

Planning Committee

AGENDA

Friday 4 December 2015

10.00am

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|---|-------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 6 November 2015 (herewith) | 3 – 8 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
 - BA/2015/0251/FUL Waveney Inn and River Centre, Staithe Road, Burgh St Peter

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	<ul style="list-style-type: none"> • BA/2015/0330/FUL/ Woodland East Of Backwater, Beech Road, Wroxham 	Page 22 – 32
9.	Consultation Document and Proposed Responses: Lake Lothing Concept Statement – Waveney District Council Report by Planning Policy Officer (herewith)	33 – 37
10.	Enforcement of Planning Control: Enforcement Item for Consideration – Hall Common Farm, Hall Common, Ludham Report by Planning Officer (Compliance and Implementation) (herewith)	38 – 40

MATTERS FOR INFORMATION

11.	Enforcement Update Report by Head of Planning (herewith)	41 – 45
12.	Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	46 – 47
13.	Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	48 – 51
14.	To note the date of the next meeting – Friday 8 January 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority

Planning Committee

Minutes of the meeting held on 6 November 2015

Present:

Dr J M Gray– in the Chair

Mr M Barnard
Miss S Blane
Professor J Burgess
Mr N Dixon

Ms G Harris
Mrs L Hempsall
Mr G W Jermany
Mr V Thomson

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr B Hogg – Historic Environment Manager
Ms A Long – Director of Planning and Resources

5/1 Apologies for Absence and Welcome

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

Apologies were received from Mr P Rice.

5/2 Declarations of Interest

Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

5/3 Minutes: 9 October 2015

The minutes of the meeting held on 9 October 2015 were agreed as a correct record and signed by the Chairman.

5/4 Points of Information Arising from the Minutes

None reported.

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

No items had been proposed as matters of urgent business.

5/6 Chairman's Announcements and Introduction to Public Speaking

Utilities Site: Generation Park application

The Chairman reported that public consultation on the planning application for the Generation Park (BA/2015/0255/FUL and 15/00997/F) had produced several questions and matters that required clarification. The Planning Officers from Norwich City Council and the Authority would therefore be meeting with the applicants to discuss these. In addition, Norwich City Council had received the pollution assessment prepared by independent consultants that had also raised questions requiring clarification. It was therefore unlikely that the application would be considered before the end of January 2016 since there would be the necessity for further consultation.

5/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

5/8 Applications for Planning Permission

There were no applications for planning permission for consideration by the Committee.

5/9 Stalham Staithe Conservation Area Re-Appraisal

The Committee received a report from the Historic Environment Manager on the Draft Conservation Area Re-Appraisal for the Stalham Staithe Conservation area, the twenty-second of the 25 Conservation Areas within the Broads to be re-appraised as part of the agreed programme. As most of the area fell within the Broads Authority's LPA jurisdiction, the work had been carried out by the Broads Authority and it would also be the Authority's responsibility to undertake the consultation. The HARG had considered the draft at its meeting on 21 August and recommended that it be considered by the Planning Committee for public consultation. Stalham Town Council, local members as well as the Chairman of Broads Forum and the Broads Local Access Forum had been made aware of the proposals and invited to comment on the text.

The Historic Environment Manager drew attention to the fact that the Draft Re-Appraisal included proposed amendments to the boundary of the existing Conservation Area, which included options for exclusions on the basis of the guidelines for designation of Conservation Areas.

The two areas suggested for exclusion were:

- The open ground /allotment area which included development around this
- Exclusion of all the area west of Mill Road that included a flat roof pumping station and open field.

These fell within North Norfolk District Council's jurisdiction and therefore it would be up to North Norfolk to determine these elements. However, within

the text of the leaflet to be distributed for consultation, it was proposed to specifically draw attention to these areas.

The proposed consultation would be for six weeks to include a leaflet drop to all those residents within the Conservation Area in late December/January and an exhibition in January /February followed by a joint analysis of the consultation responses prior to a report back to the Planning Committee.

In response to a member's comment concerning the perceived scepticism of some Stalham residents about the effectiveness of the designated Conservation Area, the Historic Environment Manager confirmed that the re-appraisal, which had previously not existed, would help to define what is actually valued by the community and help to set the parameters for assessing planning applications.

Members commented that the allotments site was a very important part of the historical landscape and social history of the community as well as a contemporary use to be encouraged. Therefore they considered that more research was required on the status and history of the allotment site for inclusion within the text of the Conservation Re-appraisal. On this basis there was doubt as to whether it should be excluded and therefore discussion should be specifically invited within the consultation leaflet on both the areas.

In order to ensure that consultation was as inclusive and as wide ranging as possible and reach other interested parties without necessitating a leaflet drop on every household within Stalham, it was agreed that advice be sought from the Town Council and the possibility of including information within the local newsletters be explored. Members considered that, if possible, the allotment holders should also receive the consultation leaflet.

Members welcomed the Conservation Re-Appraisal and

RESOLVED unanimously

that the Draft Stalham Staithe Conservation Re-Appraisal be endorsed for public consultation subject to:

- (i) further information and research on the history of the allotment area being included in the main text for the Re-Appraisal;
- (ii) advice being sought from the Town Council on the extent of consultation as well as exploration of publicity through the local newsletters: the Stalham Town news and the Scorcher; and
- (iii) the leaflet to specifically invite discussion on the suitability of retaining the allotment area and the field off Mill Road within the Conservation area.

5/10 Enforcement Update

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

The Director of Planning and Resources provided further information on:

Thorpe Island

The date for the oral hearing challenging the Court of Appeal decision had been confirmed for 3 February 2015. With regard to the injunctions, pre-injunction notification letters had been provided to all those with an interest in the site both within the Thorpe island basin and along the river and, including Norwich City Council.

The Ferry Inn at Horning

Mr Rice had been assisting with facilitation in negotiations with the landowner over the unauthorised activities, but unfortunately it had not been possible to arrange a convenient date for all parties due to other commitments. Members would be further updated at the next meeting.

J B Boat Sales, 106 Lower Street Horning

Compliance had not been achieved to date although information had been received this morning from the landowner who had indicated that progress was being made on the remedial works required and compliance was likely to be achieved shortly.

Staithe n Willow

Considerable planting had been undertaken behind the unauthorised fencing, although the fencing would still require removal to allow the planting to flourish.

Grey's Ices and Confectionary, Norwich Road, Hoveton

No Enforcement Notice had yet been issued. Since contacting the landowner, he had informed the Authority that he would be removing one of the main offending canopies.

RESOLVED

that the report be noted.

5/11 Appeals to the Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since October 2015.

RESOLVED

that the report be noted.

5/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 1 October 2015 to 26 October 2015.

RESOLVED

that the report be noted.

5/13 Circular 28:83/ Publication by Local Authorities of Information about the Handling of Planning Applications for quarter ending 30 September 2015

The Committee received a report on the statistics relating to the planning applications dealt with by the Authority for the quarter ending 30 September 2015.

RESOLVED

that the report be noted.

5/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 4 December 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by the Member Heritage Asset Review Group.

The meeting concluded at 10.45 am

CHAIRMAN

Code of Conduct for Members**Declaration of Interests****Committee:** **Planning Committee**

Date of Meeting: 6 November 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
George Jermany	General	Toll Payer
Jacquie Burgess	General	Toll Payer

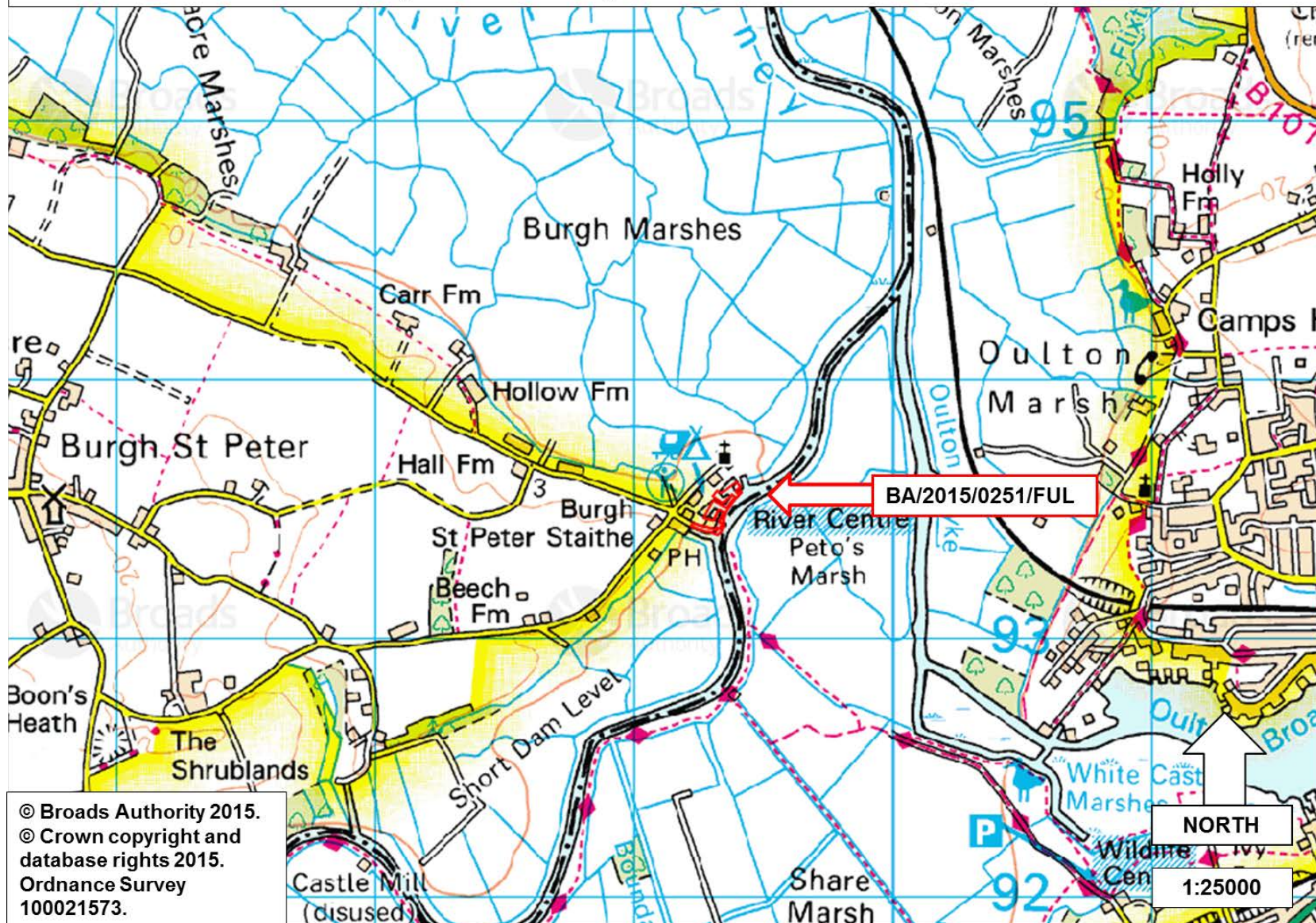
Reference

BA/2015/0251/FUL

Location

Waveney Inn and River Centre, Staithe Road, Burgh St Peter

BA/2015/0251/FUL - Waveney Inn And River Centre, Staithe Road, Burgh St Peter, NR34 0BT - Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10.



Application for Determination

Parish	Burgh St Peter/Wheatacre
Reference	BA/2015/0251/FUL Target date 5 October 2015
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter
Proposal	Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10.
Applicant	Waveney River Centre (2003) Ltd.
Recommendation	Refuse
Reason for referral to Committee	Applicant is a Member of the Authority

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services. The whole area has a strong rural character.
- 1.2 The site is located on the shallow sloping valley side and extends down to the river's edge. The landscape surrounding the site is comprised mainly of traditionally managed grazing marsh, with the exception of land to the east, which is cultivated as arable farmland. There is a single residential property and the Parish Church to the north of the centre, a single residential property to the east and a cluster of dwellings to the south west. The site is outside a development boundary and isolated from the concentration of the settlement of Burgh St Peter to the west.
- 1.3 Facilities within the site include a public house, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings.
- 1.4 The approximately 130 moorings are located on the riverfront, within two basins and on a dyke. These are predominantly private moorings with some short- and long-stay visitor spaces.

- 1.5 The application proposes changing the use of the existing marina from wholly leisure to mixed leisure and residential with residential moorings not to exceed 10 number in total. It is not proposed to dedicate any particular area or individual berths for these residential moorings, but to scatter them amongst the existing moorings as capacity allows. The application has been amended from an initial proposal for 10% of all moorings to be residential (13 in number) to 10 in number. Three or four of these are existing and have no planning permission or formal lawful established use. No built development is proposed to facilitate the change of use.
- 1.6 The amended proposal is accompanied by a Technical Note on highways matters and this proposes providing signage to ten passing places along Burgh Road, the single track road that provides vehicular access to the site. Five of these passing places were provided as a condition of planning permission 07/06/0479, with the remaining five being provided by a third party.

2 Site History

07/06/0479 Extension of existing caravan site with 8no private units and new sewerage treatment plant - Approved subject to conditions and Section 106 agreement.

BA/2010/0392/FUL Proposed demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation - Approved subject to conditions (not implemented and expired in March 2014).

BA/2013/0310/FUL Proposed six camping pods - Approved subject to conditions.

BA/2013/0329/FUL New entrances, external cladding and window alterations - Approved subject to conditions.

BA/2013/0405/CU Conversion of existing shop to luxury apartment with re-location of shop to unused part of pub - Approved subject to conditions.

BA/2015/0236/COND Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings - 'New entrances, external cladding and window alterations' - Approved subject to conditions.

BA/2015/0243/NONMAT Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved – Approved.

BA/2015/0360/FUL Restaurant extension – Pending consideration.

BA/2015/0371/FUL - Replace barn with administration centre – Pending consideration.

3 Consultation

Burgh St Peter/Wheatacre Parish Council - Whilst recognising the very important contribution the Waveney River Centre makes to the local economy and employment opportunities in this area, on this occasion Councillors unanimously voted to recommend refusal.

1. The application is contrary to Policy DP25 since the site is located outside a development boundary. The site is a facility to service river users and even though it has a convenience store, cafe, fresh water, sewerage treatment plant and boat repair yard it cannot be considered in any sense, a village or a settlement. An application to provide 13 land based dwellings on the site would almost certainly be refused due to the isolated location of the site on the perimeter of this picturesque National Park. It follows that boat based dwellings at this location should be refused. Councillors consider the site is totally unsuitable for any types of residential development as it is not a sustainable settlement and contrary to Policy DP25.
2. Environmental and Visual Impact. Residential boats are generally much larger than leisure vessels and it is difficult to see how the existing number of 130 mooring spaces could be maintained with the introduction of larger boats without an expansion of the mooring area. The boxy shape and large size of residential boats can often give the impression of a 'shanty town' which would give an air of urbanisation to the area and is not conducive with the countryside and may well be detrimental to the leisure side of the business.
3. Transport impact. In all previous development plans submitted the very poor road links have been of constant concern to local people. People visit private moorings maybe once a week or month. Whereas with residential moorings, people are going to generate multiple trips on a daily basis with commuting to and from work, travelling to local towns to access services not provided on the site and ferrying children to and from school. No public transport serves the site and the infrequent bus service is two miles away.
4. Precedence. To allow this application would set a precedence that would make refusing possible future applications to increase the percentage of residential moorings more difficult.
5. Councillors could see the merits of having a warden/harbour master living on site. If permission is granted a limit should be put on the number of residential moorings, which should be no greater than five.

Burgh St Peter/Wheatacre Parish Council have been re-consulted on the amended proposal and their response is awaited.

Carlton Colville Parish Council - No response.

Broads Society - No objections.

District Member - No response.

Environment Agency - No objection. Prior to deciding this application you should give due consideration to the Sequential Test, Exception Test, safety of people and the sustainability of the development.

Highways Authority initial response: Recommendation for refusal on the following grounds:

The road network serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Development Plan Policies DP11.

The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.

Highways Authority response to amended proposal: The applicant's consultant has produced a Highways Opinion Technical Note. Prepared to accept the traffic movements initially assessed (6 weekday vehicular movements per residential mooring) were high but fair in the absence of supporting information. I am prepared to accept that 3-4 traffic movements per unit per day is more realistic and therefore akin to a holiday unit.

This still equates to an increase in 52 traffic movements per day (13 moorings). It is now proposed to reduce the moorings to ten, fund formal signing of the passing bays along Burgh Road and not to implement a recent planning permission for a bed and breakfast unit (permission expired) and revert it to office accommodation.

The Highways Authority have duly considered these proposals and welcome the fact they will provide appropriate mitigation; it also accepts the principle of the proposed office unit. Whilst the HA would prefer to see less residential moorings, it is accepted the mitigation measures proposed are a positive approach to mitigating the proposed development and is therefore prepared to accept the mitigation measures and reluctantly a cap of ten residential moorings.

I consider the above to be appropriate mitigation to address my highway objection and that the positive benefits in highway terms outweigh any negative sustainability issues such that the HA is prepared to withdraw its objection subject to the conditions ensuring the B&B permission is not implemented and the use of the existing buildings is appropriately restricted, the number of residential moorings is capped at ten number only and the existing passing bays are signed with approved passing bay signs prior to the first use.

Norfolk and Suffolk Boating Association - No response.

It was not considered necessary to consult the Navigation Committee on this application as the proposal relates only to a change of use of existing moorings which are largely off the main river and therefore the proposal would not significantly affect the use or enjoyment of the navigation area.

4 Representations

None received.

5 Policies

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

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

CS1 - Landscape
CS16 - Access and Transportation

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

DP11 - Access on Land
DP29 - Development on Sites with a High Probability of Flooding

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

CS18 - Rural Sustainability
CS20 - Rural Sustainability
DP25 - New Residential Moorings
DP28 - Amenity

6 Assessment

- 6.1 It is necessary to consider the principle of this proposal with regard to Policy DP25 and whether it is acceptable with regard to access, flood risk, landscape and amenity.
- 6.2 Policy DP25 allows for new residential moorings subject to criteria. 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' (paragraph 5.49 of the Development Management Policies DPD).

- 6.3 With regard to location, criterion (a) requires that permanent residential moorings are located in a mooring basin, marina or boatyard, such as the application site. Criterion (a) also requires that such locations are within or adjacent to a defined development boundary and, if more than one mooring is proposed, the proposal must be commensurate with the scale of development proposed for that settlement. This policy is consistent with Policy CS18 of the Core Strategy and paragraph 55 of the National Planning Policy Framework which states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...".
- 6.4 The adopted Site Specifics Local Plan defines development boundaries and in identifying these took account of flood risk; consequently excluding mooring basins, marinas and boatyards. There are, however, additional Site Specific Policies which identify boatyards and marinas where Policy DP25 will apply as if the area were adjacent to a development boundary. These boatyards and marinas might not have the local facilities and high levels of accessibility (including public transport) necessary to be allocated a development boundary, but are in close enough proximity to be considered to have capacity to sustainably accommodate residential moorings. The application site is neither within or adjacent to a development boundary and there is no Site Specific Policy for this area. It should be noted the Site Specific Policies have been adopted relatively recently (July 2014) and there have been no substantial changes to the application site or local area in this time.
- 6.5 In order to meet the second strand of criterion (a) of Policy DP25, mooring basins, marinas and boatyards within or adjacent to development boundaries (or identified in the Site Specifics Local Plan as being treated as if they were) must also have either on-site provision of an adequate and appropriate range of services and ancillary facilities or adequate access to local facilities in the vicinity. The application site is relatively well served with facilities, having an on-site convenience store, pub with restaurant, cafe, laundrette, boat services and workshop. There are also potentially employment opportunities on site. It is, however, remote from other local services such as schools, larger shops and medical services and the nearest bus stop is over 3 km away. Whilst the site is relatively well served, it is a matter of fact that it is neither within nor adjacent to a development boundary and cannot comply with criterion (a) of Policy DP25.
- 6.6 It should also be noted that if the site were within or adjacent to a Development Boundary, the number of moorings would need to be commensurate with the scale of development proposed for that settlement. Clearly there are no development allocations for the Broads part of Burgh St Peter and the proposed ten residential moorings must be considered a significant scale of development. As noted by the Parish Council, although

the Waveney River Centre site is large and relatively well served, it cannot be considered a village or settlement in itself. Although the site cannot comply with criterion (a), an assessment of criteria (b) – (i) is also necessary.

- 6.7 Criterion (b) of Policy DP25 requires that there would be no loss of moorings available for visitor/short stay use. Although the applicant has indicated the residential moorings would be distributed amongst the existing private moorings, and this approach is considered acceptable, it is not proposed to dedicate specific moorings for residential boats. In order to protect visitor moorings, it would be necessary to ensure adequate provision is maintained by planning condition should permission be granted.
- 6.8 Criterion (c) seeks to ensure the use of the waterway is not impeded and as the majority of the moorings are off the river and those on the riverfront already accommodate boats, it is not considered the proposal would affect the use of the River Waveney.
- 6.9 Criterion (d) requires consideration of impacts on the character and appearance of the area, species and habitats, amenities of neighbouring occupiers and bank erosion. As there would be no physical changes to the site, it is not considered the character and appearance of the area or local landscape would be affected. The Parish Council's concerns regarding the size and appearance of residential boats are noted, however so long as a boat complies with the definition above at 5.2, these factors are beyond the control of the Local Planning Authority. Houseboats which are static vessels or purpose-built structures with no form of mechanical propulsion could not use a residential mooring granted under Policy DP25. Adverse visual impacts of residential moorings usually result from use of the adjacent land for ancillary purposes. The existing moorings are subject to terms and conditions which do not allow for use or occupation of the adjacent grass, walkways and pontoons and in accordance with Policy DP25 a management plan securing this for the residential moorings would be necessary should permission be granted.
- 6.10 As the moorings exist, it is not considered the proposed change of use would affect any protected species or habitats nor bank erosion. With regard to amenity, the proposal may result in more activity on site outside the main holiday season, however given the distance from the moorings to the neighbouring dwellings and the nature of the existing site, it is not considered the proposal would result in any significant additional impacts on amenity. The proposal can therefore be considered to comply with criterion (d) of Policy DP25 and Policies CS1 and DP28.
- 6.11 In accordance with criteria (e) and (f), the existing moorings have safe access and the site has a large car park and existing access arrangements for service and emergency vehicles. It is not considered the proposal would prejudice the current or future use of adjoining land or buildings and

the use of the moorings could easily revert to the existing uses, in accordance with criterion (g).

- 6.12 The site has existing waste disposal facilities and pump-out services for sewage disposal, linked to a sewage treatment plant with excess capacity. There is a dedicated quay for the fuelling of boats and pollution prevention measures are already in place. It is therefore considered the proposal complies with criteria (h) and (i) of Policy DP25.
- 6.13 The assessment against criterion (a) above that the site is relatively well served is supported by the compliance with criteria (b)-(i). In order to be considered acceptable and recommended for approval, any proposal for residential mooring(s) must comply with all the policy criteria and other development plan policies. The assessment against criterion (a) is a matter of fact, not evaluation or interpretation, and the proposal does not comply. Should it be proposed to approve this application despite the conflict with criterion (a) of Policy DP26, there must be other material considerations which weigh in favour of the proposal. It should also be considered what impact an approval contrary to the provisions of the plan would have on the objectives of that plan and a recommendation for approval would need to be advertised as a departure from the development plan and any further representations considered before any decision could be issued.
- 6.14 Vehicular access to the site is via largely single track roads over a distance of approximately six kilometres from the A143 at Haddiscoe. In their response to the original proposal (13 residential moorings and no highways mitigation), the Highways Authority noted this route has junctions with poor visibility and alignment and the only local public transport is from the bus stop over 3 kilometres from the application site, from which there are infrequent services. The Highways Authority initially considered residential moorings should be assessed in the same way as any other form of dwelling for the purposes of calculating the likely number of traffic movements using the established Trip Rate Computer Information System (TRICS). On this basis, it was calculated an average residential dwelling would generate six weekday vehicular movements and the proposal for 13 residential moorings would therefore generate an additional 78 vehicular movements per day. In light of further information, the Highways Authority have accepted a reduced figure of 3-4 movements per day and for the revised figure of ten moorings, this would result in a maximum of 40 additional vehicular movements per day.
- 6.15 Given the constraints of local public transport and distance to off-site services (the nearest school is approximately eight kilometres away) the Highways Authority consider the site to be poorly located in terms of transport sustainability. Whilst noting that opportunities to maximise sustainable transport may be limited in rural areas, the National Planning Policy Framework supports the need for "safe and suitable access... for all people" (paragraph 32) and this includes providing people with a choice about how they travel and reducing the reliance on motor vehicles. Furthermore, the Norfolk Transport Plan 'Connecting Norfolk' states "New

development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or need for new infrastructure". Having considered the reduced number of moorings and proposals for providing signage to the existing passing places to ensure their use is maximised, the Highways Authority are now satisfied the positive benefits in highway terms outweigh these negative sustainability issues.

- 6.16 The Highways Authority also make reference to a previous consent for demolition of existing buildings and erection of five units of bed and breakfast accommodation (BA/2010/0392/FUL). This would have generated additional traffic movements on top of the proposed residential moorings. This permission has, however, not been implemented and has expired. The site of the existing buildings is currently subject to an application for redevelopment for administration and storage buildings, relocating existing uses from other parts of the site (BA/2015/0371/FUL). The formal Highways Authority response to this new application is awaited but it is noted they accept the principle because this use would not generate additional traffic. Had the bed and breakfast permission been extant, this could have been formally revoked to mitigate some of the additional movements from the proposed moorings but as that is not the case, the Highways Authority have recommended the LPA determine an appropriate way to ensure the existing buildings/site thereof does not generate any additional movements. Permitted development rights for changes of use of the existing buildings could be removed and the current application for an administrative centre here could secure a new use that attracts no additional traffic, if approved when considered in due course.
- 6.17 Whilst this site is not well located with regard to sustainable access or in relation to more than basic services and facilities to support residential occupation, the Highways Authority have no objection subject to appropriate conditions and, on balance, the proposal can be considered to be in accordance with Policies CS16, DP11 and the National Planning Policy Framework in respect of access.
- 6.18 With regard to flood risk, the Environment Agency identify the site is in flood risk zone 3b, the functional floodplain. Fixed overnight accommodation would be considered unacceptable in such areas, however it is considered that residential moorings can be classified as a 'water compatible' use that is acceptable in flood risk zone 3b in accordance with the National Planning Policy Framework. The Framework requires that new development is sequentially appropriate, with the highest risk uses sited in the lowest risk areas. Within the site, levels rise to the west and there are areas of ground with a lower flood risk. However, residential moorings provide a unique form of accommodation and lifestyle opportunities and they must necessarily be in flood risk zone 3b. It is therefore considered the Sequential Test can be passed and that the residual risk of flooding can be satisfactorily managed by conditions requiring a flood evacuation plan and for boats to be securely moored to take account of changing water levels at all times.

7 Conclusion

- 7.1 Ten new residential moorings are proposed within an existing marina at an established tourist centre. Whilst there are considered to be some merits to this location given the provision of basic facilities on site, it is isolated in a rural area and the location is directly contrary to criterion (a) of Policy DP25.
- 7.2 Compliance with criteria (b)-(i) of Policy DP26 and acceptability in terms of amenity, landscape and flood risk do weigh in favour of the proposal. However, on balance, it is not considered that this outweighs the conflict with criterion (a) of Policy DP25 as the objective of the policy is to ensure compliance with all criteria and other relevant policies in order to secure sustainable development. The provision of some highways mitigation is welcomed and the withdrawal of the Highways Authority's initial objection is noted, however this mitigation is necessary to make the development acceptable in highways terms and does not provide any further significant enhancement.
- 7.3 There are not considered to be any other material considerations to outweigh the conflict with the development plan and the application must therefore be recommended for refusal.
- 7.4 If Members were to resolve to approve the application as a departure from the development plan it would be necessary to re-advertise the application and consider any further representations received prior to issuing a decision

8 Recommendation

- 8.1 Refuse for the following reason:

The application site is in an isolated, rural location outside any defined development boundary. It is remote from all but the basic services and facilities to support day-to-day living and any permanent residents would most likely rely on private car journeys to access other services, including schools, employment opportunities and medical facilities. The location is directly contrary to criterion (a) of Policy DP25 of the adopted Development Management Policies DPD (2011), Policy CS18 of the adopted Core Strategy (2007) and paragraph 55 of the National Planning Policy Framework (2012) and considered an unacceptable, unsustainable site for this development.

9 Reason for Recommendation

- 9.1 The proposal is considered contrary to Policy CS18 of the adopted Core Strategy (2007), Policy DP25 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012).

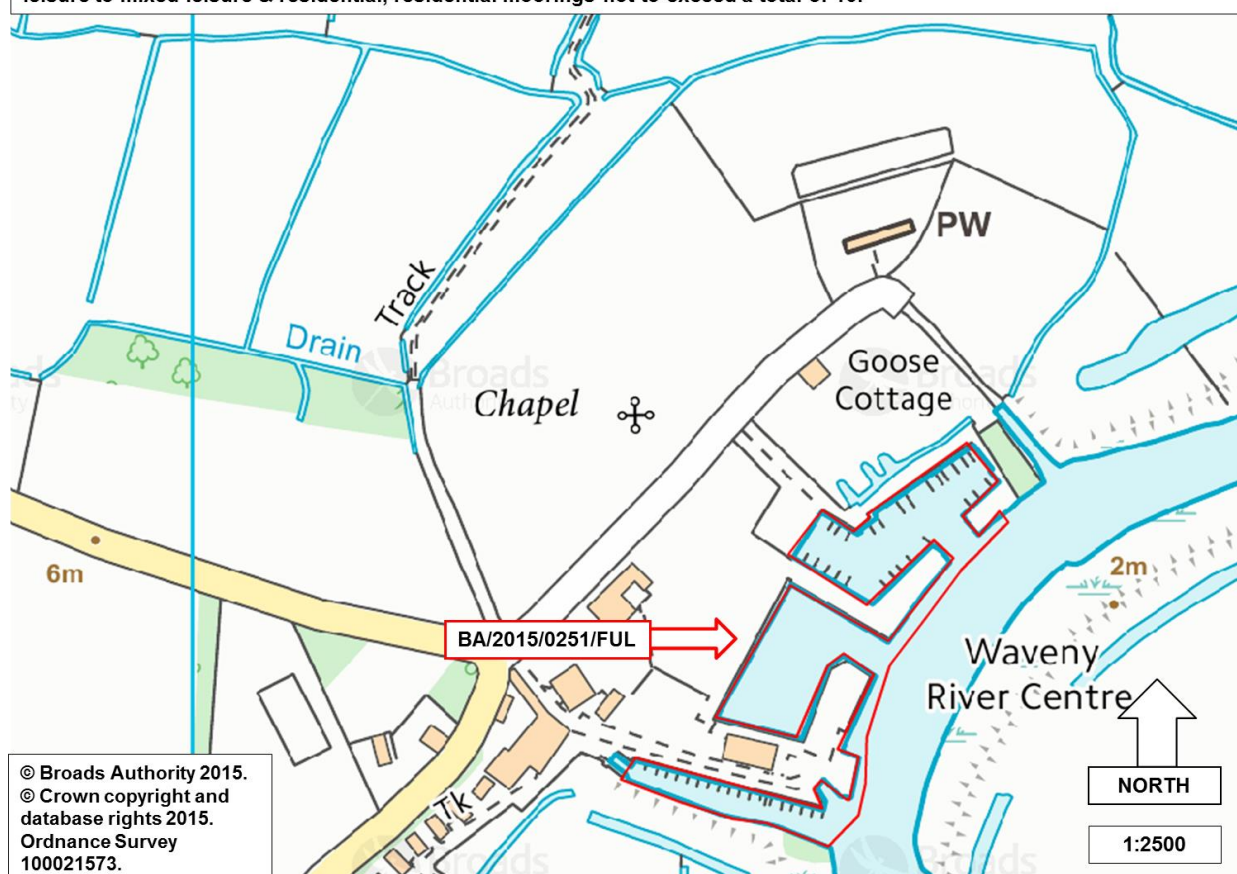
Background papers: Planning File BA/2015/0251/FUL

Author: Maria Hammond
Date of Report: 23 November 2015

List of Appendices: APPENDIX 1 – Site Plan

APPENDIX 1

BA/2015/0251/FUL - Waveney Inn And River Centre, Staithe Road, Burgh St Peter, NR34 0BT - Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10.



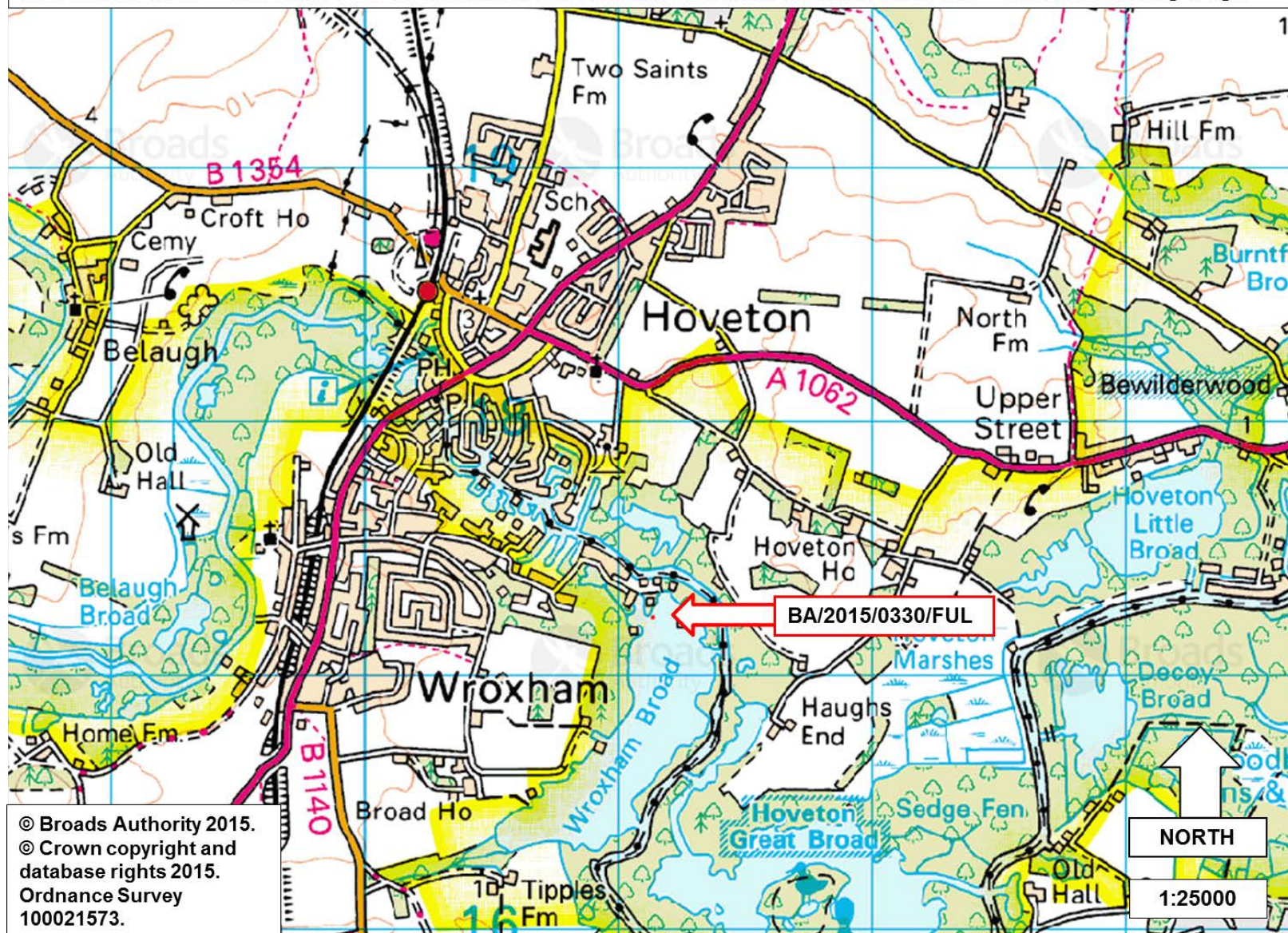
Reference

BA/2015/0330/FUL

Location

Woodland East of Backwater, Beech Road, Wroxham

BA/2015/0330/FUL - Woodland East Of Backwater, Beech Road, Wroxham, Norwich, NR12 8TP - Tea house/fishing lodge.



Application for Determination

Parish	Wroxham		
Reference	BA/2015/0330/FUL	Target date	1 December 2015
Location	Woodland East Of Backwater, Beech Road, Wroxham		
Proposal	Tea house/fishing lodge.		
Applicant	Mr Tim Barrett		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Departure from Development Plan		

1 Description of Site and Proposals

- 1.1 The application site is on the northwestern edge of Wroxham Broad, to the east of the settlement of Wroxham. The site is at the southern end of a peninsular of wet woodland that extends from Beech Road to the northwest. To the northeast, Beech Road runs north of the Broad parallel with the River Bure and separates the Broad from the river. Two dwellings stand south of the road in the northwestern corner of the Broad, one dwelling on the northern edge also fronts the river and a large dwelling occupies the area to the northeast at the northern access from the river into the Broad. Two dwellings also exist to the northwest of the site within a lagoon that is largely screened from the rest of the Broad and the site is directly east of one of these, Backwater. Two boathouses exist on the western edge of the Broad and the Norfolk Broads Sailing Club is to the south of these. The site is in the Wroxham Conservation Area and flood risk zone 3.
- 1.2 The application site consists of a small area on the edge of the wet woodland which is currently only occupied by the remaining timber piles which formerly supported a thatched 'tea house' building that is thought to date from the early twentieth century. It is understood this was used recreationally as a tea house or fishing lodge, providing a stopping point and shelter for sailors. The original structure is no longer present; in 2005 the Broads Authority recorded that only a collapsed thatch roof on the platform base was evident and this has since been removed.
- 1.3 The application proposes building a new tea house/fishing lodge on the site. The application advises that the proposed design has been developed from historic photographs and maps and would take an 'L' shaped plan measuring

5.2 metres wide and 4.34 metres deep. Double doors on the south elevation would open to a deck and to the east this would access a 5.3 metre long jetty for mooring. The walls would have waney edged timber boarding and the hipped roof would be thatched at a ridge height of approximately 3.9 metres. Windows on the south and east elevation would be set behind shutters. Access would be by water only although there would be a door on the rear (north) elevation to the wet woodland.

- 1.4 The building is proposed to be used by the applicant, his family and guests to provide shelter for sailors and fishermen in accordance with the historical use of such structures where those enjoying the Broads would stop to take tea. It would not be insulated, nor have potable water, electricity or gas supplies and it is not proposed to use it for overnight accommodation.
- 1.5 A woodland management plan has been submitted for the area of approximately 0.28 hectares of alder carr to the rear of the platform that connects to Beech Road. This proposes cyclical coppicing around the edge of the peninsular to a maximum of 3 metres from the bank edge to maintain bank protection and safe navigation. The area at the centre of the peninsula would be managed by non-intervention. There are no proposals for any clearance to facilitate access by land. It is also proposed to provide a bat loft or similar feature.

2 Site History

BA/2013/0390/FUL Erection of fishing lodge on existing base – Withdrawn.

3 Consultation

Parish Council – No objections

District Member – No response

Broads Society – No objections

4 Representations

- 4.1 One representation from neighbouring occupier concerned the building would be used for commercial activity and would impact adversely on amenity.

5 Policies

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

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

CS1 – Landscape Protection and Enhancement
CS5 – Historic and Cultural Environments

Broads Developments Management DPD
[DEVELOPMENTPLANDOCUMENT](#)

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

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

DP5 – Historic Environment
DP17 – Leisure Plots
DP28 - Amenity

6 Assessment

- 6.1 In terms of assessment, it is necessary to consider the principle of the development. If this is acceptable, the design of the building, impact on the Conservation Area, landscape, amenity, flood risk, trees and ecology must be considered.

Principle

- 6.2 In terms of principle, the application proposes a building to facilitate a leisure use. Development Management Policy DP17 is concerned with 'leisure plots' and states that new plots, created from the sub-division of land and its use for leisure purposes (including the mooring of boats), will not be permitted. The objective of Policy DP17 is to protect the landscape character of the Broads and visual quality of the waterscape from the adverse visual impacts associated with the fragmentation and sub-division of land to form individual plots and the suburbanising effect the use for leisure activities and associated domestic paraphernalia can have. Furthermore, where existing leisure or mooring plots do exist, Policy DP17 states permission will 'not normally be granted' for the erection of buildings, enclosures or structures, other than storage lockers. This is in the interests of protecting the character and appearance of the Broads landscape and areas of wildlife importance.
- 6.3 Policy DP17 seeks to control a particular form of development that has been found to be damaging to the special features of the Broads landscape. Whilst the National Planning Policy Framework does not address the matter of leisure plots, it is considered that full weight should

be given to Policy DP17 as it is in full conformity with the objectives of the Framework with regard to protecting the Broads landscape.

- 6.4 Although there was previously a leisure building on this site and it is understood that some informal leisure use may have continued since its collapse, the proposal is considered to represent a material intensification in the use of the land such that it must be considered the creation of a new leisure plot (and the erection of a building thereon). In principle, the proposal clearly conflicts with Policy DP17 by proposing a new leisure plot and the tea house/fishing lodge cannot be considered a storage locker and therefore the erection of this building on the proposed leisure plot is also contrary to the provisions of DP17.
- 6.5 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that planning applications should be determined in accordance with the Development Plan unless there are other material considerations which indicate otherwise. This proposal is, in principle, contrary to Development Management Policy DP17. The objectives of that policy are to protect the landscape and visual quality of the Broads waterscape and sites of wildlife importance. Whilst there is a clear policy presumption against the development in principle, it should be considered what the impacts of allowing this specific proposal would be on those objectives, whether the proposal is otherwise acceptable and what material considerations may weigh in its favour.
- 6.6 The proposed leisure use would be relatively low key. Leisure plots in the Broads are predominantly mooring plots – individual plots of land, demarcated by fencing or other boundary treatments, with boat moorings and ancillary structures. They generally have open areas of cleared land and use is made of both land and water space. The proposed leisure use here would only be the building and jetty, not the adjacent land and it is not a leisure ‘plot’ in the usual sense. As no water, electricity or gas supply is proposed, this would limit the intensity of the potential use and ensure the building only provides a base for recreational activities and shelter from the elements. Overnight accommodation would not be appropriate here and this can be managed by condition, as can the future provision of potable water, electricity or gas which could lead to an inappropriate intensification of use.
- 6.7 It must be considered what impact the introduction of a new leisure use would have on the landscape and visual quality of the waterscape here. The site is on the edge of Wroxham Broad; a large expanse of water with predominantly green banks of alder carr woodland. The scale of the open water and relative lack of intrusion from the built environment gives it a sense of space of tranquillity, although that is very much dependent on the level of activity on the water. The built development is primarily focussed around the northern edge of the Broad in the area of the application site and the Sailing Club on the western side. From the Broad, views are not dominated by built development and where this can be seen it is modest in

scale, low in density and generally seen amongst the setting and backdrop of alder carr woodland.

- 6.8 The proposed development would sit on the edge of the water against a backdrop of alder carr. The design and merits of the proposed building are assessed below, but with regard to landscape it is considered that, by virtue of the scale of the proposed building, the woodland backdrop would remain visually dominant from the Broad. The thatched roof would also integrate into this backdrop in time but any treatment to the timber walls could increase the prominence of the development, as would any boat mooring in front of the building and recreational paraphernalia on the deck across the front elevation. These latter items could be managed by condition to mitigate any unacceptable impacts. As the main landscape feature of alder carr woodland would continue to be dominant here and modest buildings at the waters edge are a feature of the existing waterscape, it is not considered the proposal would significantly detract from the landscape or waterscape and this is what Policy DP17 is trying to protect.
- 6.9 The adverse landscape impact that leisure plots can have is often a result of the sub-division of larger areas of land, demarcation with boundary treatments and use of both land and water. The leisure 'plot' here would be the footprint of the building and mooring area against the jetty. It is not considered this would significantly detract from the landscape or waterscape and therefore, in principle, the proposal would not significantly harm the objectives of Policy DP17 and there may be a case for considering this proposal as a departure from the development plan. It must, however, also be considered whether there are any merits to the proposed building to overcome the 'normal' presumption against allowing buildings on leisure plots.

Design and Heritage Assets

- 6.10 Historical images of the original building have been submitted and it is appreciated that the design is based on the original structure but does not exactly replicate it. It is considered to be a sensitively designed building, the simple form, design and materials of which are typical of traditional Broads waterside recreational buildings. Policy DP4 seeks to secure high quality design that integrates effectively with its surroundings and reinforces local distinctiveness. It is considered the proposed design achieves these objectives.
- 6.11 Policy DP4, along with Policy DP5 and the National Planning Policy Framework, states development should preserve or enhance cultural heritage and as this site is in the Wroxham Conservation Area, new development should, at a minimum, conserve this designated heritage asset.
- 6.12 It is accepted that there was once a tea house/fishing lodge building on this site and that this was an example of a Broads waterside building of which there are not known to be any other surviving examples. As that

building collapsed some years ago and was removed from site, there is no tangible heritage to preserve. The proposed building cannot be considered a replacement given the time that has lapsed since the original structure stood and nor can it be considered that historical features, once lost, can be recreated. The application suggests that reinstating a building on this site would restore a use and structure which form part of the history and heritage of Wroxham Broad. Whilst the historical context here is appreciated, it is not considered it provides any significant justification for the provision of a new building here and allowing any new building on the basis that it recreated a previous feature could set an undesirable precedent.

- 6.13 In terms of the Conservation Area and cultural heritage, the contribution the new building would make on its own merits must be considered. As assessed above, the design is considered to be appropriate for the site and it follows that it would make a positive visual contribution to the Conservation Area. However, the alternative would be to maintain the status quo and it should be noted that this would have no detrimental impact on the Conservation Area.
- 6.14 With regard to Policy DP17 discussed above, buildings would not normally be permitted on leisure plots. One potential exception to the policy provision that buildings will not 'normally' be allowed is where they are of such quality that it would outweigh this presumption. It must be considered whether the high quality design and positive contribution the building would have on the Conservation Area provide sufficient justification for the introduction of a new building here, particularly given that there is no negative impact from the existing state of the site to ameliorate. This is a finely balanced judgement, however officers are satisfied that the building is of sufficient merit and has been sensitively designed in response to the heritage and setting of the site and these factors help to ensure that it would not set an undesirable precedent.
- 6.15 The proposal can be considered acceptable with regard to Policies DP4 and DP5 and the National Planning Policy Framework in respect of locally distinct design and heritage assets.

Trees and Ecology

- 6.16 The application includes the submission of a ten year Woodland Management Plan for the site. It is acknowledged that the perimeter of this alder carr woodland would benefit from some management and that the implementation of this plan could be secured by planning condition, should permission be granted. Consent is required for the management of this woodland as it is within the Wroxham Conservation Area and although approval and implementation of this plan can be achieved through other means, securing it is a condition of any planning permission for this proposal would secure a comprehensive plan for the management of the site as a whole. The proposal would provide benefits to the woodland and can be considered acceptable in accordance with Policy DP1.

- 6.17 With regard to ecology, the proposal to not intervene with the majority of the woodland (a Biodiversity Action Plan habitat) is welcomed and management would be kept to a small margin around the edge. This site has significant potential for bats and the inclusion of a bat feature is welcomed. The design of this should be confirmed and secured by condition. Whilst the Conservation Area designation protects the woodland to some extent and non-development of the site would not have any adverse impact on ecology, the proposal offers an opportunity to secure the enhancements and long-term management. Policy DP17 seeks to protect areas of wildlife importance it is considered this can be fulfilled and the proposal is also considered to be in accordance with Policy DP1, subject to appropriate conditions.

Amenity

- 6.18 A neighbour has made a representation raising concerns about the impact on their amenity, however this is largely based on a misunderstanding that the building would operate as a commercial tea room. It is not considered the proposed use as a base for recreation and daytime shelter would result in any unacceptable impacts on the amenity of adjoining occupiers or users of Wroxham Broad and the proposed conditions regarding use would satisfactorily manage this. The proposal is therefore considered acceptable in accordance with Policy DP28.

Flood Risk

- 6.19 The proposed recreational/leisure use is classified 'water compatible' and the construction would not result in any loss of floodplain storage, impede water flows or increase flood risk elsewhere and is acceptable in flood risk zone 3.
- 6.20 Should permission be granted, in order to manage the landscape impact it would be considered necessary to apply conditions requiring that no external lighting is provided, that the walls are not stained, painted or have any other application of colour without agreement and that boats only moor at the site in connection with the use of the building and for the duration of its occupation. Permitted development rights for fences, walls and other means of enclosure should be removed for the entire site, to manage any development on the adjoining wet woodland as should rights for the installation of microgeneration equipment.

7 Conclusion

- 7.1 Development Management Policy DP17 seeks to protect the Broads landscape, waterscape and wildlife from the intrusion of leisure plots and buildings thereon. The proposed development is not a typical form of leisure plot, consisting of a modest waterside building and mooring with no sub-division or clearance of land proposed. The principle of the proposal is however in direct conflict with the wording, if not spirit, of Policy DP17.
- 7.2 At paragraph 5.5 above, the circumstances in which proposals that conflict with the development plan can be considered for approval are outlined and

three tests are set out: does the proposal harm the objectives of the policy and plan; does it comply with other development plan policies; and, are there any other material considerations that weigh in favour of the proposal. As assessed above, it is not considered the proposal would significantly detract from the landscape or visual quality of the waterscape, nor impact adversely on wildlife. Therefore it is concluded there would be no significant harm to objectives of the policy or wider plan were the proposal to be permitted. The proposal has also been found to be in compliance with the other relevant policies. Furthermore, the design is considered to be of high quality and respond positively to the local setting. Whilst not being able to 'recreate' heritage it would make a positive visual contribution to the Wroxham Conservation Area. Also, some enhancement could be secured in terms of a ten year woodland management plan and bat roost.

- 7.3 Whilst the primacy of the development plan is appreciated, on balance, it is considered that the objectives of the plan would not be significantly harmed by allowing this development as a departure from the development plan nor would any undesirable precedent be created.
- 7.4 Were Members to resolve to approve the application as a departure, it would be necessary to re-advertise the application and consider any further representations received prior to issuing a decision.

8 Recommendation

- 8.1 Subject to no new issues being raised at re-advertisement, approve subject to the following conditions:
- (i) Standard time limit
 - (ii) In accordance with plans
 - (iii) Works outside bird breeding season
 - (iv) Building to be used for recreational/leisure purposes only and no overnight accommodation
 - (v) Woodland management plan for next ten years
 - (vi) Bat roosting feature to be retained for lifetime of development
 - (vii) No paint, stain or colour to walls
 - (viii) Mooring to jetty only and only in association with use of building and when building is occupied
 - (ix) Remove permitted development rights for fences, walls and other means of enclosure
 - (x) Remove permitted development rights for non-domestic microgeneration
 - (xi) No potable water, electricity, gas or other sources of power shall be supplied
 - (xii) No external lighting

9 Reason for recommendation

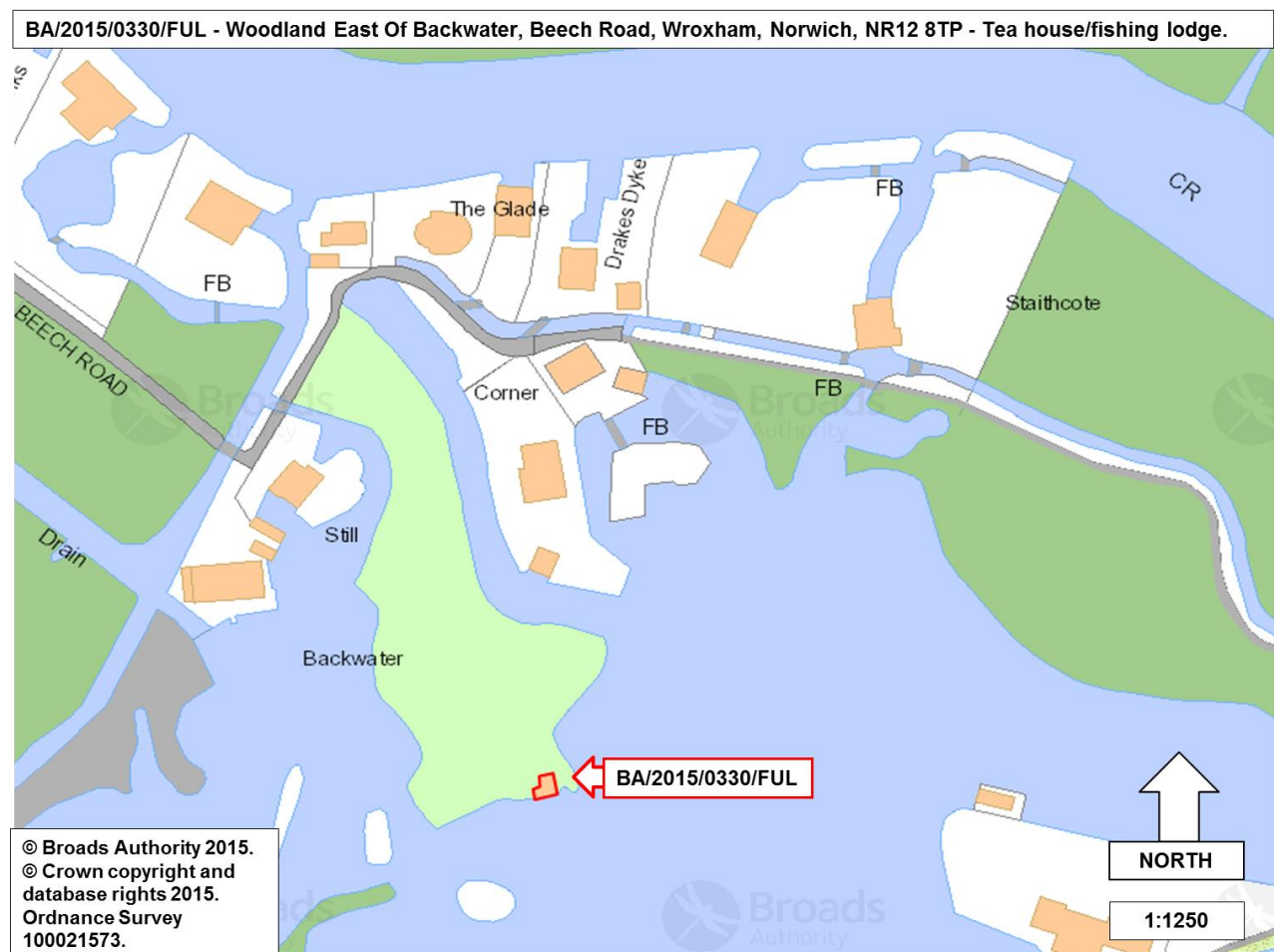
- 9.1 The application is considered acceptable as a departure from adopted Development Management Policy DP17 (2011) but is in accordance with Policies DP1, DP2, DP4, DP5 and DP28. It is also considered to be in accordance with Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012).

Background papers: BA/2015/0330/FUL

Author: Maria Hammond
Date of report: 20 November 2015

List of Appendices: APPENDIX 1 – Site Plan

APPENDIX 1



**Consultation Document and Proposed Response: Western end of Lake
Lothing Concept Statement – Waveney District Council**
Report by Planning Policy Officer

Summary:	The western end of Lake Lothing Concept Statement has been produced by Waveney District Council. It seeks to influence and guide development in this area to enable delivery of the aims of the Lake Lothing and Outer Harbour Area Action Plan.
Recommendation:	That the proposed comments are endorsed for submission to Waveney District Council.

1 Introduction

- 1.1 Waveney District Council are consulting on a draft Western End of Lake Lothing Concept Statement (Appendix A).
- 1.2 The Concept Statement is intended to guide developers in drawing up proposals for development within the Western End of Lake Lothing and will be used as a framework for assessing planning applications in the site.
- 1.3 The Concept Statement will be adopted as a Supplementary Planning Guidance. The NPPF at paragraph 153 says '*supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development*'. The Concept Statement will support and expand Policy SP6 of the Lowestoft Lake Lothing and Outer Harbour Area Action Plan¹ (adopted in 2012).
- 1.4 The adopted Lowestoft Lake Lothing and Outer Harbour Area Action Plan helps to guide development in the area surrounding Lake Lothing and the Outer Harbour in Lowestoft. The plan supports the creation of jobs, particularly in the energy sector, new homes, improved pedestrian, cycle and vehicle links, flood risk management measures and better connections to the waterfront.

2 Proposed Response

- 2.1 The proposed response is set out in Appendix B.
- 2.2 The Western End of Lake Lothing is adjacent to the Broads Authority Executive Area. Development in this area can have the potential to impact on

¹ <http://www.waveney.gov.uk/areaactionplan>

or provide benefits and enhancements to the setting and use of the Broads in this area.

2.3 The comments cover views of the Planning Policy, Development Management, Heritage and Access and Recreation Officers of the Broads Authority.

2.4 The consultation ends at the end of 4 December 2015.

3 Financial Implications

3.1 There are no financial implications other than officer time in responding to this consultation.

4 Conclusion

4.1 The Broads Authority welcomes appropriate development and change in this area and supports the principle of a Concept Statement. The Authority does have comments on the content of the Concept Statement. It is recommended that these comments are submitted to Waveney District Council for their consideration.

Background papers: None

Author: Natalie Beal

Date of report: 18 November 2015

Appendices: **APPENDIX A:** Western End of Lake Lothing Concept Statement
http://www.waveney.gov.uk/site/scripts/download_info.php?downloadID=1817

APPENDIX B: Proposed Broads Authority representations to the consultation on the Western End of Lake Lothing Concept Statement

**Proposed Broads Authority representations to the consultation on the Western
End of Lake Lothing Concept Statement**

The Broads Authority welcomes appropriate development and change in this area of Lowestoft and supports the principle of a Concept Statement. The Authority does have comments on the content of the Concept Statement.

It is important to note that this area is adjacent to the Broads Authority Executive Area and therefore has the potential to impact, benefit or enhance the Broads in this area. Furthermore, the interface with the water in this area also has the potential to enhance and benefit the Broads and enable more people to safely enjoy the water in this area.

In general a water based management plan would be of benefit, which discusses the interaction between the land and water. For example moorings, launching facilities, opportunities for water based businesses such as hire boats as well as providing an area for the proposed water taxi to use.

Map on page 1

- Show the Broads Authority Executive Area and the Oulton Broads Conservation Area. This information is important in setting the context for the Concept Statement as they are strengths of the area which can be enhanced but need acknowledging.

Section 2 – Site Context

- The interface with the water is not mentioned. The maps seem to show jetties, quays or moorings. It is recommended that these issues are discussed. The Lowestoft Lake Lothing and Outer Harbour Area Action Plan seeks better connections with the waterfront. The waterfront is a strong asset for this area. The water in this area provides access to the Broads.

Page 4

- Bullet 6 – not only employment use but recreational access as well. The water in this area provides access to the Broads. The bullet point refers to ‘potential’ but there could be merit in being more detailed in what could take place.

Page 5

- Bullet 10 – this planning permission is mentioned throughout the document. Does there need to be more detail provided regarding the scheme?
- Bullet 14 – what about the impact of flooding elsewhere as a result of protecting new development from flooding in this area? Protecting from flooding in one area can cause problems elsewhere.
- There used to be many paths to viewing points on the waterfront. Is there scope to re-introduce such paths and viewing points?
- Other constraints and/or opportunities not included in section 3 are as follows. These aspects should be addressed in this section as they are important local

considerations that change in this area should consider and address. Heritage for example does not seem to be mentioned until page 11 of the document.

- Archaeology
- Conservation Area
- Biodiversity
- The Broads being a member of the National Park.

Flood Risk section page 5

- Should tidal and surface flooding be considered in this section as well? Details can be found at the 'what's in your backyard' website. These sources of flooding seem relevant for the area and their mention seems appropriate.
- Paragraph 3.4 is confusing as written and could usefully be clarified. Is there potential for contradiction as well as flood risk an issue but as residential is already granted, such a land use is acceptable in this area.

Page 7

- Pedestrian and cycling network: is there a strategic walking and cycling study for this area that this aspect of the Concept Statement can link to? A pedestrian and cycle link would improve access from Lowestoft to Oulton Broad and then to the Broads so would be of great value. This route could be signed or new paths provided.
- Road improvements: third sentence could benefit from stronger wording than terms like 'should' and 'encourage' if the walking and cycling benefits are to be realised.

Page 8

- Paragraph 5.7: The Authority would prefer a route over the railway at this point.
- Paragraph 5.9: With regards to the noise issue, how does this relate to the site being next to a railway?
- Paragraph 5.10: The issue of flood risk elsewhere needs to be considered.

Page 9

- Are there views into and out of the Broads as well as the Conservation Area that should be identified?

Zones section

- How do the zones relate to figure 4.1 on page 6? And how does figure 6.1 on page 15 relate to the zones and figure 4.1?
- Zone 2 – there is no mention of the use of the water and access to the water.
- Paragraphs 5.20 and 5.24 – reference to the wooden buildings at Southwold Harbour – this image is not on page 12.
- Illustration 5.21 is not clear in what it is showing. Is there scope for annotation?
- This area provides the opportunity to redevelop and regenerate a waterside area. The setting and opportunity for change seems unique. As such the Authority emphasises the importance of development using the water, facing the water and making use of the waterside setting. The water can be the focus for development in this area and is a great asset to this site, but the document seems to lack relationship with the water. For example the artist's impression under 5.24 seems to show that the development has turned its back on the water.

- 5.27 – how will garages and carports lessen the impact of flooding? They will also reduce the impact of cars on the function of the road.
- 5.30 – is there scope for themed play areas? Can the open space be linked throughout the site? Is there scope for more well designed and well sites open space?
- There seems great scope for heritage interpretation. See Norwich City's draft SPD² for some examples.

² <http://www.norwich.gov.uk/YourCouncil/Consultations/Pages/HeritageInterpretationSPDConsultation.aspx>

Enforcement of Planning Control
Enforcement Item for Consideration: Hall Common Farm,
Hall Common, Ludham

Breach of conditions 2 and 3 of planning permission BA/2014/0408/COND
Report by Planning Officer (Compliance and Implementation)

Summary:	Breach of conditions 2 and 3 of Planning Permission BA/2014/0408/COND - as a metal roller shutter door has been installed instead of a timber roller shutter door in breach of conditions 2 and 3 and the finish and joinery details have not be agreed in breach of condition 3.
Recommendation:	That authorisation is granted for the issuing of an Enforcement Notice and for prosecution (in consultation with the solicitor) in the event that the enforcement notice is not complied with.

Location: Hall Common Farm, Hall Common, Ludham, Norfolk, NR29 5NS

1 Background

- 1.1 The site lies within the grounds of a Grade II Listed Farmhouse known as Hall Common Farm within Ludham's Conservation Area. The house lies in extensive grounds and a boat dyke is located approximately 200m east of the house, at the edge of a block of wet woodland which extends east for a further 150m before meeting the river at Womack Water.
- 1.2 In October 2014 planning permission was granted for the erection of a boathouse with a timber hinged door to the river elevation (BA/2014/0271/HOUSEH). Following the granting of the permission an application was submitted to vary conditions 2 and 5 of the planning permission to allow for the replacement of a timber hinged door to a metal roller shutter door (BA/2014/0408/COND). The justification given for the alteration in the design detail of the door related to concerns over ease of use within the isolated location.
- 1.3 In terms of the appropriateness of the proposed amendment, the original approved design used a traditional hinged type timber door which was considered appropriate in the location within the Conservation Area and within the setting of a Listed Building. The applicant was advised that the metal roller shutter door would not be acceptable and a further amendment to the material for the door was then submitted to a timber roller shutter. Given the location of the building and its isolated position the need for security and ease of use was understood, however, within the Conservation Area, and within the setting of a

Listed Building, materials should be of the highest quality and generally traditional as highlighted in both national and local planning policy (most specifically DP4 and DP5). Whilst hinged timber doors would have been the optimum solution in this respect the use of a timber roller shutter was considered an acceptable compromise in this particular instance, given the isolated location and as the use of timber would significantly improve the visual aesthetics of a roller shutter door. The use of a timber roller shutter door was therefore considered acceptable subject to details of the finish, section and profile of the roller shutter door being submitted via condition (conditions 2 and 3) and in February 2015 the permission was granted.

- 1.3 Subsequent to this informal discussions again took place between officers and the applicant's agent over the use of a metal roller shutter door. After protracted discussions with the agent it was highlighted that the timber roller shutter door had been a compromise and given the site's sensitive location a metal door was still considered inappropriate. Information was not submitted to discharge conditions 2 and 3 of permission BA/2014/0408/COND.
- 1.4 A monitoring site visit took place on 20 October 2015 and it was found that the boathouse had been built without discharging the pre-commencement conditions and a metal roller shutter door had been installed. This is very regrettable given the protracted and considered discussion which took place between officers and the agent at both application and informal stages.
- 1.5 In addition to the above a letter was issued from Steve Quartermain CBE, Chief Planner at the Department for Communities and Local Government, on 31 August 2015. The letter issued a statement with regard to intentional unauthorised development. The statement outlines that:

'The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015'.

Given the protracted discussions which took place between officers and the agent it is clear that there has been an intentional breach in planning law here.

- 1.6 Turning to expediency, given the clear policy steer at both national and local levels regarding the quality of development in designated locations, the use of metal for the roller shutter door is considered detrimental to the character of the Conservation Area and the setting of the Listed Building and therefore inappropriate. Whilst we would usually seek to negotiate with the agent/owner where a breach of planning control has taken place in the first instance, it is

clear from both previous discussions and the actions of the landowner, that negotiations are unlikely to resolve the issue. Furthermore, it is clear that there has been a deliberate and intentional breach.

- 1.7 It is considered that it is appropriate to proceed to formal enforcement action and the serving of an Enforcement Notice.

2 Conclusion and Recommendation

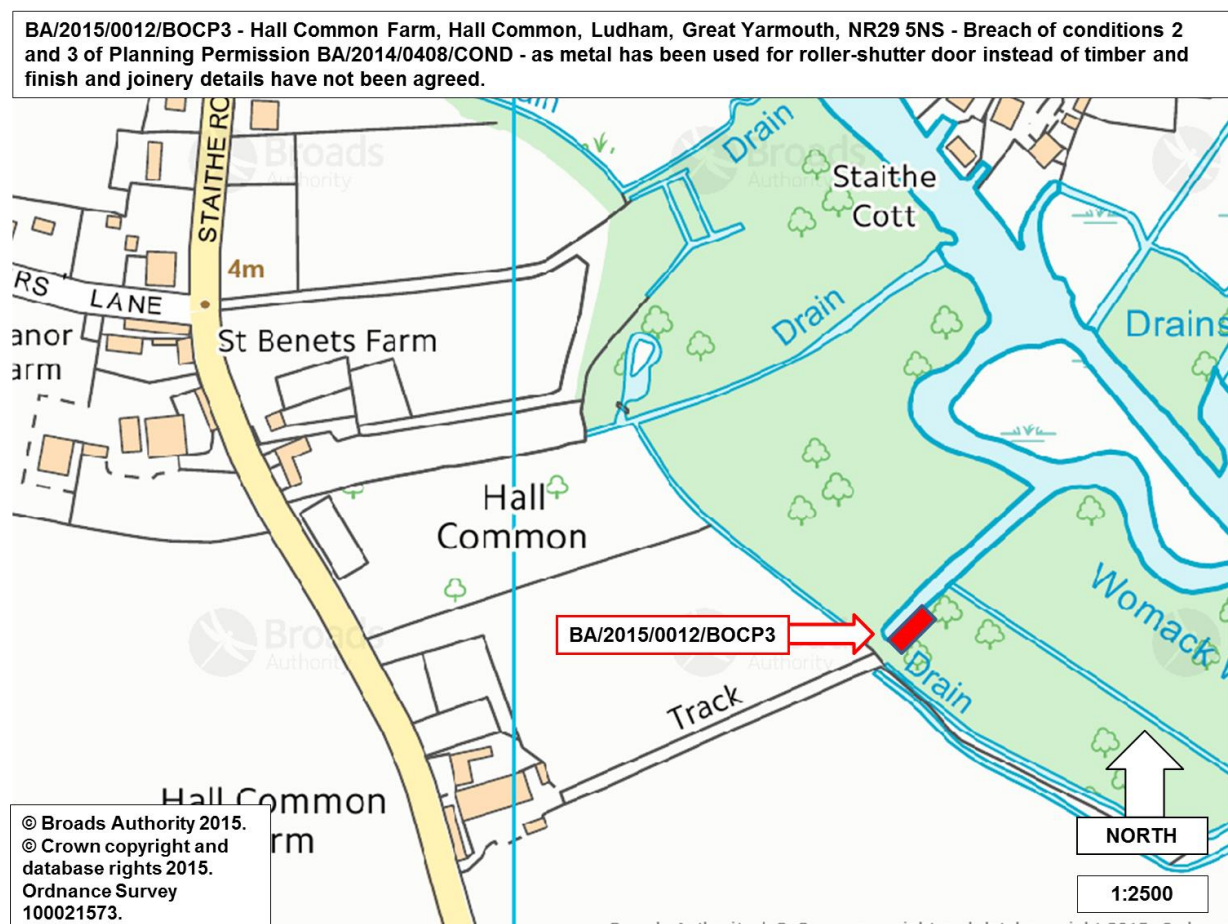
- 2.1 Therefore members are requested to grant authorisation for the issuing of an Enforcement Notice and for prosecution (in consultation with the solicitor) in the event that the enforcement notice is not complied with.

Background Papers: Broads Authority Enforcement File BA/2015/0012/BOCP3, Broads Authority Planning Application Files BA/2014/0408/COND and BA/2014/0271/HOUSEH

Author: Kayleigh Wood
Date of Report: 18 November 2015

Appendices: APPENDIX 1 - Site Map

APPENDIX 1



Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

Committee Date	Location	Infringement	Action taken and current situation
21 August 2015			<ul style="list-style-type: none"> • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order “has been lodged with the Courts by Inspectorate • Appeal to be reconsidered (see appeals update for latest) • Planning Inspector’s site visit 28 January 2014 • Hearing held on 8 July 2014 • Awaiting decision from Inspector • Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers) • Planning Contravention Notices issued to investigate outstanding breaches on site • Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge) • Acknowledgment of Service filed 16 December 2014. Court date awaited • Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate • Appeal submitted to PINS in respect of Section 73 Application for non-determination • Section 288 challenge submitted in February 2015 • Court date of 19 May 2015 • Awaiting High Court decision • Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to

Committee Date	Location	Infringement	Action taken and current situation
9 October 2015			<p>legal advice</p> <ul style="list-style-type: none"> • Challenge to High Court decision filed in Court of Appeal on 27 August 2015 • Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container • Leave to appeal against High Court decision refused on 9 October 2015 • Request for oral hearing to challenge Court of Appeal decision filed 2015 • Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2015 • Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container	<ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013 • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway • Report to be brought to next Planning Committee
8 November 2013	J B Boat Sales, 106 Lower Street, Horning	Unauthorised building of new office not in accordance with approved plans	<ul style="list-style-type: none"> • Authority for serving an Enforcement Notice in consultation with the solicitor requiring the removal of a prefabricated building and restoration of site, with a compliance period of three months. Authority to prosecute in the event of non-compliance • Enforcement Notice served 19 November 2013 • Compliance required by 6 April 2014

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Negotiations underway regarding planning application • Compliance not achieved and no application submitted • Solicitor instructed to commence Prosecution proceedings • Case to be heard in Norwich Magistrates Court on 28 January 2014 • Case adjourned to 25 February 2015 • Planning application received 13 February 2015 and adjournment to be requested for Hearing • Revised Scheme submitted and approved • Remedial works to be completed by 8 August 2015 • Remedial works to be completed by 8 October 2015 • Compliance to be achieved by 27 November, Windows installed 13.11.15. Doors on site and being painted
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
5 December 2014	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Compliance not achieved. Report to be brought to next Planning Committee
24 July 2015	Cross Keys Dilham	Unauthorised siting of a static caravan	<ul style="list-style-type: none"> • Authority given for the serving of an Enforcement Notice seeking removal of the Static Caravan with a compliance period of three months; and authority given for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with • Enforcement Notice served 27 August 2015 • Compliance required by 2 January 2016
9 October 2015	Grey's Ices and Confectionary, Norwich Road, Hoveton	Unauthorised erection of canopies and Alterations to Shop Front.	<ul style="list-style-type: none"> • Authority given for the issuing of an Enforcement Notice seeking removal of the canopies and alterations and authority given for prosecution, in consultation with the Solicitor in the event that the Enforcement Notice is not complied with • Negotiations underway

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: 16 November 2015

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 October 2015.

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 October 2015.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report 9 November 2015

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since October 2015

APPENDIX 1**Schedule of Outstanding Appeals to the Secretary of State
since October 2015**

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
22-10-15	App Ref BA/2015/ APP/E9505/ Silver Dawn, Woodlands Way Horning Reach Horning NR12 8JR Mr N Barrett	Appeal against refusal Variation of Condition 3 of BA/2012/0056/FUL to amend approved roof material	Committee decision on 6 February 2015 Questionnaire received by 29 October 2015 Statement of case to be received by 26 November 2015

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

04 December 2015

Agenda Item No. 13

Summary:	This report sets out the delegated decisions made by officers on planning applications from 26 October 2015	to 23 November 2015
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Beccles Town Council				
BA/2015/0253/HOUSEH	44 Puddingmoor Beccles Suffolk NR34 9PL	Mr C Reeve	2 storey rear extension	Approved Subject to Conditions
BA/2015/0252/HOUSEH	42 Puddingmoor Beccles Suffolk NR34 9PL	Mrs P McGregor	2 storey rear extension	Approved Subject to Conditions
Brundall Parish Council				
BA/2015/0295/FUL	Plot 5 Riverside Estate Brundall Norwich Norfolk NR13 5PL	Mr David Winter	Removal of 2 sheds and replacement summer house.	Approved Subject to Conditions
BA/2015/0320/HOUSEH	53 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mr And Mrs Burns	Extensions and alterations.	Approved Subject to Conditions
Bungay Town Council				
BA/2015/0322/LBC	42 Bridge Street Bungay Suffolk NR35 1HD	Mrs Laura Myatt	Replacement window.	Approved Subject to Conditions
Claxton Parish Council				
BA/2015/0246/FUL	Claxton Manor Barn Complex The Street Claxton Norfolk NR14 7AS	Mr & Mrs J Heathcote	Proposed conversion of part of a redundant barn complex to form 2no dwellings.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
BA/2015/0247/LBC	Claxton Manor Barn Complex The Street Claxton Norfolk NR14 7AS	Mr & Mrs J Heathcote	Proposed conversion of part of a redundant barn complex to form 2no dwellings.	Approved Subject to Conditions
Coltishall Parish Council				
BA/2015/0278/FUL	The Norfolk Mead Hotel Church Loke Coltishall Norwich NR12 7DN	Mr James Holliday	Replacement chalet and sheds.	Approved Subject to Conditions
BA/2015/0334/LBC	The Norfolk Mead Hotel Church Loke Coltishall Norwich Norfolk NR12 7DN			Approved Subject to Conditions
Dilham Parish Council				
BA/2015/0297/LBC	The Rookery Mill Road Dilham Norfolk NR28 9PU	Ms Rebecca Warren	Minor internal modification and enlarging an existing window opening to the rear of the property.	Approved Subject to Conditions
Ditchingham Parish Council				
BA/2015/0274/HOUSEH	38 Ditchingham Dam Ditchingham Bungay Norfolk NR35 2JQ	Mrs Patricia Kalamaridis	Single storey/rear extension, garage conversion, new garage roof containing attic room.	Approved Subject to Conditions
Hoveton Parish Council				
BA/2015/0316/FUL	Barnes Brinkcraft Riverside Road Hoveton Norfolk NR12 8UD		Replacement quayheading.	Approved Subject to Conditions
BA/2015/0301/HOUSEH	Earlscroft Brimbelow Road Hoveton Norwich Norfolk NR12 8UJ	Mr Robert May	Extension to wet dock and alterations to boardwalk.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Ludham Parish Council				
BA/2015/0148/FUL	Land At The Manor Staithe Road Ludham Norfolk NR29 5AB	Dr Rupert Gabriel	Change of use of outbuilding to residential dwelling	Approved Subject to Conditions
Oulton Broad				
BA/2015/0277/FUL	Broadholme Caldecott Road Lowestoft Suffolk NR32 3PH	Mr R Stratford	Demolition of detached bungalow and garage and construction of 4 no. Dwellings, associated car parking bays and associated works.	Approved Subject to Conditions
Stokesby With Herringby PC				
BA/2015/0336/HOUSEH	Dragonfly Barn Hall Farm Runham Road Stokesby With Herringby Norfolk NR29 3EP	Mr Martin Farrimond	Garage loft conversion.	Approved Subject to Conditions
Strumpshaw Parish Council				
BA/2015/0329/HOUSEH	Four Acres 8 Long Lane Strumpshaw Norwich Norfolk NR13 4HY	Mrs Kathy Jennings	Replacement Shed.	Approved Subject to Conditions
Thorpe St Andrew Town Council				
BA/2015/0289/HOUSEH	Santa Lucia Court Yarmouth Road Thorpe St Andrew Norwich NR7 0EQ	Mr Barry Armstrong	Extension to riverside chalet	Approved Subject to Conditions
Upton With Fishley Parish Council				
BA/2015/0271/CU	Fishley Hall Fishley Upton Norwich Norfolk NR13 6DA	Mr F P Molineux	Change of use of barns for use as a wedding venue.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Worlingham Parish Council				
BA/2015/0260/FUL	Land Lying West Of Marsh Lane Worlingham Beccles	Mr Vittorio Marzotto	Excavation of two scrapes.	Approved Subject to Conditions