

# Annual Monitoring Report 2009-10

## Broads Local Development Framework

Autumn 2010



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## Executive Summary

- General Progress
  - A year of increased stability for the team with several new postholders joining the team in Autumn 2009 and the securing of additional resources in the Development Management and Enforcement Sections.
  - Speed of determination of applications remained high.
  - Increased efforts to engage with local communities saw the introduction of the Parish Pop-ins and the bi-annual Planning Parish Forum.
  - A Planning for Real Event was held jointly with the Broads Tourism forum in October 2009.
  - The team continued to play a considerable role in the Greater Norwich Development Partnership and assisted in the development of the Green Infrastructure Strategy and Placemaking Group.
  - Representations were made on the Joint Core Strategy as well as responding to consultations on a revised Regional Spatial Strategy to 2031.
  - Final year of Planning Delivery Grant saw the Authority secure £73,000.
  - The Authority conducted its first customer satisfaction survey for planning since the service was taken in house, resulting in 71% of respondents being satisfied or very satisfied with the planning service received.
  
- Development Management
  - 218 applications received, a little down on previous years, but fees held up, and some complex applications continued to be received.
  - 196 applications determined. A very high level of approval in most categories and above the national average overall.
  - 5 appeals against refusal of permission or against enforcement notices were made during the year, of which only one completely overturned the Authority's decision and another being the subject of an informal hearing was allowed in part and dismissed in part.
  - The speed of determination of applications continued to exceed Government targets. 75% of major applications were determined within 13 weeks (against a target of 60%), 92% of minor applications were determined within 8 weeks (against a target of 65%) and 82% of other applications were determined within 8 weeks (against a target of 80%).
  - The most common issues in the determination of applications (in descending order of frequency) were design (including conservation areas); landscape/rural character; flood risk; boatyard redevelopment criteria; access and highways; overdevelopment and scale; dwellings outside settlement boundaries; neighbour amenity.
  
- Effects of Policies
  - The policies are considered to be broadly having the intended effects. The scale and pace of development in the area continues to be very small compared to most Authorities, reflecting the Broads' small size and population, nationally protected landscape, and extensive areas at risk of flooding.

- Most new, small business development applications were permitted, and those approved provide a net increase in employment space including retail, office and storage uses, and all on previously developed land.
- There were a number of conversions and applications for replacement dwellings, balanced by the loss of some dwellings where demolition and redevelopment at a lower density had taken place.
- Local Development Framework Preparation
  - The Local Development Scheme was revised and new timetables set for the production of the Development Management Policies. The Authority also agreed to produce a future Location/Site Specifics document.
  - The Revised LDS was agreed by Members and the Government Office in March 2010.
  - Some progress was made on developing revised Development Management Policies in the areas of flood risk, residential moorings and developer contributions, all of which had been previously identified as 'knotty issues' requiring further work. Considerable success was achieved in negotiations with the Environment Agency in respect of replacement buildings in areas of flood risk.

- 1.1 This Annual Monitoring Report assesses the progress of the Broads Local Development Framework, together with saved policies of the Broads Local Plan 1997, during the period 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010. In particular it is intended to review the use, effectiveness and preparation of Development Plan and supplementary related policies, including:
- review actual progress in terms of local development document preparation against the timetable and milestones in the most recent Local Development Scheme;
  - assess the extent to which policies in local development documents and Local Plan are being implemented;
  - where policies are *not* being implemented, explain why and set out what steps are to be taken to ensure that the policy is implemented or whether the policy is to be amended or replaced;
  - identify the significant effects of implementing policies in local development documents and whether they are as intended; and
  - set out whether policies are to be amended or replaced.
- 1.2 There is a statutory requirement<sup>1</sup> for the Broads Authority, as local planning authority for the area, to produce such a report to the Secretary of State for Communities and Local Government. More generally, however, it is intended to assist the public, the Broads Authority and its Planning Committee, in reviewing achievements and challenges in developing and implementing the Broads Local Development Framework (and Local Plan policies) during the preceding year, and any need for future changes in policy or implementation.
- 1.3 This particular Report is intended to be relatively short and focused. Considering the small size of the planning team and other demands upon it, the limited amount of development taking place in the Broads, the monitoring of the broader picture through the Broads Plan (a management plan for the area akin to a national park management plan) and associated State of the Park report, it is judged appropriate to concentrate on the statutory requirements, nationally specified data and information which is likely to make a difference to any decisions the Authority will be able to make on the Local Development Framework during the coming year.

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<sup>1</sup> Section 35 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations, 2004 as amended by the (revised 2008), in Planning Policy Statement 12 and in Local Development Framework Monitoring: A Good Practice Guide.

## Chapter 2: General progress

- 2.1 Planning applications numbers remain relatively consistent (see Chapter 3), though fees and the total complexity of applications rose, reflecting the disproportionate influence of applications for flood defence works. At the same time the Authority continued its upward trend on performance against national targets for speed of decision making, comfortably exceeding those targets.
- 2.2 Additional resources for the Development Management and Enforcement Functions were secured during this period to provide additional capacity for major applications and to target specific waterborne enforcement issues. The increased capacity in Enforcement led to a number of ongoing and long term enforcement issues being resolved or brought closer to resolution.
- 2.3 The Authority introduced two specific measures to increase engagement and communication between the Authority's Planning Team and its local communities. In October 2009 the first Parish Pop-in was held at Hoveton and this was subsequently followed by further sessions at Oulton Broad in November 2009, Martham in January 2010 and Thorpe St Andrew in March 2010. These sessions are held between 2pm-7pm and take the form of informal drop-in or surgery style sessions where Planning Officers are available to answer any queries from Members of the public.
- 2.4 In September the Authority held its first parish planning forum which was attended by over 40 parish council members. The idea of the forum was to provide an opportunity to debate planning issues and to act as an information exchange and update. The forum idea was for bi-annual events to be held with themes and subjects chosen in advance by Parish Councils.
- 2.5 The Norfolk Wildlife Trust committed £50,000 to work with the Broads Authority's Heritage Skills Bursary, funding millwright trainees to restore Stubb Mill, near Hickling, one of the Broads' iconic windmills and a Grade II listed building 'at risk'. Work on the Mill was guided by the Authority's Cultural Heritage and Landscape Officers and the project was largely completed in March 2010, with just the refurbished cap remaining to be lifted into place.
- 2.6 The Broads is particularly susceptible to impacts from development in the areas around the designated area and therefore a considerable amount of officer time needs to be directed towards dealing with consultations from adjoining Authorities, in addition to the usual caseload of applications. Furthermore, at strategic policy level the Authority's involvement with neighbouring authorities' plans, the Greater Norwich Development Partnership, and county and other sub-regional coordination remained important. The Authority's input into the Regional Spatial Strategy (East of England Plan) process continued when a major consultation on the review of housing figures to 2031 was undertaken in December 2009.
- 2.7 During the course of the year under review, the Authority was awarded Planning Delivery Grant of £73,000 which although less than in previous years reflected the change in emphasis to the weighting of the grant towards delivery of housing and away from speed of determination of applications.

## Chapter 3: Development Management and Policy Use.

- 3.1 The management of development is one of the principal means by which the Local Development Framework (and saved policies of the Local Plan) is implemented.
- 3.2 The Authority received 218 applications (including those for planning, listed building, advertisement and conservation area consents) during the year, a figure consistent with that of previous years and pleasing given the national economic situation. The decisions on planning applications, and the policies used in reaching those decisions, are analysed below.
- 3.3 During the year 2009/10 the Authority determined 196<sup>2</sup> applications, of which it approved 89%% (compared to the national (England) average of 83%).
- 3.4 In most categories there was a very high level of approval, indeed 100% in several categories, as shown in the following table. This reflects the positive approach of the Authority to good development and the strenuous efforts made in negotiations, design advice and pre-application discussions to overcome problems where possible. Many applications require considerable input before they can be recommended for approval.
- 3.5 An approval rate of around 90% or higher is shown for applications in almost every category of applications, including those for:
- Business;
  - Listed Building Consent;
  - Conservation Area Consent;
  - Agricultural;
  - Holiday accommodation, change of use and quay heading.
- 3.6 An approval rate of around 65% to 80% is shown for:
- Replacement dwellings;
  - Business adverts; and
  - Change of use.
- 3.7 The clear exceptions to this pattern, with an approval rate below 50%, are:
- Private leisure development; and
  - Holiday units.

In both of these cases the approval rate reflects, perhaps, the strong desire for living and holidaying in the area and the high potential monetary values involved, against the difficulty of successfully accommodating these in such a sensitive area and the limited areas suitable for housing development under national and local policies.

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<sup>2</sup> Note there is a small variation in the decided application figures shown in different places within this report. This arises between work based on paper records and that using electronic searches. This variation is not thought to be significant, and the work that would be involved in resolving this is considered disproportionate to any benefit resulting.

**Table 1**  
**BROADS AUTHORITY - PLANNING APPLICATION DECISIONS**  
**APRIL 2009 TO MARCH 2010**

	Type	Total no. of applications	Granted applications		Refused applications	
Householder	Householder development e.g. domestic extension	85	76	89%	9	11%
	Private leisure development, e.g. mooring/leisure plot (additional to householder above)	7	3	43%	4	57%
Business	Business development e.g. shop, office, boatyard or workshop (excluding holiday units)	36	34	94%	2	6%
	Holiday units (additional to business development above)	3	3	1000%	0	0%
	Business advertisements	5	4	80%	1	20%
	Variation of conditions (mostly business)	6	6	100%	0	0%
Community	Community development e.g. village hall, sports club	7	6	86%	1	14%
	Community advertisements	1	1	100%	0	0%
	Flood defence and similar public works	8	8	100%	0	0%
Residential	New Dwellings	0	0	100%	0	0%
	Replacement dwellings	15	12	80%	3	20%
Agricultural	Agricultural development	1	1	100%	0	0%
Miscellaneous	Listed Building Consent	12	11	92%%	1	8%
	Conservation Area Approval	6	6	100%	0	20%
	Certificate of Lawful of Existing Use or Development	2	2	100%	0	0%
	Prior Approval notice	2	2	100%	0	0%
	Quay heading/mooring (commercial, householder or leisure)	14	14	100%	0	0%
	Change of use (additional to any above)	9	8	89%	1	11%
	<b>TOTAL</b>		<b>218<sup>3</sup></b>	<b>196</b>	<b>87%</b>	<b>22</b>

<sup>3</sup> Note there is a small variation in the decided application figures shown in different places within this report. This arises between work based on paper records and that using electronic searches. This variation is not thought to be significant, and the work that would be involved in resolving this is considered disproportionate to any benefit resulting.



- 3.8 The most striking result of the analysis of policy use in development management is that the majority of development plan policies were not referred to at all in planning decision notices during the year. This is perhaps to a degree unsurprising given the number of policies in the Development Plan (excluding minerals and waste policies), particularly the saved policies of the Local Plan. The number of Core Strategy policies that have been used in reasons for refusal, and in reasons for approval, has gradually increased as would be expected.
- 3.9 Of course, there may be policies which are rarely used, but very important to have available if needed. It may also be the case that some policies are having an influence by deterring applications for developments which the policies make clear will be unacceptable, and which as a consequence do not need to be deployed in formal planning decisions. Strategic policies, particularly those in the Regional Spatial Strategy, may be difficult to relate to an individual application in the Broads.

#### **Policies used in reasons for refusal.**

- 3.10 The detailed distribution of policies used in reasons for refusal should be treated with some caution, as the small number of refusal cases renders the results liable to be skewed by particular cases, or the possible absence of a particular issue arising within a single year.
- 3.11 Only a limited number of policies have been used in reasons for refusal, as noted above, and of these an even smaller number are used repeatedly and account for a very high proportion of refusal cases. Local Plan Policy B11 'Design' was used in over 50% of the refusal cases and Core Strategy Policy CS1 (regarding landscape and character) in 50%.

Table 2: BROADS AUTHORITY – POLICIES USED IN REFUSALS APRIL 2009 TO MARCH 2010			Refusal		
Policy	Plan	KEY	Number of times used (out of 22 cases)	Percentage use	
					LP
		CS	Broads Core Strategy		
		Govt.	Government Policy		
B 11	LP	Design	13	59%	
CS 1	CS	Landscape	11	50%	
H 2	LP	New dwellings outside the development boundaries	3	14%	
H 11	LP	Extensions and annexes	9	41%	
H6	LP	Replacement Dwellings in the Countryside	1	5%	
TC 8	LP	Parking, servicing and other highway requirements	9	41%	
CS 18	CS	Development location	1	5%	
B 9	LP	Alterations in Conservation Areas	2	9%	
CS 24	CS	Housing development	3	14%	
TC6	LP	Local Highway Network	1	5%	
C 9	LP	Trees and woodlands	1	5%	
TR 11	LP	New holiday accommodation outside of development boundaries	1	5%	
B 7	LP	New development in Conservation Areas	1	5%	
H 7	LP	Conversion of rural buildings to residential or holiday accommodation	2	9%	
HOR1	LP	Waterside Plots	1	5%	
B18	LP	Amenity and Public safety of advertisements	1	5%	
H12	LP	Sub-division of large houses	1	5%	
C11	LP	Trees and Landscaping in new development	1	5%	
B2	LP	Alterations to Listed Buildings	2	9%	
B12	LP	Private Boathouses	3	14%	
TC9	LP	Transportation Consequences of New Development	1	5%	

## Appeals

3.15 Of the 22 refusals of permission or enforcement notices issued by the Broads during 2009/10, five were the subject of appeals. These five appeals together involved most of the issues that have regularly arisen in reasons for refusal. One appeal involving the use of leisure plots was allowed in part and dismissed in part after an informal hearing. All other appeals were dealt with by way of written representations. One other appeal was allowed and the rest were dismissed. Three of the refusals are outlined below.

Table 3: Policy Use in Appeals						
Case No.	BA Refusal Reasons		Inspector's Decision			
	Topic	Policies	Result	Agreed	Unmentioned	Disagreed
1	Dwelling outside boundary	CS24 H2, H7	Dismissed	CS24 H2, H7		
2	Design	B11	Allowed			B12, HOR1, C11, B11, CS1
	Private Boathouse	B12				
	Trees	C11				
	Extensions	H11				
	Waterside Plots	HOR1				
	Landscape	CS1				
3	Dwelling outside Settlement Boundary	H2,	Dismissed	CS1, B11, B7, H2	CS5	
	Design	B11				
	Development in Conservation Areas	B7				
	Landscape	CS1				
	Historic And Cultural Environment	CS5				

## Chapter 4: Effects of Policies

- 4.1 While there is always potential for improvement, the policies of the Local Development Framework, together with those of the 'old style' Local Plan, are generally considered to be having the intended effects.
- 4.2 The national 'Core Output Indicators' for the area are shown at Appendix A. These are nationally set indicators across a range of development issues. These indicators are prescribed, and definitions made, in the Government publication '*Regional Spatial Strategy and Local Development Framework Core Output Indicators – Update 2/2008*' (Communities and Local Government). These indicators are primarily geared towards the Government's housing and economic growth agenda.
- 4.3 The scale and pace of development in the area continues to be very modest compared to most Authorities, reflecting the Broads' small size and population, nationally protected landscape and extensive flood risk issues.
- 4.4 The landscape, wildlife, cultural heritage, educational; recreational and navigational priorities that are at the heart of the Core Strategy are monitored at a broad level through the State of the Park Report and review of the Broads (management) Plan . Further monitoring of these in a way that is directly relevant for annual assessment of Local Development Framework implementation is challenging. Many of these issues are resistant to useful reduction to quantitative assessment, and even where this can be achieved, data is not always available annually or the determination of causality is seriously problematic. However, overcoming these challenges and developing a practical monitoring structure

appropriate to the developing Broads Local Development Framework will need to be addressed over the coming years.

- 4.5 Although the Broads' protected landscape status and extensive flooding means that major employment development growth would not be appropriate, the figures show that policies are providing opportunities for small scale development, primarily through redevelopment of existing employment sites and premises. Table 1 shows that 94% of business development (excluding holiday accommodation) was approved; 80% of business advertisements and 100% of agricultural applications were approved.
- 4.6 The Broads area is not considered suitable for significant levels of additional housing because of its protected landscape, flood risk issues, and remoteness from facilities and public transport, and consequently there is no strategic housing target for the area. Hence, this is an issue which sees a proportion of applications refused (see Table 1). Nonetheless, the area's policies do provide for occasional limited housing development where there is a suitable site and justification.
- 4.7 LDF policies encourage small-scale, renewable energy development consistent with the Broads landscape and these have led to the grant of planning permission for a micro wind turbine sited at the Cantley Sugar beet factory. These fall within the definitions of national Core Output Indicators but the power output of these (not specified in the case of the wind-pumps) barely registers on the indicator's megawatts scale.

## Chapter 5: Local Development Framework Preparation

- 5.1 The Broads Authority is part way through developing a full, new set of policies under the new plan making system introduced by Government in 2004. Some policies are contained in 'new style' local development documents, while some policies from the 'old style' local, structure, minerals and waste plans remain in force under transitional arrangements until they are superseded.
- 5.2 At the beginning of the year under review (April 2009) the Broads Local Development Framework comprised the following:
1. Local Development Documents
    - a. Development Plan Documents - **Core Strategy** (*adopted Sept 2007*)
    - b. Supplementary Planning Documents – **Development and Flood Risk Supplementary Planning Document** (September 2008)
  2. Other Framework Documents
    - a. **Statement of Community Involvement** (revision adopted March 2008)
    - b. **Local Development Scheme** (revised April 2007)
    - c. **Annual Monitoring Report 2008 – 2009** (Autumn 2009)

## Adoption

5.3 The Local Development Scheme was revised in March 2010 and introduced the concept of a future Location/Site Specific Document to be produced following the adoption of the Development Management Policies DPD in 2011

5.4 A new Annual Monitoring Report was published and submitted to the Secretary of State:

**Annual Monitoring Report for 2008 – 2009** (Autumn 2009).

5.5 No local development orders were made. No local development document or local development orders were superseded or ceased to have effect.

5.6 Thus at the end of the year (March 2010) the Broads Local Development Framework comprised the following:

1. Local Development Documents

- a. Development Plan Documents - **Core Strategy** (*adopted Sept 2007*)
- b. Supplementary Planning Documents – **Development and Flood Risk Supplementary Planning Document** (adopted Sept 2008)

2. Other Framework Documents

- a. **Statement of Community Involvement** (revision adopted March 2008)
- b. **Local Development Scheme** (revised March 2010)
- c. **Annual Monitoring Report 2008 – 2009** (Autumn 2009)

## Local Development Scheme Progress

5.7 The Local Development Scheme for the Broads sets out a 3 year programme for the preparation on new local development documents. The current Local Development Scheme was adopted in March 2010.

5.8 During the year under review only some of the anticipated progress on local development document was achieved. The Authority had identified three particular areas of policy that required more work. These were: residential moorings; development in areas of flood risk and developer contributions, and the focus of planning policy activity was to address these particular issues and produce a revised set of Preferred Options for the Development Management Policies.

5.9 The following compares the progress planned for the year in the Local Development Scheme and that actually achieved in the year for each of the 5 documents programmed.

**Statement of Community Involvement** (review) No progress was required on the document in this financial year.

**Core Strategy DPD** – Adopted in 2007 and therefore no further progress on the document required. Had already been adopted before the beginning of the year, as planned.

**Development Control Policies DPD** - It was identified that topics such as residential moorings and flood risk required further investigation and therefore the

planned submission to the Secretary of State in July 2008 and Examination hearing held in March 2009, as identified in the existing LDS, were already passed. The revised LDS sets revised targets for Publication and Submission in Autumn 2010.

A **Proposals Map** was originally planned to be submitted and examined alongside the Development Control Policies DPD; however this will now be prepared to support the Location/Site Specifics document.

**Development and Flood Risk SPD** was adopted in September 2008 and no further progress was expected on it in this financial year.

**Figure 1:** Timetable for preparation of Local Development Framework documents March 2010 – March 2013

Documents	2010					2011					2012					2013																						
	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M													
Statement of Community Involvement (Review)																			2			3				4												
DPD1 Core Strategy – (Review)																																	2					3
DPD2 Development Management							2		3										4																			
DPD3 Location/Site Specifics									1																	2											4	
Proposals Map																										2												4

\* Note: The Proposals Map will be prepared alongside the Location/Site Specific Policies DPD

**Key milestones**

DPDs		SPDs	
1	Consulting statutory bodies on the scope of the Sustainability Appraisal	5	Publication of the draft SPD - Reg. 17
2	Publication of the DPD - Reg. 27	6	Adoption of the SPD - Reg. 19
3	Submission of the DPD - Reg. 30		
4	Adoption of the DPD - Reg. 36		

## Appendix A – National Core Output Indicators

### Business Development and Town Centres

Indicator Code	Title		Use Class B1(a)	Use Class B1(b)	Use Class B1(c)	Use Class B2	Use Class B8	Total
BD1	Total amount of additional employment floorspace – by type	Gross	0	0	512 sqm	0	0	0
		Net	0	0	512sqm	0	0	0
BD2	Total amount of employment floorspace on previously developed land – by type	Gross	0	0	512sqm	0	0	0
		% gross on PDL	0	0	100	0	0	0
BD3	Employment land available – by type	hectares	0	0	0.0512	0	0	0

Indicator Code	Title		Use Class A1	Use Class A2	Use Class B1	Use Class D2	Total
BD4 (i)	Total amount of floorspace for 'town centre uses' <u>in town centres</u>	Gross	12.6	0	0	0	12.6
		Net	12.6	0	0	0	12.6
BD4 (ii)	Total amount of floorspace for 'town centre uses' <u>in local planning authority area</u>	Gross	12.6	0	91	0	103.6
		Net	12.6	0	3	(72)	(56.4)



## Housing

Indicator Code	Start of plan period	End of plan period	Total housing requirement	Source of plan target
H1: Plan period and housing targets	0	0	0	Regional Spatial Strategy (East of England Plan)

H2(a): Net additional dwellings – in previous years

H2(b): Net additional dwellings – for the reporting year

H2(c): Net additional dwellings – in future years

H2(d): Managed delivery target

		02/03	03/04	04/05	05/06	06/07	07/08 Rep	08/09 Cur	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24
H2a		X	X	X	X	X																	
H2b							3*																
H2c	a) Net additions							0**	13**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**
	b) hectares							0.35**	0**	0**	0**	0**											
	c) target							0**	0**	0**	0**	0**											
H2d							0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**	0**

Notes: x Historic data unavailable.

\* Current year data based on planning permissions, not completions.

\*\* Future estimates are all zero, as there is no strategic or other housing target for the Broads (a nationally protected landscape, most of which is in the flood plain). In practice a small number (probably single figures) of dwellings may come forward in most years.

		<b>Total</b>
<b>H3: New and converted dwellings – on previously developed land</b>	Gross	13
	% gross on PDL	100

	Permanent	Transit	<b>Total</b>
<b>H4: Net Additional pitches (Gypsy &amp; Traveller)</b>	0	0	0

	Social rented homes provided	Intermediate homes provided	<b>Affordable homes Total</b>
<b>H5: Gross affordable housing completions</b>	0	0	0

<b>H6: Building for Life Assessments</b>	Not applicable – no large sites
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	<b>Environmental Quality</b>		
	<b>Flooding</b>	<b>Quality</b>	<b>Total</b>
<b>E1: Planning permissions granted contrary to Environment Agency advice on flooding and water quality grounds</b>	0	0	0

	<b>Loss</b>	<b>Addition</b>	<b>Total</b>
<b>E2: Changes in areas of biodiversity importance</b>	0	4.23h	4.23h <sup>4</sup>

<sup>4</sup> Broads Authority Application at South Fen (BA/2009/0220/FUL)

<b>E3: Renewable Energy Generation</b>	<b>Wind onshore</b>	<b>Solar Voltaics</b>	<b>Hydro</b>	<b>Biomass</b>	<b>Total</b>
Permitted Megawatts	(1 micro wind turbine – no capacity specified)	0.00065			0.00065 (Plus 4 wind pumps of unspecified power capacities)
Installed Megawatts					