borough Council to address housing need and the Borough Council will deliver the residual 44 dwellings.

A contribution from housing development towards the provision of affordable housing will be sought.

b) The type of new homes

The size and type of homes for each proposal will be based on up-to date evidence of local needs. A suitable mix will be determined through liaison with housing authorities and rural housing enablers where applicable. The size of dwellings will be commensurate with the latest SHMA.

c) Protecting European Sites

Project Level Habitats Regulation Assessments will be needed to assess implications on sensitive European Sites. Measures to mitigate for the effects of new housing growth may be required.

d) Spatial Strategy

The Authority will direct development to meet the amount of housing as set out in this policy to the following locations:

- i) Development proposals will be located to protect the countryside from inappropriate uses to achieve sustainable patterns of development, by concentrating development in locations with local facilities, high levels of accessibility and where previously developed land is utilised; or
- ii) Brownfield sites at Pegasus in Oulton Broad, Utilities Site in Norwich, sites off Station Road in Hoveton and Hedera House in Thurne and the greenfield site at Stokesby as detailed in the site allocation section of this Local Plan; or
- iii) In relation to windfall, those areas with development boundaries as detailed in policy PODM33; or
- iv) Housing will only be permitted elsewhere where it is necessary, and subsequently retained, in connection with rural enterprises (PODM36), replacement dwellings (PODM38) or to provide affordable housing where local need has been demonstrated in District Councils' or local housing needs surveys.

Reasoned Justification

• Meeting the Objectively Assessed Housing Need

The NPPF states at paragraph 47 *'to boost significantly the supply of housing, local planning authorities should (inter alia) use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period'*.

The Broads Executive Area is part of three separate Housing Market Areas (HMA):

Housing Market Area	Districts in the HMA	Strategic Housing Market Assessment (SHMA) progress
Central Norfolk	North Norfolk, South Norfolk, Norwich, Broadland, Breckland	Completed 2017
Great Yarmouth	Great Yarmouth	Completed 2013
Waveney	Waveney	Completed 2017

As most of the Broads Authority Executive Area is within the Central Norfolk Housing Market Area, the Central Norfolk Strategic Housing Market Assessment¹ calculated the Objectively Assessed Housing Need for the entire Broads Area. The Objectively Assessed Housing Need (OAN) for the Broads is shown in the following table. The Housing Need Topic Paper² gives more detail in relation to the methodology used and the findings of the study. The OAN is for the period 2015 to 2036.

Part of the Broads in...	Objectively Assessed Housing Need	Annual average from 2015 to 2036
Broadland	50	2.63
Great Yarmouth	66	3.47
North Norfolk	70	3.68
Norwich	3	0.16
South Norfolk	40	2.10
Waveney	57	3
Total:	286	13.6

On the issue of meeting the objectively assessed need, the NPPF at Para 47 says Local Planning Authorities should ‘*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, **as far as is consistent with the policies set out in this Framework**, including identifying key sites which are critical to the delivery of the housing strategy over the plan period*’

It is important to note that The NPPF places great weight on the status of the Broads:

- *Paragraph 14: Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless... specific policies in this Framework indicate development should be restricted.*
- *Footnote 9: For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

In deciding how to address housing need, the Authority needs to balance the demands of meeting the needs and protecting the special qualities of the Broads. As such, the housing need for the Broads is met in the following ways:

- Completions and permissions between April 2015 and April 2017

¹ A SHMA is a study which identifies housing need for an area. The 2017 version can be found <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan/evidence-base2>

² Housing Topic Paper, Revised July 2017: <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan/evidence-base2>

District	Housing Market Area	Number of dwellings	
		Completions	Permissions
Broadland	Central Norfolk	1	4
North Norfolk	Central Norfolk	0	0
Norwich	Central Norfolk	0	0
South Norfolk	Central Norfolk	52	1
Great Yarmouth	Great Yarmouth	1	1
Waveney	Waveney	1	81
Total		55	87
		142	

ii) Allocations within this Local Plan

Policy	Location	Housing Market Area	Approx. number of dwellings
Policy PUBNOR1: Utilities Site	Norwich	Central Norfolk	120
Policy PUBOUL3: Pegasus Site	Oulton Broad	Waveney	Included in permissions
Policy PUBTHU1: Hedera House	Thurne	Great Yarmouth	16
Policy PUBSTO1: Land at Tiedam	Stokesby	Great Yarmouth	4
Policy POHOV5: Brownfield land off Station Road, Hoveton	Hoveton	Central Norfolk	6
Total			146

iii) Cooperating with Great Yarmouth Borough Council

As the Housing Need Topic Paper shows, the housing need has been exceeded in the Central Norfolk and Waveney Housing Market Areas. However there is a residual need in the Great Yarmouth Housing Market Area for 44 dwellings. Great Yarmouth Borough Council, in their representations to the Issues and Options consultation, stated that they do not consider it appropriate for the Broads to be obliged to meet the housing need in the Great Yarmouth area because of the special qualities of the Broads. They have already included the whole of the Borough, including that part within the Broads, in their assessment of the Borough's housing needs.

The Great Yarmouth Borough area of the Broads Authority is constrained from flood risk and European designated sites. Furthermore there are more sustainable locations, subject to fewer constraints, outside of the Broads Authority Executive Area where it is more prudent to develop land for residential dwellings.

They are keen for the Memorandum of Understanding that has been signed to stay in place, and continue the arrangement that while the Borough will endeavour to meet the whole of its needs outside the Broads, any housing development coming forward in the Broads part of the Borough is counted towards delivery against the Borough's needs. Through the Duty to Cooperate, Great Yarmouth Borough Council will deliver the residual 44 dwellings.

- Affordable Housing

The provision of affordable housing is a key issue in local communities, particularly in rural areas where sites appropriate for development may be limited or may fail to meet sustainability criteria. In the Broads, this is exacerbated by the limited availability of land due to flood risk and the demand for second/holiday homes that inflates land and property prices, and is a disincentive for the provision of lower cost housing.

The requirement for a percentage of properties within a development to be 'affordable' is an established mechanism used by planning authorities to achieve provision of social housing (please refer to the Developer Contributions section of the Local Plan). This mechanism, however, is not easily applied within the Broads, as development is of a small-scale and often individual properties. Larger sites that trigger such a requirement come forward rarely.

Developers are encouraged to use Rural Housing Enablers to carry out Local Housing Needs Surveys where affordable housing contributions for local need will be sought.

- Type

Because the Broads Authority is not the Housing Authority, we will work closely with our districts (who undertake this function) to determine the type of housing that needs to be delivered in a certain area.

- Project level HRA

Project level HRA will need to assess implications for European sites arising from increased recreation pressure and provide adequate green infrastructure – HRAs should be evidence based and draw on available information in relation to standards for dog walking sites (length of walk, facilities etc.).

- Location of development

The policy approach will be to prevent development beyond settlements other than in exceptional circumstances, or which accords with the Authority's statutory purposes. Development within settlements would be permitted only where it meets criteria covering issues such as flood risk, satisfactory provision of infrastructure and design.

If needed, the criteria used to assess settlements in the Settlement Study as well as the criteria relating to access to services and facilities in the HELAA will be used to determine sustainable patterns of development.

In most cases settlements in the Broads straddle the Broads boundary, and the greater part of the settlement lies within the neighbouring local planning authority's jurisdiction. Because of the national protection afforded to the Broads and the vulnerability to flooding of most of the Broads area (the boundary generally follows the edge of the flood plain) it will usually be the case that both the greatest need and greatest opportunity for development in any settlement straddling the boundary will be in that part of it outside the Broads.

The spatial strategy aims to ensure that communities across the Broads Authority Executive Area continue to thrive so that they are economically resilient, environmentally sustainable, socially mixed and inclusive. The Spatial Strategy is the overall framework for guiding development across the Broads Authority Executive Area, determining in what broad locations and settlements different kinds of development will be encouraged or restricted. It offers the most sustainable way to accommodate housing in the Broads as:

- it makes the best use of previously developed land;
- it places new residents in close proximity to jobs, shops, leisure and cultural facilities and public transport nodes, to support sustainable lifestyles; and
- it regenerates some of the more run down areas around the Broads

- Housing Trajectory

The following housing trajectory gives an estimated time line of when various developments could come forward over the plan period. This can be found at Appendix 1.

Policy PUBDM32: Affordable Housing**a) Delivery of affordable housing**

Contributions towards affordable housing provision will be sought in accordance with the full requirements of the adopted standards and policy requirements of the relevant District Council³, including thresholds, level (%) of contribution, house types/mix and tenure and phasing arrangements.

The Authority will only consider reducing the requirement for the proportion of affordable housing on a particular development site, or amending the tenure mix from the relevant District Council's Policy requirement where:

- i) The applicant has submitted a site-specific viability appraisal (which has been assessed independently or by the relevant council as appropriate) has concluded that it is not viable to deliver the full policy requirement of affordable housing and an alternative provision has subsequently been agreed; or
- ii) The applicant has submitted a site specific viability appraisal (which has been assessed independently or by the relevant council as appropriate) has concluded that it is not viable to deliver the required tenure mix and the alternative tenure mix has subsequently been agreed; and
- iii) The resultant affordable housing provision would ensure that the proposed development is considered sustainable in social terms through its delivery of housing mix.

Developments of 6 to 10 dwellings will be required to contribute a commuted sum towards the provision of affordable housing.

b) Provision outside development boundaries (rural exception sites),

Affordable housing developments outside defined development boundaries as defined on the Proposals Map, will be permitted where:

- iv) There is an identified local need for affordable housing;
- v) The need cannot be met within the boundaries of the adjoining local authority's part of the Broads settlement; and
- vi) The location of the proposed development complies with the relevant District Council's criteria for rural exception sites,
- vii) Development will be of a scale that is suitable and appropriate for the size of the site and settlement. Proposals need to avoid over development and reflect the character of the area

A small proportion of the dwellings proposed may be market dwellings if this is fully justified and the market dwellings are the minimum number required to cross subsidise the delivery of the required affordable housing as demonstrated through a site-specific viability assessment to the

³ This is the constituent council – Broadland, Great Yarmouth, North Norfolk, Norwich, South Norfolk, Waveney Council.

satisfaction of the Authority and the relevant Council.

The size (number of bedrooms), type (flat, house) and tenure of affordable homes for each proposal will be based on up-to-date evidence of local housing needs in accordance with the requirements of the relevant Council

c) Planning Obligations

To secure all affordable housing in perpetuity, the Authority will seek a planning obligation from the developer to ensure that:

- viii) The permitted dwellings are affordable in perpetuity by being offered for initial and successive occupation at an affordable or social rent or affordable home ownership;
- ix) The control of occupation of the dwellings is undertaken by a local authority, Registered Provider or other suitable body such as a parish or village trust as approved by the Authority; and
- x) Initial and successive occupation of the permitted dwellings is prioritised for people with strong local connections for all rural exception sites

Reasoned Justification

The NPPG notes that affordable housing need is based on households “*who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market*”.

It is accepted that the Broads Authority defers to the affordable housing policy of our constituent districts as this gives consistency across a district. Furthermore, as the Authority is not the Housing Authority, we work closely with our Districts who do undertake the housing function for our area.

The NPPF definition of affordable housing will apply in implementing this policy.

• *Delivering affordable housing in the Broads*

Delivery of affordable housing in the Broads will be difficult. There is a limited supply of suitable sites in the Broads for housing to meet local affordable housing need due to the protected landscape of the area, the extent and severity of flood. The high demand for second/holiday homes, which inflates land and property prices and provides a disincentive for the provision of lower cost housing, exacerbates the difficulties in meeting the need for affordable housing in the Broads.

Over the last ten years, applications for dwellings have tended to be in the region of on average 1.94/4.12 dwellings per application⁴ (according to an assessment of the Authority’s planning applications as set out in the Housing Topic Paper). A new Government policy has been introduced that says affordable housing and tariff style contributions should not be sought on sites of 10 units or less, and which have a maximum combined gross floor space of 1,000 square metres. Presuming that the current trend of size of housing applications continues (windfall), it is unlikely that affordable housing will be delivered through windfall schemes.

In relation to seeking commuted sums on 6-10 dwellings, it should be noted that the Broads part of North Norfolk is designated as a rural area and so according to the NPPG Local Planning Authorities can seek planning obligations and affordable housing commuted sum contributions from schemes of that size. The policy however goes further to apply the commuted sums approach to all 6-10

⁴ If all applications are included (including the large scale allocations at Hedera House, Pegasus, Ditchingham Maltings and the Utilities Site) the average number of dwellings per application is: 4.12 dwellings. If the large applications are removed and we focus on windfall (unallocated sites) then the average number of dwellings per application is: 1.94 dwellings.

dwelling sized schemes in the entire Broads area. This is because the opportunities for schemes of 10+ dwelling are very significantly diminished by the rural character of the area and the environmental constraints, however there remains a clear need for affordable housing and all possible reasonable measures should be taken to address the deficiency.

The Authority would use the relevant Council's approach for the calculation of affordable housing contributions and the commuted sum would likely go to the relevant Council to prioritise spend in the parish which generated the commuted sums, then the adjoining parishes and then anywhere in the Council area.

- Assessing viability

The independent review process will require the applicant to submit a development appraisal (to include a prediction of all development costs and revenues for mixed use schemes) to the relevant Authority's/Council's appointed assessor, who will review the submitted viability appraisal and assess the viable amount of affordable housing or the minimum number of market homes needed to cross subsidise the delivery of affordable housing on a rural exceptions site. This review shall be carried out entirely at the applicant's expense. Where little or no affordable housing would be considered viable through the appraisal exercise, the Authority will balance the findings from this against the need for new developments to provide for affordable housing. In negotiating a site-specific provision with the applicant, the Authority will have regard to whether or not the development would be considered sustainable in social terms.

- Information to accompany an application

Developers advancing specific proposals that incorporate an element of affordable housing should submit an affordable housing statement alongside their application. This should provide information on the number of affordable residential units, the mix of affordable units in terms of type, tenure (intermediate/ social or affordable rented) and size (number of bedrooms and gross floor space), and the arrangements for managing the affordable housing units.

This statement is also required to explain and justify the layout and location of the affordable housing element of a scheme. The Authority expects Applicants to liaise with Registered Providers and the Housing Teams of the relevant district council to get advice and recommendations regarding the layout (although the Authority will be the determining body).

- Using planning obligations

To ensure all affordable housing remains affordable to the local community in perpetuity, planning obligations will be sought to ensure that the initial and successive occupation of the dwellings is restricted to people with a housing need. In relation to exception housing sites, the planning obligations will include the requirement that the homes who are prioritised for occupiers with strong local connections as demonstrated by the relevant Council's local connection criteria for such schemes and who need to live in the immediate area. This will include people who need to live in the Broads as a result of their current employment and existing residents needing separate accommodation in the area (for example people in housing need due to sub-standard, overcrowded or otherwise unsuitable accommodation). Please note that Starter Homes will be delivered in line with specific regulations applicable at the time of application.

- Rural exception sites

The applicant will be required to submit evidence showing how the proposed scheme meets local housing need. The Affordable Housing policy states that 'Some of the dwellings proposed may be market dwellings if this is fully justified...' when referring to affordable housing schemes outside of development boundaries. This is in keeping with the NPPF definition for rural exception sites '*small sites used for affordable housing in perpetuity where sites would not normally be used for housing.*

Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding'.

How 'small numbers' is defined will reflect the specifics of the scheme but will be a small proportion of the scheme. Applications need to fully justify the proposed market housing element (the split between market and affordable) of rural exception site schemes via the submission of a site specific viability appraisal as only the minimum number of market homes required to provide the cross subsidy needed to deliver the affordable homes will be permitted. See 'assessing viability' section of the reasoned justification to this policy for more information.

- Offsite provision

Financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances, where the Authority is satisfied that an element of affordable housing either could not practically be accommodated on site, or if it can be demonstrated that on-site provision would be unviable. In all cases, planning obligations will be sought to ensure an appropriate contribution to affordable housing is secured.

- Starter Homes

According to the Housing and Planning Act (2016)⁵ "starter home" means a building or part of a building that—

- is a new dwelling,
- is available for purchase by qualifying first-time buyers only,
- is to be sold at a discount of at least 20% of the market value,
- is to be sold for less than the price cap, and
- is subject to any restrictions on sale or letting specified in regulations made by the Secretary of State (for more about regulations under this paragraph, see section 3).

The Act goes on to say that "an English planning authority must carry out its relevant planning functions with a view to promoting the supply of starter homes in England" and "local planning authority in England must have regard to any guidance given by the Secretary of State in carrying out that duty". The Act also defines the various elements to starter homes.

Starter homes will be required in line with national policy and reflecting the relevant Council's policy requirement for such homes.

- Habitats Regulations Assessment

If a proposal is considered in the context of this policy to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Policy PUBDM33: Residential Development within Defined Development Boundaries

Map xxx.

New residential development will only be permitted within defined development boundaries and must be compatible with other policies of the Development Plan.

⁵ http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga_20160022_en.pdf

Development will be of a scale that is suitable and appropriate for the size of the site and settlement reflect the character of the area.

Development Boundaries are identified on the policies maps for the following settlement areas.

- a) Horning
- b) Oulton Broad
- c) Thorpe St Andrew
- d) Wroxham and Hoveton

Constraints and features

a) Horning

Flood risk (zones 1, 2 & 3 by EA mapping).

Conservation area.

Listed buildings.

Just across river from SAC, SPA, Ramsar Site, SSSI.

Nearby listed buildings.

b) Oulton Broad

Area is within Oulton Broads Conservation Area.

High potential for archaeological remains in the area.

Flood risk (mainly zone 1, plus some 2 & 3, by EA mapping).

Nearby listed buildings.

c) Thorpe St Andrew

Area is within Thorpe St. Andrew Conservation Area.

Flood risk (mainly zone 2, some zones 1 & 3, by EA mapping).

The bounded area includes safeguarded minerals (sand and gravel) resources, but the Minerals Planning Authority has advised this is unlikely to constrain the type and scale of development supported by the Policy.

Large number of listed buildings.

d) Wroxham and Hoveton

Close to SPA and SAC.

Lies partly within Wroxham Conservation Area.

Flood risk (mainly zone 3 by EA mapping, and partly zones 1 & 2).

The SFRA shows almost all of the area is at risk of flooding.

Capacity of minor roads in the area.

Wroxham Bridge is a Scheduled Monument.

The Grange - Grade II listed

Reasoned Justification

The purpose of a development boundary is to consolidate development around existing built-up communities where there is a clearly defined settlement where further development, if properly designed and constructed, would not be incongruous or intrusive because of the size of the settlement. Development Boundaries have twin objectives of focusing the majority of development towards existing settlements while simultaneously protecting the surrounding countryside.

Early in the evolution of the Broads Local Plan some consideration was given to the merits of not having development boundaries at all, but it was concluded that these could continue to be a useful tool in promoting sustainable development in the Broads.

Development is directed to areas with Development Boundaries as listed in the policy and defined on the Local Plan Policies Map. Development in these areas could be acceptable, notwithstanding other policies, constraints and other material considerations. It is important to note that just because an area has a Development Boundary, this does not mean that all proposals for development in the area are necessarily acceptable. A lot depends on the detail and location of the proposal. The sensitivities of the Broads in terms of biodiversity, landscape, cultural heritage and flood risk mean that careful consideration must be given to the appropriateness of developing a site, and each proposal will be determined against this and other policies of the Plan. Outside the defined development boundaries, new residential development will not be permitted except in the circumstances defined in the other housing policies.

The areas with development boundaries are rolled forward from the 2014 Local Plan. To support the Authority's approach a Development Boundaries Topic Paper and Settlement Study have been produced. This work assesses the suitability of settlements for Development Boundaries and seeks to justify why the four areas (Horning, Oulton Broad, Thorpe St Andrew and Wroxham and Hoveton) have Development boundaries.

Development boundaries are also important for residential moorings. One of the key criteria of policy PUBDM35 relates to the mooring being within or adjacent to a development boundary (a Broads Authority Development Boundary or one of our constituent Council's). The Authority also regards other areas as being suitable for residential moorings which are not adjacent to development boundaries. These are in Brundall (policy PUBBRU6), Horning (policy PUBHOR7), Beccles (PUBBEC2) and Stalham (policy PUBSTA1). The areas covered by these policies are not deemed suitable for development boundaries to reflect constraints on the land, but are still accessible to services and facilities that make them suitable for residential moorings.

Some development proposals could be acceptable outside of Development Boundaries in exceptional circumstances although this will depend on detail, constraints in the area and accordance with other adopted policies and the NPPF. For example PUBDM36 (dwellings for rural enterprises) and PUBDM38 (replacement dwellings).

If a proposal is considered to potentially have an effect on an internationally designated site, then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Regarding the development boundary for **Horning**, the Broads part of the village is a substantial length of river frontage of varying character and a range of uses, including dwellings, shops, pubs, boatyards, etc. Trees, garden planting and lawns, and open areas make an important contribution to the character of the area. There is a significant range of local services including a number of shops, public houses, post office, recreation ground, primary school and pre-school, etc. A bus service runs about half hourly by day, and hourly in the evenings, to Wroxham/Norwich and Stalham. Although there are no significant undeveloped areas within the core of the village (apart from those important as open space, etc., and dealt with under other policies), there is some potential scope for incremental renewal and replacement development, subject to other policies on flood risk. The boundary has been deliberately drawn to specifically exclude the southern 'water gardens' plots area, the immediate riverside where this is currently un-built, and more generally excluding gardens, etc. to reflect the government's definition of previously developed land. For development proposals in Horning, of particular importance is policy PUBDM1 regarding water quality and Knackers Wood Water Recycling Centre constraints (see Sites Specifics section of this Local Plan).

Regarding the development boundary for **Hoveton and Wroxham**, this combined area is one of the largest concentrations of development, population and services in the Broads. It has a range of shopping, employment opportunities, leisure and health facilities, etc., and relatively frequent rail and bus services. Although there is little undeveloped land (aside from gardens and public spaces) there has long been a gradual renewal and replacement of buildings and uses within the area, and there are at present a limited number of derelict or underused sites ripe for redevelopment. The development boundary excludes areas identified as open space, and includes boatyards and other development on the south (Wroxham) bank. It also complements the Hoveton Town Centre policy (PUBHORX) to continue the focus of retail and related development in the village centre. Parts of the area are at risk of flooding. The relevant Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk.

Regarding the development boundary for **Oulton Broad**, together with Lowestoft, the area has a wide variety of services, facilities and employment opportunities, and although most of these are at some distance from the area under consideration, there is a bus service here, and the distances involved make walking and cycling feasible options. The development boundary has been drawn to generally exclude the edge of the Broad except where there is already significant built development, in order to discourage building on the waterfront for flooding and landscape reasons, and to encourage continuance of the overall level of trees and planting which provides an important part of the setting of the Broad and contributes to its value for wildlife. Parts of the area are at risk of flooding. The relevant Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk. In the light of the potential for archaeological remains in the area an archaeological survey may be required in advance of any grant of planning permission

Regarding the development boundary for **Thorpe St Andrew**, only part of the south side of Yarmouth Road in Thorpe St Andrew is within the designated Broads area. Elsewhere Broadland District Council is the local planning authority and this part of Thorpe St Andrew is urban in character. Thorpe has itself a range of facilities and services, including employment opportunities, and good public transport links to the extensive facilities of Norwich (also within cycling distance). Although there are a range of buildings and uses within the identified boundary, in practice it is not anticipated that there will be a great deal of development in the foreseeable future, but the development boundary provides additional scope for some redevelopment if opportunities arises, subject to flood risk. This complements the identification of the Broadland District Council part of Thorpe St Andrew as a growth location in the Greater Norwich Joint Core Strategy.

Policy PUBDM34: Gypsy, Traveller and Travelling Show People

Development proposals for the provision of permanent or transit accommodation, or temporary stopping places, to meet the needs of Gypsies and Travellers and Travelling Showpeople will be supported where they meet a proven need, as identified by a Gypsy and Traveller Accommodation Assessment.

Development proposals that would have an unacceptable adverse impact on the special qualities of the Broads will be refused. Appropriate development will be allowed where the following criteria are met:

- a) Avoid sites being over-concentrated in any one location or disproportionate in size to nearby communities;
- b) Well related to existing settlements, services and facilities and do not harm the character and appearance of the area;
- c) Within reasonable distances to facilities and supporting services;

- d) Are on brownfield (previously developed) land;
- e) There are no significant adverse impacts on the safe and efficient operation of the highway network;
- f) There is adequate provision for parking, turning and safe manoeuvring of vehicles within the site;
- g) Transit sites should be in close proximity to the main established travelling routes in the area;
- h) Have clearly defined physical boundaries and will be appropriately screened and landscaped and be capable of visual privacy;
- i) The site will not have any adverse effects on the setting of any heritage asset or any adverse impact on the character and appearance of the surrounding landscape;
- j) Permanent built structures in rural locations or on settlement fringes are restricted to essential facilities;
- k) There is sufficient amenity space for occupiers;
- l) The design, layout and density of the site are based on Government guidance in 'Designing Gypsy and Traveller Sites'⁶ (or successor documents);
- m) Sites or pitches are capable of being provided with adequate infrastructure such as power, water supply, foul water drainage and recycling/waste management;
- n) Proposals do not cause unacceptable harm to the amenity of neighbouring uses and occupiers and the tranquillity of the area;
- o) Due regard has been given to all types of flood risk; and
- p) Sites are not proposed which will impact on Natura 2000 sites.

Transit or temporary sites may have conditions applied relating to length of occupancy in consultation with the Housing Authority.

Reasoned justification

The Government's Planning Policy for Traveller Sites document states '*where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community*'.

<<insert text re Gypsy, Traveller and Travelling Show People need when study completed>> This criteria-based policy enables the Authority to assess any applications that may come forward for such sites that may address the need of the Authority's constituent District Councils. The justification of each of the criteria in the policy is discussed below.

Sites in or near to existing settlements are prioritised. Such sites are generally more sustainable than those in remote areas, with better access to services and in particular education and health. The Authority's preference would be for well related sites located in and near to settlements with a development boundary (either in the Broads Executive Area or one of our constituent district councils) and/or classed as local service centres and above in the settlement hierarchy of our constituent districts. The priority will be that access to services can be reasonably obtained so as to meet the day to day needs of the occupiers, recognising the differences in lifestyles, working patterns and transport preferences. The criteria used in the Settlement Study could be used to determine how well related to settlements proposals are.

National planning policy encourages planning policies and decisions to encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11439/designinggypsiesites.pdf

of high environmental value. Given that the Authority does not have a need for Gypsy and Traveller sites or pitches, there is no need for greenfield sites to be developed.

Sites are required to have safe and convenient vehicular access and provide adequate car parking space. The development should avoid significant impacts on local roads and be well located to major routes.

The local topography and form of the landscape will affect the visibility of a Gypsy and Traveller site and will affect its ability to integrate into its surroundings. Some sites will be highly visible, and others more visually contained. The Broads is a protected landscape and sites should respect the scale of the environment, including the historic environment, be of a scale proportionate to the local community and be capable of visual privacy. Sites which allow appropriate natural screening will be considered more favourably. Other policies of the Local Plan are likely to be of relevance such as policy PUBDM16 on Landscape, policy PUBDM40 for Landscaping and policy PUBDM20 on Settlement Fringe. The Government's design guide for Gypsy and Travellers emphasises key elements necessary to design a successful site.

To meet the needs of occupiers, proposals need to be capable of being served by appropriate service infrastructure, including public and/or private water supplies and treatment works as appropriate (see policy PODM1 on water quality).

In order to ensure sites provide a healthy and safe environment for occupiers, sites should not be located on contaminated land and avoid areas of unsuitable noise, air quality and major hazards such as pipelines. In line with adopted amenity, tranquillity and light pollution policies, the proposals should not have a negative impact on neighbours and tranquil areas as well as have appropriate lighting that should not add to light pollution.

Caravans and mobile homes are vulnerable to flooding. National and local policies dictate that sites should not be allocated in areas of high risk of flooding, including that of functional flood plains.

The Broads has a wealth of environmental assets and site locations must not compromise the objectives of any designated areas.

Any planning permission will include a planning condition or obligation to ensure that occupancy of the site is limited to persons able to demonstrate an essential need for the accommodation. When any temporary permission is granted, a planning condition will be attached or an obligation secured to ensure that the permission is for a limited time period, after which time the use shall cease and the land must be restored to its former condition, within a specified period.

Meeting the need for 'houseboats'

<<Insert text regarding houseboat/residential mooring need when study completed>>

Policy PUBDM35: New Residential Moorings

Applications for permanent residential moorings **will be permitted** provided that the mooring:

- a) Is in a mooring basin, marina or boatyard that is within or adjacent to a defined development boundary and, if more than one residential mooring is proposed, the proposal is commensurate with the scale of development proposed for that settlement (as a whole). Furthermore, that the mooring basin, marina or boatyard provides an adequate and appropriate range of services and ancillary facilities to meet the needs of the occupier of the

residential moorings (for example potable water and electricity) or provides adequate access to local facilities in the vicinity;

- b) Would not result in the loss of moorings available to visitors/short stay use;
- c) Would not impede the use of the waterway;
- d) Would not **have an adverse impact** upon:
 - i) the character or appearance of the surrounding area from the use of adjacent land incidental to the mooring;
 - ii) protected species, priority habitats and designated wildlife sites;
 - iii) the amenities of neighbouring occupiers; or
 - iv) bank erosion.
- e) Provides safe access between vessels and the land without interfering with or endangering those using walkways;
- f) Has adequate car parking and makes provision for safe access for service and emergency vehicles and pedestrians;
- g) Would not prejudice the current or future use of adjoining land or buildings;
- h) Makes adequate provision for waste, sewage disposal and the prevention of pollution; and
- i) Provides for the installation of pump-out facilities (where on mains sewer) unless there are adequate facilities in the vicinity.

Proposals need to set out how provisions will be made for facilities associated with residential uses (such as rubbish, amenity space, external storage and clothes drying for example).

All such development will meet the requirements of the Water Framework Directive.

(Note: Refer to <https://www.gov.uk/guidance/pollution-prevention-for-businesses> for information on pollution prevention measures)

Reasoned Justification

Tourism makes a valuable contribution to the local economy and a statutory purpose of the Broads is to provide opportunities for the understanding and enjoyment of the special qualities of the area by the public. To ensure there are sufficient facilities to allow visitors to enjoy the Broads, the Authority will therefore resist proposals for permanent residential moorings where they would result in the loss of visitor/short term moorings or boatyard services.

To ensure that people living on boats have access to adequate facilities, such as education, recreation and other community facilities and services such as domestic waste collection, and to minimise impact of new development on landscape character, the Authority will require new residential moorings to be directed to mooring basins, marinas or boatyards in or adjacent to defined development boundaries (which could be within the Broads Authority Executive Area or in the planning area of our constituent districts). Proposals for residential moorings will be expected to be commensurate in scale with the size of the settlement as well as the level of residential development proposed for the settlement by the relevant Local Planning Authority.

Residential moorings that have the potential to affect a protected site or species will only be permitted where a project level Appropriate Assessment (under the Habitats Directive) can successfully demonstrate that there are no adverse effects on qualifying features on the site or a detrimental impact on the species.

In order to protect visual and residential amenity and to ensure that the use of residential moorings does not compromise public safety, where permission is granted for a new permanent residential mooring planning conditions and/or obligations will be used to secure agreements for the management of the mooring and surrounding land. The use of surrounding land for incidental purposes such as storage and seating can have a negative impact if incorrectly managed. Policy PUBDM47 provides guidance on the forms of development that will be permissible on the adjacent waterside environment associated with a mooring.

For the purposes of this policy, a residential mooring is one where someone lives aboard a vessel (which is capable of navigation), that the vessel is used as the main residence and where that vessel is moored in one location for more than 28 days in a year. The vessel may occasionally/periodically go cruising and return to base.

Proposals for residential moorings need to ensure they have adequately considered the following:

- a) The technique/method of mooring the vessel. The Flood Risk Assessment (FRA) should show how the boat will be able to be moored to prevent it from being too tight or too loose. If the vessel is moored too tightly the vessel could list and by being too loose the vessel could float onto the landside of the quay heading or be cast adrift at times of flooding. Both scenarios have safety concerns relating to occupiers, possessions and other objects or vessels that could be hit by a loose boat, so should be addressed within the FRA.
- b) A Flood Response Plan needs to be produced. While it is acknowledged that residential boats will float, the access to the boat could be disrupted at times of flood which would cause the occupier to be stranded on board the boat. The Flood Response Plan needs to advise what the occupier should do at times of flood to ensure their safety; whether they should evacuate the boat in advance of flooding or take refuge in the boat and therefore have supplies to help them sit out the flood.
- c) Finally, the FRA should include consideration of how the boat moored at the residential mooring will be monitored at times of flood to ensure it does not cause damage to other vessels and to prevent damage to the belongings on board (and indeed the boat itself).

The paraphernalia associated with residential moorings can affect the special qualities of the Broads as well as the operation of the marina or boatyard in which they are located. Proposals will need to set out how they will address areas for clothes drying, the drying of clothes and amenity space as well as any other related facilities for those living on the boats to use. The Authority does not necessarily expect marinas and boatyards to subdivide or demarcate areas of land to be associated with residential moorings.

Policy PUBDM36: Permanent and Temporary Dwellings for Rural Enterprise Workers

Development of a new dwelling or a residential mooring for rural workers will only be permitted outside the defined development boundaries if:

- a) Satisfactory evidence is submitted that demonstrates an existing essential need for full time worker(s) to be available on site or nearby at all times for the enterprise to function properly;
- b) The need is arising from a worker employed either full-time or one employed primarily in the Broads in a rural enterprise;
- c) Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- d) The functional need cannot be met by an existing dwelling on the site or nearby and there

has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;

- e) Where practicable and appropriate, first consideration has been given to the conversion of an existing building;
- f) The dwelling is commensurate in size and scale with the needs of the enterprise and the cost would be viable in relation to the finances of the enterprise;
- g) The dwelling is sited so as to meet the identified functional need and is well related to any existing buildings of the enterprise; and
- h) The proposal would not adversely affect the historic environment, landscape character or protected species or habitats.

Should a new dwelling be permitted under this policy, the Authority will impose a condition restricting its occupation to a person (and their immediate family) solely or mainly employed in agriculture, forestry or a Broads related rural enterprise, as appropriate.

The removal of an occupancy condition will only be permitted in exceptional circumstances where it can be demonstrated that:

- i) There is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and
- j) Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition.

Applications for a temporary mobile home, caravan or residential mooring for rural enterprise workers, will only be permitted if;

- k) Residential occupation would be for a period of up to three years;
- l) There is clear evidence that the proposed enterprise has been planned on a sound financial basis for the same period (or longer) which the application seeks permission for a temporary dwelling/residential mooring for;
- m) The functional need cannot be met by an existing dwelling on the site or nearby;
- n) In relation to temporary caravans and mobile homes, the proposed temporary dwelling would not be located in Flood Risk Zone 3;
- o) The temporary structure can be easily dismantled or taken away; and,
- p) The proposal would not adversely affect protected species or habitats.

Any planning permission granted will specify the period for which the temporary permission is granted and the date by which the temporary dwelling/mooring will have to be removed. Successive extensions to a temporary permission will not normally be granted unless material considerations indicate otherwise.

After three years (or such other period as the temporary permission may be for), if there is no planning justification for a permanent dwelling, then the mobile home or caravan must be removed or, for a residential mooring, the vessel's residential use must cease.

Reasoned Justification

The erection of dwellings outside defined development boundaries has the potential to have a negative impact on the openness and special character of the Broads. Rural Enterprise dwellings outside development boundaries will require special justification for planning permission to be granted. The NPPF states that one such instance is when accommodation is required to enable agricultural, forestry and certain other full-time rural workers to live at, or nearby, their place of work.

For the purposes of this policy, the term 'rural workers' relates to those who work in agriculture, horticulture, forestry, tourism and boatyards and other enterprises which require a rural location. Any application would need to fully justify why it considers the dwellings to be linked to a rural enterprise.

While proposals which support the proper functioning of rural enterprises will generally be supported because of the contribution such enterprises make to the local economy, in order to protect the landscape character of the Broads essential workers dwellings will only be permitted where there is a demonstrable need for a full time worker(s) to live at, or very close to, the site of their work and this functional need cannot be met by an existing dwelling on the site or in the locality.

When judging locality, the Authority will take into account what the requirement of the business is for an employee to live nearby and what a reasonable distance to travel to the business is. This will vary on a case-by-case basis and an application should explain what distance is appropriate and why.

To ensure that this demand for a dwelling is likely to be sustained, proposals must be accompanied by evidence to demonstrate that the business has been established for at least three years, profitable for at least one of them, currently financially sound and has a clear prospect of remaining so. A business plan for the subsequent three years will assist in assessing the future prospects.

Any proposals to convert buildings to become a rural enterprise dwelling (criterion e) will be considered against the relevant conversion policies in the Local Plan. When looking at dwellings that already exist nearby (criterion d), properties available for rent need to be considered as well as those available to buy and it should be demonstrated what price the enterprise can reasonably afford.

Any new dwelling permitted under this policy will be restricted in size and scale to one which is commensurate with the needs of the enterprise to ensure that the proposal does not have an unacceptable impact on the special landscape character of the Broads. Furthermore, the cost of constructing the dwelling in relation to what can be afforded by the enterprise is an important consideration as the erection of a dwelling should not affect the finances such that the enterprise would no longer be financially viable. Permitted development rights for future extensions and alterations may be removed in order to maintain control over the size of the dwelling, in the interests of protecting the landscape and local character.

If a proposal is considered in the context of this policy to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Applicants should be aware that the Authority will use appropriate external expertise when necessary to assess the more technical information required to accompany proposals. The independent review shall be carried out entirely at the applicant's expense

Where a new dwelling is permitted, the occupancy will be restricted by condition to ensure that it is occupied by a person, or persons currently or last employed working in local agriculture, horticulture, forestry, and other rural activities, or their surviving partner or dependant(s).

Due to changing farm practices, the vulnerability of the agricultural sector and potential decline in other rural businesses, there may be instances where a dwelling or mooring for a rural worker is no longer required. The Authority will only consider favourably applications to remove occupancy conditions where it can be demonstrated that there is no longer a need for the dwelling on the

particular enterprise on which the dwelling is located, either due to changes in the nature of the business or because the business is no longer viable. Applications for the removal of occupancy conditions will also need to be accompanied by robust information to demonstrate that unsuccessful attempts have been made, for a continuous period of at least 12 months, to sell or rent the dwelling at a reasonable price which takes account of the occupancy condition, including offering it to a minimum of three local Registered Social Landlords operating locally on terms which would prioritise its occupation by a rural worker as an affordable dwelling, and that option has been refused. With regards to criterion J, unless there are special circumstances to justify restricting the dwelling to the particular enterprise where the dwelling is located, an occupancy condition is likely to allow occupation by other workers in the locality, in which case it should be considered whether there is other demand locally, and not just whether the demand for this particular enterprise has ceased.

Proposals for a temporary mobile home or residential mooring for rural workers will only be permitted for a period of up to three years. In order to protect the landscape character of the Broads, a planning condition will be attached to any permission to ensure that any mobile home or vessel is removed at the end of this three year period. The NPPG lists caravans and mobile homes for permanent occupation as a 'highly vulnerable' use. Accordingly, proposals to site a caravan or mobile home in an area defined as being within Flood Zone 3 will be contrary to the NPPG on flood risk.

Any new or converted dwelling needs to address the requirements of other policies in this Local Plan such as.

Policy PUBDM37: Residential Ancillary Accommodation

Residential ancillary accommodation within the curtilage of an existing residential building is acceptable in principle subject to other policies of this Plan

Residential ancillary accommodation shall be functionally integral to the main dwelling, where this is not possible, residential ancillary accommodation shall be physically linked to the main dwelling. Only where this is not feasible consideration will be given to the conversion of a detached outbuilding, and only where this is not feasible will consideration be given to new build detached residential ancillary accommodation. In all cases, there will not be boundary treatments that physically separate the accommodation from the main dwelling nor a separate vehicular access.

In all cases a restriction will be applied limiting the occupation of the residential ancillary accommodation by condition/planning obligation to remain ancillary to the main dwelling and in occupation by family members and prevent the sale of the residential ancillary accommodation on the open market.

Reasoned Justification

The creation of residential ancillary accommodation to an existing dwelling can create a useful facility for the support and care of family members. With an increasingly elderly population and rising life expectancy in the area, there are an increasing number of people who, although capable of living relatively independently, would benefit from living close to relatives or carers who they can rely on for help and support. This need can often be met through the purchase of a nearby property.

However, on some occasions it may be important for the carer or relative to be closer at hand to provide care and support at short notice. Residential ancillary accommodation can offer a way of addressing this more immediate need.

Fundamentally, residential ancillary accommodation needs to be designed so that it will continue to be used as part of (integral to) the main dwelling, without creating an independent dwelling unit. This should include the option of absorbing the residential ancillary accommodation back into the main dwelling accommodation if necessary, by the same or future occupiers.

There are two ways which the Authority considers residential ancillary accommodation to be integral. Residential ancillary accommodation can be functionally integral which means that only a bathroom or kitchen is provided and not both with the existing building providing the other facility. If physically attached to the main building then independent facilities could be acceptable subject to a link being maintained between main dwelling house and residential ancillary accommodation. Residential ancillary accommodation can be physically integral/dependent which means attached to the existing building and therefore shares facilities with the existing building. In both cases, it is acceptable for residential ancillary accommodation to have a separate entrance.

The provision of residential ancillary accommodation in the countryside could lead to detrimental impacts on the environment and landscape. Unduly large or detached residential ancillary accommodation can prove an economic and practical liability when vacated or when the property changes hands and this leads to pressure for the residential ancillary accommodation to be severed and let separately from the main dwelling. This can create sub-standard dwellings with inadequate standards of access, amenity and space and could result in pressure in the future to permit the residential ancillary accommodation to be let or sold as an independent unit contrary to the objectives of sustainable development and contrary to other policies in the Local Plan.

As such it is usually preferable for residential ancillary accommodation in rural areas to be in the form of extensions to existing dwellings, which are capable of serving the needs of the dependents, but which are easily integrated into the existing dwelling when no longer required.

Detached residential ancillary accommodation in the countryside are more likely to be visually prominent and are often set in larger plots, thereby being more likely to be capable of being let or sold independently in the future. The conversion of existing outbuildings (such as garages) to residential ancillary accommodation can be preferable to a new annexe being built. The conversion of a building is less likely to be visually intrusive and it is likely that a converted building can be returned to its original use when no longer required. However in some circumstances the conversion of existing buildings may still be undesirable, particularly if it would lead to the requirement for new outbuildings to be built or for the converted building to be substantially altered. An additional consideration will be the distance of any existing outbuilding proposed to be converted to a residential ancillary accommodation, from the main dwelling. The further away the proposed residential ancillary accommodation is from the main dwelling, the less the functional integration.

Any residential ancillary accommodation will have planning conditions or obligations attached to the permission which could relate to the occupier(s) of the accommodation or prevent use as an independent separate dwelling.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy PUBDM38: Replacement Dwellings

Replacement dwellings outside of the development boundary will be permitted on a one-for-one basis provided that:

- a) The existing dwelling has a lawful residential use; and
- b) The existing dwelling has no historic, architectural or cultural significance making it worthy of retention.

If criteria a and b have been met:

- c) The scale, mass, height, design and external appearance of the replacement dwelling are appropriate to its setting and the landscape character of the location; and
- d) The replacement would be located within the same building footprint as the existing dwelling or in an alternative location within the same curtilage, which would be at a lower risk of flooding or would provide benefits for landscape, wildlife or cultural heritage.

Where permission is granted, conditions will be attached to ensure that the existing dwelling is demolished and removed from the site prior to the replacement dwelling first being occupied.

Reasoned Justification

Applications for replacement dwellings often come forward where an existing dwelling is in disrepair.

Replacement dwellings of a scale, mass, height, design or external appearance that is inappropriate to their setting can, either individually or cumulatively, have a detrimental impact on the landscape character of the Broads and undermine the reasons for its designation. The replacement of dwellings outside defined development boundaries therefore needs to be managed in order to prevent development that would be unacceptable by virtue of its size, design or positioning.

Where the residential use has been abandoned, any proposals will be assessed against policies for new build residential dwellings.

Replacement by a new dwelling of modern building and energy efficiency standards demands particular attention to design and siting to avoid harm to the landscape and character of the area.

The replacement dwelling should be sited on or close to the existing footprint of the building unless the benefits that may be achieved for flood risk, landscape character, wildlife or cultural heritage can justify the replacement dwelling to be sited in an alternative location. In such situations, locations that are inherently more sustainable will be favoured such as replacing a remote substandard dwelling in the open countryside with a dwelling in a nearby settlement.

In terms of this policy the 'existing dwelling' is the dwelling as it exists at the point of application to the Broads Authority.

A condition will also be attached to any planning permission to ensure that where the existing building is not demolished prior to construction, it is removed from the site prior to the replacement building being occupied.

If a proposal is considered in the context of Policy PODM13 to potentially have an effect on an internationally designated site, then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Of relevance to this proposals for replacement dwellings is policy PODM1 on water quality and policy PODM4 on flood risk.

Policy PUBDM39: Elderly and Specialist Needs Housing

. When assessing the suitability of sites and/or proposals for the development of or change to elderly or specialist needs housing the Authority will have regard to the following:

- i) The local need for the accommodation proposed;
- ii) The ability of future residents to access essential services, including public transport, GPs and shops;
- iii) Whether the proposal would result in an undue concentration of such provision in the area;
- iv) Impact upon amenity, landscape character, the historic environment and protected species or habitats.

Reasoned Justification

This policy reflects the ageing population of the Broads Authority Executive Area. The NPPG says '*older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2). Local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. The approach taken, which may include site allocations, should be clearly set out in the Local Plan*'.

Older people in housing are included in the Objectively Assessed Need as calculated in the Central Norfolk SHMA. However, those in Class C2 are not included. According to the Central Norfolk SHMA, the institutional population (older people residing in care homes) is projected to increase by 3,909 persons between 2015 and 2036 in the Central Norfolk SHMA authority areas (North Norfolk, Norwich, Broadland, South Norfolk, Breckland). The OAN as set out previously in this section does not include this figure.

However it does not necessarily follow that all of this need should be provided as additional bedspaces in residential institutions in Use Class C2. It is important to note that the Government's reform of Health and Adult Social Care is underpinned by a principle of sustaining people at home for as long as possible, thereby avoiding expensive hospital and care home services. Therefore, despite the ageing population, current policy means that the number of care home and nursing home beds required may increase proportionately more slowly than the number of older people, as people are supported to continue living in their own homes for longer.

Of relevance to housing for older people are the following policies of the Local Plan:

- Policy PUBDM37 refers to residential ancillary accommodation acknowledging that the creation of residential annexes to an existing dwelling can create a useful facility for the support and care of family members.
- Policy PUBDMxxx relates to design and in particular dementia and lifetime homes.

The Accommodation for older people – current supply, current need and future need study was completed by Norfolk County Council in 2017. According to the study, the total population in Norfolk is forecast to increase by 13% in 2036, with the highest increase in the population aged 75 and older of 70%. The study does not identify a need for elderly housing specifically in the Broads Authority Executive Area; instead information is presented at a district level. The Authority therefore has taken the approach of criteria based policy in relation to elderly housing needs to enable applications to be assessed.

The Authority considers it important for this accommodation to be close to services and facilities to provide benefits to residents, staff who work there as well as visitors. In the Broads, these locations will be those with Development Boundaries as set out elsewhere in this Local Plan.

Policy PUBDM39: Custom/self-build

The Authority encourages developers of multi-dwelling sites to set aside part of their scheme for custom/self-build plots.

Custom/self-build dwelling proposals will be considered in accordance with other policies in the Local Plan on the location of new dwellings.

Reasoned Justification

The term 'self-build' or 'custom-build' is used when someone obtains a building plot and then builds their own home on that plot. The majority of work can be completed by the future occupiers, or the future occupier could take the role of project manager and employ professionals to deliver their plans. Such homes can be built as a one off or on a community basis. The Government wants to enable more people to build their own home and wants to make this form of housing a mainstream housing option.

It is important to understand that self-build/custom-build schemes are still required to meet the policy requirements in local plans as well as national policy and guidance. The schemes are still subject to the same constraints as developer delivered dwellings and the policy refers to this.

Some councils are looking into policies that require a certain percentage of a larger development to be set aside for custom/self-build. The Authority is not likely to receive applications for large scale development, but the policy does encourage developers to set aside plots for custom/self-build plots.

In accordance with policy PUBSP12, PUBDM31 and PUBDM33, custom/self-build development is directed to settlements with development boundaries. Custom/self-build proposals in rural areas will be determined in line with other policies in this Local Plan.

Custom/self-build register

Since April 2016, the Authority has a register⁷ in place where those wishing to build their own homes can register their interest. At the time of writing there were 41 individuals interested in building their own home. However, it is important to note that the register covers four Local Planning Authorities who are working together: South Norfolk, Breckland, King's Lynn and West Norfolk and the Broads Authority. When assessing the register it seems that, in the vast majority of cases, individuals have stated that they wish to develop in the Broads as well as in another district; there are few, if any, individuals expressing a desire to develop in the Broads alone.

⁷ <http://www.broads-authority.gov.uk/planning/Other-planning-issues/self-build-and-custom-build-register>

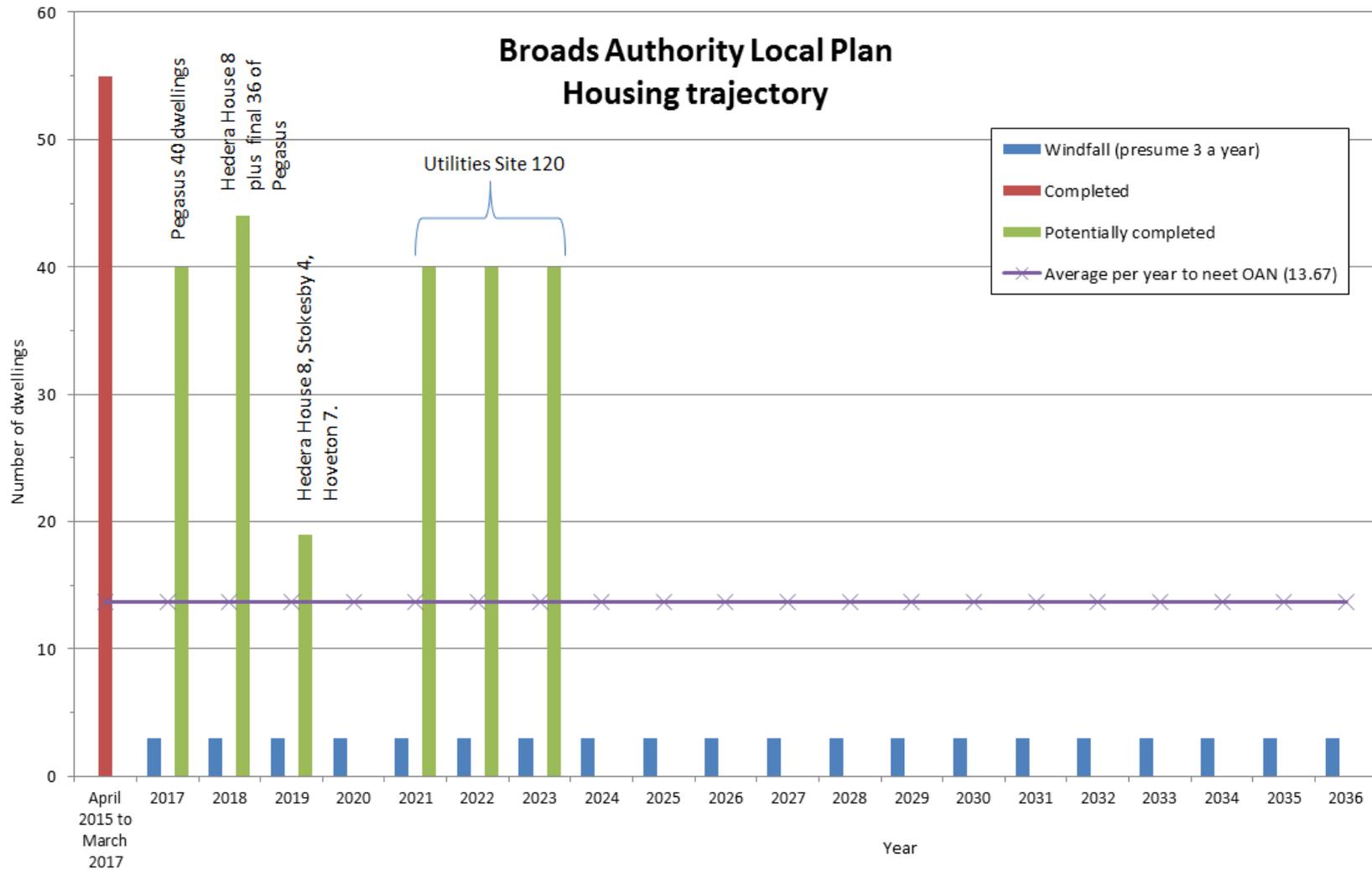
Monitoring Indicators

- Number of dwellings permitted and completed.
- Replacement dwellings permitted in line with this policy
- Number of permissions for self-build
- Number of residential annexes permitted – integral or not integral
- Number of affordable housing dwellings delivered.
- Dwellings permitted within development boundaries.
- Number of rural enterprise dwellings permitted in accordance (or otherwise) with this policy.
- Number of residential moorings provided in line with this policy.
- Gypsy and Traveller and Travelling Show People sites/pitches.

Evidence used to inform this section

- Sustainable Settlement Study (2016), Development Boundaries Topic Paper (2016), Central Norfolk Strategic Housing Market Assessment (2017), Housing Need Topic Paper (2017). HELAA (2017), Gypsy and Traveller Study and Caravan and Houseboat Study (2017), elderly person. <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>
- PPS7: <http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/archive/d/publications/planningandbuilding/pps7>
- The most recent Development Plan of our constituent District Councils – affordable housing.

Appendix



1



Duty to Cooperate Statement.
Statement of Cooperation on Strategic Planning Matters
In support of the Proposed Broads Local Plan¹
August 2017

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1 Introduction

1.1 About this Duty to Cooperate Statement

The Localism Act 2011 imposes upon local planning authorities and others a ‘duty to cooperate’ on strategic planning matters (i.e. those that affect more than one planning authority area). The Duty requires that a Local Planning Authority engages constructively, actively and on an on-going basis with relevant or prescribed bodies in order to maximise the effectiveness of development plan preparation and strategic matters.

This statement summarises how the Broads Authority has met that requirement in terms of the activity of cooperation and the effectiveness of that cooperation insofar as it relates to the Proposed Broads Local Plan. This statement sets out how the Broads Authority has cooperated with the Prescribed Bodies as required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (PART 2) Duty to co-operate as well as other National Parks and Neighbouring District Councils. The prescribed bodies are:

- the Environment Agency;
- the Historic Buildings and Monuments Commission for England (known as English Heritage);
- Natural England;
- the Mayor of London;
- the Civil Aviation Authority;
- the Homes and Communities Agency;
- each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
- the Office of Rail Regulation;
- Transport for London;
- each Integrated Transport Authority;
- each highway authority within the meaning of section 1 of the Highways Act 1980(20)(including the Secretary of State, where the Secretary of State is the highways authority)

The Statement of Consultation that accompanies the Local Plan should also be referred to. This sets out the stages of consultation, who was consulted, what was said and the Broads Authority’s response to the representations and how the comments were taken on board.

Section 2 onwards discusses cooperation with the prescribed bodies.

1.2 Administrative Geography

The Broads is a national park equivalent protected landscape. The Broads Authority is a special statutory authority and the sole local planning authority for the Broads Authority Executive Area.

This designated area falls within the administrative area of six district level councils (Broadland, South Norfolk, North Norfolk, Waveney, Great Yarmouth Borough and Norwich City), and two

county councils (Norfolk and Suffolk) (see [Appendix A](#)). The 'district' councils are local planning authorities only for that part of their respective administrative areas outside the Broads, but housing authorities, etc. for the whole of their district, including that within the Broads. Norfolk and Suffolk County Councils are the county and minerals and waste planning authorities for the whole of their respective counties, including the Broads.

A coastal part of the Broads is also within the Norfolk Coast Area of Outstanding Natural Beauty. The AONB does not have a separate statutory authority, unlike national parks and the Broads, but is managed by the constituent local authorities and Natural England through the Norfolk Coast partnership.

There are 92² civil parishes (and two unparished areas) in the Broads designated area. In every case the parish includes land both within and without the Broads boundary (i.e. in two local planning authorities' areas).

1.3 History of Cooperation.

Importantly the 1988 Broads Act Section 17a makes it a general duty of all public bodies in exercising their functions to have regard to all 3 of the Broads Authority's purposes. This duty means the Broads Authority has long established relationships with government departments and agencies and a range of other local and public bodies in delivering national park purposes.

2 Neighbouring Local Planning Authorities

2.1 The Broads and its surroundings generally

Particular considerations apply in the Norwich area, because of the large scale of growth planned there. The particularities of these are dealt with in separate sections below.

At the eastern end of the Broads, the towns of Great Yarmouth and Lowestoft also have growth planned, but of a much smaller scale. Elsewhere around the fringes of the Broads area is generally largely rural, and there is more incremental change planned, including in the towns and other developed areas such as Beccles, Bungay, Hoveton and Stalham. The cross boundary issues generally tend to be very localised and specific.

The boundary of the Broads was determined in the light of its landscape, navigation and recreational value. The boundary largely follows the extent of the flood plain. Hence, typically the boundary will include the river frontage parts of settlements of which the greater part lies outside the boundary and in the district or borough council's planning area. In such cases, even if the settlement is identified by the council for some growth, this is usually best accommodated in that council's planning area, as the land within the Broads is usually constrained by the importance of conserving its nationally important landscape, navigation considerations, and at a high risk of flooding.

² Oulton Broad Parish Council was formed in 2017.

Because the boundary runs through the heart of settlements, it is the case that sites, ownerships and functions may straddle the boundary, and there is sometimes a need to coordinate on not just wider, 'strategic' matters, but also more site specific matters to ensure that development either side of the boundary is complementary.

2.2 Cooperation mechanisms

- i) **Direct links at member level:** Each district and county council appoints one Councillor to Membership of the Broads Authority. Norfolk County Council has two appointed members with Suffolk County Council and the Districts having 1. A number of the Local Authority Appointed members sit on the Planning Committee. The Planning Committee's role relates to Development Management, Enforcement, Tree Protection Orders and Conservation Area and Local Plan issues. Each consultation stage of the production of the Local Plan was agreed by Planning Committee as well as Full Authority. The Planning Committee remit also includes responses on consultations, demonstrating co-operation works both ways. The current membership of Planning Committee is as follows:
- Mike Barnard, Waveney District Council
 - Gail Harris, Norwich City Council
 - Paul Rice, North Norfolk Council
 - Haydn Thirtle, Great Yarmouth Borough Council
 - Victor Thomson, South Norfolk District Council
 - John Timewell, Norfolk County Council
 - Jacquie Burgess, Secretary of State Appointee
 - Bill Dickson, Secretary of State Appointee
 - Peter Dixon, Secretary of State Appointee
 - Brian Iles, Norfolk County Council
 - Melanie Vigo Di Gallidoro, Suffolk County Council
- ii) **Norfolk Strategic Framework:** The purpose of the Norfolk Strategic Framework (NSF) is to produce a non-statutory framework with planning authorities across Norfolk about joint working to continue to ensure that the Duty to Cooperate is discharged and there is beneficial co-operation of strategic planning issues across a wide area. Four task and finish groups have been formed: Housing, Economy, Infrastructure and Delivery. These meet regularly and are charged with producing the necessary evidence to inform their part of the Framework. This document will provide an overarching framework for strategic planning issues across the county, taking account of any key issues in neighbouring areas, and beyond with an emphasis on strategic land use issues with cross boundary implications. It relates to the period from 2012 to 2036 and is intended to support and inform the preparation of Local Plans produced by individual planning authorities. At the time of writing, the document was out for consultation. Please see Appendix B that assesses the Local Plan against the draft NSF agreements.

- iii) **Joint Member Group Meeting³ – Norfolk.** This meets quarterly and cross boundary issues are discussed with the way forward recommended for each constituent LPA to then take forward.
- iv) **Informal discussions and meetings** between planning policy officers on sites and issues with cross boundary implications, on occasions involving directors of planning and individual Council or Authority members. For example a quarterly meeting between Waveney District Council and Great Yarmouth Borough Council and the Broads Authority. Also a bi-annual meeting with Norfolk County Council.
- v) **Ongoing engagement at officer level** (usually head of planning policy) through the Norwich Strategic Planning Group (meeting monthly). There is a Suffolk equivalent which meets on an ad hoc basis.
- vi) Joint working with relevant district councils regarding the **Neighbourhood Plan⁴s** that straddle both Local Planning Authority boundaries.
- vii) **Specific discussions at officer level** on emerging cross boundary issues by telephone, email and meetings.
- viii) **Other ongoing engagement at officer level including**
 - a. Norfolk Local Authorities Chief Executives (including police and fire service)
 - b. Norfolk Planning and Biodiversity Topic Group
 - c. Norfolk Conservation Officers Group
 - d. Suffolk Conservation Officers Forum
 - e. Norfolk Heads of Planning
 - f. Norfolk public services summit (including the police and Public Health)
- ix) **Formal consultations** on development plan documents, supplementary planning documents, and planning applications with potential cross-boundary implications.
- x) BA is a member, and sits on the management group of the **Norfolk Coast AONB Partnership.**
- xi) BA is a member of the **Norfolk Biodiversity Partnership** along with the relevant local authorities (Breckland, Broadland, Great Yarmouth, Kings Lynn and West Norfolk, North Norfolk, Norwich, South Norfolk), Natural England and the Environment Agencies, together with bodies not subject to the 'duty to cooperate', Anglian Water, British Trust for Ornithology, Royal Society for the Protection of Birds, Farming and Wildlife Advisory Group, Forestry Commission, Norfolk and Norwich Naturalists' Society, Norfolk Biodiversity Information Service, Norfolk Geodiversity Partnership, and Norfolk Wildlife Trust, University of East Anglia and Water Management Alliance.

³ <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/norfolk-strategic-planning-member-forum>

⁴ <http://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning>

- xii) BA is a member of the ***Suffolk Biodiversity Partnership***, along with Suffolk County Council.
- xiii) ***Arrangements with Norfolk County Council*** for the provision of advice and services in relation to, historic environment and archaeology, legal and property advice.
- xiv) The Authority's remit differs from a Local Authority, BA is a Local Planning Authority but does not have ***statutory responsibilities*** in, for example; housing, economic development⁵, environmental health, education, and highways, beyond its planning role. This means the Authority works closely with these local authority departments in both plan-making and decision-taking. This enables strong connection with other authorities at an officer level.
- xv) ***Joint evidence base production***. Some evidence base to support Local Plan production has been commissioned jointly. See next section for detail. In general, where one of the Authority's constituent districts has commissioned evidence to support their Local Plan, it tends to cover the entire district, including that in the Broads Authority Executive Area.

2.3 Co-operation outcomes

A Memorandum of Understanding has been produced and signed to provide documentary evidence of the existing practice in relation to housing and employment planning in and around the Broads following revocation of the Regional Spatial Strategy. The Norfolk Strategic Framework also addresses this.

Agreement or coordination on approach and issues relating to a range of sites either side of the Broads boundary. These relate to both cross-boundary planning issues and sites within the Broads where the Authority's role of local planning authority needs to be coordinated with the relevant council's other responsibilities. Examples include –

- Open space – assessed by the districts and the new Local Plan seeks to allocate these areas of open space.
- Norfolk and Suffolk County Councils regarding safeguarded minerals sites.
- Application stage for Ditchingham Maltings in South Norfolk and Pegasus in Waveney regarding open space and affordable housing.
- Application stage for the Utilities Site (also known as Generation Park). The entire scheme is within the areas of the Broads Authority and Norwich City. Joint working related to joint determination of both applications as well as open space and affordable housing.
- Retail – working with Waveney and North Norfolk relating to a combined approach to joint areas of retail.

Joint Supplementary Planning Document with Waveney District Council on the Pegasus Site, Oulton Broad.

⁵ That being said, in undertaking its functions, the Broads Authority must have regard to the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.

Cross-boundary conservation areas (and conservation area appraisals) with each of Broadland, Norwich, North Norfolk, South Norfolk and Waveney Councils.

Broads (and hinterland) Landscape Capacity Study Wind-Turbines, for Photo-Voltaics and Associated Infrastructure, with input/engagement of South Norfolk District and Great Yarmouth Borough.

With three Neighbourhood Plans adopted and more being produced, joint working is required to assist in their production as well as ensure the regulatory steps are met in good time.

Broads Biodiversity Action Plan; Norfolk Biodiversity Action Plan; Suffolk Biodiversity Action Plan 2012.

Officer level support in planning appeals where there are cross-boundary impacts, e.g. wind turbines in Hemsby (GYBC) and Beccles (Waveney DC).

Completed joint evidence base, for example the Central Norfolk SHMA covers Breckland, Broadland, South and North Norfolk and Norwich and hence the part of the Broads Authority Executive Area on those districts. The Broads Authority, Waveney and Great Yarmouth Councils produced a Settlement Fringe study. There is the Most of Norfolk Gypsy and Traveller, caravan and houseboat study and most of Norfolk Strategic Flood Risk Assessment. A Green Infrastructure/ecological networks study is underway (as at August 2017). Norfolk Recreation Impact Study was completed for all of Norfolk.

Norfolk and Suffolk County Councils were part of the new Flood Risk Supplementary Planning Document project group.

3 Greater Norwich Joint Core Strategy

Norwich City, Broadland District, and South Norfolk District, working with Norfolk County Council, have combined as part of the Greater Norwich Growth Partnership (GNGP). They produced a Joint Core Strategy for their combined planning areas (i.e. excluding the Broads) which was adopted in 2011 and then 2014. The GNGP are now reviewing their policies as they look to produce a new Local Plan.

The Broads Authority is an active member of the GNGP with officers and members involved.

Although the western part of the Broads is within the general area of the Joint Core Strategy, BA decided at an early stage to produce its own Local Plan for the Broads area separately. This is because of the very different issues and considerations generally applying in the Broads.

This growth is planned to take place entirely outside the Broads and within the GNGP Joint Core Strategy area, but there are a range of cross boundary and complementary issues.

3.1 Cooperation mechanisms

The Broads Authority is an active member of the GNGP with Officers attending the working group meetings, Director attending the Director Board and Member attending the joint Member Group meetings.

Statutory consultations on the GNGP Joint Local Plan.

3.2 Co-operation Outcomes

Considered Joint Core Strategy with other GNGP member authorities, but concluded that the nature of the planning issues was fundamentally different in the Broads, and that the Broads Authority could get a Local Plan in place for its area sooner outside the Greater Norwich Local Plan. The GNGP Local Plan thus covers the wider Norwich area (including beyond the boundaries of the City Council) but excludes the Broads area.

The Broads is recognised by the GNDP for its national importance, and for its contribution to the economy, environment and quality of life of the sub-region. The identification of the potential for large scale growth in the wider Norwich area has been informed by the sensitivities and value of the Broads.

Joint policy statement on the development of the cross-boundary East Norwich Site (Utilities and Deal Ground Sites) with Norwich City and South Norfolk District Councils.

Attended the Issues workshops which will inform early versions of the Local Plan.

Further cooperation could see involvement in the production of the evidence base to inform the Local Plan.

4 Coast

The coast in the vicinity of the Broads is low lying, and historically has been breached on a number of occasions and eroded significantly. The anticipated effects of climate change and other factors suggest a likely increase in frequency and severity of such events and processes.

The Broads' ecological, economic, community and landscape values and qualities are highly vulnerable to the effects of any future breach of the coast, both in the vicinity of any breach and far inland. As well as the flooding likely to result, which could extend well inland, the incursion of salt seawater would very seriously affect internationally protected habitats and species, as well as the Broads ecology more generally.

The coast is also a key part of the Broads landscape, and well loved for its accessible but remote feeling beach and dunes, and distinct habitats and species associated with the sea face of the coast, the brackish waters and soils on its landward side, and the intervening dunes. The combination of sensitive nature and visitor pressures (for instance, viewing of the seals and their pups on the beach in the winter is extremely popular) requires careful management.

4.1 Cooperation mechanisms

The Authority has been involved in the development of the adopted shoreline management plan (SMP) for the area, and the action planning to implement this and inform future plans.

The Authority sits on the 'SMP Client Steering Group' along with the relevant local authorities (who, unlike the Broads Authority, have formal powers and responsibilities for coastal defences and shoreline management planning) namely North Norfolk District, Great Yarmouth Borough and Waveney District Councils, together with the Environment Agency and the Norfolk Coast (AONB) Partnership.

The Authority has had long term involvement with Natural England and a range of other partners to develop, through discussion and research, understanding of the potential impacts of climate change, and possible adaptation measures. (Note that these considerations are not confined to coastal matters, but are included here for convenience and because of their obvious particular relevance to the coast.) This cooperation currently takes the form of the Broads Climate Change Adaptation Group, with a lead roles being played by BA, Natural England and the Environment Agency, together with the University of East Anglia, and involvement of local authorities, Norfolk Wildlife Trust, NFU, etc.

4.2 Co-operation outcomes

Shoreline Management Plan 6 (Kelling Hard to Lowestoft Ness). Provides for intervention to hold the current line of the coast of the Broads for the medium term, while investigating the long term sustainability of this option.

A widening appreciation of the political, technical and community challenges in facing coastal change and other potential climate change impacts.

Increasing recognition by the coastal defence community that changes in this particular part of the coast could have a wide range of major impacts on the Broads stretching far inland, and of a need to further investigate and understand the risks and opportunities, including those further inland than the coastal strip itself.

Increased understanding of potential climate change effects on the area and the identification of a range of trial potential adaptation measures.

5 National Parks family

Strategic planning matters - those that affect more than one planning area - are not limited to those areas which are contiguous. The Broads is part of the UK family of national parks, and for all their differences there are many issues which affect them jointly. They are largely rural areas with the highest status of protection and a national role in recreation and tourism, dependent on fragile ways of life and communities to maintain their distinctive landscapes, under great housing pressure for

second homes and retirement, and highly vulnerable to erosion of their special qualities through incremental change. As such they need special treatment. National planning policies conceived primarily with urban and suburban areas of growth and regeneration in mind can be highly inappropriate. Special care and creativity is needed to ensure both that the national parks and the Broads are suitably conserved and developed, and to ensure that they make their full contribution to the quality of life and the economy of the areas around them and the nation more generally.

5.1 Cooperation mechanisms

The Broads Authority works closely, at both officer and member level, with the national park authorities, which are each the local planning authority for their national park area, to address emerging issues and share best practice. National Parks England (which includes the Broads Authority and all the English National Park Authorities), acts as the focus and conduit for much of this work, and especially the lobbying of Government to ensure that the interests of national parks and the Broads and their potential contribution to wider sustainability are better understood. Of particular relevance to the planning of the national parks and the Broads are the following standing officer working groups

- Chief Executives
- Heads of Planning Policy
- Heads of Planning
- Conservation Officers
- landscape
- Ecologists
- recreation and tourism

The National Parks, though National Parks England, also submit joint representations in response to Government consultations on planning policy and have ongoing dialogue with DEFRA, DCLG, the Planning Inspectorate, etc. evidence to national commissions and enquiries (e.g. Rural Affordable Housing Commission).

5.2 Co-operation outcomes

Continuation of the special treatment of national parks and the Broads in the National planning policy framework.

Enhanced policies and approaches to issues such as affordable housing, accommodation of housing growth, climate change mitigation and adaption, wind farms and other renewable generation, contribution of development to landscape, wildlife, cultural heritage and recreation, etc. Since 2017, the BA Management Team has begun to meet regularly (on a six monthly basis) with the Management Teams/Senior Figures of the key stakeholder groups including, NE, NWT, EA, SWT, LEP and BHBF and NSBA

6 Environment Agency

Long standing close working arrangements (including joint projects) between the organisations on a range of issues, especially on planning policies for flood risk zones (a major issue in the Broads), flood defences, Shoreline Management Plan, water quality, navigation matters, recreation, etc. (The Broads Authority until recently shared offices with the Environment Agency, which facilitated close working.) Previous Joint projects including EA/BA funding of a Catchment Officer. Statutory consultations, including on preparation of the Local Plan. The EA are also involved in the Norfolk Strategic Planning Officers Group and the production of the Norfolk Strategic Framework. The EA were also part of the new Flood Risk Supplementary Planning Document working group.

7 Historic England

General consultation on planning documents. Liaison regarding the way forward with regards to the Broads and Archaeology. Membership of the Landscape Partnership Board.

8 Natural England

Long-standing close working arrangements (including joint projects) between the organisations on a range of issues around nature conservation including Biodiversity Action Plans, climate change, etc. Membership of the Landscape Partnership Board.

Previous Joint projects including NE/BA funding of an officer to work on non-native species issues.

Statutory consultations, including on the Local Plan.

9 Mayor of London

Whilst not directly relevant to the Broads area, work has been ongoing in relation to cooperating over the wider South East of England. Members have attended some meetings. In general, Norfolk County Council Officers and South Norfolk District Council Leader (in his role as chair of the Norfolk Strategic Framework) have represented Norfolk in meetings.

10 Civil Aviation Authority

No relevant strategic issues have arisen during the review period.

(The Authority has, in the past, commented on consultation documents from Norwich International Airport, and drawn their attention to the issue of tranquillity in the Broads area as a matter for consideration in planning the airport's use of its controlled airspace).

11 Office of Rail Regulation

No relevant strategic issues have arisen during the period.

(The Authority is a signatory to the East Anglia Rail Prospectus. It has also had extensive involvement with Network Rail in relation to issues around the maintenance, operation and potential replacement of the aged swing and lifting rail bridges across the Broads' rivers (which

affect navigation as well as rail services and passengers, and the accessibility of the area to visitors), at all levels from navigation rangers and rail bridge operators to BA Chief Executive and NR Directors.

12 Highways England

No relevant strategic issues have arisen during the review period. It is noted that there are intentions to improve the Acle Straight and there is a policy that emphasises the issues to consider when producing the scheme. HE are supportive of this policy.

13 Homes and Communities Agency

No relevant strategic issues have arisen during the review period.

14 Primary Care Trusts/ Clinical Commissioning Groups and National Health Service Commissioning Board

No relevant strategic issues have arisen during the review period. (The scale and pace of development in the Broads area is unlikely to affect healthcare planning.).

As set out in the Local Infrastructure Study, NHS England is not currently aware of a specific need for additional health facilities within the Broads Executive Area. There is currently sufficient capacity to cope with the existing populations in the area. Additionally there is not at present, due to capacity reasons, a need to expand the health facilities outside the Broads Executive Area into the Broads Executive Area.

15 Transport for London

Not relevant to the Broads area.

16 Integrated Transport Authorities

None relevant to the Broads area.

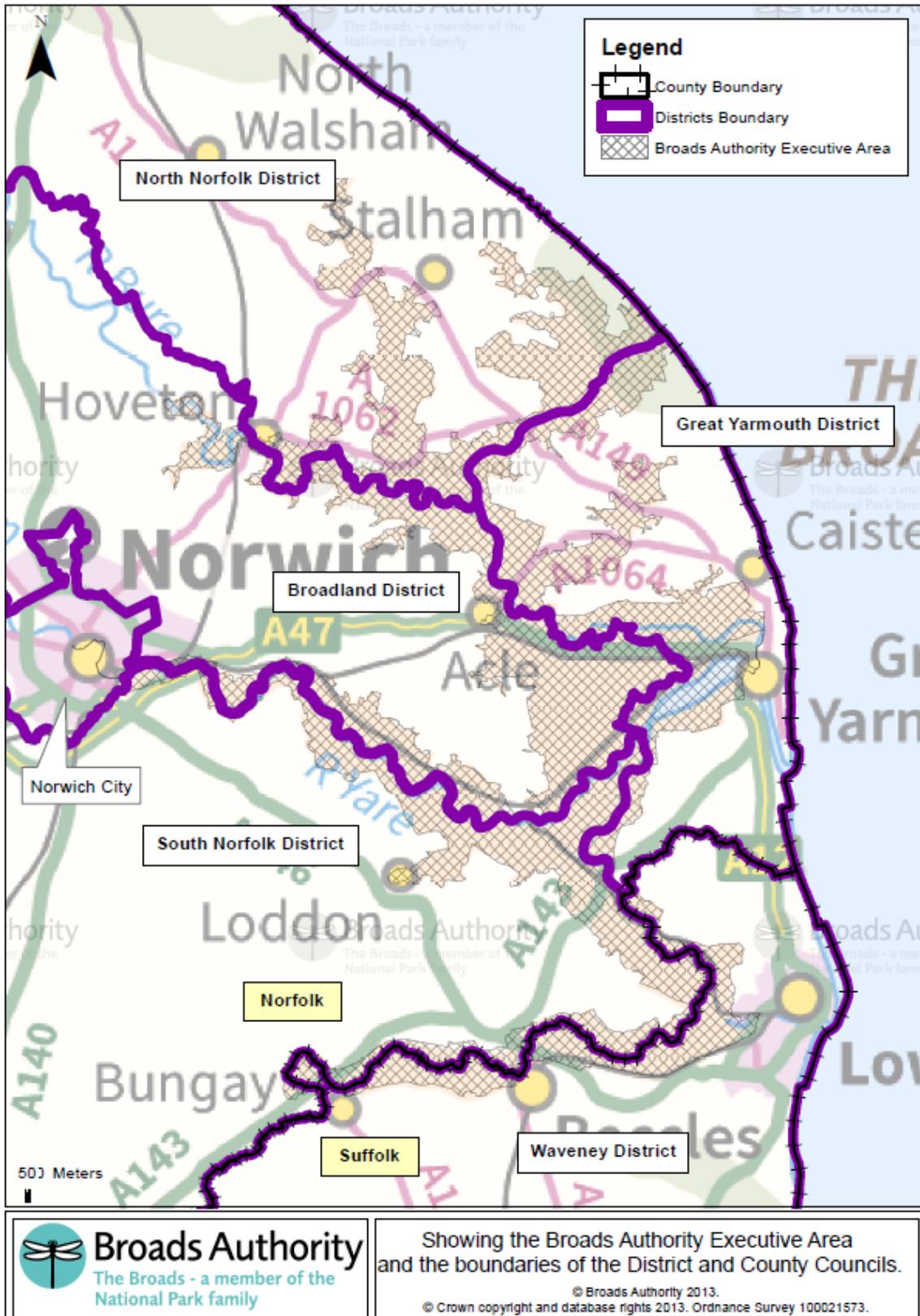
17 Marine Management Organisation

Formal consultations between the Authority and the MMO, including on the Broads Local Plan.

18 LEP and LNPs

The Broads Authority's Management Team meets with a member of the LEP Executive Team on a six monthly basis. The Chief Executive of the LEP is a member of the GNGB Board. The BA has had representatives on Wild Anglia's Board (Andrea Kelly, Senior Ecologist). At each stage of the process, New Anglia and Wild Anglia have been consulted.

Appendix A: The Broads Executive Area, District Boundaries and County Boundaries.



Appendix B: Assessment of the Local Plan against the Draft Norfolk Strategic Framework Objective, August 2017.

Introduction

In early 2015 the Norfolk Local Planning Authorities, working through its strategic planning member forum, agreed to formally cooperate on a range of strategic cross-boundary planning issues through the preparation of this Norfolk Strategic Framework. The aim of producing the framework is to:

- Agree shared objectives and strategic priorities to improve outcomes for Norfolk and inform the preparation of future Local Plans;
- Demonstrate compliance with the duty to co-operate;
- Find efficiencies in the planning system through working towards the establishment of a shared evidence base;
- Influence subsequent high level plans (such as the Strategic Economic Plan); and
- Maximise the opportunities to secure external funding to deliver against agreed objectives.

This assessment shows how the Local Plan meets each of the draft agreements. At the time of writing, the NSF was out for an 8 week consultation. As such, this assessment relates to the draft agreements as consulted on.

Assessment of the Agreements

Agreement 1 - The Norfolk Planning Authorities have agreed that when preparing new Local Plans addressing housing needs they will produce documents which provide for the development needs of their areas until at least 2036.

The Broads Local Plan period is to 2036.

Agreement 2 - In preparing their Local Plans the Norfolk Planning Authorities will seek to positively contribute towards the delivery of the following vision:

“By the middle of the 21st century Norfolk will be increasingly recognised nationally for having a strong and vibrant economy providing high quality economic opportunities for residents in urban and rural areas. Its settlements and key infrastructure will be physically resilient to the impacts of climate change. The natural and built environments will be enhanced through the regeneration of settlements, safeguarding and enhancement of current assets and networks, improving both biodiversity and the quality of life for residents. Housing needs will be met in full in socially inclusive communities. The County will be better connected by having good transport links to major cities in the UK and Europe and excellent digital connectivity. A good relationship between homes and jobs will minimise the need to travel and residents will have choice about how they meet their demand for local travel.”

The wording is generally reflected in the Local Plan’s vision:

By 2036 the Broads will be a place where...

The natural environment and the beneficial goods, services and cultural values it provides, from food and energy to landscape character and recreation, are in good condition, are used fairly and sustainably, and are valued by society. In particular, the precious nature of clean, fresh water as a fundamental resource is understood and respected by all.

The past and present importance of the waterways for navigation, biodiversity and recreation is recognised and cherished, and the asset is protected, maintained and enhanced. Wildlife flourishes and habitats are maintained, restored, expanded and linked effectively to other ecological networks. Land and water are managed in an integrated way, with local and landscape scale management creating resilience and enabling flexible approaches to meet changing ecological, economic and social needs.

The living, working, 'big skies' landscape is notable for its natural beauty, distinctive local character and historic significance. People of all ages, abilities and circumstances experience and enjoy it as a place of escape, adventure, enjoyment, learning and tranquillity, and as a source of national pride and identity. Sustainable living can be seen in action and there is a buoyant rural economy. Local communities are taking an active part in decisions about their future and are known for having been pivotal in the transformation to a low carbon, 'climate-smart' society.

And finally, the Broads National Park is forever recognised as fundamental to our prosperity, health and wellbeing, and forever treasured as a special place that provides a "breathing space for the cure of souls".

Agreement 3 - By 2036, through co-operation between Local Authorities and preparation of Local Plans, Norfolk will seek to maximise the delivery of the following objectives:

- 1): To realise the economic potential of Norfolk and its people by:
 - a) facilitating the development needed to support the region's business sectors and clusters, driving economic growth through the enhancement of productivity, skills and education to provide widening opportunities in line with the New Anglia Local Enterprise Partnership (NA LEP) Economic Strategy and this framework;
 - b) fully exploiting the economic opportunities offered by the economic success and global reputation of Cambridge;
 - c) providing for job growth broadly matching increases in housing provision and improving the alignment between the locations of workplaces and homes;
 - d) ensuring effective and sustainable digital connections and transport infrastructure between and within Norfolk's main settlements to strengthen inward investment; and
 - e) strengthening Norfolk's connections to the rest of the UK, Europe and beyond by boosting inward investment and international trade through rail, road, sea, air and digital connectivity infrastructure.

- 2): To reduce Norfolk's greenhouse gas emissions as well as the impact from, exposure to, and effects of climate change by:
 - a) locating development so as to reduce the need to travel;

- b) effecting a major shift in travel away from car use towards public transport, walking and cycling;
 - c) maximising the energy efficiency of development and promoting the use of renewable and low carbon energy sources; and
 - d) managing and mitigating against the risks of adverse weather events, sea level rise and flooding by reducing the impacts on people, property and wildlife habitats
- 3): To address housing needs in Norfolk by:
- a) Providing for the quantity of housing growth which will support the economic prospects of the County and address in full the identified need for new homes;
 - b) Ensuring that new homes built are of the right sort in terms of size, type, and tenure to contribute positively towards addressing identified needs including for affordable homes, homes for the elderly and students, and other groups in society requiring specialist living accommodation;
 - c) Contributing towards sustainable patterns of development including improving the relationship between homes, jobs and other key day to day services;
 - d) Delivering high quality, energy efficient homes in attractive living environments which make a positive contribution to the health and well-being of communities; and
 - e) Ensuring that homes are delivered at the right time to address identified needs.
- 4): To improve the quality of life for all the population of Norfolk by:
- a) ensuring new development fulfils the principles of sustainable communities, providing a well-designed living environment adequately supported by social and green infrastructure;
 - b) promoting social cohesion by significantly improving the educational performance of our schools, enhancing the skills of the workforce and improving access to work, services and other facilities, especially for those who are disadvantaged;
 - c) maintaining cultural diversity while addressing the distinctive needs of each part of the county;
 - d) ensuring all our communities are able to access excellent sporting facilities and health services;
 - e) promoting regeneration and renewal of disadvantaged areas; and
 - f) increasing community involvement in the development process at local level.
- 5): To improve and conserve Norfolk's environment by:
- a) ensuring the protection and enhancement of Norfolk's environmental assets, including the built and historic environment, protected landscapes, Broads and coast;
 - b) protecting the landscape setting of our existing settlements where possible and preventing the unplanned coalescence of settlements;
 - c) maximising the use of previously developed land within our urban areas to minimise the need to develop previously undeveloped land;
 - d) where previously undeveloped land is developed, the environmental benefits resulting from its development will be maximised;
 - e) protecting and, where appropriate, enhancing biodiversity through the preservation of habitats and species and creating new habitats through development;

- f) providing a network of accessible multi-functional greenspaces; and
- g) reducing the demand for and use of water and other natural resources.

The Objectives of the Local Plan are copied below and in general are in conformity with these objectives. The policies in the Local Plan in general also meet these objectives.

- OBJ1. The Broads remains a key national and international asset and a special place to live, work and visit.
- OBJ2. There are areas of true tranquillity and wildness, giving a real sense of remoteness.
- OBJ3. The Broads is a unique, highly valued and attractive environment where the landscape character and setting is protected, maintained and enhanced.
- OBJ4. The rich and varied habitats and wildlife are conserved, maintained, enhanced and sustainably managed.
- OBJ5. The coastal section of the Broads is used and managed in a balanced way beneficial and integrated way for people and wildlife.
- OBJ6. Water quality is improved and water is managed using appropriate measures to increase capture and efficiency, prevent pollution and reduce nutrients. Flood risk to people, property and landscapes is managed effectively.
- OBJ7. 'Climate-smart thinking' minimises future adverse impacts and makes use of opportunities in an area vulnerable to a changing climate and sea level rise.
- OBJ8. The area's historic environment and cultural heritage are protected, maintained and enhanced. Local cultural traditions and skills are kept alive.
- OBJ9. The housing needs of the community are met.
- OBJ10. Development and change are managed to protect and enhance the special qualities of the Broads as well as the needs of those who live in, work in and visit the area. The Broads Authority maintains close cooperation with the Local Planning Authorities adjoining its executive area.
- OBJ11. The Broads offers communities and visitors opportunities for a healthy and active lifestyle and a 'breathing space for the cure of souls'.
- OBJ12. There is a buoyant and successful rural economy.
- OBJ13. The Broads is renowned for sustainable tourism and supports a prosperous tourism industry.
- OBJ14. People enjoy the special qualities of the Broads on land and on water. Access and recreation is managed in ways that maximise opportunities for enjoyment without degrading the natural, heritage or cultural resource. Navigation is protected, maintained and appropriately enhanced, and people enjoy the waterways safely.
- OBJ15. The Broads continues to be important for the function, identity and recreation of the local community as well as over a wider area.
- OBJ16. Waste is managed effectively so there is no detriment to the environment.

Agreement 4: the Norfolk Planning Authorities have agreed to produce and maintain Strategic Housing Market Assessments covering the three contiguous and non-overlapping broad market areas of Great Yarmouth, Central Norfolk and West Norfolk.

The Broads is in Great Yarmouth and Central Norfolk HMAs as well as Waveney HMA.

Agreement 5: It has been agreed that Great Yarmouth and King's Lynn and West Norfolk will each continue to prepare separate Local Plans for their areas.

Noted.

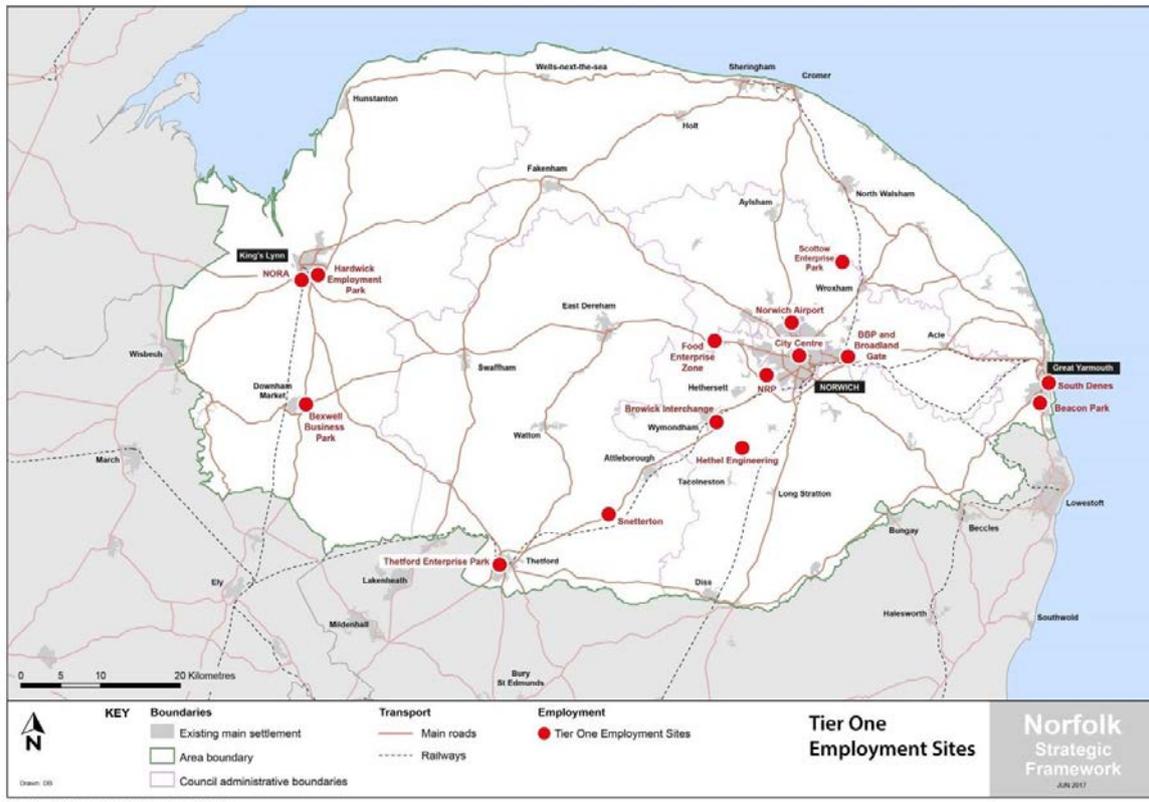
Agreement 6: It has been agreed that Breckland and North Norfolk will continue to prepare separate Local Plans for their areas whilst Broadland District Council, Norwich City Council and South Norfolk Council will co-operate on a new Greater Norwich Local Plan that will replace the current Joint Core Strategy and various other existing Local Plan documents in this area.

Noted.

Agreement 7: It has been agreed by the authorities that, in view of the very distinct issues facing the Broads Authority Area, spatial planning matters will continue to be best addressed by way of a standalone Broads Local Plan.

The Broads had produced a Local Plan.

Agreement 8 - It has been agreed by the authorities that, the above list of locations are the Tier One Employment sites and should be the focus of investment to drive increasing economic development in key sectors, and protected from loss to other uses.



Some of these sites are near to the Broads but not within the Broads.

Agreement 9: The emerging Local Plans for the area will include appropriate policies and proposals to recognise the importance of the above cross boundary issues and interventions.

The role of Norwich – **part of the Broads is in Norwich. The local plan in general supports and reflects the role of Norwich.**

Cambridge to Norwich Technology Corridor - **not directly relevant to the Broads Local Plan.**

A47 Corridor – **there is a policy in the Local Plan relating to the A47 and this highlights important considerations for any changes to the A47 to address.**

Offshore Energy Sector / Ports of Great Yarmouth & Lowestoft – **Lowestoft and Great Yarmouth Ports and most of offshore energy sector industry are next to or near to the Broads.**

Norfolk Coast, the Broads and the Brecks – **this assessment is about the Local Plan for the Broads.**

A10 corridor – **not directly relevant to the Broads Local Plan.**

Agreement 10: When determining their respective Local Plan housing targets each authority, working together where desirable, will aim to deliver at least Objectively Assessed Need as identified in the most up to date evidence (currently Table 9). Where this would result in unsustainable development, agreement will be sought with other authorities, initially within the same Housing Market Area, to ensure sufficient homes are provided to meet identified needs and demands in the area until at least 2036.

The Local Plan meets the need (and exceeds the need) for Central Norfolk and Waveney Housing Market Areas. An agreement is in place with Great Yarmouth Borough Council regarding the residual need in that part of the Broads and this is explained in the Housing Topic Paper.

Agreement 11: The Broads Authority will meet its calculated portion of the wider housing need within each of the relevant SHMAs, as far as is compatible with the protection of the Broads' landscape and special qualities. In the event that those constraints result in any shortfall in meeting that portion, South Norfolk, Norwich City, Broadland, North Norfolk, and Great Yarmouth Councils will seek to include appropriate provision within their Local Plans to address that shortfall, as far as is relevant to the Housing Market Area.

The Local Plan meets the need (and exceeds the need) for Central Norfolk and Waveney Housing Market Areas. An agreement is in place with Great Yarmouth Borough Council regarding the residual need in that part of the Broads and this is explained in the Housing Topic Paper.

Agreement 12: South Norfolk, Norwich City, Broadland, North Norfolk, and Great Yarmouth Councils will seek to include appropriate provision within their Local Plans to address the housing needs arising from the parts of the Broads Authority area overlapping their administrative boundaries if these cannot be met within the Broads Local Plan.

Noted and welcomed. See Housing Topic Paper.

Agreement 13: In addition to their OAN, Broadland, Norwich City, and South Norfolk Councils will seek to deliver an additional supply of 5,228 homes within the Greater Norwich Local Plan to ensure the housing needs arising from the City Deal are met in full.

Noted. That need is being addressed as part of the Greater Norwich Local Plan.

Agreement 14: The Norfolk Planning Authorities will quantify the need for, and plan to provide for, the specialist accommodation needs of the elderly, students, gypsy and travelling Show People, and those residing in other specialist types of accommodation, working together will ensure that the distribution of provision responds to locally identified needs.

The Norfolk-wide study that looked into Elderly need housing did not break down a need to the Broads Executive Area, as such there is a criteria based policy in the Local Plan. The emerging Gypsy and Traveller and Travelling Show People work indicates no need for sites or pitches in the Executive Area, however the Local Plan does include a criteria based policy to assess such applications. The merging Houseboat work indicates a need for houseboats/residential moorings in the Local Plan. This is addressed through a combination of allocations and criteria based policy.

Agreement 15: All Local Planning authorities will produce their Housing and Economic Land Availability Assessments to the standard Norfolk methodology.

The Broads' HELAA has been produced in line with the agreed methodology.

Agreement 16: To minimise the risk of slow delivery over the next plan period the Norfolk Authorities have agreed that when preparing Local Plans and where it is sustainable to do so:

1. The quantity of homes planned will be increased by a buffer equal to not less than 10% of their OAN requirement, such buffers to be treated as additional supply rather than as part of their housing target.

Taking into account permissions and completions since April 2015 and including the allocations as set out in the Local Plan:

- In Central Norfolk HMA area - 12.9% over provision.
- In GY HMA area - 69% under provision
- In Waveney HMA area - 43.9% over provision
- Across Broads area - 0.7% over provision.

2. Housing strategies will seek to allocate a range of different sizes of sites, where such sites are available and would result sustainable development.

The Local Plan allocates sites from a few dwellings to sites of over 100 dwellings.

3. Require clear evidence and demonstration of ability to deliver development prior to the allocation of larger sites for development.

The Pegasus site has planning permission and work is underway on site. The Utilities Site may be more problematic to deliver, but the landowners are still keen and the site has development potential. In partnership with Norwich City Council, we will work with the landowner.

Agreement 17: To maximise the speed of rollout of 5G telecommunications to Norfolk, the Local Planning Authorities will seek to engage with the telecommunications industry to produce shared guidance on the location of base and booster stations for the 5G network. The aim is to get this guidance agreed before the end of 2018 with it potentially being included in emerging Local Plan documents.

The Local Plan has a policy relating to utilities infrastructure. It emphasises the importance of considering impacts on the Broads landscape and other special qualities.

Agreement 18: The authorities agree to endorse Planning in Health: An Engagement Protocol between Local Planning Authorities, Public Health and Health Sector Organisations in Norfolk and undertake its commitments. Assuming this is formally agreed it is expected that each Norfolk CCG will formally agree the Protocol via its Governing Body, and NHS England will do via senior officer support.

Following the July Member Forum, a report will be taken to Planning Committee regarding the Planning in Health report.

Agreement 19: The Local Planning authorities will continue to work closely with the County Council and school providers to ensure a sufficient supply of school places and land for school expansion or new schools.

We have worked with Norfolk County Council regarding education provision in the Broads Executive Area and as stated in the Local Infrastructure Study there is not a need to address specific education needs in this Local Plan.

Agreement 20: In recognition of:

- a) the importance the Brecks, the Broads and the Area of Outstanding National Beauty bring to the county in relation to quality of life, health and wellbeing, economy, tourism and benefits to biodiversity; and
- b) the pressure that development in Norfolk could place on these assets
- c) the Local Planning Authorities will work together to produce a GI Strategy for Norfolk by the end of 2017 and ensure that their Local Plans protect and where appropriate enhance these assets.

The Authority is contributing to this work and will address findings in the Local Plan.

DRAFT

**Winterton on Sea Neighbourhood Plan
Designating Winterton on Sea as a Neighbourhood Area**
Report by Planning Policy Officer

Summary:	The report briefly introduces the Winterton on Sea Neighbourhood Plan.
Recommendation:	That the Planning Committee agrees to Winterton on Sea becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

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 was a requirement to consult on the proposal for 6 weeks. However an update to the National Planning Policy Guidance has removed the need to consult for 6 weeks. As such, it is for the Local Planning Authority to agree an become a Neighbourhood Area in order to produce a Neighbourhood Plan.

2 Winterton on Sea Neighbourhood Area

2.1 Winterton on Sea Parish Council has submitted the application for their entire Parish. Source: Great Yarmouth Borough Council.



Scale @ A3: 1:14,000



GREAT YARMOUTH
BOROUGH COUNCIL

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**Winterton-on-Sea Proposed
Neighbourhood Plan Area**

3 About Winterton on Sea Neighbourhood Area application

- It covers the entire Parish.
- The nomination was received on 12 July 2017.
- There are no known or obvious reasons to not agree the Neighbourhood Area.

4 Links of relevance

- 4.1 The Broads Authority Neighbourhood Planning webpage:
<http://www.broads-authority.gov.uk/planning/future-planning-and-policies/neighbourhood-planning.html>
- 4.2 Great Yarmouth Borough Council's Neighbourhood Planning webpage:
<https://www.great-yarmouth.gov.uk/article/3131/Neighbourhood-planning>
- 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 Great Yarmouth Borough Council have agreed to take on this task and cost.

6 Conclusion and recommendation

- 6.1 It is recommended that the Planning Committee agrees to Winterton on Sea becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

Background papers: None

Author: Natalie Beal

Date of report: 28 July 2017

Appendices: None

**Consultation Documents Update and Proposed Responses: Waveney District
Council First Draft Local Plan**
Report by Planning Policy Officer and Senior Ecologist

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: 2 August 2017

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations Received

Planning Policy Consultations Received

ORGANISATION:	Waveney District Council
DOCUMENT:	First draft Local Plan
LINK	http://www.eastsuffolk.gov.uk/yourcouncil/council-meetings-and-decisions/agendas-reports-and-minutes-of-council-meetings/waveney-district-council-meetings/2017-meetings/july-2017-meetings/wdc/
DUE DATE:	22 September 2017
STATUS:	Draft document.
PROPOSED LEVEL:	Planning Committee Endorsed Response.
NOTES:	Waveney District Council is preparing a new Local Plan for the District (excluding the Broads Authority area). This document is a first draft of the new Local Plan and the Council is inviting comments on whether the preferred approach set out in this document is appropriate to facilitate and manage growth in the District. The Broads Authority are preparing their own Local Plan.
PROPOSED RESPONSE:	<p><u>Local Plan</u></p> <ul style="list-style-type: none"> • Broads OAN is 57 from 2015 to 2036 according to the 2017 CNSHMA. • Page 7, para 2 – the River is navigable to near to Bungay which might be of relevance to this access paragraph. • Page 10. The Broads is also equivalent to a National Park. This could be mentioned in this infographic. • Page 14, vision, 8.187 The Broads is not a National Park for planning purposes. It has a status equivalent to a National Park. • 1.7, 8.2 – does this OAN include the OAN of the Broads part or exclude? Suggest this needs to be clear. We did raise this at the first consultation stage. • Table 1, second line,) missing. • Figure 6. The blue square is flood defence; is that the grey square on the Lowestoft blob or the blue polygon where the sea is? The district boundary is buffered with a beige thick line. I don't think this is the AONB, but what is it? I cannot see it on the legend. • 2.3 Is an issue to consider that the new development needs to support the Town Centre and existing facilities? On page 15, regarding Lowestoft it says <i>'The town centre has suffered in recent years with higher levels of vacant shop units and residents consider that the shopping offer could be better'</i>. Also is the issue of the urban extensions not integrating with the existing community a consideration? • Page 42, Green Infrastructure (and some other equivalent sections). The projects listed in this are more open space and recreation than what is implied using the title as Green Infrastructure. They might even be better described as community facilities. • 2.8 Lowestoft has long been identified as a priority area for regeneration. Is this a formal status? Is it local or national? What does it mean? • Page 63 onwards. Support the policy relating to Oulton Broad District Centre. • 2.74 – I am presuming the images give an idea what a Garden village could involve. Suggest this is stated as it could be confusing to include photos of these locations in the WDC Local Plan. • 8.18 – <i>Affordable housing should be preferably be provided</i> • Page 191, Policy WLP8.5 – Gypsy and Traveller Sites. Would welcome reference to

	<p>impact on landscape character in this policy please.</p> <ul style="list-style-type: none"> • Page 103, Policy WLP8.6 – Affordable Housing in the Countryside. Second bullet point; what about sites next to towns like Beccles, Bungay and Lowestoft as the current policy refers to villages only? Last bullet point; not just the setting of the settlement, but other landscape impacts of the development could be weaved into this – the development could impact on the landscape character of the area in general. • Page 196, Policy WLP8.7 – Small Scale Residential Development in the Countryside. Last part of the policy. Not just the setting of the settlement, but other landscape impacts of the development could be weaved into this – the development could impact on the landscape character of the area in general. • Page 198, Policy WLP8.8 – Rural Workers Dwellings in the Countryside. Second bullet point – and the worker’s family? You may wish to also look at our equivalent policy to see if that is of relevance/interest/use to Waveney DC. • Page 200, Policy WLP8.10 – Residential Annexes in the Countryside. You may be interested to read our equivalent policy called Residential Ancillary Accommodation. • 8.62 says (B class use). Do you mean non-B class use? • Page 207 – refer to the Broads Plan 2017 http://www.broads-authority.gov.uk/_data/assets/pdf_file/0012/976728/Broads-Plan-2017.pdf and Broads Tourism Strategy 2016 http://www.broads-authority.gov.uk/_data/assets/pdf_file/0012/769773/Sustainable-Tourism-in-the-Broads-2016-20-May-2016.pdf. • 8.79. Please mention the Broads specifically here. • Page 221, Policy WLP8.22 - Built Community Services and Facilities. For clarity, if the process is followed, the community do not buy the Asset and it is then sold, does it automatically stop being an Asset and is de-registered as such? If not, as the policy is worded, nothing can happen to the Asset even though due process has been followed. • 8.118. Might be worth explaining that open space which has been assessed as part of the Assessment, which is located in the Broads Authority Executive Area of Waveney has been protected through the Broads Local Plan. • 8.128 I understand from the EA that Waveney is also affected by the BESL model issue. At the time of writing, I had not seen the draft SFRA for Waveney DC. How is the gap in modelling going to be addressed? Please see our agreed Position Statement with the EA here which may be of interest to you: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0011/958286/SFRA-Position-Statement-9-May-2017.pdf • Page 231, Policy WLP8.27 - Renewable and Low Carbon Energy. Please refer to the Broads’ Landscape Sensitivity Study here. Please mention impact on landscape outside of the Waveney DC Local Plan area. We make these comments with the appeal for a wind turbine Ringsfield a few years ago in mind. The supporting text for the policy may cross refer to other policies, but the first bullet point includes some considerations that are in other policies of the Local Plan and adding landscape character impact outside of the Waveney area seems prudent. • 8.187 – a further update to the Landscape Character Assessment in 2017. • 8.192 – support reference to the Dark Sky work of the Broads. • Page 245, Policy WLP8.33 – Landscape Character. Could the last sentence be interpreted to just relate to the Waveney area? Could it be worded to include the Broads as well? • General - Bullet points – for ease of reference, it may be useful to use letters,
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	<p>numbers or Roman numerals.</p> <ul style="list-style-type: none"> • General – maps - Please show the Broads Authority Executive Area on the maps. • Please note that one of our policies seeks to safeguard a former trackway from development so in the future it can form part of a long distance walk. You can see the trackway of relevance in this map bundle. We would request that Waveney District Council safeguard the part in their area. We can provide the GIS files and the Preferred Options version of our Local Plan policy has the proposed text. http://www.broads-authority.gov.uk/data/assets/pdf_file/0018/814230/FormerRailwayTracks_reduced.pdf • There are some site allocations around Oulton and Oakes Farm, off Beccles Road, Carlton Colville which although not adjacent, are close to and would push the built form of Lowestoft towards our boundary. • Also, the Beccles and Worlingham Garden Suburb, together with Land west of London Road, Beccles total 1500 dwellings. The significant population increase would suggest added recreational pressures on nearby Broads sites particularly in the Waveney valley for which landscape mitigation would be needed. • Policy WLP8.31 – Residential Gardens and Urban Infilling includes a requirement to ‘Safeguard protected trees.’ As not many trees are protected I would suggest that this might be widened to safeguard any trees with landscape, amenity or biodiversity value. • Finally, we would welcome a policy relating to the Broads perhaps similar to the emerging Greater Norwich Local Plan version. We can help you draft something. <p><u>Settlement Boundaries maps</u> Please show the Broads Authority Executive Area on the maps.</p> <p><u>Site Allocations Maps</u> Please show the Broads Authority Executive Area on the maps.</p>
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**Enforcement of Planning Control
Enforcement Item for Consideration:
Condition Monitoring**

Report by Planning Officer (Compliance and Implementation)

Summary: Highlighting the process and outcomes of Condition Monitoring

Recommendation: Members are asked to note the report.

1 Background

- 1.1 An objective of the adopted Local Enforcement Plan (2016) is to prevent planning breaches in the Broads. In accordance with this, the Enforcement Team have started a process of formally monitoring development post approval. Strategically, this has meant that the Team have become proactive in Enforcement rather than reactive.
- 1.2 Conditions play an important role in ensuring that development which has been approved is acceptable. In order to ensure conditions are discharged and adhered to it is important to monitor the conditions post approval. Officers have been monitoring conditions by regularly visiting sites to ensure the development is being built in accordance with the approved plans and conditions. Regular monitoring of the sites ensures that major deviations from the plans are prevented. Face to face contact with the applicants, builders or project managers, facilitates an open dialogue post approval and means any smaller issues can be resolved before they become major problems.
- 1.3 Given the special qualities of the Broads, the regular monitoring of development also prevents the erosion of character of design through small alterations which can occur post approval (such as the use of inferior materials, alterations to fenestration or design detailing), especially in cases where there has been strong negotiations regarding design at the application stage.
- 1.4 It is noted that whilst the above is effective in ensuring development which has been permitted is undertaken in accordance with the permission, it is less effective in identifying and addressing development which has not been through the planning process.

2 The Monitoring Process

- 2.1 Turning to the process itself, monitoring is carried out of all permissions for major development, development affecting a Listed Building or within a Conservation Area, Planning Committee decisions and cases where the scheme or site is particularly sensitive or has been the subject of a high level of negotiation. Clearly it is not possible to monitor everything, but these are the sites where non-compliance would have the greatest impact so it is effectively a risk based approach. The identified sites are logged on a Condition Monitoring spreadsheet and Officers will visit the sites on a rolling programme every 4 months (depending on the nature and scale of the development). The spreadsheet will be updated following each visit with the findings of the officer and the application will be removed from the spreadsheet when the development has been completed in accordance with the approved plans and conditions.
- 2.2 When on site Officers will check what is being built is in accordance with the approved plans and conditions. If there are any discrepancies Officers will discuss these with the applicants, builders or project managers on site. Officers will also discuss any deviations from the plan with the Planning Officer who dealt with the original application to agree a way forward.
- 2.3 In most cases the alterations have been di-minimus, or non-material; in the latter case the applicants are advised to submit a non-material amendment. Any major changes are dealt with via a variation of condition application if considered acceptable or Officers will undertake enforcement negotiations if not considered acceptable. The Authority is able to issue Breach of Condition notices under Section 187A of the Town and Country Planning Act if Officers are unsuccessful with enforcement negotiations, but this is seen as a last resort.

3 Themed Monitoring

- 3.1 In addition to the regular Condition Monitoring programme, Officers have started monitoring some specific conditions, taking a theme-based approach and looking at issues which are particularly important to the Broads. For example, Officers have recently completed a round of monitoring of permissions with a holiday occupancy restriction condition. This was achieved by checking availability of accommodation on websites in the first instance, then visiting the sites and/or writing to owners. This has been a successful exercise with the majority of owners aware of the conditions and adhering to them. This will be monitored annually.
- 3.2 Officers have also started monitoring permissions with an annex restriction. Officers are in the process of gathering information about these properties and

will be undertaking site visits and contacting all the owners to discuss compliance. Going forward, again this will also be monitored annually.

- 3.3 Another area considered particularly important to the Broads is the landscape impact of development. Landscape conditions can equally be very important in terms of ensuring development successfully assimilates into the Broads landscape. Officers will therefore look at monitoring the implementation and success of Landscaping Schemes as the next round of monitoring.

4 Outcomes

- 4.1 Regular, programmed Condition Monitoring helps to ensure the development which is built is in accordance with the approved plans and conditions. Officers become more pro-active in Enforcement rather than reactive, in accordance with the Local Enforcement Plan. In undertaking the monitoring programme, Officers have been pleased to see that the majority of development is in accordance with the approved plans, with most discrepancies being minor and/or accidental. There is no evidence of wide scale or deliberate non-compliance.
- 4.2 An open dialogue ensures that small issues which can occur when building the development are resolved before they become major problems. Ultimately, by working closely with the people in charge of providing the development, post planning approval, Officers hope to achieve successful development which all partners can be proud of.

Background papers: Local Enforcement Plan: Broads Authority

Author: Kayleigh Wood

Date of report: 2 August 2017

Appendices: Nil

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

Summary: This report sets out the position regarding appeals against the Authority since April 2017.

Recommendation: That the report be noted.

1 Introduction

1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since April 2017.

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: 8 August 2017

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since April 2017

Schedule of Outstanding Appeals to the Secretary of State since May 2017

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
18 May 2017	APP/E9505/W/17/3170595 BA/2016/0343/FUL The Workshop Yarmouth Road LUDHAM NR29 5QF Dr Rupert Gabriel	Appeal against refusal Change of use of outbuilding (MT Shed) to residential dwelling	Delegated Decision 20 January 2017 Questionnaire and Notification letters sent by 25 May 2017 Statement of Case sent by 22 June 2017 Appeal DISMISSED 4 August 2017
22 May 2017	APP/E9505/C/17/3173753 APP/E9505/C/17/3173754 BA/2015/0026/UNAUP2 Burghwood Barnes Burghwood Road, Ormesby St Michael Mr D Tucker Miss S Burton	Appeal against Enforcement Unauthorised development of agricultural land as residential curtilage	Committee Decision 3 March 2017 Notification Letters and Questionnaire by 5 June 2017 Statement of Case sent by 3 July 2017
Awaited	APP/E9505/W/17/3174937 BA/2016/0356/COND Waveney Inn and River Centre, Staithe Road Burgh St Peter Waveney River Centre	Appeal against conditions 1 and 6 (Temporary approval and passing bay signs) of permission BA/2016/0064/CON D	Committee Decision 9 December 2016 <i>(condition re passing bay signs removed under this application.)</i>
19 July 2017	App/E9505/W/17/3176423 BA/2017/0060/CU Eagles Nest, Ferry Road, Horning Mr Robert King	Appeal against refusal Change of use of first floor of boathouse to residential managers accommodation (Class C3) associated with the adjacent King Line Cottages	Committee Decision 28 April 2017 Questionnaire and Notification Letters 26 July 2017 Statement of Case due by 23 August 2017

Decisions made by Officers under Delegated Powers
Report by Head of Planning

**Broads Authority
Planning Committee**

18 August 2017

Agenda Item No 18

Summary: This report sets out the delegated decisions made by officers on planning applications from 04 July 2017 to 02 August 2017
Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council				
BA/2017/0154/HOUSEH	Willowbank The Shoal Irstead Norfolk NR12 8XS	Mr And Mrs Chris And Judy Menges	Proposed studio, garden room annexe and garage, and balcony.	Approve Subject to Conditions
BA/2017/0141/HOUSEH	Riversend Hall Road Barton Turf Norfolk NR12 8AR	Mr Raymond Pike	Replace outbuilding with garage and workshop, replace entrance and extension with porch and utility room, slipway.	Approve Subject to Conditions
Burgh Castle Parish Council				
BA/2017/0218/APPCON	Church Farm Church Road Burgh Castle NR31 9QG	Mr & Mrs Swallow	Details of: Conditions 3: Internal Joinery, 4: Large Scale Joinery, 5: Windows and Doors, 6: Cladding, 7: Repointing, 8: External Joinery and Eaves Detail, 9: Roof Tiles, 10: Render, 11a: New Trees, 11b: Existing Trees, 11c New Hard Surfaces and Boundary Treatments, 11d: Regraded Slopes, 11e: Landscaping Timescale of permission BA/2016/0318/HOUSEH	Approve
Coltishall Parish Council				
BA/2017/0174/HOUSEH	Meadside Church Loke Coltishall Norwich Norfolk NR12 7DN	Mr Alistair Paterson	Single storey rear extension.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Filby Parish Council				
BA/2017/0200/NONMAT	Honeysuckle Bay And Honeypot House Thrigby Road Filby Norfolk NR29 3HJ	Mr Leonard Eagle	Alterations to driveway materials, non-material amendment to permission BA/2012/0213/REM.	Approve
Fleggburgh Parish Council				
BA/2017/0176/HOUSEH	Thatch Barn Hall Farm Barns Hall Road Clippesby Fleggburgh Norfolk NR29 3BL	Mr David Bojan	Replacement windows and doors and new windows.	Approve Subject to Conditions
Gillingham Parish Council				
BA/2017/0167/COND	27 Kings Dam Gillingham NR34 0LG	Mr Darren Broughton	Updated design and removal of annex variation of conditions 8 and 11 of permission 97/91/0117/F [BA/1991/7342/HISTAP].	Approve Subject to Conditions
Great Yarmouth Town				
BA/2016/0350/FUL	Humberstone Farm Mill Road Great Yarmouth Norfolk	Mr Ivan Vincent	Access alterations.	Approve Subject to Conditions
BA/2017/0166/CPLUD	121 Caister Road Great Yarmouth Norfolk NR30 4DL	Mr G Zavros	Single storey rear extension.	CLUED Issued
Hoveton Parish Council				
BA/2017/0152/FUL	4 Riverside Centre Norwich Road Hoveton NR12 8AJ	Mrs Sue Pollok	Alterations to shop front.	Approve Subject to Conditions
BA/2017/0155/FUL	Barnes Brinkcraft Riverside Road Hoveton Norfolk NR12 8UD	Barnes Brinkcraft Ltd	Replace 158m quayheading, removal of 280 square metres of land, installation of pontoon, widening of access track and removal of storage shed.	Approve Subject to Conditions
BA/2017/0165/FUL	Bewilderwood Horning Road Hoveton Norfolk NR12 8JW	Mr Tom Blofeld	Replacement play equipment.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Loddon Parish Council				
BA/2017/0246/APPCON	Hall Green Barn 29A Norton Road Loddon Norfolk NR14 6DT	Dr Richard Wharton	Details of: Condition 4: Ecology Visit, and Condition 5: Bird Boxes of permission BA/2016/0127/HOUSEH.	Approve
BA/2017/0247/APPCON			Details of: Condition 4: Ecology Visit and Condition 5: Bird Boxes of permission BA/2016/0141/LBC.	Approve
Neatishead Parish Council				
BA/2017/0161/HOUSEH	The Moorings Irstead Road Neatishead NR12 8BJ	Mr & Mrs Simon Clayton	Single storey extension. Wall and roof cladding to boatshed.	Approve Subject to Conditions
Ormesby St Michael Parish Council				
BA/2017/0113/HOUSEH	Broadswater House Main Road Ormesby St Michael Norfolk NR29 3LS	Mr And Mrs Brown	Extension of existing outbuilding to form attached annex	Approve Subject to Conditions
Postwick With Witton Parish Council				
BA/2017/0177/APPCON	Hall Farm Hall Lane Postwick Norwich NR13 5HQ	Mr Chris Langridge	Details of conditions 7 and 8: highways improvements, 9: passing bays,10: flood response plan and 13: pond of permission BA/2016/0194/CU.	Approve
Repps With Bastwick Parish Council				
BA/2017/0144/HOUSEH	Scoots Place 72 Riverside Repps With Bastwick Norfolk NR29 5JX	Mr And Mrs Terence Kelsey	Replacement shed, reclad dwelling and raise quayheading.	Approve Subject to Conditions
Rollesby Parish Council				
BA/2017/0223/APPCON	Broadlands Main Road Rollesby Norfolk NR29 5EF	Mr And Mrs Saunders	Details of: Condition 3: Bank Stabilisation of permission BA/2017/0125/HOUSEH.	Approve

Application	Site	Applicant	Proposal	Decision
Somerton Parish Council				
BA/2017/0173/NONMAT	Ivy House Horsey Road West Somerton Somerton Norfolk NR29 4DW	Mr R Davies	Revised layout plan, non-material amendment to previous permission BA/2016/0351/HOUSEH	Approve
Stalham Parish Council				
BA/2017/0240/APPCON	Riverside The Staithe Stalham Norfolk NR12 9DA	Mr Pat Simpson	Details of: Condition 3: Approved Details of Materials of permission BA/2017/0153/HOUSEH.	Approve
Thorpe St Andrew Town Council				
BA/2017/0051/CU	Point House 42 Yarmouth Road Thorpe St Andrew Norwich NR7 0EQ	Mr Adam Knights	Change of use to holiday let (Class C3).	Approve Subject to Conditions
Thurne Parish Council				
BA/2017/0139/HOUSEH	Staithe House The Staithe Thurne NR29 3BU	Mr Simon Peck	To join the two existing balconies together in the middle and unify the design and materials.	Approve Subject to Conditions
Wroxham Parish Council				
BA/2017/0192/APPCON	The Bridge Restaurant Norwich Road Wroxham Norwich Norfolk NR12 8RX	Mr Mark Eames	Details of: Conditions 10: Lighting, 11: Signs, 13: Water Safety, 14: Extraction and 15: Car and Cycle Parking of BA/2016/0354/COND.	Approve

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

Summary: This report sets out the development control statistics for the quarter ending 30 June 2017.

Recommendation: That the report be noted.

1. Development Control Statistics

1.1 The development control statistics for the quarter ending 30 June 2017 are summarised in the table below.

Table 1:

Total number of applications determined	40						
Number of delegated decisions	37 [92.5%]						
Type of decision	Numbers granted				Numbers refused		
	39 (97.5%)				1 (2.5%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16-26 wks	26-52 wks	Over 52 wks	Agreed Extension
	31 (77.5%)	3 (7.5%)	0 (0%)	0 (0%)	1 (2.5%)	0 (0%)	5 (29.3%)
Number of Enforcement Notices	0						
Consultations received from Neighbouring Authorities	20						

Table 2: National Performance Indicators

	BV 109	The percentage of planning applications determined in line with development control targets to determine planning applications.		
National Target	60% of Major applications in 13 weeks (or within agreed extension of time)	65% of Minor* applications in 8 weeks (or within agreed extension of time)	80% of other applications in 8 weeks (or within agreed extension of time)	
	<i>Majors refers to any application for development where the site area is over 1000m²</i>	<i>*Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc)</i>	<i>Other refer to all other applications types</i>	
Actual	0 applications received 0 determined in 13 weeks (or within agreed extension of time) (N/A)	15 applications received. 13 determined in 8 weeks (or within agreed extension of time) (86.7%)	25 applications received. 24 determined in 8 weeks (or within agreed extension of time)	(96%)

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

Background papers: None
 Author: Asa Coulstock
 Date of Report: 09 August 2017
 Appendices: Appendix 1: PS1 Returns
 Appendix 2: PS2 Returns

PS1 Returns:

1.1	On hand at beginning of quarter	38
1.2	Received during quarter	56
1.4	Withdrawn, called in or turned away during quarter	3
1.4	On hand at end of quarter	51
2.	Number of planning applications determined during quarter	40
3.	Number of delegated decisions	37
4.	Number of statutory Environmental Statements received with planning applications	0
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	0
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	0
7.5	Number of breach of conditions notices served	0
7.6	Number of enforcement injunctions granted by High Court or County Court	0
7.7	Number of injunctive applications raised by High Court or County Court	0

PS2 Returns

Type of Development	Total Decisions			Total Decisions Time from application to decision						Within Agreed Extension of Time
	Total	Granted	Refused	Not more than 8 wks	More than 8 wks but not more than 13 wks	More than 13 wks and up to 16 wks	More than 16 wks and up to 26 wks	More than 26 wks and up to 52 wks	More than 52 wks	
Major										
Dwellings	0	0	0	0	0	0	0	0	0	0
Offices/ Light Industry	0	0	0	0	0	0	0	0	0	0
Heavy Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Large-Scale Major Developments	0	0	0	0	0	0	0	0	0	0
Minor										
Dwellings	2	2	0	1	0	0	0	0	0	1
Offices/Light Industry	0	0	0	0	0	0	0	0	0	0
General Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Minor Developments	13	13	0	10	2	0	0	0	0	1
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of Use	5	4	1	1	1	0	0	0	0	3
Householder Developments	15	15	0	14	0	0	0	0	0	1
Advertisements	1	1	0	1	0	0	0	0	0	0
Listed Building Consent to Alter/Extend	4	4	0	4	0	0	0	0	0	0
Listed Building Consent to Demolish	0	0	0	0	0	0	0	0	0	0
**Certificates of Lawful Development	2	2	0	0	1	0	0	0	0	1
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	40	39	1	31	3	0	0	0	0	6
Percentage (%)		97.5%	2.5%	77.5%	7.5%	0%	0%	0%	0%	15%

Please Note – Applications for Lawful Development Certificates are not counted in the statistics report for planning applications. As a result these figures are not included in the **Total column above.

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