

Planning Committee

AGENDA

Friday 29 April 2016

10.00am

- | | Page |
|--|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 1 April 2016 (herewith) | 3 – 14 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

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

BA/2016/0065/FUL Poplar Farm, Church Lane, Runham, Mautby	15 – 26
BA/2016/ 0088/COND Waveney River Centre, Staithe Road, Burgh St Peter	27 – 40

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9. Broads Local Plan – Issues and Options Representations Report by Planning Policy Officer (herewith)	41 – 45
10. Broads Local Plan Update and Way Forward – Preparing the Preferred Options Report by Planning Policy Officer (herewith)	46 – 49
11. Broads Local Plan – Preferred Options (April) Bite Size Pieces Report by Planning Policy Officer (herewith)	50 – 53
12. Self-Build Register Report by Planning Policy Officer (herewith)	54 – 56
13. Changes to Planning System Report by Head of Planning (herewith)	57 – 83

MATTERS FOR INFORMATION

14. Enforcement Update Report by Head of Planning (herewith)	84 – 89
15. Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	90 – 91
16. Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	92 – 95
17. Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications Report by Head of Planning (herewith)	96 – 99
18. To note the date of the next meeting – Friday 27 May 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority

Planning Committee

Minutes of the meeting held on 1 April 2016

Present:

Mr M Barnard	Mrs L Hemsall
Prof J Burgess	Mr G W Jermay
Mr N Dixon	Mr P Rice
Sir Peter Dixon	Mr J Timewell
Ms G Harris	

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 10/10)
Mrs S A Beckett – Administrative Officer (Governance)
Mr P Cox – (Legal Adviser, NPLaw)
Ms M Hammond – Planning Officer (Minute 10/1 – 10/9)
Ms A Long – Director of Planning and Resources
Mr A Scales – Planning Officer (Minute 10/1 – 10/9)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/ 0017/FUL Compartment 25, Left bank of the River Waveney downstream of Beccles (A146) Bridge

Mr Paul Mitchelmore Applicant for BESL
Mr Kevin Marsh

BA/2016/0064/COND Waveney River Centre, Burgh St Peter

Mr J Knight Applicant

10/1 Appointment of Chairman and Vice-Chairman of the Planning Committee until July 2016

The Director of Planning and Resources asked for nominations for the Chairman of the Planning Committee in light of the departure of the previous Chairman, Murray Gray.

Nigel Dixon proposed, seconded by Lana Hemsall the nomination of Peter Dixon

RESOLVED by 6 votes with one abstention

that Sir Peter Dixon be appointed as Chairman of the Planning Committee until July 2016.

Sir Peter Dixon in the Chair

As Lana Hemsall was the current Vice-Chairman and was willing to continue as Vice-Chairman, there was no need to call for nominations.

10/2 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Miss S Blane and Mr V Thomson.

10/3 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. Members made a general declaration of interest in relation to application BA/2016/0064/COND as the applicant was a member of the Navigation Committee.

10/4 Minutes: 4 March 2016

The minutes of the meeting held on 4 March 2016 were agreed as a correct record and signed by the Chairman.

10/5 Points of Information Arising from the Minutes

No further points of information were reported.

10/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

10/7 Chairman's Announcements and Introduction to Public Speaking

(1) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers.

(2) No member of the public indicated that they intended to record the proceedings.

10/8 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications had been received.

The Chairman proposed to vary the order of the Agenda to take Items 12, 13 and 14 before Items 10 and 11 so as the Legal Adviser could leave the meeting.

10/9 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

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

(1) **BA/2016/0017/FUL Compartment 25, Left bank of the River Waveney downstream of Beccles (A146) Bridge**

Driving / removal / maintenance of piling along the left bank of river, re-grading the river's edge and original bank, and crest raising and roll back of existing bank with the material gained from new pond to be excavated and the old bank

Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the application which in effect was for the continuation and completion of the flood defence measures in Compartment 25 following planning permission granted in April 2010. Whilst most works in the compartment were undertaken in 2010 and 2011 following the grant of this consent, works between Beccles Bridge and Hill Farm, the area the subject of this application, did not take place due to material sourcing complications. These material sourcing issues had now been addressed. Since the granting of permission in 2010 the existing piling had continued to deteriorate and therefore the application also addressed this issue. The techniques to be employed were a combination of those that had generally been used elsewhere in the Broads.

The application originally submitted had now been supplemented by further supporting details whereby the pile removal would be concurrent with floodbank strengthening with additional coir matting to increase stability and stimulate reed growth. The usual monitoring would continue in accordance with the protocol. In addition it was proposed that the sourcing of the material would be from the pond in the area of set aside not from the creation of new soke dykes. This would mean less impact on the road system.

The Planning Officer drew attention to the consultation responses. Since the report was written, Natural England had confirmed that it had no objection. The Broads Society and Navigation Committee both had raised concerns.

In providing the detailed assessment the Planning Officer addressed the concerns raised. There would be no impact on the Authority's 24 hour moorings and access would continue to be available while the work was in progress. It was not considered that there would be a significant risk or erosion with regard to the removal and driving of piling as it was considered that this would in fact strengthen the flood bank. The River Waveney at this point was also relatively wide, compared to the width of Upton Dyke where similar concerns were expressed. With regard to the concerns over the coir matting, officers were satisfied that the risk would only be short term and the use of navigation markers to identify the new edge whilst the reed was established would mitigate the risk to boat users. The coir matting would also help to provide a more stable edge with less risk of erosion. In addition, BESL would continue to monitor the situation and provide remedial works if required.

With regard to the concerns associated with the Beccles Sailing Club, BESL were in discussions with the club as to the use of timber posts and their exact nature, distance apart and height, the details for which could be dealt with by condition.

The Planning Officer concluded that the application would provide enhanced flood defence whilst protecting agricultural and nature conservation interests, preserve recreational opportunities and safeguard the archaeological interest. Subject to the conditions outlined in the report, the application was recommended for approval.

Kevin Marsh, from BESL on behalf of the applicant commented that the application marked a gateway as it was the final application from BESL since the Broads Flood Alleviation Project commenced in 2001. There had been 17 major applications over the 15 years. He thanked the Authority's staff, particularly Cally Smith, Andy Scales and Adrian Clark for their cooperation and assistance in helping to improve the quality of the schemes for the benefit of the Broads. With regard to the archaeological aspects of the proposal, trial trenching would be arranged in order to identify and record the archaeological interest particularly in association with the Iron Age causeway. Kevin Marsh confirmed that BESL was working very closely and collaboratively with the Sailing Club and subject to the navigation officers being satisfied, it was hoped that a suitable resolution could be reached so as not to impact on navigation or recreational amenity. It was hoped that the works could be completed by September to fit in with the landowner's activities. The timings for the works had also been discussed with the landowner.

Members were satisfied with the officer's assessment and the conditions to be imposed. They considered that the conditions in relation to the remedial works if there was damage to banks before the reed was established should be very robust. In addition, they were

particularly concerned that the arrangements with the sailing club on the provision of posts were detailed and covered by planning condition.

Lana Hemsall proposed, seconded by Nigel Dixon and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report including more robust wording in relation to remedial works and satisfactory details on mooring for the Beccles Amateur Sailing club agreed. The scheme is acceptable and meets the key tests of development plan policies, in particular Policies CS1,CS2,CS3, CS4, CS6 and CS15 of the adopted Core Strategy Policy (2007) and Policies DP1, DP2, DP11, DP15, DP28 of the Development Management Policies (2011).

(2) **BA/2016/00064/COND Waveney River Centre, Burgh St Peter**

Removal of conditions on residential moorings:

Removal of conditions 1: temporary consent, 3: residential mooring limit, 5: mooring management plan, 6: passing bay signs, 8: vessel size limit and 10: mooring details of permission BA/2015/0251/FUL

Applicant: James Knight, Waveney River Centre

The Legal Adviser provided detailed guidance on the procedures to follow in dealing with the application. He explained that members should not reconsider the merits of the previous permission or of the four conditions attached to that permission which were not the subject of the present application. They should focus on each of the six conditions now requested for removal under Section 73 of the Town and Country Planning Act 1990 as amended. He drew attention to paragraphs 1.4/1.5 and 5 in the Officer's report. These paragraphs set out clearly and fully the competing contentions of the Applicant and of the Officers and reminded members of the relevant planning and legal tests to be applied.

The Committee had the option of granting the application in full (ie agreeing to remove all 6 conditions), retaining all 6 of the conditions (in which case the application would be refused), or of agreeing to remove one or more of the 6 conditions whilst retaining others. It followed from all this that the Committee should consider each of the six conditions in turn, applying the relevant tests, and decide in relation to each of the 6 conditions, whether they should be retained or could be removed.

The effect of any decision (other than a straight refusal) would be to create a new free standing planning permission subject to such conditions as the Committee considered appropriate but including the four conditions not the subject of the present application. The applicant would then have the option of which permission to implement. The Committee could properly bear in mind the planning purposes and the appropriateness of each of the six conditions and whether there had

been any material changes in circumstances since they had been imposed (which was in December 2015). The meeting would follow the usual procedures adopted.

The Planning Officer provided a detailed presentation of the application, which was for the removal of six of the ten conditions from a permission for ten residential moorings, imposed on BA/2015/0251/FUL considered at the Planning Committee meeting on 4 December (Minute 6/8(2)). The Planning Officer explained each of the six conditions in turn setting out the applicant's justification for their removal and then provided an assessment against these, taking account of the six tests set out in paragraph 206 of the NPPF. This stated that "*Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects*".

The Planning Officer concluded that in her opinion each of the six conditions were considered to satisfy the six tests of the planning guidance and were still relevant and appropriate. Therefore the application was recommended for refusal (ie none of the six conditions should be removed).

In addressing the Committee, James Knight, the applicant reinforced the applicant's justification for the removal of all six conditions as explained within the report (particularly paragraphs 1.4/1.5). He considered that all the conditions needed to be measurable, reasonable and appropriate and whether if not imposed it would have been appropriate to refuse permission. They should also have been discussed with the applicant beforehand and this was not done. He considered that the permission should have been permanent to give those people requiring residential moorings certainty and to enable investment to be made. With regard to the condition on Highways, he considered that a temporary permission would mean any investment in signage would be too expensive to justify and therefore unreasonable. If permanent, he would be happy to implement the requirements of the condition. He considered that condition 3, stipulating the number of moorings within the area, was unnecessary as it was part of the actual application and these were already shown on the plan. He also considered that a Management Plan for the residential moorings was unnecessary and unreasonable to impose given that the Centre already operated within the terms of the Yacht Harbour Association's Gold Anchor award scheme and berth holders were required to comply with the marina's terms and conditions; the Centre could not accommodate a boat of a length much longer than 25 metres and therefore he also considered that this conditions was unnecessary. With regard to condition 10 relating to the method of mooring, the onus would be on the owner to ensure that their vessel was adequately and safely secured and the requirements already were integral to the day to day management of the marina.

In considering the report and the applicant's present submissions, Members were mindful that in December 2015, Officers had recommended refusal of the original application as the location for residential moorings was outside the development boundary, was not within a settlement or adjacent to the development boundary. However, at the meeting in December 2015, Members had taken into account the need for sustainable development and were supportive of improving the facilities within the southern Broads, not just for visitors but also for local residents. The applicant had indicated at that meeting that the provision of residential moorings would help to improve and support the viability of the existing facilities and the business, by helping to justify extending opening times. Therefore members had decided to grant permission against Officer's recommendation subject to detailed conditions which had been fully discussed at the meeting, when first considering the original application BA/2015/0251/FUL recognising that the granting of permission was a departure from policy. The temporary time limit had been imposed in order to enable an assessment of the impacts in terms of the site and whether the provision of the ten residential moorings had improved the economic viability of the Centre.

Members also took account of the fact that the Highways Authority had originally recommended refusal but had withdrawn their objections provided the highway conditions were imposed. Members considered this to be one of the most important conditions to enable permission to be granted and also satisfied the parish council.

Some members had sympathy with the applicant concerning the temporary condition (condition 1) accepting that it would be difficult for the applicant to plan for and/ or commit to further investment. Although in favour of a temporary time period, one member queried whether such a condition could specify the details to be provided. However, other Members considered that this would be for the applicant to provide as the issue of viability was the basis on which the application was approved. They considered that no detailed evidence had been supplied to indicate that there had been any changes in circumstances since the original decision was made in December 2015 or to justify removal of all of the six conditions. Members came to the view that condition 10 was not necessary although it was understood that such a condition had been used elsewhere.

The Committee voted in turn on each of the conditions proposed to be removed:

Condition 1 for Temporary consent: The proposal to remove this was lost by 5 votes to 4. Condition 1 to remain

Condition 3 Maximum Number of Moorings stated:
The proposal to remove this was lost by 7 votes to 0 with 2 abstentions. Condition 3 to remain

Condition 5 Management Plan: Proposal to remove this was lost by 5 votes to 4. Condition 5 to remain

Condition 6 Highways: Proposal to remove this was lost by 8 votes to 0 with 1 abstention. Condition 6 to remain

Condition 8 Maximum size of Vessel: Proposal to remove this was lost by 8 votes to 0 with one abstention. Condition 8 to remain

Condition 10 Securing of vessel to bank: Proposal to remove this was agreed by 6 votes to 0 with 3 abstentions. Condition 10 to be removed

RESOLVED on the basis of the above

that the application to remove five conditions (1,3, 5, 6 and 8) be refused, and the application to remove condition 10 concerning the securing of the vessel to the bank be approved.

The five conditions remaining are considered to satisfy the six tests at paragraph 206 of the National Planning Policy Framework and the removal of conditions 1, 3, 5, 6, and 8 is considered to be contrary to Policies CS1, CS16, CS20 of the adopted core Strategy (2007), Policies DP11, DP25 and DP29 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

The application to remove condition 10 is considered acceptable on the basis that it is unnecessary since every boat must be adequately and safely secured whether lived on or not, the exact method would depend on the location in the marina, the type of vessel and seasonal weather and tidal conditions and would be part of the requirements for an integral part of the day to day management of the marina.

Items 12, 13 and 14 were dealt with at this point in the meeting

10/10 Bungay Neighbourhood Plan: Designating Bungay as a Neighbourhood Plan

The Committee received a report providing an update on the progress of the Bungay Neighbourhood Plan following the recent consultation in respect of designation of the Neighbourhood Area. The Planning Policy Officer reported that a total of 7 responses had been received within the consultation period, 6 of which were in agreement with the proposed area boundary. One comment had suggested including additional areas. However, having discussed this with the other parishes concerned, there was no appetite to do so. Therefore the proposed area was recommended for designation.

RESOLVED

- (i) that the comments received are noted and the suggested officer response be agreed; and
- (ii) that the area for the Bungay Neighbourhood Plan as submitted be designated.

10/11 Proposed Somerton Conservation Area Re-Appraisal

The Committee received a report on the Somerton Conservation Area Re-Appraisal that had been considered in detail by the Heritage Asset Review Group. In addition, there had been pre consultation with Somerton Parish Council. The reappraisal was a result of the Authority's responsibility to review its current Conservation Areas and also to consider the designation of new ones. This was 21 out of a total of 25 that had been re-appraised. It was noted that 50% of the Conservation Area covering Somerton fell within the Great Yarmouth Borough area and although the Authority was dealing with the whole, any changes to this aspect would require the approval of Great Yarmouth Borough Council.

Members gave consideration to potential areas for consideration within West Somerton and also East Somerton villages of the Conservation Area with the possibility of excluding some and including others. They were of the view that all those areas highlighted should be included and that they be highlighted for consideration in the consultation document. It was considered that it would be more beneficial to be inclusive than exclusive, especially within a small community. Properties of a certain design or era, not necessarily considered of great architectural or historical value at present could become so in the future.

Members noted that there would be a six week consultation period beginning in June with exhibitions to which all would be welcome during June and July. There would be a joint analysis with Great Yarmouth Borough Council following receipt of consultation responses with the aim of a report to the Planning Committee in the Autumn before adoption by the Authority.

It was noted that there would be some financial implications if more land was included within the Conservation Area as this could result in additional applications. However, it was considered that the benefits, which included a greater understanding of the special characteristics of the Broads, far outweighed any financial implications.

RESOLVED

that the Somerton Conservation Area Re-Appraisal be endorsed for formal public consultation.

10/12 Enforcement Update

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

Thorpe Island

It was noted that the Injunction papers had been served on Mr Wood on 2 March 2016 and the Hearing in the High Court on 11 March 2016 had granted interim injunctions. A date for the final hearing had not yet been received. Monitoring of the site would continue.

A member asked about tree issues on the site. It was noted that the site was in a Conservation Area and there was a management plan in place. Any works on the trees in the area required permission. With reference to a tree that had recently been removed without consent, it was established that it was dead and that no further action was required.

Ferry Inn Horning

Following negotiations, some agreement had been reached and it was hoped to be able to report on progress at the next meeting.

Staithe n Willow Unauthorised Erection of Fencing

An Appeal against the Enforcement Notice had been submitted on the grounds that there was no breach of planning control.

Grey's Ices and Confectionary, Norwich Road, Hoveton

Partial compliance had been achieved as the canopies had been removed and the fascias were now flush with the building walls. The Parish Council and local members had been consulted and had requested that full compliance be achieved.

Hall Common Farm, Ludham

Unauthorised installation of metal roller shutter door: An application for a lattice work door had been submitted on 4 March 2016.

RESOLVED

that the report be noted.

10/13 Appeals to Secretary of State Update and Annual Review 2015/2016

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since November 2015 and a review of the Appeal decisions for the year 1 April 2015 to 31 March 2016.

It was noted that of the six appeals upon which decisions were made during the year 2015 to 2016, four had been allowed and two dismissed. The Head of Planning commented that although the figures were not as good as previous years, the decisions themselves were not wholly disappointing when examining the background details. Two appeals dismissed related to awards

for costs. She provided further details on each of the decisions and explained that with regard to two of the appeals, further information had been provided which the Authority had requested in the first instance and with which it was satisfied.

RESOLVED

that the report be noted.

10/14 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 19 February to 18 March 2016.

RESOLVED

that the report be noted.

10/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 29 April 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This meeting will be followed by a meeting of the Members' Heritage Asset Review Group.

The meeting concluded at 12.27 pm.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 1 April 2016

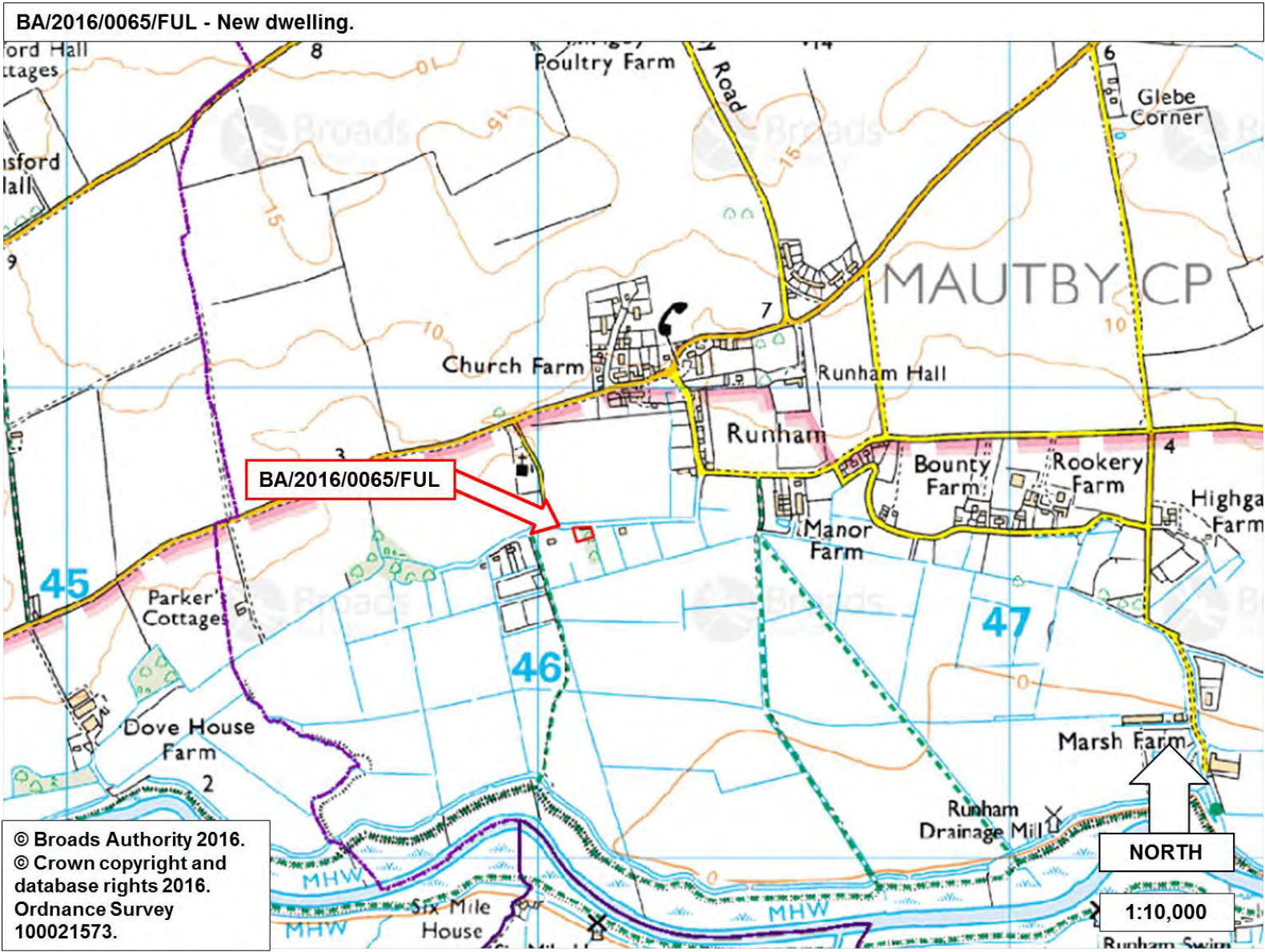
Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	10/9/(2)	Application BA/2016/0064/COND Applicant a Member of the Navigation Committee
Paul Rice	10/12	Member of NSBA, Trustee of Broads Society, Item 12 involved in mediation at Ferry Inn, Horning
Mike Barnard	10/10	Member of Waveney Local Plan working Group considering Neighbourhood Plans
Peter Dixon	10/9	Member of Navigation Committee and teaching sailing next week with the wife of one of the applicants
George Jermany	General and 10/11	Toll Payer, Somerton Parish comes within the Great Yarmouth Borough by whom appointed
Jacquie Burgess		Toll Payer

Reference

BA/2016/0065/FUL

Location

Poplar Farm, Church Lane, Runham, Mautby



Application for Determination

Parish	Mautby		
Reference	BA/2016/0065/FUL	Target date	15 April 2016
Location	Poplar Farm, Church Lane, Runham		
Proposal	New dwelling		
Applicant	Mr Jonathan Green		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Director discretion		

1 Description of Site and Proposals

- 1.1 The application site is Poplar Farm, a modest agricultural base at Church Farm, Runham. It is located remote from the main settlement of Runham at the southern end of Church Lane, south of St Peter and St Paul's Church and on the edge of, but outside, the Halvergate Marshes Conservation Area.
- 1.2 The application site lies immediately east of the farm site which measures approximately 1.5 hectares and in 2015 planning permission was granted for extensions and new buildings to support the raising of sheep, cattle and other livestock which graze on various sites in the local area (BA/2015/0188/FUL).
- 1.3 Church Lane turns 90 degrees to the west at the farm and on the southern side of the road to the west there is a small group of dwellings. A public footpath runs along the western boundary of the farm in a southerly direction towards the River Bure. East of the site there is land used for the grazing of horses accessed by a private, unmade track and to the south there are open grazing marshes. To the north the land rises gently towards Runham Road which passes through Stokesby, Runham and Mautby. This area has a strong rural and agricultural character. The application site is outside any development boundary and in flood risk zone 3.
- 1.4 The application site itself measures approximately 1200 square metres and is rectangular in shape, running parallel with and immediately adjacent to the unmade track. It is understood a dwelling once occupied the site but that this was destroyed in World War II, the farm operations subsequently moved to the west and the site has been vacant since. A mature tree stands within the site.

- 1.5 The application proposes the erection of a new dwelling. This would be sited centrally, requiring removal of the tree, and be one and a half storeys in height. The main body of the dwelling would face north and be oriented parallel with the track, to the south a lower wing would extend at 90 degrees with two covered parking bays on the ground floor, accessed from the west. Brick would be the predominant material, with timber weatherboarding to the carport wing and the roofs would have smut pantiles. The dwelling would have traditional detailing with parapet gables, arched brickheads and both catslide and gabled dormer windows.
- 1.6 The dwelling is proposed to be occupied in association with Poplar Farm and on the ground floor a boot room, utility room and office would be accessed through the carport. On the first floor, there would be a lounge, three bedrooms and a bathroom. The applicant is currently staying on site in a touring caravan which benefits from permitted development rights for seasonal agricultural use, previously the static caravan subject of refused application BA/2015/0190/FUL was occupied.
- 1.7 A sewage treatment plant is proposed within the curtilage area which would be bound by new hedge and tree planting to the north, west and south. Access would be through an existing gateway in the northwest corner, with another existing opening in the west boundary giving direct access into the farm.

2 Site History

BA/2015/0188/FUL - Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building - approved subject to conditions.

BA/2015/0190/FUL - Retention of residential caravan - refused for the following reasons:

1. The application proposes a new permanent dwelling for farm workers on an existing farm outside a development boundary. In accordance with paragraph 55 of the National Planning Policy Framework (2012), Policy DP26 of the adopted Development Management Policies DPD (2011) allows for new dwellings for agricultural and other rural workers outside development boundaries where there is an essential need. It has not been satisfactorily demonstrated that there is an existing need for full time workers to be available at all times for the farm to function properly and therefore the application is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
2. Insufficient information has been submitted to demonstrate whether the farm business has been profitable in the last three years, whether it is financially sound or whether it has a clear prospect of remaining so. In

the absence of such information, it is not considered appropriate to allow a permanent dwelling on the site and the proposal is considered contrary to criterion (c) of Policy DP26 of the adopted Development Management Policies DPD (2011).

3. Insufficient information has been submitted to assess whether there are any other dwellings available locally which could meet the worker's need (should there be a demonstrable need for a worker(s) to live on site). It would be inappropriate to allow a dwelling on the site without being satisfied that there are no other existing dwellings which could meet any need and the proposal is contrary to criterion (d) of Policy DP26 of the adopted Development Management Policies DPD (2011).
4. The application proposes siting a use classified as 'highly vulnerable' (in accordance with paragraph 66 Table 2 of the Planning Practice Guidance revision date 06/03/2014) in flood risk zone 3. In accordance with paragraph 67 Table 3 of the Planning Practice Guidance (revision date 06/03/2014), this development should not be permitted. Accordingly, the proposal is at an unacceptable risk of flooding contrary to paragraph 100 of the National Planning Policy Framework (2012), Policy CS20 of the adopted Core Strategy (2007) and Policy DP29 of the adopted Development Management Policies DPD (2011).
5. The application proposes the permanent retention of a static caravan on this site which is open to views from the grazing marshes to the south, adjoins the Halvergate Marshes Conservation Area and is seen in the setting of the Grade II* Church of St Peter and St Paul. A static caravan is not considered an appropriate form of development in this setting as the low quality and off-the-shelf appearance adversely affect the setting of the designated heritage assets and local landscape character. The proposal, by virtue of its form, design and materials, is considered contrary to Policy CS1 of the adopted Core Strategy (2007), Policies DP2, DP4 and DP5 of the adopted Development Management Policies DPD (2011) and paragraphs 60, 64, 115, 131 and 133 of the National Planning Policy Framework (2012).

BA/2015/0408/FUL - Retrospective application for the infilling of two ditches and new access with gates - approved subject to conditions.

3 Consultation

Parish Council - No objections and support this planning application.

Broads Society - No response.

District Member - No response.

Environment Agency - No objection to amended proposal providing you are satisfied the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.

Highway Authority - The site is accessed off a private track served by a single track road which is a public highway but has no formal passing provision. Given the existing development served off this section of highway, I do not consider the increase in traffic movements represent a material increase; in fact given the use if associated with the agricultural business of Poplar Farm it may generate less traffic movements than a standard family property. Accordingly no objections, recommended condition on parking and turning space.

Environmental Health Officer - Requested Phase One contamination survey.

4 Representations

- 4.1 One neutral representation observing that the submitted Flood Risk Assessment refers to the site being in flood zone 3b, that the determination of application BA/2015/0190/FUL referred to a dwelling being unacceptable in this flood zone and that the building does not appear to be on the footprint of any previous building on the site.
- 4.2 Nineteen representations in support of the proposal have been received from family, friends, customers and neighbours of the applicants. A petition with 48 signatures in support of the proposal was also submitted with the application.
- 4.3 A letter has also been received from the East Norfolk NFU branch giving the applicants full support and stating they are satisfied there is a genuine need to be on site for reasons of welfare and security.

5 Policies

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

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

CS1 – Landscape
CS24 – Residential Development and the Local Community
DP1 - Natural Environment
DP2 - Landscape and Trees
DP3 - Water Quality and Resources
DP4 - Design
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

DP5 – Historic Environment

DP22 - Residential Development within Defined Development Boundaries

DP26 - Permanent and Temporary Dwellings for Agriculture, Forestry and Other Workers

DP28 - Amenity

6 Assessment

- 6.1 The key issues to consider in the determination of this application are the principle of the development and, if acceptable, flood risk, amenity, design, landscape, ecology, water quality and highways.

Principle

- 6.2 The site is outside a development boundary where there is a presumption against new dwellings unless there are special circumstances, and, in accordance with paragraph 55 of the National Planning Policy Framework, Policy DP26 allows for agricultural worker's dwellings if there is an essential need. It is therefore necessary to consider the principle of the development with regard to criteria (a) to (f) of Policy DP26.
- 6.3 Criterion (a) requires there to be a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly. The farm currently has 35 cows, increasing to 50 by the end of 2016 and 60 by the end of 2017 and 50 breeding ewes who will lamb this year, increasing to 75 by the end of 2016. An average of 50 additional bottle fed lambs are purchased each year and approximately 50 turkeys are also raised. The livestock is bred to produce meat which is sold directly to customers.
- 6.4 The primary reason for the proposed dwelling is for the welfare of the livestock so that there is someone available within sight and sound 24/7, particularly during calving (January to April) and lambing (end of April to mid-June) when close supervision and assistance is often necessary. A letter from a vet has been submitted with the application, verifying that it is essential for animal welfare that there is someone living within sight and sound and that the animals need to be checked several times a day. The letter of support from the NFU states there is a genuine need for the applicants to be on site for reasons of animal welfare and security.
- 6.5 Health and safety is also cited as reason, as anyone working on site would be less likely to be alone on the site and the dwelling would provide hygiene facilities and medical supplies, as well as warmth and shelter, in the event of an accident.
- 6.6 At present, when not occupying the touring caravan used in accordance with permitted development rights, the applicant and his partner reside at and

travel from their parents' homes, each over five miles from the farm. The application notes these journeys affect the economic viability of the farm due to the cost of travelling, increase the time to respond to emergencies and add to fatigue and stress. There have been incidences of animals escaping or being stuck in ditches when neighbours or visitors have had to contact the applicant to travel to site and respond. The application also cites prevention of rural crime and fire by on-site surveillance as reasons in support of a dwelling and refers to theft and trespass which have previously occurred here. An undated letter from a Police Constable states that an on-site dwelling would be beneficial from a crime prevention perspective.

- 6.7 With regard to criterion (a), it is considered that there would be benefits to the welfare of the animals and viability of the business to have the applicant living on site. Criterion (a) requires there to be a demonstrable essential need and in light of the letters of support from a vet, the NFU, the Police and also the CLA and Institute of Agriculture it is considered there is a case for an on-site dwelling. It should however be noted that the permission for the farm buildings (BA/2015/0188/FUL) only allows these to be occupied in special circumstances (e.g. lambing and calving, treatment for illness or injury) from April to October, so the animals are out to graze for spring and summer in the interests of protecting the amenity of neighbouring occupiers. The majority of the livestock should therefore be off-site for seven months of the year, reducing the need to be present on site during this period. However, the circumstances when livestock can occupy the buildings in those months are those when it is likely the animals would require more attention. It should also be noted that the applicant has been residing on site, initially in the static caravan, and now in a touring caravan due to the demands of the existing farm activity. On balance, it is therefore considered there is a demonstrable need which satisfies criterion (a).
- 6.8 Criterion (b) requires the need to arise from a worker employed full-time or primarily in the Broads in agriculture. The application asserts that there is a current need for 1.79 full-time equivalent workers from the existing herds and although the applicant and his partner undertake other work and contracts off-site, their focus is increasingly on the more profitable work at Poplar Farm as this expands. It is considered there is a need for at least one worker on-site full-time.
- 6.9 In terms of criterion (c) and the profitability of the existing business, figures have been submitted which demonstrate a modest profit has been made each year since 2012 after demands on profit have been taken into account and a business plan for the next three years has been submitted which projects increasing income and profit. It is therefore considered criterion (c) is satisfied.
- 6.10 Criterion (d) requires there to be no other dwelling on site or in the locality that could meet the need. Whilst it is appreciated that there was a dwelling here in the early twentieth century, there is no existing dwelling on site. A static caravan, subject of refused application BA/2015/0190/FUL for residential use, remains on site but is no longer occupied residentially and, due to the greater vulnerability to flood risk and inappropriate visual appearance, it is not

considered an appropriate form of residential accommodation on this site. It should also be noted there are no buildings on site which would be appropriate for conversion to a dwelling. With regard to other dwellings available in the locality, the application identifies that one dwelling has been for sale within a one mile radius but this was at a price which the applicant states a mortgage for would not be financially viable for the business and there are no properties available to rent in the same area. Given the case for need considered in respect of criterion (a), a search radius of one mile is considered reasonable and it is considered criterion (d) is satisfied.

- 6.11 Criterion (e) requires dwellings permitted under this policy to be commensurate in size and scale with the needs of the business. Approximately half the ground floor space of the dwelling is occupied by the office, utility room and boot room associated with the farm with three bedrooms and the majority of the living accommodation on the first floor. The scale with regard to design is considered below, but in terms of the accommodation offered, this is considered to be relatively modest and whilst three bedrooms may not be necessary for the applicant and his partner at present, it is appreciated they are a young couple who plan to start a family and the spare bedrooms could also offer temporary accommodation for contractors or employees. The proposal is therefore considered to comply with criterion (e).
- 6.12 With regard to criterion (f) and adverse impacts on protected species and habitats, the current site is not considered to have any significant potential for protected species or offer valuable habitat and the proposal is acceptable in this respect, subject to the inclusion of biodiversity enhancements in the development.

Flood Risk

- 6.13 The submitted Flood Risk Assessment concludes the site can be considered to be in flood zone 3a and the Environment Agency agree with this, taking into account the presence of defences. To address an initial objection from the Environment Agency, the finished ground floor level has been raised to above the 1 in 200 year (including climate change) flood level. In order for this 'more vulnerable' development to be acceptable in flood zone 3a, it must pass the Sequential and Exception Tests.
- 6.14 To pass the Sequential Test it must be demonstrated that there are no other reasonably available sites at a lower risk of flooding. Whilst there may be other sites at a lower risk of flooding locally, if there is an essential need to live on site then it is not appropriate to consider other sites and in this respect, providing criterion (a) of Policy DP26 is satisfied, the Sequential Test can be passed.
- 6.15 To pass the Exception Test, it must be demonstrated that:
- the development provides wider sustainability benefits to the community which outweigh flood risk; and,
 - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

- 6.16 By supporting the existing and expanding farm business, it is considered the community would benefit from the proposal and that sustainability appraisal objectives are fulfilled by the proposal. Whilst the risk of flooding is high, the need to live on site and benefits of doing so are considered to weigh in favour of the proposal. Furthermore, it is considered the development would be safe, subject to appropriate conditions to manage residual risk, and would not increase flood risk elsewhere. The proposal is therefore considered to pass the Exception Test and be acceptable with regard to flood risk in accordance with Policies CS0, DP29 and paragraphs 100-103 of the National Planning Policy Framework.

Amenity

- 6.17 The existing farm would sit between the dwelling and nearest neighbouring dwellings to the west along Church Lane. Given the distance (over 100 metres) and intervening farm development, it is not considered the dwelling would have any unacceptable impacts on the amenity of neighbouring residential occupiers to the west, or the stable and grazing uses to the east. The proposal is therefore considered acceptable in accordance with Policy DP28.

Design

- 6.18 Given that this open countryside site would not otherwise be considered appropriate for a new dwelling, it is considered necessary to secure a sensitive, high quality design. The proposal takes a traditional form and uses appropriate materials. Although the scale is quite substantial for a marsh-edge farmhouse, the overall design takes reference from other local dwellings and the scale is not considered inappropriate for its purpose, site or setting. The application proposes removal of the existing static caravan on site which provides storage and ancillary facilities and this should be secured by condition to improve the appearance of the site. It is also considered necessary to remove permitted development rights in the interests of managing future development of this site. The dwelling is therefore considered acceptable in accordance with Policy DP4 and is not considered to have any adverse impact on the adjacent Conservation Area or the setting of the nearby listed church in accordance with Policy DP5.

Landscape and Ecology

- 6.19 With regard to the wider landscape setting, settlement in this area is characterised by isolated farmhouses on the higher ground at the edge of the marshes outside the small settlements of Stokesby, Runham and West Caister. The proposal is therefore in keeping and subject to an appropriate detailed landscaping scheme, it is not considered to have any adverse landscape impacts. Subject to conditions on landscaping and biodiversity enhancements, the proposal is acceptable in accordance with Policies DP1 and DP2.

Other matters

- 6.20 A treatment plant is proposed to deal with foul water and this is considered acceptable in accordance with Policy DP3.

- 6.21 Subject to a condition securing appropriate parking and turning prior to occupation, the Highways Authority have no objection and the proposal is considered acceptable in accordance with Policy DP11.
- 6.22 A plan has been submitted identifying the likely timeline of development within the farm and of the dwelling, proposing construction of the dwelling would start in Autumn 2017. It is appreciated if there is a demonstrable existing need for a dwelling on site for the enterprise to function properly, this may need to be met by alternative means until construction of the dwelling is complete. The applicant is currently using permitted development rights to allow seasonal use of a touring caravan and the static caravan which was occupied previously remains on site used for other purposes. Caravans are classified as a highly vulnerable use in flood risk terms and should not be permitted in flood zone 3a and therefore allowing even a temporary permission for such accommodation would be inappropriate. Should the seasonal use of the touring caravan become permanent (and thus unauthorised) or residential occupation of the static caravan resume (also unauthorised) until any permanent dwelling is constructed, it would be appropriate to address this by serving an enforcement notice with a long compliance period.

7 Conclusion

- 7.1 The application proposes a new agricultural workers dwelling in connection with the existing agricultural business at Poplar Farm. The site is outside a development boundary and remote from the nearest settlement. There must therefore be a robust case and demonstrable essential need to allow a new dwelling here.
- 7.2 It is considered that there is a need for supervision on site for animal welfare purposes and this would have added benefits for health and safety and security, supporting the functioning and viability of the farm business. On balance, it is considered that sufficient information has been provided to justify this case with regards to the criteria of Policy DP26 and that the proposed dwelling is acceptable in terms of flood risk, amenity, design, landscape, ecology, water quality and amenity.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) In accordance with submitted plans
 - (iii) Materials to be agreed
 - (iv) Biodiversity enhancements to be agreed
 - (v) Landscaping scheme to be agreed
 - (vi) Flood resilience/resistance measures to be agreed
 - (vii) Parking and turning area to be provided prior to occupation
 - (viii) Treatment plant to be installed prior to occupation
 - (ix) Flood plan prior to occupation
 - (x) Removal of static caravan within three months of first occupation

- (xi) Remove permitted development rights
- (xii) Agricultural occupancy

8.2 It is also recommended that authority is given to serve an enforcement notice in order to prevent establishment of touring or static caravans.

9 Reason for recommendation

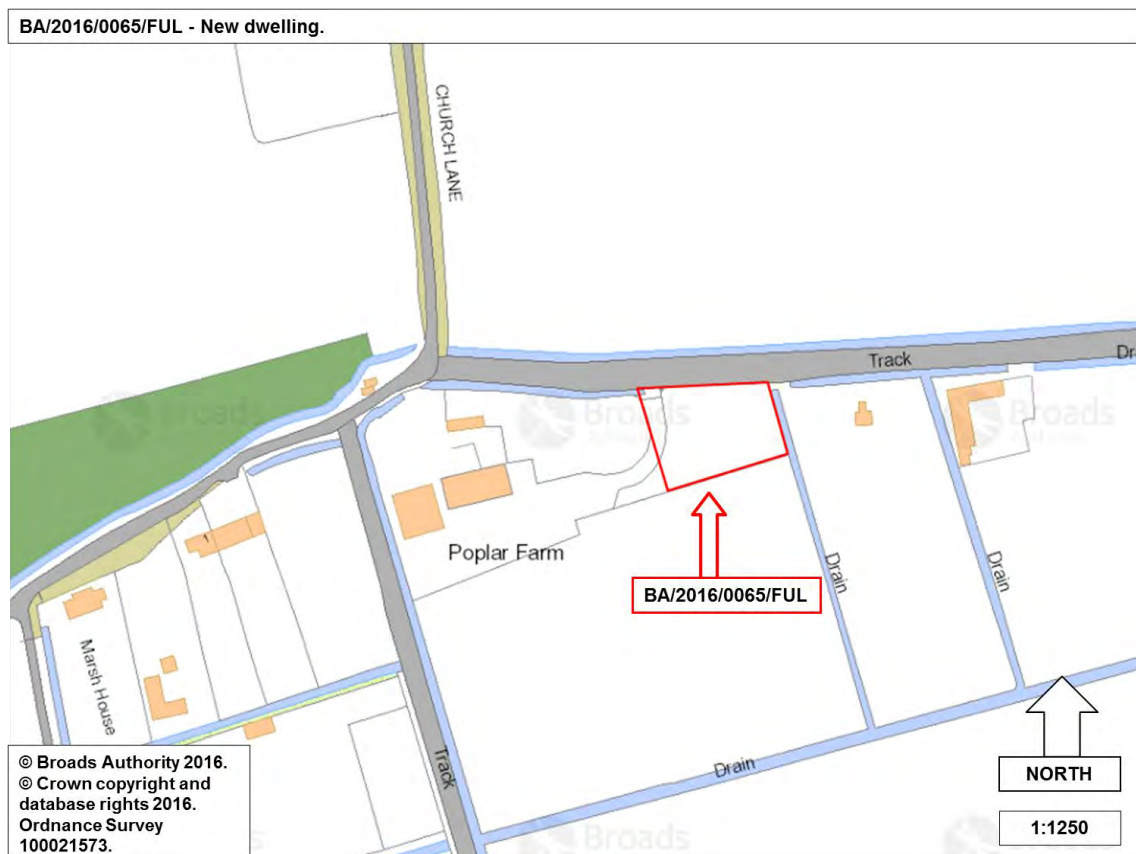
9.1 The proposal is considered acceptable in accordance with Policies CS1, CS18, CS20 and CS24 and of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP5, DP11, DP22, DP26, DP28 and DP29 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

Background papers: Planning File BA/2016/0065/FUL

Author: Maria Hammond
Date of Report: 18 April 2016

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1



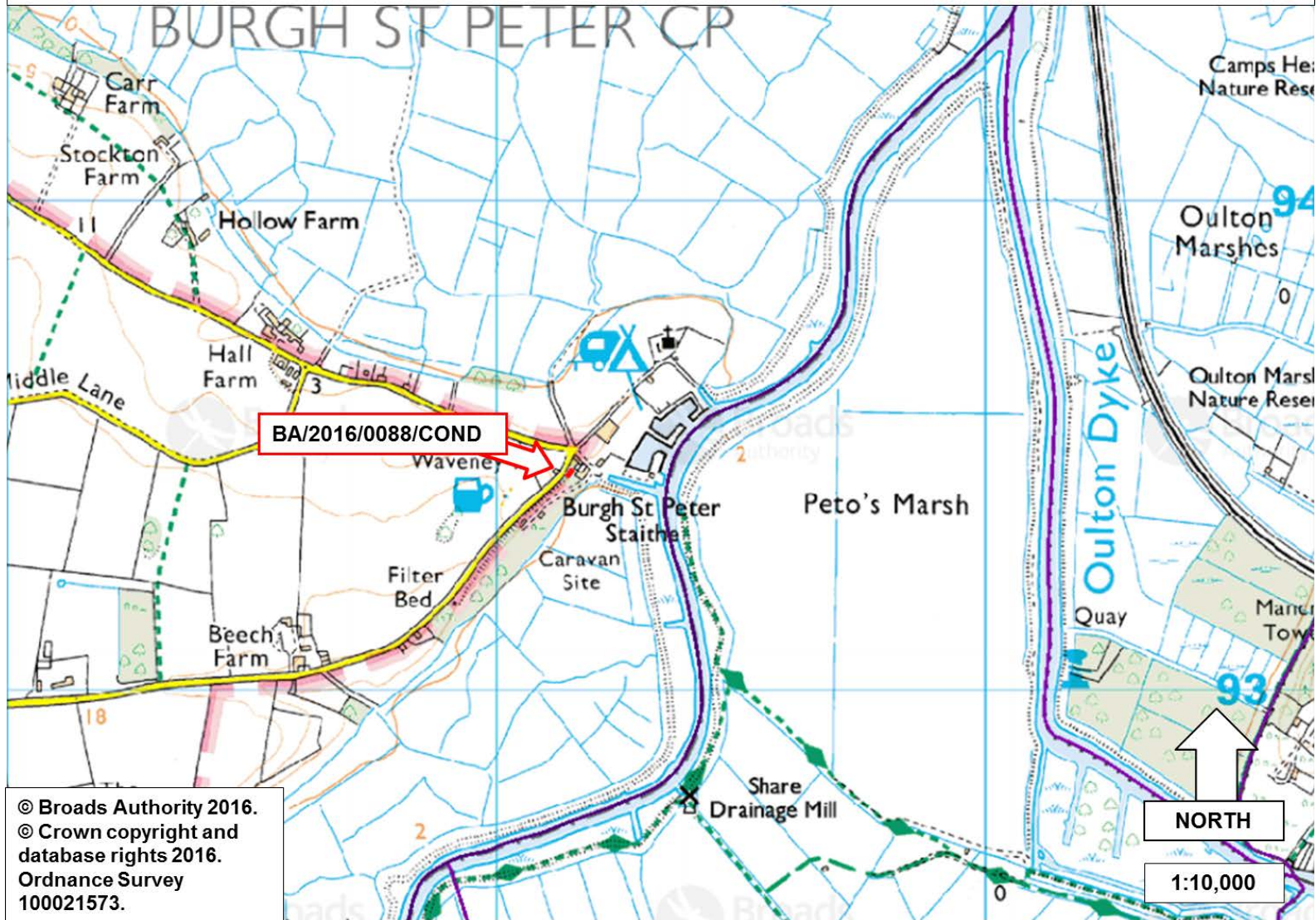
Reference

BA/2016/0088/COND

Location

Waveney Inn River Centre, Staithe Road, Burgh St Peter

BA/2016/0088/COND Change of fenestration, variation of condition 2, and removal of conditions 4 and 7 of permission BA/2015/0360/FUL.



Application for Determination

- Parish:** Burgh St Peter/Wheatacre
- Reference:** BA/2016/0088/COND **Target date** 2 May 2016
- Location:** Waveney Inn and River Centre, Staithe Road, Burgh St Peter
- Proposal:** Change of fenestration, variation of condition 2, and removal of conditions 4 and 7 of permission BA/2015/0360/FUL
- Applicant:** Mr James Knight, Waveney River Centre
- Recommendation:** Approve subject to conditions
- Reason for referral to Committee** Applicant is a Member of the Navigation Committee

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 Facilities within the site include a public house with restaurant, 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.
- 1.3 At the January 2016 Planning Committee meeting, Members resolved to grant planning permission for an extension to the existing restaurant (BA/2015/0360/FUL). This was to be sited to the rear of the existing building in an undeveloped area adjacent to a service yard. It measured 7.5 metres by 15 metres in footprint, adding approximately 50% more floorspace to the existing provision and doubling the number of covers which could be served. The pre-commencement conditions have been discharged and development has commenced on site. The permission was subject to eight conditions, of which three (conditions 2, 4 and 7) are relevant to this Section 73 application.
- 1.4 This application pursuant to section 73 Town and Country Planning Act 1990, as amended, seeks to vary one and remove two of the eight conditions as below. On an application under section 73, a local planning authority shall

consider only the question of the conditions subject to which planning permission should be granted, and (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 1.5 Paragraph 206 of the National Planning Policy Framework sets out the six ‘tests’ all planning conditions must meet. Paragraph 206 states: “Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”. Guidance is given on the ‘tests’ in the Planning Practice Guidance.
- 1.6 This application seeks to vary condition 2 of the permission to apply to amended plans. Condition 2 states:

The development hereby permitted shall be carried out in accordance with the submitted plans (drawing number WRCRXb, OS Sitemap and Covering Statement received by the Local Planning Authority on 29 October 2015, emails from applicant of 9 December 2015 (11:02 and 14:44), amended drawing WRCRXa received by the Local Planning Authority on 14 December 2015 and drawing number 961-03/100 received by the Local Planning Authority on 11 January 2016.

The application proposes that plan WRCRXai replaces plan WRCRXa, and plan WRCRXbi replaces plan WRCRXb. These amended plans propose the provision of bi-fold doors across the northeast elevation, where a single personnel door and window was approved. The proposed bi-fold doors have already been installed and the application is retrospective in this respect. The approved door was to provide an emergency exit with level access through the existing service yard. The proposed doors would open to a new patio area enclosed by raised bed planting and 1.8 metre high close board fencing. This 8 by 8.5 metre patio is proposed to be used as additional outdoor seating to the pub and restaurant.

- 1.7 The application also proposes removing conditions 4 and 7 and the applicant’s justification is set out below:

Condition	Reason for proposed removal
4. Prior to the first use of the development hereby permitted the existing passing bays on Burgh Road (indicated on drawing number 961-03/100 received by the Local Planning Authority on 11 January 2016) shall be signed with approved passing bay signs, the number and	This condition should be removed as it is unnecessary, unreasonable, not relevant to the development and unenforceable: a) the consultation response from highways indicates that the development is unlikely to result in a severe residual traffic impact, and indeed concedes that it would

<p>exact locations to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.</p>	<p>probably contribute to a reduction in traffic leaving the site. Therefore such a condition is not necessary and places an unreasonable financial burden on the applicant;</p> <p>b) the condition relates to a different planning application (BA/2015/0251/FUL) for which traffic impact analysis was carried out and agreed with the highways authority. It is not reasonable to apply this condition to a completely different and unrelated application;</p> <p>c) the co-operation of a third party (the highways authority) is required in order to discharge the condition and there is no mechanism in place to ensure this. Therefore, it could become impossible for the applicant to discharge the condition for reasons beyond its control, making the condition unenforceable.</p>
<p>7. The use of the extension hereby permitted shall be limited to those types of uses specified within Classes A3 (food and drink) and A4 (drinking establishment) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking, amending or re-enacting that Order) and no other use shall take place unless planning permission has first been granted by the Local Planning Authority.</p>	<p>This condition should be removed as it is unnecessary, unreasonable and unenforceable.</p> <p>a) as confirmed by Officers, there is no such restriction on the existing pub/restaurant;</p> <p>b) the condition does not relate to the development proposed, which is described as an extension of the existing restaurant (without separate access or facilities) - it makes no sense for the extension to have different planning restrictions to the remainder;</p> <p>c) it will create confusion and uncertainty for the applicant, and may have unintended consequences for the viability of the business.</p> <p>d) the condition is in any event unnecessary, as there is no prospect of the business transforming itself from a holiday destination into a wedding & function venue.</p>

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'. Retrospective. - 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. Retrospective – Approved

BA/2015/0251/FUL Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10. Part retrospective – Approved subject to conditions

BA/2015/0360/FUL – Restaurant Extension - Approved subject to conditions

BA/2015/0371/FUL - Replace barn with administration centre – Approved subject to conditions

BA/2016/0064/COND - Removal of conditions 1: temporary consent, 3: residential mooring limit, 5: mooring management plan, 6: passing bay signs, 8: vessel size limit and 10: mooring details of permission BA/2015/0251/FUL - Approved subject to conditions.

3 Consultation

Burgh St Peter/Wheatacre Parish Council:

Condition 2 - Approved plans - Councillors consider the patio would be a useful addition to the restaurant extension and make use of an area with limited potential. However, the patio could be used to increase the capacity of the restaurant further.

Condition 4 - Highways - Councillors consider this to be a technical/legal matter between the applicant and the Broads Authority and have no comment except that they expect the passing bay signs to be provided and installed as soon as possible as this is a highway safety matter.

Condition 7 - Use Class - Councillors consider to be a technical/legal matter between the applicant and the Broads Authority and have no comment.

Broads Society - No objections.

District Member - No response.

Highways Authority – In terms of the variation of Condition 2 the Highway Authority have no comment. In relation to the removal of condition 4 and 7, I consider the Highway Authority response to the application, together with the planning committee report, clearly set out and define the reasons for the conditions. However, in relation to condition 4, I would add, that in consideration of the planning application, the Highway Authority response is considered a pragmatic one, and whilst acknowledging that the proposals may give rise to an increase in vehicle movements, it could not consider that the residual effect from the proposals were severe in terms of its definition under the NPPF. Whilst additional availability of eating spaces may well mean clients will stay on site longer and vehicle movements will be dispersed over a longer time period, clients not staying on the site will still need to leave via the highway network. The Local Planning Authority will note that I considered the Application BA/2015/0251/FUL as a material consideration in this respect, which appears to have been accepted. Given the recent application for removal of conditions in respect of that application, I still retain this view.

In terms of condition 4, I consider this to be a Grampian Condition, irrespective of various methods that can be used to discharge it.

With respect to condition 7, it is quite clear that use of the facilities over and above that of a restaurant, for such occasions as weddings and conferences would give rise to increase in traffic movements on the highway network.

As you will be aware the County Council as Highway Authority has continued to raise concerns in relation to the continued development of the Waveney River Centre and the suitability of the highway network serving the site and local area.

I consider that the conditions are necessary and relevant to the development permitted, is precise, reasonable and enforceable and in respect of them being relevant to planning, along with the other criteria, your Authority will have satisfied themselves that the requirements of Para. 206 are met. Accordingly, whilst the Highway Authority would not recommend the removal of the condition I am of the opinion that given the nature of the application and supporting documentation, it is for your Authority to consider the grounds relating to the reasoning for the request to remove the condition and make a decision accordingly.

4 Representations

4.1 None received.

5 Policies

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

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

CS1 – Landscape
CS16 - Access and Transportation
DP4 - Design
DP11 - Access on Land

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.

DP28 - Amenity

6 Assessment

6.1 In terms of assessment and having regard to the wording of Section 73 of the 1990 Act (at paragraph 1.4 above) it is considered appropriate to address each of the conditions which are proposed to be varied or removed from the permission in turn and an individual decision in respect of each of those conditions is required (Members may not reconsider the principle of the grant of planning permission nor consider the remaining five conditions subject to which permission was granted in January 2016).

6.2 In considering each of the three conditions subject of this application, Members should have in mind the requirement that each of them satisfies, to the full extent, the six tests set out in Paragraph 206 of the NPPF (see paragraph 1.5 above).

6.3 Members are also entitled to have regard to and consider the fact that each of the three conditions subject of the Section 73 application were attached to a grant of planning permission issued as recently as January 2016. They are entitled to asked themselves whether there has been any material change of planning circumstances in the interim (*i.e.* between the date of grant when it was considered reasonable and necessary to impose each of the three conditions and the date of today's Committee meeting).

- 6.4 In the opinion of your Officers, it is considered that since the granting of the January 2016 permission there has been no change in the circumstances of the site, other than the granting of permission for an administration centre and the issuing of a second permission for ten residential moorings, subject to revised conditions, and there has been no change in planning policy or guidance.
- 6.5 Applying these principles to each of the three conditions the subject of the Section 73 application and also bearing in mind particularly paragraphs 1.6 (as to condition 2) and 1.7 (as to conditions 4 and 7) above (which set out the present wording of each of three conditions and puts forward the applicant's justification for varying or removing each of them:

Condition 2 - Amended plans

- 6.6 In design terms, the inclusion of bi-fold doors is considered appropriate to the overall appearance of the approved extension and the use of raised bed planting and close board fencing to enclose the patio area is not inappropriate in this service area to the rear of the building.
- 6.7 This patio area will further increase the seating capacity of the extension, albeit only when the weather allows. Approximately 23 metres to the northwest, on higher ground on the opposite side of Staithe Road, there is a two storey dwelling. The approved extension was not considered to have any unacceptable impact on the amenity of the occupiers of this dwelling, partly due to the absence of any outside seating and subject to the retention of the roadside hedge which screens direct views (condition 8) from this dwelling and the road. As with the extension itself, the patio area would not be directly visible from this dwelling but it is considered noise and activity associated with the use of this space may adversely affect amenity, particularly on clement summer evenings. A condition which allows this area to be used 08:00 to 22:00 each day is considered reasonable and necessary to mitigate any unacceptable impacts on amenity (the existing restaurant operates 08:00 to 00:00). Requiring any external lighting to be directed downwards is also considered reasonable and necessary to mitigate any adverse impacts on the neighbouring dwelling and manage light pollution. Subject to these conditions, which are additional to those applied on the existing permission and are considered to satisfy the six tests, the proposed amended plans are considered acceptable in accordance with Policies DP4 and DP28.

Condition 4 – Highways

- 6.8 This condition is identical in effect to a condition applied originally on the permission for ten residential moorings on this site (BA/2015/0251/FUL). At the 1 April 2016 Planning Committee meeting, Members resolved to retain this condition on an application which sought its removal (BA/2016/0064/COND). The condition requires agreement on and provision of signage to passing bays prior to the first use of the development.

- 6.9 The condition was applied to the permission for the restaurant extension on the advice of the Highway Authority as this development would also attract greater traffic to the site, although it was noted that the extension would retain existing customers on site who might otherwise leave if the original restaurant was full at peak times and distribute the movements of other customers who may visit and leave when they find the restaurant to be full.
- 6.10 The applicant considers the condition unnecessary as the Highway Authority did not consider the approved extension would result in a severe residual traffic impact (in accordance with paragraph 32 of the National Planning Policy Framework), however the Highway Authority did consider it necessary to apply this condition to mitigate the impacts of the additional traffic. The current proposal to also provide a patio seating area further increases the capacity of the extension and thus likely traffic movements.
- 6.11 The applicant considers the requirement to place an unreasonable financial burden on him, however no further information has been submitted in this respect and it is not known what the cost of providing the necessary signage would be nor how this relates to the cost and viability of the approved development (on which construction has commenced). In the absence of any detailed information, it cannot be assessed whether any financial burden is unreasonable, but given the scale of the development and its potential to generate additional income, this is considered unlikely.
- 6.12 As the condition is identical in effect to that applied to the permission for the residential moorings, the applicant considers it unreasonable to apply this condition to a different and unrelated permission. The Highway Authority took the application for the residential mooring into account as a material consideration in their recommendation on the application for the restaurant extension, recognising that that development may not be implemented but also the individual and cumulative effects of the two developments. As both developments would increase traffic movements, applying the condition to both permissions means that whichever is implemented first would provide the passing bay signage and thus the highways mitigation for the first development and subsequent one, should that also be implemented. This is considered reasonable and the condition is directly related to the impacts of the restaurant extension.
- 6.13 The applicant considers this condition unenforceable because it requires the co-operation of the Highways Authority to discharge it. What the condition requires is for the Local Planning Authority to agree the number and location of the signs in consultation with the Highways Authority. As the Highways Authority are the statutory consultee for highways matters and have the expertise to advise on the acceptability of any proposal for highway safety signs, it is necessary and reasonable to require their consultation to discharge this condition
- 6.14 This condition is a 'Grampian condition' meaning that it prohibits the use of the development until the passing bays have been signed with approved

signage. Such conditions should not be used where there are no realistic prospects of the required action being performed within the time limit imposed by the permission. In this case, the Highways Authority, whose consultation on the signage numbers and locations is required to discharge the condition, recommended this particular condition and it is understood to be a condition they recommend regularly.

- 6.15 The applicant considers the condition unenforceable as there is no mechanism in place to ensure the Highways Authority cooperate in discharging it and their consent is required to carry out the work. The Planning Practice Guidance states "Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition)...". The Highways Authority consider this to be a Grampian condition with various methods to discharge it.
- 6.16 The Highways Authority and officers are satisfied that the condition satisfies the six tests, in particular the test of necessity as the condition provides the mitigation required to manage the additional traffic movements resulting from the original and amended proposal. It is therefore considered necessary to retain this condition in accordance with Policies CS16 and DP11.

Condition 7 – Use

- 6.17 This condition was applied to manage the use of the extension in the interests of proper planning and in response to concerns raised by both the Parish Council and Highway Authority about the potential use of the venue by large groups, such as weddings and conferences, which would increase the pressure on the local road network. The condition does not explicitly prevent such events, but regular use may trigger a material change of use which would require planning permission. Furthermore, under current permitted development rights, A3 and A4 uses can change to A1 (retail), A2 (financial and professional services), a state funded school for one academic year or a temporary flexible A1, A2 or B1 (business) use without planning permission.
- 6.18 The applicant considers the condition unnecessary, unreasonable and unenforceable because there is no such condition on the existing pub/restaurant and there is no sense in the extension having different planning restrictions. Whilst it may be the case the existing building is not subject to a planning condition stipulating the use, it is a fact that the use class is A3/A4 and the application was proposed as an extension to the existing building. The applicant suggests the extension is integral to the existing pub/restaurant, however internally it is separated from the existing space by the layout of the bar and toilets and the amended proposal increases the external accessibility.

- 6.19 The Highway Authority note that they have continued to raise concerns in relation to the continued development of the site and the suitability of the highway network serving the site and local area. Whilst it is appreciated the applicant says there is no prospect of the business changing from a holiday destination to a wedding and function venue, alternative or separate uses operated by the applicant or any future owner/operator have the potential to attract greater traffic movements than the approved development. The applicant cites the consideration Members gave to the viability of the Waveney Inn in the approval of ten residential moorings on the site (BA/2015/0251/FUL) and how preventing the use of the extension for small functions and weddings outside the main holiday season would result in a loss of bookings or the holding of those events in the existing restaurant. It has not been demonstrated how the existing condition would affect the viability of the pub/restaurant (the capacity of which would more than double as a result of the amended proposal) or wider business, nor how this might outweigh the significant highway considerations.
- 6.20 It is also not apparent how the condition would have unintended consequences for the viability of the development nor what confusion and uncertainty it creates for the applicant, if anything it gives all parties certainty over how the approved development can and should be used.
- 6.21 A condition ensuring the additional capacity is used as an extension to the existing pub/restaurant and remains in pub/restaurant use is considered to satisfy the six tests and be the most appropriate mechanism to manage use of the venue in the interests of highway safety. The Highway Authority are also satisfied it passes the six tests and do not recommend its removal. Should the application be approved it is considered necessary to retain this condition and amend it to also include the proposed patio area, in accordance with Policies CS16 and DP11.

Other conditions

- 6.22 Should this application be approved, it shall be necessary to re-state the existing conditions not amended by the proposal (conditions 1, 3, 5, 6 and 8) but amend these, as appropriate, to reflect the fact development has commenced and the pre-commencement conditions have been discharged. Two additional conditions are also necessary to manage the use and lighting of the additional patio area which is proposed as new development in this application and section 73 allows for the application of new conditions as necessary.

7 Conclusion

- 7.1 The application proposes amending condition 2 as detailed at paragraph 1.6 above and removing conditions 4 and 7 to remove the requirement for highways mitigation and management of the use of the approved extension. Whilst the amendments to the fenestration and creation of a patio area are considered acceptable (former condition 2), the removal of conditions 4 and 7 is not considered appropriate, for the reasons set out in this report. Accordingly and, in accordance with section 73 (2)(a) of the Town and Country

Planning Act 1990 (as amended), planning permission should be granted subject to conditions differing from those to which planning permission was previously granted (namely by the variation of former condition 2 but with all the other seven conditions being replicated in the new grant of planning permission (being amended as appropriate) and two additional conditions as explained at paragraph 5.22 above.

8 Recommendation

8.1 Approve subject to conditions:

- (i) Commencement by 12 January 2019 (three years from date of original permission)
- (ii) In accordance with amended plans
- (iii) Archaeological investigation
- (iv) Signage to passing bays
- (v) Deposition of spoil
- (vi) Materials to match existing building
- (vii) Extension and patio to be used for A3 (food and drink) and A4 (drinking establishment) uses only
- (viii) Retain roadside hedge at minimum height of 1.2 metres
- (ix) Patio to be used 08:00 to 22:00 only
- (x) All external lighting to be directed downwards

9 Reason for recommendation

- 9.1 The proposal is considered acceptable in accordance with Policies CS1 and CS16 of the adopted Core Strategy (2007), Policies DP4, DP11 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

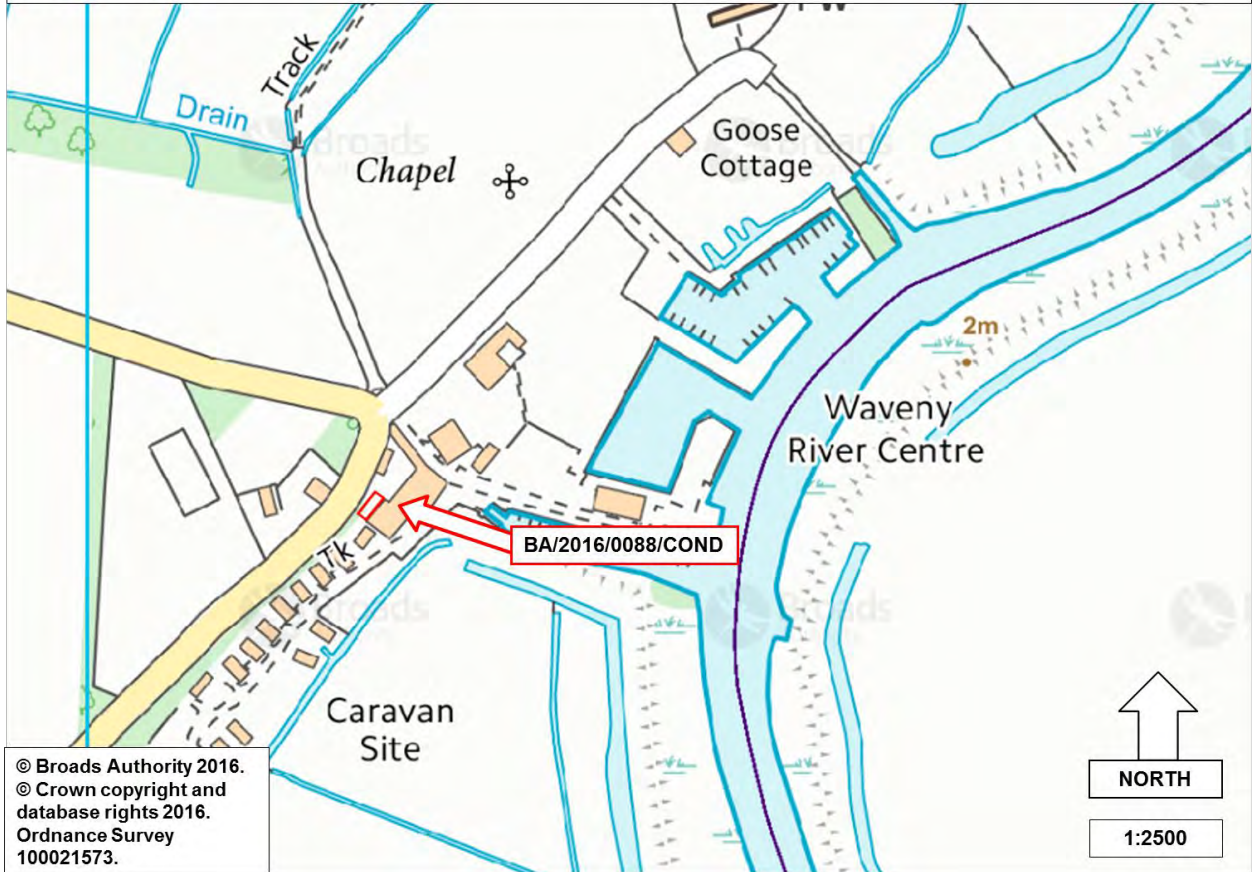
Background papers: Planning file BA/2016/0088/COND

Author: Maria Hammond
Date of report: 20 April 2016

List of Appendices: APPENDIX 1 – Site Plan

APPENDIX 1

BA/2016/0088/COND Change of fenestration, variation of condition 2, and removal of conditions 4 and 7 of permission BA/2015/0360/FUL.



Broads Local Plan – Issues and Options Representations
Report by Planning Policy Officer

Summary:	The consultation on the Issues and Options version of the Local Plan ended on 8 April. This report summarises how the consultation was undertaken and the comments received.
Recommendation:	Members are asked to note the contents of the report as well as the views of the public.

1 Introduction

- 1.1 This is the first stage of producing a Local Plan. The document identified issues and discusses potential options to address that issue. The purpose of the consultation was to ensure that all potential issues have been covered and to seek views on the appropriate approaches to those issues.
- 1.2 At this stage, there is no policy content. Potential policy content is discussed at a high level. It is for the next stage of the Local Plan (Preferred Options) to come up with potential policy wording.
- 1.3 The consultation ran for eight weeks from 16 February until 8 April 2016.

2 About the Consultation

- 2.1 The Authority undertook the following to advertise and collate views from the public and stakeholders:
 - Wrote/Emailed to specific statutory consultees (for example Natural England and the Environment Agency)
 - Wrote/Emailed to other consultees the Authority considers should be consulted (such as local groups and others who have expressed an interest in the Local Plan – e.g NSBA, BHBF)
 - A formal notice in the newspaper and two news articles on the consultation
 - Placed hard copies in accessible venues around the Broads Executive Area and beyond (such as libraries and District Council Offices)
 - Placed the document on the Authority's website
 - On-line, non-technical questionnaire using Survey Monkey
 - Three drop in sessions held out of core work hours at Stalham, Brundall and Oulton
 - Youth engagement through an art group at Whitlingham and a Stalham youth group
 - Meeting/workshop with River Thurne Tenants Association and Thurne Bungalows Management Committee members.

3 What the public and stakeholders said

- 3.1 The appendices to this report give full detail of the comments received.
- 3.2 It should be noted that two or three organisations or individuals requested an extension to the deadline by up to a week. Any additional responses received after the submission of this report will be reported verbally to the Planning Committee.

4 Next Steps

- 4.1 The Preferred Options is being produced, taking on board evidence as well as views received through the Issues and Options consultation. It is intended that the Preferred Options will be out for consultation at the end of the year/early 2017.
- 4.2 Over the coming months, 'bitesize pieces' of the Local Plan will be presented to the Planning Committee.
- 4.3 Work is ongoing to prepare the necessary evidence base to support the Local Plan.

5 Conclusion

- 5.1 The Issues and Options of the Local Plan has been completed. The consultation resulted in many useful comments being submitted.
- 5.2 The Preferred Options version of the Local Plan is underway.
- 5.3 Planning Committee Members are asked to consider and note the comments received through the Issues and Options consultation.

Background papers: None
Author: Natalie Beal
Date of report: 14 April 2016

Appendices: Follow this link <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-29-april-2015> to
Appendix A: analysis of the Survey Monkey questionnaire and
Appendix B: other representations received

Appendix C: Comments received from the Youth Group at Stalham (attached)

Comments received from the Youth Group at Stalham

30 March 2016

Boat Trip

With Young People from Stalham MAP Group

The group consisted of 5 14/15 year olds from Stalham and two Youth Workers.

In the middle of nowhere – Big bog

- Calm
- If more people around, not peaceful
- Can't hear traffic
- Use the Broads for inspiration and being creative
- Broads on door step
- Rich habitats and species – we are there with them but not harming them. We know things are in the bushes and trees.
- More people need to be aware of how to access the Broads and how easy it is
- Schools have trips at primary and infant age groups, but not at high school age groups
- The Broads attracts people from afar but what about locals. So many locals have little or no interest in the Broads.
- Peacefulness enhances the atmosphere
- Chill out and forget the pressures of school and exams
- Could gifted and talented programme at school use the Broads?
- Photography is offered at school, but could there be a programme where young people go out and take photos of the Broads?
- Could use different apps to take photos of the Broads.
- You get a different perspective on water
- Smaller boats are better for the environment

Hunsett Mill

- Black part does not go with brick part – a mismatch
- Like the windows
- Nice place to live
- Canoe to school!
- More for holidays
- Cool place
- Kept older bits
- Not sure if looks right
- Windows plonked on the black building
- View out could be amazing
- Prefer how it looked before
- But now is more environmentally friendly



How have the group used the Broads?

- Scouts kayak on the Broads every week over the summer
- Some group have been on the Broads with their family
- Some family members work on boats
- One member's Dad bought a dinghy and plans to repair it and then use it
- Would like to use the Broads more – kayaks etc
- Kayak costs are reasonable
- Love to have a go at activities like fishing
- Opportunities to have a go
- Science orientated use of the Broads. Often an exam question about the levels of algae and water quality. Could see in real life.
- Broads could be more of school curriculum.
- Water activities weekend
- Broads outdoors festival

Making money on the Broads

- Saw an ice cream boat!
- Workshop – make bird boxes etc and then place round the Broads. Use materials from the Broads.
- Advertise water sport activities more
- Sailing club – have a go but not too elite
- More public events that do not require a lot of equipment.

General comments

- Feel calm and relaxed and do not want to go back
- Waving at other boats brightens up your day
- Lose track of time when sailing on the Broads
- Use wood chopped down for seating areas at schools, not just for habitat
- Ducks and geese and swans do seem to like quieter boats (trip was on electric boat)



Summary comment from Youth Worker: *'I felt that the really significant thing that came out of the discussions on the way back, was the lack of integration of the Broads with the local schools and how it could be a real asset to the curriculum – art, photography, science. Now that curriculums are more flexible, and designed in-house I wonder if there is more scope for this?'*

Broads Local Plan Update and Way Forward – Preparing the Preferred Options
Report by Planning Policy Officer

Summary: This report discusses the Issues and Options consultation, the process towards producing the Preferred Options of the Local Plan as well as proposes an updated Local Development Scheme be adopted. The report discusses improvements to two Sustainability Appraisal (SA) Objectives.

Recommendations:

- (i) That the report be noted and that the version 3 Local Development Scheme is adopted by Planning committee.
- (ii) That the Planning Committee agrees for the changes to the SA Objectives to be consulted on.

1 Introduction

- 1.1 The consultation period for the Issues and Options version of the Broads Authority Local Plan was from 16 February 2016 to 8 April 2016 and, the next stage in the production of the Local Plan is the Preferred Options version.
- 1.2 This report discusses the Issues and Options consultation, the process towards producing the Preferred Options of the Local Plan as well as proposing an updated Local Development Scheme be adopted.

2 Issues and Options Consultation

- 2.1 The consultation ended on 8 April 2016.
- 2.2 Headlines from the consultation are given below:
 - 41 people completed the Survey Monkey questionnaire
 - Around 70 people attended the three drop in sessions at Stalham, Oulton and Brundall
 - Around 30 email or letter representations were received
 - 5 under 16s attended the youth session
- 2.3 The number of consultation responses received is satisfactory and raise some good points. Some useful discussions came out of the drop in events.

3 Towards the Preferred Options

- 3.1 The Preferred Options version of the Local Plan will contain draft policy wording for the public and stakeholders to consider. There will be a Habitats Regulation Assessment on the policy approaches as well as detailed Sustainability Appraisal.
- 3.2 There is much work to be completed in relation to evidence base studies to support the policies in the Local Plan and these will cover a wide range of issues including, housing, employment and flood risk. These studies are being progressed.
- 3.3 In order to give Members the opportunity to keep apprised of the work which is underway it is intended that bite-sized pieces of the Local Plan Preferred Options will be presented to Planning Committee over the coming months. The regular presentation of a number of sections will better enable discussion of the work in more detail than presentation of one single large document at the end. This is likely to involve the discussion of evidence base as well as the direction of the policy approach to reflect the evidence base. It is intended that at the November Planning Committee, the final version of the Preferred Option is presented.

4 Local Development Scheme – Version 3

- 4.1 On recent assessment of the Local Development Scheme (version 2 adopted in June 2015), it was considered that the timeline between Issues and Options and Preferred Options is unrealistic. It is therefore proposed to keep the same end date of potential adoption as early 2018, but to move the Preferred Options consultation back from August to November 2016.
- 4.2 The proposed version 3 of the Local Development Scheme is at Appendix 3 and members are recommended to agree and adopt this time line.
- 4.3 It should be noted that it is not uncommon to amend Local Development Schemes as various issues emerge during the production of the Local Plan which can cause delays. It is considered that the new Local Development Scheme should allow ample time for the production of the Preferred Options stage. The Local Development Scheme could be reviewed after the Preferred Options stage to reflect comments received.

5 Sustainability Appraisal Objectives – minor amendments.

5.1 The Sustainability Appraisal (SA) was initially scoped in November 2014¹. After using the SA Objectives at the first stage of producing the Local Plan² and also using them in relation to assessing flood risk, it has become apparent that two of the SA Objectives could be improved to be clearer in their wording as well as more consistent with the NPPF. In particular, SOC6 as worded could only be applied to the provision of new services rather than assessing the location of a site and its accessibility to existing services.

5.2 The two SA Objectives it is proposed to improve are:

- SOC6: To improve the quality, range and accessibility of community services and facilities.
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.

5.3 The proposed new SA objectives are:

- ENV10: To achieve the highest quality of design that is innovative, ***imaginative***, and sustainable and reflects local distinctiveness.
- SOC6a: To improve the quality, range and accessibility of community services and facilities
- ***SOC6b: To ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.***

5.4 It is proposed to consult with Environment Agency, Historic England, Natural England, our district and county councils as well as RSPB, New Anglia LEP, Wild Anglia and Marine Management Organisation for a period of 4 weeks as this is a small change to the SA.

6 Financial Implications

6.1 The cost of the production of the Local Plan is budgeted for.

Background papers: None

Author: Natalie Beal
Date of report: 13 April 2016

Appendices: APPENDIX 1 – Draft Local Development Scheme Version 3

¹ The Sustainability Scoping Report is here: <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>

² The Interim Sustainability Scoping Report (Feb 2016) is here: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0011/710858/Broads-Local-Plan-Issues-and-Options-Interim-SA-Final.pdf

Broads Local Plan – Preferred Options (April) Bite Size Pieces
Report by Planning Policy Officer

Summary: This report introduces the following topics of the Preferred Options version of the Local Plan: Dark Skies, Major Hazards and Safety by the Water.

Recommendation: Members' views are requested.

1 Introduction

1.1 The first of the bite-size pieces of the Preferred Options discusses dark skies and light pollution, major hazards and safety by the water. Members' views are requested to inform the draft policy approach in the Preferred Options. It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the time the final version is presented to Planning Committee in November 2016.

2 Dark Skies

2.1 Between October 2015 and March 2016 the skies of the Broads Authority Executive Area were assessed for the darkness quality, from land and water.

2.2 The report at Appendix 1 sets out the methodology, shows the results of the survey and includes maps showing the darkness of the Broads. Generally, the higher the reading, the darker the sky and any readings over 20 magnitudes per arc second represent an intrinsically dark sky.

2.3 It can be seen that the Broads has areas of intrinsic dark skies. According to the National Planning Policy Framework (NPPF) we can therefore seek to protect these dark landscapes.

2.4 The maps at Appendix 1 show that there are two particularly dark areas of the Broads - an area on the Waveney around Geldeston and an area to the north of the system around Hickling Broad.

2.5 It is therefore proposed that the Preferred Options will include a strong light pollution policy that seeks to protect the intrinsically dark skies of the Broads and in particular the two zones of particular darkness. This could mean that lighting schemes are of particular importance in areas where there are readings of 20 above and the aim is for lighting to be the right amount (intensity), doing what it is needed (angled down) and potentially when needed. There could be scope for a Supplementary Planning Document or a bespoke guide for lighting in the Broads.

- 2.6 South Downs National Park proposes a strong light pollution policy. Their Local Plan is one stage ahead of us. That is to say they are producing their publication version and have already completed the preferred options stage. It is intended that South Downs NPA's experience in producing this policy is understood as the Broads Authority prepares its own policy on Light Pollution.
- 2.7 Furthermore, further evidence base is being produced by the CPRE on light pollution. Whereas the Dark Skies survey of the Broads 'looked up', the CPRE work 'looks down' from satellites. The findings of that report are due soon and will inform this section of the Local Plan.
- 2.8 Five organisations commented on this part of the Issues and Options and all supported attempts to tackle light pollution.

3 Major Hazards

- 3.1 The NPPF at Paragraph 172 requires Local Plans to consider public safety from major accidents: 'planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents'.
- 3.2 Five types of hazards were identified:
- (i) Major hazard installations
 - Major hazards comprise a wide range of chemical process sites, fuel and chemical storage sites, and pipelines. The Health and Safety Executive/Laboratory were contacted in January 2016. They advise that the consultation distances for these sites can be downloaded from their website. There are three areas identified near to the Broads Authority Executive Area that are classed as major hazard installations, one each in Hoveton, Norwich and Horning but there is no information on the nature of the hazard.
 - (ii) Major accident hazard pipelines
 - These carry gas for example. The Health and Safety Executive/Laboratory were contacted in January 2016. They responded with locations of some potential pipelines that could be of relevance to the Broads Authority.
 - RWE nPower plc operate a gas pipeline that skirts around the Broads Authority Executive Area at Caister on Sea and the Trinity Broads. This pipeline does go through the Executive Area across the River Thurne between Ludham and Potter Heigham.
 - National Grid Gas PLC operates a gas pipeline that crosses the Broads Authority Executive Area at two locations. It crosses the River Yare between Brundall and Norwich and cross the River Bure between Belaugh and Wroxham.

- There are other pipelines which are likely not to be major pipelines (as they are not on the dataset from the National Grid website). Information provided from the Health and Safety Executive only have a start and end point. These additional pipelines are:
 - Norwich to Loddon. The start point in Norwich is in the Broads Executive Area, at the car park at Whitlingham.
 - Loddon to Hopton. This looks like it would pass through the Broads.
 - Loddon to Wissett Lodge. This looks like it would pass through the Waveney between Beccles and Bungay.
- (iii) Explosive sites
- These sites are licensed to manufacture or store explosive materials. HSE would consider explosives sites to be those sites licensed by HSE for the manufacture and/or storage of explosives where the requirements of Regulation 13 (8) of ER 2014 apply. <http://www.hse.gov.uk/explosives/new-regulations.htm> . The Explosive Sites Team of Health and Safety Executive were contacted in January 2016. They responded with some potential sites near to the Broads, but none of the sites provided are within the Broads. The nearest are at the port of Great Yarmouth.
- (iv) Nuclear installations
- Installations and consultation distances that affect the Broads Authority Executive Area. The Office for Nuclear Regulation was contacted in January 2016. They responded saying: *'On behalf of the Office for Nuclear Regulation, I can confirm that there are no (ONR) consultation areas around nuclear sites that extend into the area for which the Broads Authority is the local planning authority. There are therefore no nuclear major accident hazards that you would need to consider during the development of your Local Plan.'*
- (v) Control of Major Accident Hazard Regulations (COMAH)
- Such sites may include those involving gas storage or chemical production for example. The Environment Agency advised in February 2016 that COMAH sites could be of relevance to this requirement of the NPPF. They assessed their data and concluded that there are no such sites within the BA area, but there are sites at Great Yarmouth; Norwich and Catfield. However, they are all at least 1km outside the Broads area.
- 3.3 These are not included in map format in this document because of security concerns.
- 3.4 There are no COMAH sites, nuclear installations or explosive sites of relevance to the Broads Authority Executive Area.
- 3.5 As the Local Plan is produced, it will be important to check proximity of any site allocations to the pipelines and installations.

4 Safety by the Water

- 4.1 There is no legislation to govern the provision of safety equipment in relation to personal risk by the water. There are guides which the Authority directs potential developers of waterside development towards. On occasion, the Authority adds conditions to planning permissions relating to development near the waterside (usually moorings) to ensure the provision of a means of getting out of the water in any tidal condition (usually ladders and grab fixtures).
- 4.2 Typical safety features which this section relates to are:
- Way of getting out of the water.
 - Chain, rail or similar structure that someone in the water can grab onto in any tidal conditions.
 - Lifebuoys or unlocked throw lines
- 4.3 A workshop was held with Head of Safety Management, Senior Waterways and Recreation Officer and the Rivers Engineer along with Development Management to write this section. The proposed draft section is at Appendix 2 to this report.

5 Financial Implications

- 5.1 Generally officer time in producing these policies and any associated guidance as well as in using the policies to determining planning applications.
- 5.2 For future applicants, they may need to improve lighting in their schemes as well as safety issues. These can be considered at an early stage and therefore do not necessarily have to add to a schemes cost significantly. The viability of all policies will be assessed.

Background papers: None

Author: Natalie Beal
Date of report: 14 April 2016

Appendices: APPENDIX 1 – Dark Skies report
APPENDIX 2 - Safety by the Water section of the Local Plan
Click here for the Appendices:
<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-29-april-2015>

Self-Build Register
Report by Planning Policy Officer

Summary: This report introduces Broads Authority's self-build questionnaire and discusses the requirements relating to self-build.

Recommendation: Members are requested to note the contents of the report as well as the requirement set upon Local Planning Authorities to produce such a register.

1 Introduction

1.1 This report explains what self-build and custom-build is as well as the requirements set on Local Planning Authorities by Government legislation and Regulations. It describes the Authority's approach to understanding interest in self-build in the Executive Area.

2 What is Self-Build/Custom-Build?

2.1 The term 'self-build' is used when someone or a group obtains a building plot and then builds their own home on that plot. It is a generic term which can refer to various types of project, as outlined below. Self-builders create their homes through a variety of methods. Most will need to employ an architect to design the house, some will then employ a builder to construct it whereas others may choose to build all or part of the house themselves. Most self-builders manage the building site and deal directly with planners, tradespeople and materials suppliers. Because of this self-build is an ideal way to create something tailored to particular needs and circumstances.

2.2 There are various types of custom build project, which include:

- (a) Individual custom build – an individual purchases a plot of land and builds a house to live in. They may do some or all of the build themselves, or employ a builder, architect and in some cases, a project manager to oversee the build.
- (b) Group custom build – a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project.
- (c) Developer-led custom build – a developer divides a larger site into individual plots and provides a design and build service to purchasers. This gives people a chance to tailor existing house designs to suit their own preference and needs.

3 What a Local Planning Authority must do.

- 3.1 The Self-build and Custom Housebuilding Act 2015¹ places a duty on certain public authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. It places a duty on certain public authorities to have regard to those registers in carrying out planning and other functions.
- 3.2 On 1 April 2016, the Self-build and Custom Housebuilding (Register) Regulations 2016² came into force this requiring Local Planning Authorities to start to keep the registers.

4 The Broads Authority's Self-Build/Custom-Build questionnaire.

- 4.1 Detail about what kind of information the register is required to hold is provided through the Self-build and Custom Housebuilding Draft planning practice guidance³. This includes personal detail and ambitions for the self-build project. The most practical way to collect this information is through a survey placed on the self-build webpage of the Broads Authority's website.
- 4.2 The development of the questionnaire and administration of the new statutory process has been outsourced to King's Lynn and West Norfolk Borough Council. They offered all Norfolk Local Planning Authorities the opportunity to work together, with the Borough Council producing the survey and administering it on their server and for the Broads Authority this was a cost effective approach to the requirement. It also offers a good opportunity for joint working and sharing of information
- 4.3 The webpage and questionnaire can be found here: <http://www.broads-authority.gov.uk/planning/Other-planning-issues/self-build-and-custom-build-register>.

5 Conclusion

- 5.1 The Authority is required to hold a database of those interested in building their own home. The Authority is paying King's Lynn and West Norfolk Borough to produce and administer the survey on the Authority's behalf. The survey is now in place.

¹ http://www.legislation.gov.uk/ukpga/2015/17/pdfs/ukpga_20150017_en.pdf

² http://www.legislation.gov.uk/uksi/2016/105/pdfs/uksi_20160105_en.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497502/160202_Web_template_-_Draft_planning_guidance.pdf

6 Financial Implications

- 6.1 The questionnaire is being run by King's Lynn and West Norfolk Borough Council for a cost of £1,000 for three years.

Background papers: None

Author: Natalie Beal
Date of report: 14 April 2016

Appendices: None

Changes to the Planning System
Report by Head of Planning

Summary	This report outlines a consultation by Communities and Local Government (CLG) on proposed changes to the planning system arising from the Housing and Planning Bill
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Recommendation:	That the report be noted.
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1 Introduction

- 1.1 As part of its modernisation agenda for the planning system and in order to promote economic recovery, the Government has been implementing a programme of changes to the planning system.
- 1.2 A report was presented to the 1 March 2013 Planning Committee detailing changes including the Red Tape Challenge, proposed changes to permitted development rights to allow offices to be converted to residential use, agricultural buildings to be converted to a range of other uses and for the conversion of town centre buildings to other uses including shops, offices, business start-ups and community projects. All of these proposed changes were implemented.
- 1.3 A report was presented to the 11 October 2013 Planning Committee detailing further changes to permitted development rights, plus other changes to mainly commercial buildings, the issuing of the National Planning Practice Guidance and changes to fees and appeals. All of these proposed changes were implemented.
- 1.4 A report was presented to the 12 September 2014 Planning Committee detailing further changes including changes to Neighbourhood Planning, further changes to permitted development rights and the Use Classes Order and improving the use of planning conditions.
- 1.5 The purpose of this report is to outline for Members the further proposed changes. A full response to the consultation has been submitted on behalf of the English National Parks by National Parks England and the Broads Authority has supported this. A copy of this submission is attached at Appendix 1.

2 Proposed changes

- 2.1 The Housing and Planning Bill is currently passing through Parliament and has passed the first reading stage. Once the Bill has received Royal Assent (expected Summer 2016) secondary legislation will be required in order to implement its provisions. The consultation advises that the responses received will inform the secondary legislation in due course.
- 2.2 The proposed changes relate to 12 separate areas. This report will outline each of the areas in turn, with a brief commentary.

Chapter 1 – Changes to planning application fees

- 2.3 Planning application fees are currently set nationally, with periodic increases in line with inflation, but tend not to reflect the true cost of processing planning applications. A proposal in 2012 to allow Local Planning Authorities (LPAs) to set fees locally was not pursued.
- 2.4 The consultation proposes that fees should increase in line with inflation, but that this should be linked to performance so that only LPAs which meet certain performance standards should receive the increased fee. The increased fee would only apply if and when performance had improved. The consultation also explores other options for linking fees directly to the service, including the option for a ‘fast track’ service for an enhanced fee, local performance agreements (effectively planning deals) or through enabling competition in the market to allow alternative, approved providers to process applications and set their own service standards and fees.

Commentary

- 2.5 The proposal to increase fees in line with inflation is welcome. Linking it to performance to incentivise service improvement is an over simplistic approach. It is also the case that there is likely to be a correlation between lack of resources and poor performance so that poorly performing authorities will only be doubly disadvantaged if they do not receive increased fee levels. If local authorities are to become more efficient and market driven, they should be able to charge a fee which reflects the cost of delivering the service and this should be annually adjusted as in other areas. There are already consequences and remedies to address underperforming planning services and fees that do not in any case reflect the cost of the service being provided should not be linked to performance. A greater use of planning performance agreements as a more flexible way to manage targets would be a better approach. The proposal for a paid ‘fast track’ service is not supported as it introduces a two tier system where the planning process should serve all stakeholders equally.

Chapter 2 – Permission in principle

2.6 The Housing and Planning Bill introduces a new ‘permission in principle’ route for obtaining planning permission. The justification put forward for this is to reduce the delays, costs and uncertainties associated with bringing a site forward. In effect, a ‘permission in principle’ site would be more certain than an allocation, but less detailed than an outline and once ‘permission in principle’ had been granted there would be no opportunity to reconsider the principle of the use. In order to benefit from a ‘permission in principle’ a site would:

- need to be allocated in ‘locally produced and supported documents that have followed an effective process of preparation, public engagement, and have regard to local and national policy; and
- that document would need to state expressly that this was a ‘permission in principle’; and
- the allocation would need to contain ‘prescribed particulars’ which would be the core ‘in principle’ matters which formed the basis of the permission, and these would operate in lieu of planning conditions.

2.7 The Housing and Planning Bill also makes provision for ‘permission in principle’ to be granted through application to the LPA, as it is for all other application types.

2.8 The technical details consent process would be the point at which full planning permission would be granted. The principle of the development could not be reconsidered at this stage, simply the technical details of the scheme and these must be presented on a single application which proposes development in accordance with the ‘permission in principle’. Conditions can be imposed if required.

2.9 The consultation document seeks views on the detailed operation of the ‘permission in principle’ approach as proposed, as follows:

- (i) The qualifying documents capable of granting a ‘permission in principle’ would be future local plans, future neighbourhood plans and brownfield registers, as well as the route via an application which would also be applicable for small sites.
- (ii) The only details which would be required for a ‘permission in principle’ would be a red line plan identifying the site, the uses and the amount of development, with a minimum and maximum level for residential development only. The parameters of the technical details that need to be agreed, including essential infrastructure provision, will have to be described at the ‘permission in principle’ stage.
- (iii) On sensitive sites, ‘permission in principle’ would only be granted where the LPA had sufficient detail to enable an assessment of the impacts in accordance with the Environmental Impact Assessment Regulations 2011 and the Habitats Directive.

- (iv) The statutory requirements for consultation on 'permission in principle' would be the same as currently exists for allocations or planning applications, but there would be no statutory requirement at the technical details stage and the level of consultation would be left to the LPA to decide.
- (v) The information required to support proposed sites for 'permission in principle' should be proportionate and justified, and kept to the minimum. The information provided in Local, Parish and Neighbourhood Plans is sufficient for allocations, whilst applications for minor development should be supported by an application form, a plan and a fee. For the technical details stage it is proposed that, in addition to a form, drawings and a fee, the application should be accompanied by only two further sets of information:
 - a design statement containing information relating to design matters such as layout, access and materials
 - an impact statement including required further assessments such as flood risk assessment and details of mitigation
- (vi) The duration of a 'permission in principle' would be detailed in that permission but a period of 5 years is recommended for an allocation and either 1 or 3 years for a permission granted on application. A technical details consent would expire after 3 years.
- (vii) The determination period for an application for 'permission in principle' is proposed as 5 weeks, technical details consent for minor sites as 5 weeks and 10 weeks for technical details consent for major sites.

Commentary

- 2.10 The objective of Government to increase certainty and reduce risk for developers is recognised, as is the need to increase housing supply and the speed of delivery nationally. It is also accepted that these objectives would be served by ensuring that the process of establishing the principle of development needs to be done only once. Whilst this is accepted, it is also the case that it is imperative that there is full local engagement in this process – more especially so if it is to be done only once. The use of Local, Parish and Neighbourhood Plans to identify sites suitable for 'permission in principle' satisfies the engagement test, as these Plans are subject to a comprehensive statutory process, however this is not the case for the sites identified through the proposed brownfield register route as some of these (for example those arising from the call for sites) would not have been through any process of consultation.
- 2.11 The importance of full consultation and engagement at the preliminary 'permission in principle' stage for all development proposals which are likely to be consented through this route is further emphasised by the discretionary nature of the consultation proposed at the technical details stage, particularly

as the parameters for the development will be established at the outset. The information required at the technical details stage is largely technical, however this is precisely the point at which communities start to 'see' what the scheme will look like and to have views on it. Failure to consult at this stage will result in disenfranchisement and is contrary to the localism agenda. The extent of consultation is left with the LPA to decide according to local circumstances and whilst some discretion is welcome, a statutory minimum would give comfort to communities and offer LPAs a simple process outwith any political decisions around time and extent of consultation. It is considered that a statutory minimum provides a starting point for the development of best practice, rather than inhibiting it.

- 2.12 The Broads is identified in the Environmental Impact Assessment Regulations as a sensitive area and consequently all applications must be screened for 'significant effects' in the context of the Regulations and this is carried out at the validation stage, unless a formal screening request has previously been made. Typically only a small number of applications per annum do require EIA and these are usually major schemes such as the flood alleviation works. This means that 'permission in principle' would only be granted in the Broads where the LPA had sufficient detail to enable an assessment of the impacts.
- 2.13 The proposal to apply a 5 week determination periods for 'permission in principle' applications and technical details consent, with 10 weeks allowed only for technical details on major schemes, is of concerns as this will impact on the ability to undertake meaningful consultation. Given that 8 and 13 weeks are currently allowed for the determination of, respectively, minor and major applications, the proposal to allow a much shorter period for potentially larger schemes and ones on which there is less detail (and hence more uncertainty locally) is anomalous. This is also a very limited period in which to agree the parameter for the details at the technical details stage, given the imperative for stakeholder and consultee input.

Chapter 3 – Brownfield Register

- 2.14 The Government has made a commitment to ensure that 90% of suitable brownfield land nationally will have planning permission for housing by 2020. It proposes to do this through the creation of a £2B Long Term Housing Development Fund, a £1.2B fund to unlock at least 30,000 starter homes on brownfield land and the requirement for LPAs to create a brownfield register which sets out information on such sites and acts as a vehicle for delivering housing development as it will act as a qualifying document for 'permission in principle'
- 2.15 The brownfield register will include existing sites identified through the Strategic Housing Land Availability Assessments (SHLAA), as well as sites with permission, sites which have not been previously considered (public sector land is suggested as an example) as well as land put forward in response to a call for sites. LPAs are required to be positive and proactive in the compilation of the register.

- 2.16 To be suitable for housing and inclusion on the register, a site must be available and either deliverable (with a realistic prospect of development within 5 years) or developable (likely to come forward between 6 – 10 years), and capable of supporting 5 or more dwellings and capable of development.
- 2.17 On sensitive sites, defined as such in Schedule 2 of the Environmental Impact Assessment Regulations 2011, a site would only be included on the register where the LPA had sufficient detail to enable an assessment of the impacts in accordance with the Regulations. The requirements of the Habitats Directive would also need to be met.
- 2.18 There would be a requirement to make information about potential sites for the brownfield register available for public inspection (at the LPA offices and online) and consultation would be required.
- 2.19 When completed, the register would comprise a list of all sites with planning permission (full or outline) and those with planning permission granted under a Local Development Order (LDO) or where planning applications or LDOs are under consideration, and where ‘permission in principle ‘ for housing has been granted and which are suitable for housing but have no permission. The LPA would be required to provide specified information for each site, including an estimate of the number of homes it would support and details of ownership if known, as well as other useful information such as site constraints and history. The required data would be standardised nationally and would be displayed on the LPA website, as well as linked to established data portals to enable developers to find suitable sites. The information would need to be regularly updated, annually as a minimum.
- 2.20 The Government intend to monitor the brownfield registers, to assess progress against the commitment set out in 2.14 above.

Commentary

- 2.21 The brownfield register is driven by the need to increase housing land supply, but it does not adequately recognise that in areas with limited sites with development potential, including rural areas and protected landscapes, there is competition for brownfield sites. Housing land is a higher value use and by identifying such land broadly as suitable for housing there is a risk that it will be lost to housing from employment or amenity uses, thereby undermining sustainability.
- 2.22 As proposed, there is a consultation deficit in the operation of the register. If brownfield land is available and suitable for development it should be allocated as such through the Local Plan or Neighbourhood Plans process.
- 2.23 The consultation does not explain how the register will deal with the various statutory processes required as part of the wider allocations process, including Strategic Environmental Assessment and Habitats Regulations Assessment, which are specialist and technical processes. It should not be used to bypass these processes. The cost of refreshing these assessments

annually when the register is updated will be a significant financial burden on an LPA.

Chapter 4 – Small sites register

- 2.24 The Government consider that the publication of a small sites register (identifying sites capable of accommodating less than 10 units) will make it easier for developers and individuals interested in self-build and custom housebuilding to identify suitable sites, and it will also encourage more landowners to come forward and offer their land for development. It is noted that less than 10% of housing in England is provided through self build or custom build, compared to over 50% in parts of Europe.
- 2.25 The Housing and Planning Bill contains a provision to require LPAs to keep and publish a register of particular types of land in their area and it is proposed that, as part of this, there will be a requirement for LPAs to keep a 'small site' register identifying sites of 1 – 4 plots. Unlike the sites identified on the brownfield register, it is not proposed that these sites will have undergone any assessment of their suitability for development, but simply that they have been put forward as the objective to increase awareness of the location of small sites.

Commentary

- 2.26 The function of the small sites register is to increase awareness of the small sites, to make it easier for custom and self-build particularly to take up sites. This is laudable, however it will place a significant burden on LPAs (particularly the smaller ones) to create and maintain the register. Furthermore, as the listed sites will have undergone no assessment as to their suitability for housing the LPA will need to respond to both the expectation of the landowner and the aspirations of the would-be developer.
- 2.27 As at 2.22 above, there is consultation deficit in the operation of the register and small sites should be put forward through the Local Plan or Neighbourhood Plans process.

Chapter 5 – Neighbourhood Planning

- 2.28 The Localism Act 2011 gave communities direct power to create Neighbourhood Plans which, when adopted, form part of the development plan. This introduced the ability for plans to be made at a grassroots level and nationally over 1,730 Neighbourhood Plans are underway. In the Broads area two have been adopted (Acle and Strumpshaw) and a further four are in preparation (Brundall, Beccles area, Bungay and Oulton).
- 2.29 The consultation sets out proposals to set various time periods for the LPAs decision on Neighbourhood Plans. The changes would mean that LPAs had a period of 13 weeks to designate neighbourhood forum to develop the Plan, five weeks after an Inspector's report to decide whether to proceed to

referendum, ten weeks to that referendum and then eight weeks after that referendum to make the Plan.

- 2.30 The consultation also sets a procedure for call-in and introduces a new way for neighbourhood forums to better engage in the process, by making them formal consultation bodies in the preparation of a Local Plan.

Commentary

- 2.31 The purpose of the proposed changes is to speed up the neighbourhood planning process, and this is supported. The situation is more complex in the Broads area as all Neighbourhood Plans straddle the boundary of the Broads Authority area and the District Council, meaning both authorities are involved. This has potential to delay the process, but to date this has been addressed through joint working. Whilst uncommon, this is the situation and the final legislation should make provision for this.

Chapter 6 – Local Plans

- 2.32 The Housing and Planning Bill proposes changes to enable the Government to intervene in plan-making at LPAs where performance is considered inadequate. This would be where the least progress has been made, where policies have not been kept up to date, where there is highest housing pressure and/or where the intervention will have the greatest impact. Prior to intervention the Government would give the LPA an opportunity to explain any exceptional circumstances which, in their view, would make intervention unreasonable and would consider this in their decision.
- 2.33 It is intended that information on the progress in plan-making be published for all English LPAs.

Commentary

- 2.34 There has long been Government intervention in the development management function where there is poor performance, and this extends that principle. The consideration given to the reasons for delay and/or slippage (as they are not the same) will be very important, as will local factors. As with the intervention mechanism for development management, it should be noted that small LPAs and teams are potentially disproportionately affected as there is less resilience and one complex issue can absorb a significant amount of time.

Chapter 7 – Expanding the approach to planning performance

- 2.35 There has long been a performance measurement approach to development management, most recently set out in the Growth and Infrastructure Act 2013. If an LPA does not meet the required performance thresholds it risks being designated as under-performing and must prepare an action plan to address areas of weakness; in addition, applicants for major development can apply directly to the Secretary of State.

2.36 The Housing and Planning Bill proposes extending the ability to apply directly to the Secretary of State to applicants of non-major development too (excluding householder development) and revising the performance thresholds. It proposes the following thresholds:

Non-major applications: 60 – 70% determined on time (within 8 weeks)
80 – 90% of appeals dismissed

Major developments: 50% determined on time (within 13 weeks)
90% of appeals dismissed

The assessment would be made over a rolling two year period and account could be taken of exceptional circumstances. The consultation explains that amongst exceptional circumstances which could be taken into account would be where an appeal decision has been allowed despite the LPA considering that its decision was in accordance with the development plan

Commentary

2.37 The proposed determination targets for non-major applications are acceptable and build on existing targets of 65% of minor and 80% for 'other' applications. The threshold for appeals, however, is very high – particularly if the higher one of 90% is selected. There is typically a greater degree of planning judgement and weight involved in minor and householder applications (and some variation between the LPA and the Inspectorate must be expected around interpretation of policy at any subsequent appeals. Such variation can indeed be useful to an LPA as it assists with setting policy boundaries and parameters. An appeal threshold of 90% success would seriously inhibit an LPAs confidence around a refusal in all but the most definite of circumstances.

2.38 The proposed determination target for major applications is acceptable. It should be noted that many small LPAs (the Broads Authority included) do not receive many applications for major development, therefore there is limited scope to improve the average performance if one application overruns. There is scope here for greater use of Planning Performance Agreements and this could be highlighted. The threshold for appeals, as above, is also very high and mitigates against LPAs with small number of majors and even smaller numbers of major appeals.

Chapter 8 – Testing competition in the processing of planning applications

2.39 One of the most contentious matters in the Housing and Planning Bill is the provision to trial competition in the processing of planning applications. It is proposed to trial this in certain areas of the country for a limited period. In the trial areas, the LPA would remain the decision maker, but the planning application would be handled up to the point of recommendation by an 'approved provider' instead of by staff of the LPA. The applicant would have the choice of whether to submit to the LPA or the 'approved provider'.

- 2.40 The 'approved provider' could be a third party, or an LPA from another area.

Commentary

- 2.41 The objective of the proposal is to introduce competition and thereby offer improved service standards for the applicant and savings. It is not stated in the document, but it is worth noting that it is usually expected that savings made by an LPA should be passed on to the consumer in the form of lower costs. Given that currently the application fee does not meet the costs of its processing, it would be beneficial if any savings made were able to address this shortfall – this would also address the wider issue of the general taxpayers in an area subsidising the cost of planning applications.
- 2.42 There would remain a role for the LPA in the handling of applications by any 'approved provider' as they would need to share the planning history of the site at the outset, enter information on the various statutory registers as well as make the final decision. It is unclear how this function would be paid for if the application fee has been paid to the 'approved provider', but clearly this is not a cost which the LPA should bear.
- 2.43 It is noted that LPAs already have the ability to 'outsource' the processing of planning applications. Members will be familiar with Andy Scales who processes the planning applications for BESL on behalf of the Broads Authority.
- 2.44 There would be concerns around the practicality of alternative 'approved providers' carrying out a similar role more remotely from the area in question and whether this would result in complaints levied to the LPA about the 'alternative providers' as not understanding the local context or nature of an area. This would be particularly the case in the Broads, where the landscape is unique and the patterns of development very site specific. It would also exacerbate the impression sense of remoteness between the LPA and its stakeholders – currently there is a democratic deficit as members are not elected, but the planning officers do at least work directly for the organisation so there is some accountability.
- 2.45 Finally, planning is one of the key statutory functions of the Broads Authority and the main vehicle for delivering the first two statutory purposes, as well as essential in supporting the third.

Chapter 9 – Information about financial benefits

- 2.46 The Housing and Planning Bill proposes to place a duty on LPAs to record details of financial benefits accruing to an area from a planning decision. This would include Community Infrastructure Levy, grants from Central Government including New Homes Bonus, council tax revenue, business rate revenue and Section 106 payments. The planning report should detail these and estimate how much they would each be worth.

Commentary

- 2.47 The proposal is justified on the grounds that local communities may be more willing to accept new development if they had a better understanding of what the local benefits would be. The document states “The 2013 British Social Attitudes Survey found that people might be more supportive of the development of new homes in their area if they thought that local authorities might receive more funding”.
- 2.48 This is more likely to be more relevant to larger development sites. The consultation does not make it clear whether the provision would apply to all development or certain types only. It would be disproportionate to have to provide this information for minor and householder development.

Chapter 10 – Section 106 dispute resolution

- 2.49 The Government are introducing a new dispute resolution mechanism for Section 106 agreements to speed up negotiations and enable development to get started. It would be provided by a new body on behalf of the Secretary of State, would operate within prescribed timescales and would produce a binding report.

Commentary

- 2.50 This is a pragmatic approach and can be supported.

Chapter 11 – Permitted development rights for state funded schools

- 2.51 The Government proposes to extend permitted development rights for schools to enable larger extensions to existing schools and for temporary buildings for school use to be constructed on cleared land where the previous building had permitted development rights for school use. It also extends temporary change of use to a school use from one to two years.

Commentary

- 2.52 No comments.

Chapter 12 – Changes to statutory consultation on planning applications

- 2.53 The Government proposes setting a statutory limit to the amount of time a statutory consultee can request when asking for an extension of time to respond to a consultation. The proposed limit would be 14 days.

Commentary

- 2.54 Decision making can be delayed whilst an LPA waits for a response from a statutory consultee and this can be frustrating for both an applicant and an LPA. However, consultation is an essential part of the planning process and all parties need to be confident that the correct advice is being given. The

consequences of incorrect advice from a statutory consultee can be significant and adverse – ranging from flood risk and contamination to impacts on highway safety. These can be expensive to remedy.

- 2.55 The consultation states that in 5 – 12% of cases a statutory consultee requests and receives additional time beyond the statutory 21 day period. Given the complex nature of many of the consultations, this is not considered to be a particularly high proportion and it may be expedient to examine the patterns around the requests.

Chapter 13 – Public Sector Equality Duty

- 2.56 This chapter summarises the proposed measure and asks for comments on the effect of the measures on people with defined characteristics as defined in the Equalities Act 2010.

Commentary

- 2.57 No comments.

3 Conclusion

- 3.1 The scale and speed of change to the planning system is extensive.
- 3.2 Members will note that the main objectives of the changes are to speed up and increase the provision of new housing nationally. The Broads area has an Objectively Assessed Need for 12 new houses per annum so is unlikely to be directly affected by the changes, although there may be indirect effects as a result of some of the procedural changes.
- 3.3 In reviewing the proposed changes, Members are reminded of the comments of Leonora Rozee OBE, former head of the Planning Inspectorate and RTPI, who on retirement in summer 2014 wrote the RTPI's discussion forum on *Linked-in*:

“We are rapidly reaching the stage where no-one will actually have any idea of what our English planning system is any more. (Have we already reached it?). The only sensible solution is a wholesale review from top to bottom of why we need a planning system and what it needs to comprise, with the result set out in a single Act supported by such regulations, policy and guidance as are necessary to enable all to understand it. We now have a complete mess as successive governments have fiddled and changed what is there without thinking through exactly what it is they are trying to achieve - other than the much expressed desire for a simpler system with increased community involvement! If this Government want to get rid of it completely, then be honest and do so - not death by a thousand statutes, regulations, policies and guides.”

Background papers: None

Author: Cally Smith
Date of report: 14 April 2016

Appendices: APPENDIX 1 – Technical consultation on implementation of planning changes - A response by National Parks England



Technical consultation on implementation of planning changes

A response by National Parks England

14 April 2016

National Parks England (NPE) supports the policy-making process by co-ordinating the views of the nine English National Park Authorities (NPAs) and the Broads Authority. It is governed by the Chairs of the ten authorities. Our response represents the collective view of officers who are working within the policies established by the NPAs and Broads Authority and follows internal consultation amongst the officers. ***It should be noted that all references to 'National Parks' in this response refer to the nine National Parks and the Broads.*** We are happy for our response to be made publicly available and would be happy to discuss any of the points we make further with officials if that would be helpful.

National Parks England – Summary Consultation Response

The proposal to increase planning application fees in line with the rate of inflation is welcomed. We would support measures to introduce local flexibility on fee setting if it would allow the National Parks to recover the full cost of providing their local planning services.

We have previously asked that National Parks be exempt from the proposed presumption in favour of housing on brownfield land and small sites. We do not therefore support the 'permission in principle' extending to brownfield registers as a 'qualifying document' within the National Parks.

As the vast majority of sites that come forward for development within the National Parks are between one and four plots, the need to maintain a separate small sites register in addition to an up to date Local Plan seems unnecessarily burdensome.

We broadly support the proposals for Neighbourhood Plans and Local Plans subject to points of further clarification.

We have concerns about some of the proposals to expand the approach to planning performance, especially in relation to the thresholds for major applications (of which relatively few are submitted in National Parks) and appeals overturned on applications for non-major development.

National Parks, as stand-alone local planning authorities, are rightly afforded a special status in planning law and practice and have a good track record in delivering timely and highly specialised planning services (in furtherance of the two statutory National Park purposes).

We do not see any proven business case to compel National Parks to 'privatise' their planning functions.

National Parks already have a duty to foster the social and economic well-being of their local communities in pursuing the two National Park purposes. It therefore seems superfluous to require National Parks to list separately all the financial benefits that accrue from new development in their planning reports, especially when many of these benefits do not directly accrue to the National Parks, e.g. council tax & business rate revenues and the new homes bonus.

Consultation questions

Q1.1 Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?

1. The proposal to adjust planning application fees in line with the rate of inflation is welcomed. We believe they should be increased annually in line with inflation across the National Parks and that there are other ways to deal with under-performing local authorities. The alternative is to allow the National Parks to recover the full cost of providing their local planning service by setting their own fees. In that scenario, full cost recovery could be linked to performance.

Q1.2 Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?

2. There is likely to be a correlation between lack of resources and poor performance so that poorly performing authorities will only be doubly disadvantaged if they do not receive increased fee levels. If local authorities are to become more efficient and market driven, they should be able to charge a fee which reflects the cost of delivering the service and this should be annually adjusted as in other areas. There are already consequences and remedies to address underperforming planning services and fees that do not in any case reflect the cost of the service being provided should not be linked to performance.

Q1.3 Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?

3. Fast track services and more certainty over timescales are already available in National Parks through locally set Planning Performance Agreements, where increased resources can be delivered with the applicant covering the cost of additional staffing or consultancy. The transparency and consistency of the planning service should be maintained through an accepted level of application fees which should not be able to be varied.

Q1.4 Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?

4. Any fast-track service should not mean that public engagement is lost or compromised, especially so in protected landscapes like National Parks. One option would be to cut the statutory requirements for press notices and allow LPAs to set their own public consultation procedures and timescales.

Q2.1 Do you agree that the following should be qualifying documents capable of granting permission in principle?

- a) future local plans;
- b) future neighbourhood plans;
- c) brownfield registers.

5. In response to the earlier consultation on proposed changes to national planning policy, we have already asked that National Parks be exempt from the proposed presumption in favour of housing on brownfield land and small sites. It therefore follows that the National Parks do not agree that brownfield registers should be a qualifying document for permission in principle. Whilst this proposal has significant resource implications for local plan preparation, no objections are raised in principle to local and neighbourhood plans being included as qualifying documents.

Q2.2 Do you agree that permission in principle on application should be available to minor development?

- 6 With the exception of the brownfield register, we do not oppose that permission in principle should be available for minor development on application.

Q2.3 Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?

- 7 We agree that location, use, and amount of residential development should constitute 'in principle matters'. We do not believe it is necessary to include other matters.
- 8 Because permission in principle is housing led it would also be necessary for the 'use' to identify the minimum and maximum levels of non-residential uses (such as retail, community and commercial) in order to comply with local plan policies and to enable permission in principle to be granted.

Q2.4 Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?

- 9 We believe parameters should be set nationally. We suggest that on the granting of permission in principle and the issuing of a decision notice, LPAs are required to

send a national application form for technical details consent and a nationally standardised checklist which the local planning authority would complete outlining the parameters which the technical details would need to cover. This would include a free text field 'other matters' to accommodate Local Plan requests and, or specific issues.

Q2.5 Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

- 10 We agree with the suggested approach through qualifying documents as an assessment of impact on sensitive sites would take place during the allocations process.
- 11 However, we have significant concerns regarding the proposals for the screening process for Environmental Impact Assessment (EIA) development, and the suggestion in the consultation that the onus would be on the LPA to undertake the EIA if the application was deemed to be EIA development. This is not something which we support and is not something the LPA could do on behalf of the developer. Our suggested approach to overcome this issue would be to have a screening process that complies with current regulations. If an application is deemed to require an EIA then the application could not proceed to gaining permission in principle and a full application would be required. If an EIA is not required then the application can proceed to permission in principle. We do not expect many applications to be screened out as the permission in principle only relates to minor development applications.
- 12 We believe this suggested screening approach to EIA development would be applicable to the Habitats Regulations, and would recommend extending this suggested approach to cover these regulations.
- 13 The consultation is silent on how the process would deal with protected species in relation to permission in principle for minor development applications.

Q2.6 Do you agree with our proposals for community and other involvement?

- 14 We agree with the proposals for community and other involvement for qualifying documents. We also agree with the approach to set consultation requirements for permission in principle in line with the requirements for planning applications.
- 15 However, we have significant concerns regarding the proposed approach to applications for technical details consent. In our experience local communities, consultees and others would not accept that they would not have the opportunity to comment on the technical details. In National Parks, issues such as design, access, drainage, scale and massing, visual impact, and amenity issues are all important considerations. Planning Practice Guidance recognises that communities, consultees and others may be able to offer a particular insight or detailed information on that is relevant to the consideration of the application (Ref ID 15-007-20140306).

- 16 By not requiring LPAs to consult on technical details it would inevitably give rise to issues and concerns about consistency and fairness in the planning process. We suggest that consultation for technical consultation is mandatory, and consultation requirements are set in line with requirements for planning applications. Appropriate timescales for maximum determination periods would need to be amended to take account of statutory consultation requirements. These changes would enable particular insights or detailed information that is relevant to the consideration of the application from communities and consultees to be considered.

Q2.7 Do you agree with our proposals for information requirements?

- 17 We agree with the information requirements regarding permission in principle for allocated sites in qualifying documents.
- 18 As outlined in our response to question 2.5 applications for permission in principle will require information for screening of Environmental Impact Assessment and Habitats Directive assessment to be submitted as part of an application for permission in principle.

Q2.8 Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?

- 19 We agree with the suggestions as outlined in the consultation.

Q2.9 Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?

- 20 We have no objections to the expiry of permission in principle on sites allocated in neighbourhood plans and local plans after five years, however a situation could arise where a site is allocated but does not benefit from permission in principle until a local plan review has been completed. We are not aware of any mechanism for neighbourhood plans to be reviewed during their plan period, so permission in principle may expire after five years and the allocation would remain valid for the plan period.
- 21 We have no preference over the options of expiry for permission in principle of applications. Setting the expiry date at a year for minor development would enable developers or applicants to gather necessary information to support an application for technical details. The shorter expiry period would encourage the faster delivery of housing sites.

Q2.10 Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

- 22 We do not support the proposals for maximum determination periods. To accommodate the statutory minimum consultation requirements of 21 days it would be necessary for permission in principle to have an eight week determination period.
- 23 For technical details consent on minor sites we also suggest the maximum determination is changed to eight weeks. As explained in our response to question 2.6 we believe it is necessary to make consultation on technical details statutory and for consultees to have the statutory minimum consultation requirements of 21 days to submit comments. An eight week maximum determination period would allow sufficient time for community and other consulted to make comments and for planning officers to consider these and determine the technical details consent.
- 24 We have no comments to make on the maximum determination period for technical details consent for major sites.

Q3.1 Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

- 25 Brownfield sites remain a scarce resource within the National Parks and need to be utilised for a range of uses that support the National Park purposes and duty. Defra's recently published 8-Point Plan for National Parks sets out a clear strategic vision that looks to deliver a range of benefits to the nation, such as driving growth in international tourism, developing great food destinations and realising the immense potential for outdoor recreation. To realise these ambitions will require suitably serviced land and buildings, which are not reflected in the proposals for identifying potential sites.

Q3.2 Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

- 26 As above. We also have concerns that the proposed approach lacks specific clear criteria to enable rigorous assessment. To refer to brownfield or previously developed land is vague. We suggest that clarity on definition is provided – either brownfield to be defined in regulation or the NPPF to be amended to refer to brownfield.
- 27 The consultation sets out an intention to require potential sites to be assessed against specific criteria, which are not provided. It is these criteria that will be essential for rigorous assessment.
- 28 It is essential for the proper planning of their area that LPAs must retain discretion and decision and we suggest the starting point must be the policies of an up to date Local Plan and agree that the evidence supporting allocation for uses other than housing is material, especially in a National Park context.

Q3.3 Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

29 No.

Q3.4 Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

30 Yes and National Practice Guidance on the subject would be useful.

Q3.5 Do you agree with our proposals on publicity and consultation requirements?

31 Yes.

Q3.6 Do you agree with the specific information we are proposing to require for each site?

32 In rural areas not all land has a postal address and in this case it will not have a UPRN.

Q3.7 Do you have any suggestions about how the data could be standardised and published in a transparent manner?

33 We suggest that a national system is provided. This would achieve a standard approach and avoid delay, inconsistency and duplication of costly systems development by hundreds of LPAs. Each LPA could provide a link to the national system. If this is not the case it is essential that national guidance is provided on how data is held and made available and that sufficient time is allowed to enable LPAs to provide appropriate systems.

Q3.8 Do you agree with our proposed approach for keeping data up-to-date?

34 We consider that an annual review is appropriate.

Q3.9 Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?

35 Please refer to our answer to Q3.1.

Q4.1 – Q4.4 Small sites register

36 In its response to the earlier consultation on proposed changes to national planning policy, NPE asked that National Parks be exempt from the proposed presumption in favour of housing on small sites. As most housing sites in the National Parks fall within one to four plots, we question the need for National Parks to maintain a separate register for small sites as such sites are already brought forward through Neighbourhood and Local Plans.

Q5.1 Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood plan applied for?

37 No concern is raised regarding the removal of the statutory period for advertising the intent to designate a neighbourhood planning area (other than the exceptions to avoid clash with current proposals). However this stage does have value in specifying minimum standards of advertisement of intent to designate a neighbourhood plan area. If this stage is removed, it would be helpful to retain some minimum standards of advertising to the local resident and business community and statutory stakeholders. This would be part of the Statement of Community Involvement and enable the planning authority and plan inspectors to assess the strength of the plan making process at examination

Q5.2 Do you agree with the proposed time periods for local planning authority to designate a neighbourhood forum?

38 The proposed time periods appear reasonable but there are circumstances outside of LPA control (e.g. Purdah periods of other councils in the case of cross boundary neighbourhood plan areas) when the determination of applications may be problematic for our neighbours and reduce or remove opportunities for them to process the application through the democratic channels of committees. This would impact negatively on National Parks as they could, by no fault of their own, be deemed, as a jointly responsible body, to be failing to reach a decision with statutory time periods.

39 In addition, the information required to determine an application for a neighbourhood forum may not be supplied by the applicant. In such cases, the local planning authority (LPA) needs the ability to 'not register' the application. If the resolution of such matters takes a long time, it may be a strong indicator of the strength of feeling, level of resources, appetite/need for a neighbourhood plan. It is often the community level issues that set the timescale for this stage rather than the planning authority. It is a critical stage of the process if the Neighbourhood Plan is to be representative and ultimately effective, so we would urge caution in forcing this issue.

Q5.3 Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

40 On the first exceptional circumstance proposed, this may result in a more precautionary approach than might otherwise be necessary. If a LPA suspects (but is unable to be sure within a strict deadline) that the neighbourhood plan is not in general conformity with their plan, they could, and arguably should apply for an extension as a precaution to enable wider consideration and if necessary Member involvement in the decision. To identify likely non conformity with the development plan without properly addressing it on the grounds there is insufficient time or resources could also store up problems in using the plans at a later date.

41 On the second exceptional circumstance proposed, it is important that the LPA has dispensation to seek an extension to a five week deadline (with or without the neighbourhood plan groups agreement). LPAs do not always employ neighbourhood planners, so the ability to deal with a five week timeline may be compromised by other work on Local Plan preparation, other neighbourhood plan work, processing of planning applications (with their own deadlines). Neighbourhood Plans' ultimate status as part of the development plan and their longevity as part of the development justifies caution at this stage.

Q5.4 Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

42 LPAs would expect that those making representations are kept informed of progress of a plan in the stages towards adoption. The value in re-opening consultation is however less clear at this stage because the inspector will have already heard from these people if they have made representations that the inspector considers should have been usefully expanded upon as part of the examination. We consider that government needs to clarify whether it means consultation or information at this stage, and if it means consultation, that it clarifies what value it sees in further consultation at this stage. In light of the concerns over timescales already cited, a re-opening of consultation and evidence gathering stages would have knock on effects on the timescales within which a LPA could move the process through to adoption.

Q5.5 Do you agree with the proposed time periods where a local planning authority seeks further representation and makes a final decision?

43 In some circumstances five weeks would be far too short to consider representations and get Member agreement to the officer response.

Q5.6 Do you agree with the proposed time period within which a referendum must be held?

44 The flexibility for the LPA and the neighbourhood plan group to agree the time period means that this target 10 weeks is reasonable as an outline expectation

Q5.7 Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

45 The term 'as soon as reasonably practicable' is clear, and allows for circumstances beyond the control of planning authorities (Purdah periods, appointment of committee members, councillor training etc.) An eight week deadline serves no useful purpose since it could only be used by central government to force a neighbourhood plan to be 'made' outside the locally democratic stage of making part of its development plan. It is already possible to force plans through on the grounds that the LPA had not made the plan as soon as reasonably practicable, so we see no advantage from the change.

Q5.8 What other measures could speed up or simplify the neighbourhood planning process?

- 46 The requirements for sustainability appraisals and SEA are perhaps disproportionate to the scale of the plan being produced, with the statutory development plan picking these things up for the whole LPA area. In cases where a neighbourhood plan is triggered by pressure to develop a site, any application for the site would be subject to necessary appraisals so it seems onerous to expect appraisals of a type already done for the development plan or required by planning applications for a neighbourhood plan. In addition, the assessment of conformity would pick up any problems of potential adverse environmental impact or unsustainable development and screen this out.

Q5.9 Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?

- 47 This process seems to open up scope for actions (intended or unintended) on behalf of neighbourhood planning groups or stakeholders that would prevent a LPA taking a decision ahead of a deadline and trigger a mechanism to take the process out of the hands of the LPA at the end of the process.
- 48 It is unreasonable to insist on a LPA accepting all examiners recommendations until the LPA and the examiner are sure that the understanding that has led to the recommendations. If there is a recommendation based on a misunderstanding, it is not appropriate to penalise a LPA for refusing to agree the recommendation, or penalise them by removing the scope for challenge to a recommendation.
- 49 It is more reasonable for the S of S to intervene where an LPA is seeking to modify and plan or Order at the last stage in ways that an examiner has not recommended. However there may be changes to the development plan or indeed national policy at the last minute that have to be brought into the neighbourhood plan, especially as the timelines for different local and national policy changes will never coincide neatly with the neighbourhood plan processes.
- 50 The S of S intervention to install another Inspector is perhaps a crude way of taking over the process and reducing the local legitimacy of the process.
- 51 The various measures within this intervention stage create more red tape rather than less, central control over local determination, and seem generally at odds with the thrust of these changes to simplify and speed up the neighbourhood plan making process.

Q5.10 Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

- 52 Yes providing that it is the responsibility of the neighbourhood forum to ensure the LPA has up to date contact details for the Forum. Unlike Parish Councils,

neighbourhood forums do not have the same legal status or modus operandi, so it is more likely that their membership and leadership and way of working will be less widely known. This clarification of responsibilities would make the suggestion workable.

Q6.1 Do you agree with our proposed criteria for prioritising intervention in local plans?

53 We have already responded to the consultation regarding the housing delivery test but the intent to use performance against this test is flawed in the context of planning for a National Park unless the determination is set against the context for planning in National Parks as established by the NPPF and the NPVC. National Parks are seen as not being areas of high housing pressure in which higher housing delivery can achieve national objectives for these protected areas. The other criteria for assessing progress seem sensible.

Q6.2 Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan making, and b) neighbourhood planning?

54 Collaborative and strategic plan making – National Parks already co-operate with constituent authorities but operate to different plan objectives (borne of their protected area status). Joint plans are sensible where the responsibilities and objectives of the LPAs are broadly the same, but are not appropriate where one area is seeking growth and another is seeking sustainable development in the context of protected area status.

55 Neighbourhood planning - This is sensible provided it is used to help communities in areas where the demand for neighbourhood planning is high but the local plan presence is limited or non-existent. If there is no demand for neighbourhood planning in an area there may be less to be gained from intervening to write a local plan for the area.

Q6.3 Are there any other factors that you think government should take into consideration?

56 Government needs to distinguish between plan enabling (i.e. what is permitted) and plan delivery (what is actually built). If acceptable applications are not being received, a LPA cannot permit them and if the applications are out of line with local and national policy an LPA shouldn't permit them. In these cases measures against the planning authority is unjustified because the level of permissions could not have been higher.

57 Similarly if the applications are being received and approved, but houses are not being built, government intervention in plan making will not resolve this problem. In fact intervention in plan making would be to misunderstand where the blockage to housing delivery mainly lies. A quicker plan with easier routes to permissions will not necessarily lead to increased delivery of houses, as the drip feed of delivery in

areas of high numbers of permissions demonstrates even in areas with up to date plans.

Q6.4 Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

58 These safeguards (consideration of exceptional circumstances without a tight definition of that term) are wholly necessary in the light of the response to the previous question and the need to understand fully the circumstances conspiring towards the local position on plan status and delivery.

Q6.5 Is there any other information you think we should publish alongside what is stated above?

59 Bullet point 3 c) would be more meaningful if the LPA was able to explain that. (e.g. resource diverted to neighbourhood plan work; resource diverted to respond to national changes to planning policy; purdah periods at councils when plan stages couldn't be progressed through committee; resource needed to consistently update Local Development Schemes).

Q6.6 Do you agree that the proposed information should be published on a six monthly basis?

60 Depending on the rigour of the data required this timescale looks reasonable and proportionate.

Q7.1 Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?

61 With the caveat that a split appeal decision is counted as 50% dismissed and 50% allowed rather than the current method of counting a split appeal as wholly upheld – yes. The overall 70% broadly accords with the previous 65% & 80% targets for Minors and Others.

Q7.2 Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?

62 No, in almost any walk of life getting something 90% correct is good enough and a LPA which wins 90% of its major appeals should not be seen as failing - the threshold is too low.

Q7.3 Do you agree with our proposed approach to designation and de-designation, and in particular

(a) that the general approach should be the same for applications involving major and non-major development?

63 Yes, the current 'quality' dimension to assessing an Authority's planning service is based solely on major appeal performance. Having separate major and non-major assessments would protect the 'quality' of the non-major work of a planning service.

(b) performance in handling applications for major and non-major development should be assessed separately?

64 Yes, dealing with majors compared to other applications can be very different.

(c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?

65 Yes, LPA's should not be penalised for following the general presumption of deciding applications in accordance with the development plan and where the key issue is weight to be given to other material considerations.

Q7.4 Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

66 Yes, it would be difficult to conceive that householder developments should gain equal priority over larger projects with a wider public interest.

Q8.1 Who should be able to compete for the processing of planning applications and which applications could they compete for?

67 LPAs already have the ability to 'outsource' the processing of planning applications. This option should remain at the LPA's discretion unless the LPA is designated as underperforming. There are already good examples of National Parks delivering shared planning services (New Forest NPA) and commissioning other LPAs to carry out the development management role on their behalf (South Downs NPA).

68 In the case of the South Downs, this work is only undertaken by those authorities who are actually situated within the National Park or at least partly. One would question the practicality of 'providers' carrying out a similar role more remotely from the area in question and whether this would inevitably result in complaints levied at the respective 'providers' as not understanding the local context or nature of an area.

69 We do not favour the compulsory tendering or outsourcing of the development management process, especially so where the National Park is meeting the required performance standards. Planning is the sole statutory function of National Parks and the main vehicle for delivering the two statutory purposes and associated duty. We do not see any compelling case to forcibly privatise the National Parks' planning functions.

Q8.2 How should fee setting in competition test areas operate?

69 It is considered that there should be the same fees across providers to ensure that there is equality both in resourcing and quality of service.

Q8.3 What should applicants, approved providers and local planning authorities in test areas be able to?

70 We believe that National Parks should not be chosen to pilot this proposal given the national prominence and value attached to the planning role within National Parks.

Q8.4 – 8.6

71 As 70 above.

Q9.1 Do you agree with these proposals for the range of benefits to be listed in planning reports?

72 No. The National Parks already make reference in their reports to any material considerations within an application including those of a socio-economic nature. They should not have a 'requirement' for local finance considerations to be listed, if there are clearly none. It would seem that this is almost seeking to place a higher weighting on beneficial financial considerations, where this must be surely balanced against other considerations (and it must be acknowledged in a National Park setting that the two statutory purposes are paramount, with a socio-economic duty placed upon us in meeting those two purposes).

73 It is considered that there is a lack of robust evidence that relevant financial matters (both positive and negative) are not currently assessed or presented to decision-makers, particularly for larger more significant applications.

74 There is a concern that any exaggerated emphasis on the financial benefits accruing from a development has the potential to create a misleading impression that these are somehow material to, or of a greater weight than other matters, when considering the decision to grant planning permission in each individual case. This could bring the local planning system into disrepute. It should be for National Parks to consider these matters as appropriate.

Q9.2 Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

77 See above – we do not believe this information should be recorded.

National Parks England
14 April 2016

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
5 February 2016		<p>standing of a storage container</p> <p>Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised development of a portacabin, static caravan, signage and lighting.</p>	<ul style="list-style-type: none"> • Report taken to Planning Committee in February 2016 • Authority given to instigate prosecution proceedings re refrigerated trailer, suspended for three months to seek a resolution; and • Authority given to serve Enforcement Notices in respect of portacabin and static caravan; and • Negotiations to take place with the landlord and tenant landlord on other elements. • Meeting took place in March 2016 • Tenant landlord to detail intentions by 20 April 2016
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway
5 December 2014	Staithe N Willow	Unauthorised erection of	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31

Committee Date	Location	Infringement	Action taken and current situation
8 January 2016		fencing	<p>October 2015</p> <ul style="list-style-type: none"> • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on grounds there has been no breach
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 • Enforcement Notice Issued on 5 January 2016 • Compliance date 11 March 2016 • Full Compliance awaited by 22 April 2016
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised installation of metal roller shutter door	<ul style="list-style-type: none"> • Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with. • Period of 4 weeks given for landowner to consider position • Negotiations underway • Application for lattice work door as mitigation submitted • Planning permission granted 4 April 2016. Site to be inspected

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: 14 April 2016

Appendices: Nil

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

Summary: This report sets out the position regarding appeals against the Authority since April 2016

Recommendation: That the report be noted.

1 Introduction

1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since April 2016

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: 14 April 2016

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since April 2016

APPENDIX 1

**Schedule of Outstanding Appeals to the Secretary of State
since April 2016**

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
Appeal to be validated by Inspectorate	App Ref BA/2016/0001/ENF Staithe n Willow	Appeal against Enforcement Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016 Awaiting start date
Appeal to be validated by Inspectorate	Appeal Reference: APP/E9505/W/16/314 7689 BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby Mrs Wanphen Martin	Appeal against Refusal Proposed change of use of annexe to separate unit for holiday accommodation	Delegated Decision 1 April 2016 Awaiting start date.

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

29 April 2016

Agenda Item No.16

Summary:	This report sets out the delegated decisions made by officers on planning applications from 18 March 2016	to 15 April 2016
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council				
BA/2016/0045/FUL	Cox Boatyard Staithe Road Barton Turf Norfolk NR12 8AZ	Cox's Boatyard Ltd.	5 New keel boat moorings. Slipway alterations. New Jetty. Quay heading replacement.	Approve Subject to Conditions
Brundall Parish Council				
BA/2016/0026/COND	50 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mr David Hilburn	Variation of condition 2 of previous permission BA/2012/0394/FUL	Refuse
Coltishall Parish Council				
BA/2016/0057/LBC	The Norfolk Mead Hotel Church Loke Coltishall Norwich Norfolk NR12 7DN	Mr James Holiday	Alterations to door position from west to south elevation.	Approve Subject to Conditions
BA/2016/0056/NONMAT			Alterations to door positions, non-material amendment to previous permission BA/2015/0278/FUL.	Approve
Horsey Parish Council				
BA/2016/0047/NONMAT	Horsey Mill Somerton Road Horsey Norfolk NR29 4EE		Alterations to location of temporary cabin, non-material amendment to previous permission BA/2015/0350/FUL.	Approve
BA/2016/0048/LBC		The National Trust	Temporary provision of portable steel cabin within the site, for two years.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Hoveton Parish Council				
BA/2016/0081/HOUSEH	Cornerways Meadow Drive Hoveton Norfolk NR12 8UN	Mr James Cobb	Erection of single garage at side of house (gable end)	Approve Subject to Conditions
Ludham Parish Council				
BA/2015/0422/FUL	The Dutch House Hall Common Ludham Norfolk NR29 5NS	Mr Anthony Seymour	Conversion of former stables to form annex.	Approve Subject to Section 106 Agreement
BA/2015/0423/LBC				Approve Subject to Conditions
BA/2016/0089/NONMAT	Hall Common Farm Hall Common Ludham Great Yarmouth Norfolk NR29 5NS	Mr Stephen Pitkethly	Addition of roller-shutter doors, non-material amendment to previous permission BA/2014/0271/HOUSEH.	Approve
Martham Parish Council				
BA/2016/0061/HOUSEH	Willowcroft Cess Lane Martham Norfolk NR29 4TZ	Mr Mark Johnson	Erection of garage, car port, store, boundary fence and wall.	Approve Subject to Conditions
Reedham Parish Council				
BA/2016/0075/FUL	Briar Cottage 10 Riverside Reedham Norwich NR13 3TF	Mrs Margaret Wheeler	Replacement quay heading.	Approve Subject to Conditions
Rollesby Parish Council				
BA/2014/0175/COND	The Waterside (Rollesby) Limited Main Road Rollesby Norfolk NR29 5EF	The Waterside (Rollesby) Ltd	Variation of conditions 12 and 16 of pp 06/05/0001/BF (BA/2005/0860/HISTAP) to alter the level and type of boats used.	Approve Subject to Section 106 Agreement
Stalham Parish Council				
BA/2016/0078/NONMAT	Hykawy Wayford Norwich NR12 9LH	Martin Truss	Amendments to height and location of flue. Non-Material amendment to permission BA/2014/0163/HOUSEH.	Approve

Application	Site	Applicant	Proposal	Decision
BA/2016/0077/HOUSEH	Bittern Cottage Loke Wayford Road Wayford Bridge Norfolk NR12 9LL	Mr And Mrs Tooley	Single storey rear extension.	Approve Subject to Conditions
BA/2016/0040/FUL	Wayford Bridge Inn Wayford Road Wayford Bridge Norfolk NR12 9LL	Mr Barry Heavens	Extensions to existing property to provide improved toilet facilities and new bedrooms	Approve Subject to Conditions
Stokesby With Herringby PC				
BA/2015/0403/FUL	The Old Reading Room Anchor Cottage Mill Road Stokesby With Herringby Norfolk NR29 3EY	Mrs Wanphen Martin	Proposed change of use of annexe to separate unit of holiday accommodation	Refuse
BA/2016/0044/FUL	Ferry Court Mill Road Stokesby With Herringby Norfolk	Mr Robert Read	Car park extension.	Approve Subject to Conditions
Strumpshaw Parish Council				
BA/2015/0391/FUL	Staithe Cottage Low Road Strumpshaw Norwich NR13 4HS	Mr Ian Robinson	Provision of a portkabin as a temporary office structure	Approve Subject to Conditions
BA/2016/0006/FUL		Mr Tim Strudwick	Installation of a 6m diameter canvas marquee and timber flooring. The marquee and floor would be used for 8 months of the year and removed from November to February. The use is intended for no more than 5 years, after which conversion of an existing building is planned.	Approve Subject to Conditions
BA/2016/0049/FUL	The North Bank Of The River Yare At Strumpshaw Fen, Between The Sandy Wall And The Steam Pump.		Installation of wooden boards into the crest of the floodbank to provide an adequate flood defence.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Surlingham Parish Council				
BA/2016/0032/FUL	Coldham Hall Sailing Club Coldham Hall Carnser Surlingham Norfolk NR14 7AN	Coldham Hall Sailing Club	Clubhouse extension.	Approve Subject to Conditions
Thorpe St Andrew Town Council				
BA/2016/0039/FUL	Solar Flare 3 The Moorings Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EW	Mr Lorne Betts	Replacement chalet, repairs to existing walkways and decking and replacement fence	Approve Subject to Conditions
Woodbastwick Parish Council				
BA/2016/0079/COND	Sotshole School Hill Ranworth Norwich NR13 6HU	Mr Stuart Goodall	Variation of Conditions 2 and 6 of pp BA/2015/0142/HOUSEH and BA/2015/0143/LBC to change the design of the summerhouse/cabin.	Approve Subject to Conditions
Wroxham Parish Council				
BA/2015/0411/COND	Ennerdale II Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr And Mrs Chopra	Variation of condition 2 of pp BA/2014/0313/FUL to remove boat dock from approved plans, addition of external insulation, additional extension, sewerage treatment plant, alternative window positions, and a single rooflight to southern roof slope.	Approve Subject to Conditions

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

Summary: This report sets out the development control statistics for the quarter ending 31 March 2016

Recommendation: That the report be noted.

1. Development Control Statistics

1.1 The development control statistics for the quarter ending 31 March 2016 are summarised in the table below.

Table 1:

Total number of applications determined	54						
Number of delegated decisions	51 (94.5%)						
Type of decision	Numbers granted				Numbers refused		
	48 (94.5%)				3 (5.5%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16-26 wks	26-52 wks	Over 52 wks	Agreed Extension
	44 (81.5%)	3 (5.5%)	0 (0%)	1 (1.8%)	0 (0%)	0 (0%)	11.2 (0%)
Numbers of Enforcement Notices	0(PCN)						
Consultations received from Neighbouring Authorities	15						

Table 2: National Performance Indicators

	BV 109 The percentage of planning applications determined in line with development control targets to determine planning applications.			
National Target	60% of Large Scale Major* applications in 13 weeks	60% of Small Scale Major* applications in 13 weeks	65% of Minor* applications in 8 weeks	80% of other applications in 8 weeks
	<i>*Large Scale Majors refers to any application for development where the site area is over 10000m²</i>	<i>*Small Scale Majors refers to any application for development where the site area is over 1000m² but under 9999m²</i>	<i>*Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc)</i>	<i>Other refer to all other applications types</i>
Actual	0 application received. 0 determined in 13 weeks (100%)	0 applications received. 0 determined in 13 weeks (100%)	26 applications received. 21 determined in 8 weeks (80.7%)	28 applications received. 23 determined in 8 weeks (82.1%)

Background Papers: Development Control Statistics provided by Broads Authority using CAPS/Uniform Electronic Planning System.

Author: Asa Coulstock
Date of Report: 20 April 2016

Appendices: APPENDIX 1 – PS1 Returns
APPENDIX 2 – PS2 Returns

PS1 returns:

1.1	On hand at beginning of quarter	30
1.2	Received during quarter	70
1.4	Withdrawn, called in or turned away during quarter	4
1.4	On hand at end of quarter	42
2.	Number of planning applications determined during quarter	54
3.	Number of delegated decisions	51
4.	Number of statutory Environmental Statements received with planning applications	0
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	2
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	0
7.5	Number of breach of conditions notices served	0
7.6	Number of enforcement injunctions granted by High Court or County Court	1
7.7	Number of injunctive applications raised by High Court or County Court	0

APPENDIX 2

PS2 Returns

Type of Development	<u>Total Decisions</u>			<u>Total Decisions Time from application to decision</u>				More than 26 wks and up to 52 wks	More than 52 wks	Agreed Extension
	Total	Granted	Refused	Not more than 8 wks	More than 8 wks but not more than 13 wks	More than 13 wks and up to 16 wks	More than 16 wks and up to 26 wks			
Large-scale Major										
Dwellings	0	0	0	0	0	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	0	0	0	0	0	0	0	0	0	0
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other large-scale major developments	0	0	0	0	0	0	0	0	0	0
Small-scale Major										
Dwellings	0	0	0	0	0	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	1	1	0	0	1	0	0	0	0	0
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other small-scale major developments	0	0	0	0	0	0	0	0	0	0
Minor										
Dwellings	4	1	3	4	0	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	0	0	0	0	0	0	0	0	0	0
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other minor developments	21	21	0	17	2	0	0	0	0	2
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of use	2	2	0	1	0	0	1	0	0	0
Householder developments	21	21	0	19	0	0	0	0	0	2
Advertisements	1	1	0	1	0	0	0	0	0	0
Listed building consent to alter/extend	5	5	0	3	0	0	0	0	0	2
Listed building consent to demolish	0	0	0	0	0	0	0	0	0	0
Conservation Area Consents	0	0	0	0	0	0	0	0	0	0
Certificates of lawful development	0	0	0	0	0	0	0	0	0	0
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	54	51	3	44	3	0	1	0	0	6
Percentage (%)	100%	96%	4%	92%	4%	0%	4%	0%	0%	0%

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