

Planning Committee

AGENDA

Friday 16 September 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 19 August 2016 (herewith) | 4 – 17 |
| 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/2016/0194/CU Hall Farm, Hall Lane, Postwick, Norwich
 - BA/2016/0228/COND Hoveton Great Broad and Hudson's Bay, Haughs End Road, Lower Street, Hoveton

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• BA/2016/0165/COND Ice House, The Shoal, Irstead	49 – 58
• BA/2016/0287/HOUSEH Ropes Hill House, 4 Lower Street, Horning	59 – 64
9 Norfolk Mead Hotel, Coltishall Reports by Head of Planning (herewith)	65 – 72
10 Enforcement Update Report by Head of Planning (herewith)	73 – 78
11. Broads Local Plan (September) Bite Size Pieces Report by Planning Policy Officer (herewith)	79 – 83

Including:

Appendix A: Development Boundaries

Appendix B: Development Management Policies (remaining)

Appendix C: Economy Section

Appendix D: Flood Risk

Appendix E: Green Infrastructure

Appendix F: Houseboats and Floating Buildings Topic Paper

Appendix G: Housing Topic Paper

Appendix H: Housing: OAN, Affordable Housing, Self-Build Housing for Older People,

Appendix I: Landscaping

Appendix K: Light Pollution and Light Pollution Supporting Report

Appendix L: Local Green Space Nominations and Assessment

Appendix M: Peat

Appendix N: Remaining sites specific policies: ACL1, ACL2, CAN1, GTY1, TSA3

Appendix O: Residential Mooring Nominations and Assessment and Allocations Policy

Appendix P: Residential Moorings Policy and Flood Risk related supporting text

Appendix R: Settlement Fringe

Appendix S: Sites from Issues and Options

Appendix T: Soils

Appendix U: Staithes

Appendix V: Strategic Policies

Appendix W: Strategic Sustainable Development Policy

Appendix X: SuDS

Appendix Z: Tourism

MATTERS FOR INFORMATION

12 Heritage Asset Review Group (HARG) Notes of meeting held on 19 August 2016 (herewith)	84 – 90
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13 Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	91 – 92
14 Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	93 – 95
15 To note the date of the next meeting – Friday 14 October 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority

Planning Committee

Minutes of the meeting held on 19 August 2016

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J Burgess
Mr W Dickson
Ms G Harris

Mr P Rice
Mr H Thirtle
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 2/9 – 2/10)
Mrs S A Beckett – Administrative Officer (Governance)
Ms A Cornish – Planning Officer (Minute 2/8)
Mr S Bell – for the Solicitor (Minute 2/1 – Minute 2/8 and Minute 2/11))
D Harris – for the Solicitor and Monitoring Officer
Mr B Hogg – Historic Environment Manager (Minute 2/9 and 2/10)
Mr A Scales – Planning Officer (Minute 2/1 – Minute 2/8)
Ms A Long – Director of Planning and Resources

Members of the Public in attendance who spoke:

BA/2016/0194/CU Hall Farm, Hall Lane, Postwick

Mr Alan Woods	Chairman of Postwick Parish Council
Mr Peter Cranness	Objector
Mr Fergus Bootman	The Applicant's agent
Mrs Langridge	The applicant
Mr Andrew Proctor	Local District member

BA/2016/0191/FUL Hickling Broad Enhancements

Ms Trudi Wakelin	On behalf of the applicant, Broads Authority
Dr Dan Hoare	On behalf of the applicant, Broads Authority

2/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. No apologies were received.

2/2 Chairman's Announcements and Introduction to Public Speaking

(1) No members of the public indicated that they intended to record proceedings.

(2) **Public Speaking**

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

2/3 Declarations of Interest

The Chairman declared an interest on behalf of all members in relation to Agenda item 9(2) BA/2016/0191/FUL Hickling Broad enhancements as the application was a Broads Authority application. A general declaration of interest was also made in respect of Agenda item 9(1) BA/2016/0194/CU as all members had been lobbied.

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes.

2/4 Minutes: 22 July 2016

The minutes of the meeting held on 22 July 2016 were agreed as a correct record and signed by the Chairman.

2/5 Points of Information Arising from the Minutes

(1) **Minute 1/10: Enforcement Item Waveney Inn and River Centre**

The Director of Planning and Resources confirmed that the decision made at the meeting was being followed up. The Solicitor had contacted the landowner's Solicitor and Planning Officers had written to his planning agent and a response was awaited.

(2) **Minute 1/3(3): Heritage Asset Review Group**

The Chairman stated that since the last meeting the two new members on the Planning Committee: Mr Bill Dickson and Mr Haydn Thirtle indicated that they would be interested in being on the Group and had therefore been appointed. The Committee endorsed the proposal that these members be added to the Group. (This did not preclude other members attending if they so wished and they were invited to do so.)

RESOLVED

that the membership of HARG comprising of Peter Dixon and Paul Rice (as Chairman and Vice-Chairman of the Planning Committee) Mike Barnard, Jacquie Burgess, Bill Dickson and Haydn Thirtle be confirmed.

2/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

2/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received.

The Chairman stated that he intended to vary the order of business to enable the Solicitor to comment on the Enforcement Schedule prior to those matters relating to policy. Therefore Agenda Item 11 would be taken following Agenda Item 8.

2/8 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the 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/2016/0194/CU Hall Farm, Hall Lane, Postwick, Norwich**
Change of use of outdoor venue for weddings and celebrations, to include retention of existing outdoor timber seating and wood shack, introduction of new service track and extension to existing turning area, creation of new passing places on public and private roadways and associated parking, access and landscaping.
Applicant: Mr and Mrs C & E Langridge and Fairbank

The Planning Officer provided a detailed presentation of the application for the permanent establishment of a wedding/associated celebrations and reception venue which currently operated under the 28 day rule permitted by Schedule 2, Part 4 Class B of the Town and Country Planning General Permitted Development England Order 2015. The business was a diversification of part of an agricultural holding. Permission was being sought for operation all year round depending on demand, although up to now it had operated on a season based from mid-May to mid-September. Permission was being sought for up to 200 guests although typically the venue would accommodate 80 to 120 guests.

Since the writing of the report, further representations had been received from the Parish Council, which had been circulated for Members' information. Attention was drawn to all the representations

including the petition and the considerable concerns documented relating in particular to highways and the additional traffic generated impacting on the local network as well as the effect of noise levels from music on the residential amenity and the tranquillity and ecology of the area.

The Planning Officer addressed the main issues in the determination of the application concerning impact on the highway safety, noise impact, flood risk, impact on ecology and impact on residential amenity. In conclusion, the considerable amount of concern voiced and documented by local residents was recognised. However it was considered that these concerns could be addressed through conditions. The Highways Authority had no objections subject to the imposition of appropriate conditions as documented and on this basis and taking account of the NPPF the application could be recommended for approval. On the matter of noise, given the open landscape and rural character of the area the concerns over noise were to be given significant weight. A Noise Assessment Plan and a Noise Management Plan had been submitted and events should be managed in accordance with this. Therefore in conclusion and on advice from the Environmental Health Officer, it was recommended that a temporary permission be issued for 24 months in order to monitor the situation and ensure that noise was kept to an acceptable level.

Mr Alan Woods on behalf of the Parish Council provided the Committee with a video showing the route into the site. He explained that the parish council acted as liaison for those living within the village. He referred to the considerable number of representations received from those living at the end of Oaks Lane and those living near to the venue. The parish council was not anti-enterprise but it needed to respect the reviews of its electorate. The venue already operated under the 28 day rule and the application would be an extension of that. With the numbers of guests proposed and the services being delivered two to three days before the event and removed two days after, the parish could not come to terms with the Highways view of no objection.

The issue of noise was of major concern particularly from Marsh Fen cottages which were in line with the predominant south westerly wind and being in a rural landscape the noise would travel easily. To be fair this had been recognised by the applicant but the parish council was concerned as to how this would be monitored or enforced. The ambient noise in the area was very low and therefore any additional noise from group events would be more noticeable and significant especially at night. It was considered that there should be an independent party to survey this. Mr Wells recommended that the Planning Committee visit the site before making a decision.

Mr Cranness on behalf of the objectors provided two videos; one showing the route to the site down Oaks Lane from within a car, the other at the junction of the road to the track to illustrate the issues

concerning highways and the tranquillity of the area in relation to residential amenity. In addition to the comments circulated to members, Mr Cranness commented that with all traffic needing to travel along the Lane the local residents would not be able to enjoy the tranquillity of their gardens not only when the weddings took place but before and after. He alleged that the total number of events held in the last year had been greater than that permitted under the 28 day rule. He expressed concern as to how the numbers could be controlled especially in relation to the number of cars and how these could be monitored. He also expressed concern about the noise level and how that could be enforced. He referred to Policy DP28 Amenity which he considered was not being properly addressed. He commented that there was nothing in the report to take account of light pollution which might include laser displays. He considered that the development should be viewed as being unacceptable.

Mrs Langridge, the applicant explained that she came from a conservation background and her partner from three generations of farming and conservation. They wanted to create a project which they believed in and were passionate about. They had worked with and managed the site under the Higher Level Stewardship scheme and such a venue attracted people who were as concerned as they were about the environment. As local residents they did care about the area and the local community and had purchased their own PA system to ensure noise levels were managed. The scheme was designed to operate as low impact and sustainable and to contribute to the family's livelihood and future.

Mr Bootman, the agent for the applicants explained that the application was submitted to provide suitable diversification to supplement the income from agriculture to ensure future viability of the farm. In recognition of the potential noise a Noise Management Plan had been submitted and (as already stated) his clients would provide their own PA system to ensure much greater control of sound levels. It was recognised that the application would generate traffic but, as referenced in the consultations, the Highways Authority had not objected on the basis that there would not be an unacceptable rise in traffic movements. With reference to the proposal for a temporary consent of two years, he questioned the reasons and considered this to be inappropriate since the use had already been operating for two years under the 28 day rule and there had been no recorded complaints or incidents, a fact confirmed by the Environmental Health Officer. Mr Bootman urged the Planning Committee to accept the proposal and grant permanent permission subject to appropriate conditions in order to ensure the ongoing viability of an established farming business in the special Broads area.

Mr Proctor, the local District Member addressed the concerns relating to traffic and noise, referring to statements within the Officer's report. He stated that Postwick was a very small village at the end of a

highway that was only subject to local traffic. Traffic to the proposed venue would be funnelled into Oaks Lane and there was no clarification as to how many or how passing bays would be constructed. He queried whether the road network would have the necessary capacity to accommodate the maximum 200 guests. He considered the impact would be severe and far greater than anticipated or could be resolved sufficiently in the way the Highways Authority had suggested. He expressed concern as to how the Noise Management Plan could be legally managed and enforced or as to the wisdom of a 24 month temporary permission. He commented that it was important to consider farm diversification but it was also necessary to examine the adverse impacts particularly of amenity. He considered that there was too great an impact on the environment from the traffic and potential noise to be generated. He therefore considered that the application was unacceptable and should be refused. If members were not minded to make a decision at this meeting, they should have a site inspection.

Members sought clarification on a number of questions. With reference to diversification, Mr Langridge stated that the total family farm had originally been comprised of 350 acres. Following the division of this amongst family following the death of the applicant's father, the applicant's farm would be reduced to approximately 100 acres (40ha). The application site covered an area of 4.7 ha. There was no specified limit to the numbers of pitches on the campsite but this could be examined and if over a certain number, this would come under other legislation. The applicant explained that the camp site was for one night only over the occasion of the specific event. The maximum number it could accommodate would be 30. They had a number of suppliers for toilet facilities but these were "posh wash" of a high standard and were brought on and off the site by the suppliers with no local contamination. It was clarified that there had been no complaints relating to the use under the 28 rule prior to the application being submitted.

Members acknowledged the concerns raised by the Parish Council. They expressed concern about the proposed parking facilities and potential highway issues as well as potential noise. It was considered that a site visit would be beneficial to examine the concerns and it would be helpful for the EHO and a representative from the Highways Authority to be present.

Mr Rice proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

that the determination of the application be deferred for a site inspection in order that members can gain a better understanding of the site and to take account of the concerns raised by the residents. The date would be confirmed subject to the availability of the Environmental Health Officer and a representative from the Highways

Authority. (subsequently confirmed for Friday 9 September 2016 starting at 10.am)

Having declared a personal interest in the following application, Sir Peter Dixon stepped down from the Chair. Mr Paul Rice took the Chair for this item. Members of the Committee agreed that Sir Peter Dixon could stay in the room for the discussion and his presence was not contrary to any standing orders suggesting otherwise.

Mr Paul Rice in the Chair

(2) **BA/2016/00191/FUL Hickling Broad, Hickling**

Hickling Broad Enhancement Work with two areas of red swamp restoration using dredged sediment retained by a series of textile membranes held in place by posts and three areas of protection of existing reed swamp vegetation with 750 metres perpendicular to the existing vegetation margin to reduce erosive forces and allow vegetation restoration.

Applicant: Broads Authority

Most of the Members of the Committee had had the benefit of a site visit on 18 August 2016. The Planning Officer gave a detailed presentation of the application for the first in a series of applications as part of the Hickling Broad Enhancement works. The proposals before members would include two different techniques to tackle reed swamp regression involving the containment and encouragement of reed growth, both of which had been trialled successfully. The Planning Officer reminded members of the presentation given to the Planning Committee by the Director of Operations in September 2015 showing the master plan for long term management of the whole of Hickling Broad, which was one of the Authority's long term strategic objectives building on scientific evidence from the Broads Lake Review.

In particular the Planning Officer concentrated on the three main areas where the techniques would be carried out, which included Churchill's Bay and the area in front of the Studio, and described the techniques involved. It was intended that the works would take place over three years. The applicant recognised the impacts on the special and sensitive area covered by Habitat regulations as well as the access to nearby properties and had therefore ensured that there would be a number of safeguards including a water monitoring plan, timing of the works, twice weekly Prynnesium cell counts, and monitoring/mitigation of water depth adjacent to Churchill Bay and the Studio.

The Planning Officer drew attention to the consultations received from the statutory organisations as well as the two representations from nearby properties. Natural England and the RSPB supported the application subject to a number of conditions.

Having provided a detailed assessment of the proposals the Planning Officer explained that the concerns of the local residents were acknowledged. The application had been designed to safeguard the ecology of the area as well as protect the amenity of local residents. It was concluded that the proposals provided an acceptable design of enhancement works that would protect and enhance the nature conservation value of the area subject to the imposition of conditions and would therefore meet the key tests of the development plan. The application was recommended for approval.

Sir Peter Dixon, as resident of The Smea situated behind Churchill's Bay thanked the officers for their efforts in attempting to allay the concerns he had originally expressed. He considered that the proposals now provided acceptable solutions and he welcomed the project. He considered that the area chosen for the deposition of spoil was ideal. He had been concerned about the blocking of access with the filling of one of the dykes, which he considered to be an historical access and would have preferred this to remain open. However, provided the water ingress and egress into the main broad was safeguarded and the other two dykes were satisfactorily cleared and suitable conditions imposed to cover this, he was content to accept the proposals.

Trudi Wakelin, Director of Operations in support of the application provided the historical background and rationale for the proposals, emphasising that the Hickling vision and project had stemmed from the Lake Review Project. It had been developed as a result of discussions with a range of stakeholders and the deliberations of the Upper Thurne Working Group, following identification of a number of issues in the Broad. The detailed proposals had been developed by a Hickling Project Board which included Norfolk Wildlife Trust and were also supported by the Environment Agency to help deliver the Water Framework Directive targets and to achieve the requirements of the Habitats Regulations. The project was built on successful trials and the potential impacts had been assessed and addressed with a range of mitigations. Support had also been gained from the Broads Forum and Broad Local Access Forum. Apart from the dredging work undertaken in the last 2-3 years, the part of the Broad had last been dredged in 2002. The marsh dykes would remain as part of the hydrological regime for the area and there would be monitoring to ensure there would not be any negative impacts. The project tackled several issues including accommodating an area for the disposal of dredging and would provide multiple benefits.

Members welcomed the proposal. They received clarification on the effect of the extent to which sediment would be displaced and distributed and were satisfied that any nutrient release and settlement would be retained within the set areas and monitored. They were satisfied with the mitigation and monitoring measures to be imposed in

order to ensure there would be a balance of the navigation, ecological and amenity requirements.

The Director of Planning and Resources confirmed that there was an historical ecological approach to the dyke network but not necessarily cultural. However, the importance of the dyke network was part of the historical landscape and included within the Landscape Character Assessment.

Jacquie Burgess proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report. The proposal is considered to be acceptable in accordance with Policies CS1, CS2, CS3, CS4, CS15 of the adopted Core Strategy (2007), and Policies DP1, DP3, DP4, and DP29 of the adopted Development Management Policies (2011).

Agenda Items 2/11 and 2/12 were taken at this point

Sir Peter Dixon in the Chair

2/10 Broads Local Plan – (August) Bite Size Pieces

The Committee received a report introducing the fourth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to draft policies for:

- Appendix A – Acle Straight
- Appendix B – Climate Change
- Appendix C – Conversion of buildings
- Appendix D – Design
- Appendix E – Developer contributions
- Appendix F – Energy demand and performance
- Appendix G – Health and wellbeing
- Appendix H – Heritage policies
- Appendix I – Landscape and Land raising
- Appendix J – Natural environment
- Appendix K – Open space
- Appendix L – Pubs
- Appendix M – Renewable energy
- Appendix N – Retail
- Appendix O – Water efficiency
- Appendix P – Water Quality

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being presented to Planning Committee in November 2016. They would be subject to further consultation prior to the final version being submitted.

With reference to Appendix A on the Acle Straight, Members welcomed the approach being taken in setting out in detail the factors to be taken into account for any improvements or changes to the road network, given that any such proposals would be for the Highways Authority and at national level and the Authority would be a consultee but not the decision making body.

With reference to Appendix B concerning Climate Change, this policy did not sit in isolation but would reinforce and be included within other policies. Members considered this to be a positive approach.

Members noted that Policies in Appendix C Conversion of Buildings and Appendix D, design were amended from existing policies DP21 and DP4 to include adaptability in accordance with “Lifetime Homes ” standards and Accessibility and this was welcomed.

With reference to Appendix E concerning Developer Contributions, members noted that officers would be investigating in more detail the element of the current policy that related to dredging. As the Authority did not deal with very large developments to warrant the level of provision and costs required by CIL it would not be appropriate for it to introduce such a charge. However, any such appropriate development where developer contributions would be required could be dealt with by the traditional Section 106 Agreement. The “appropriateness” would be in accordance with proportionality.

With reference to Appendix F – Energy Demand and Performance, Members considered the amendments and development of Policy DP7 to reflect the practice over the last two years were appropriate.

The check list for the Appendix G on Health and Wellbeing was still being finalised. This was to be welcomed. Members also appreciated the aim to have a combined policy with other Districts to move to a commonality.

Members welcomed the details included in Appendix H about Heritage noting that policies were based on present policies DP5 and DP6 and with a separate section on Drainage Mills based on XSN5.

With reference to Appendix I – Land Raising and Landscape, it was noted that the Landscape Character Assessment would be taken into account. It was suggested that a factor of sound attenuation might also be considered.

Appendix J – Natural Environment, a member commented that many of the Authority’s policies concerning the natural environment relied on European Directives and designations and expressed concern as to their vulnerability post Brexit. The Director of Planning and Resources commented that many of the policies had been embedded in UK Law and planning legislation and would still remain in terms of planning perspective until UK laws were either repealed or amended. It was suggested that reference might be made to this by a general statement in the Broads Plan.

Appendix K – Open Space, Members noted that this was a new Broads policy and the standards included reflected discussions with all the Districts and was based on what already existed and the standards they had adopted.

Appendix L – Waterside Pubs Network, Members supported the proposed amendments with the addition of the Bridge Restaurant in Wroxham.

Appendix M – Renewable and Low Carbon Energy – Topic Paper and policies, one member considered that the whole area was sensitive to small scale wind turbines and would wish to see a precautionary approach. It was recognised that the sensitivities were based on a complex methodology and came from a landscape perspective. For instance, why was the Trinity Broads area more sensitive than the area at the Thurne Mouth. Therefore he queried that methodology and would wish to examine this further. Members considered that it was important that the methodology was sound and that the policy was capable of being adapted in light of technological changes.

Appendix N – Retail, it was noted that at Bridge Road, Oulton Broad a post office was included within the local shop. In order to ensure a consistent retail policy approach, the Authority would be working with Waveney and the other District Councils.

Appendix O and P – Water Efficiency and Water Quality, it was noted that the Policy was advocating the use of sewage treatment plants in preference to septic tanks.

Members welcomed the approach and would be pleased to receive the next tranche of draft policies in advance of the next meeting.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

2/9 Consultation Documents Update and Proposed Responses

(1) Designating Horstead with Stanninghall as a Neighbouring Area And Designating Lound with Ashby, Herringfleet and Somerleyton as a Neighbouring Area

Members received a report introducing the two neighbourhood Plans for Horstead and Stanninghall, and Lound with Ashby, Herringfleet and Somerleyton. These were both consulted on during July as possible areas for becoming Neighbourhood Areas in order to produce a Neighbourhood Plan. Members noted the comments received on the Horstead and Stanninghall consultation documents and were informed that the comments received relating to the Lound area had also been supportive.

Members were supportive of the Officer's response.

RESOLVED

- (i) that the comments received on both Neighbouring Areas are noted; and
- (ii) that the Neighbouring areas for both Horstead and Stanninghall as well as Lound with Ashby, Herringfleet and Somerleyton be designated as Neighbourhood Areas for the purposes of producing Neighbourhood Plans.

(2) **Waveney District Council Lowestoft Flood Risk Management Project**

Members received a report on the consultation documents recently received together with the Authority's proposed responses.

RESOLVED

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to Waveney District Council

2/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. It was noted that a planning application for shutters and a new canopy at **Grey's Ices and Confectionary, Norwich Road, Hoveton** had been approved on the 4 August and therefore this item would be removed from the Enforcement Schedule.

RESOLVED

that the report be noted.

2/12 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016. It was noted that a decision had been received on the application: **BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby**. This had been dismissed on 29 July 2016 and further details would be circulated.

RESOLVED

that the report be noted.

2/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 4 July 2016 to 3 August 2016.

It was noted that the application BA/2016/0174/FUL at Richardson's Boatyard had been mistakenly dealt with under delegated powers and should have been referred to the Committee as the Managing Director was now a member of the Authority. The application had been refused and the applicant was in discussions concerning a resubmission. Any subsequent applications will be referred to the Committee for consideration.

RESOLVED

that the report be noted.

2/14 Any Other Business: Matters for Committee

A member raised concerns about the amount of Member and Officer time and therefore the costs being taken up in dealing with the same sites which were constantly appearing as committee items. It was asked whether this was proportionate to the issues involved and whether or not this could be claimed by the Authority, if it became disproportionate.

The Director of Planning and Resources acknowledged that some matters seemed to take up a disproportionate amount of time not just for members but particularly officers and officers tried to minimise this wherever possible. She clarified that the planning fees were set nationally and procedures were in place. The Authority was performing within the national targets and had received very favourable commendation of its service from the recent PAS independent survey. Most applications were dealt with under delegated powers. It was only those more controversial, complex or ones involving members which were referred to the Committee. The Enforcement Plan provided the necessary procedures to try to minimise this and most complaints and issues which might involve enforcement did not need to be considered by the Committee but could be dealt with and resolved by officers. Members were assured that the Authority was streamlining matters as much as it could and that Officers will try to keep this to a minimum in the future.

2/15 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 16 September 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 13.15 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 19 August 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	2/8(2)	BA/2016/0191/FUL Hickling Broad, Hickling As application is a Broads Authority Application.
All Members	2/8 (1)	BA/2016/0194/CU Hall Farm, Hall Lane, Postwick Members of the Authority lobbied
Paul Rice	2/11	Enforcement Update: Horning Ferry Inn. Have been involved as liaison in negotiations with owner. NSBA Member and Trustee of Broads Society
Bill Dickson	2/8(2)	Toll Payer, Private owner of property within Broads, Chairman of Local Residents Association.
Jacque Burgess		Toll Payer and Member of Norfolk Wildlife Trust
Mike Barnard	2/9	Consultation Documents: Member of Waveney District Council Local Plan Committee that deals with Neighbourhood Local Plan.
Peter Dixon	2/8(2)	BA/2016/0191/FUL Hickling Enhancements (Local resident – did not take part in site visit and will not Chair meeting for determination of application)

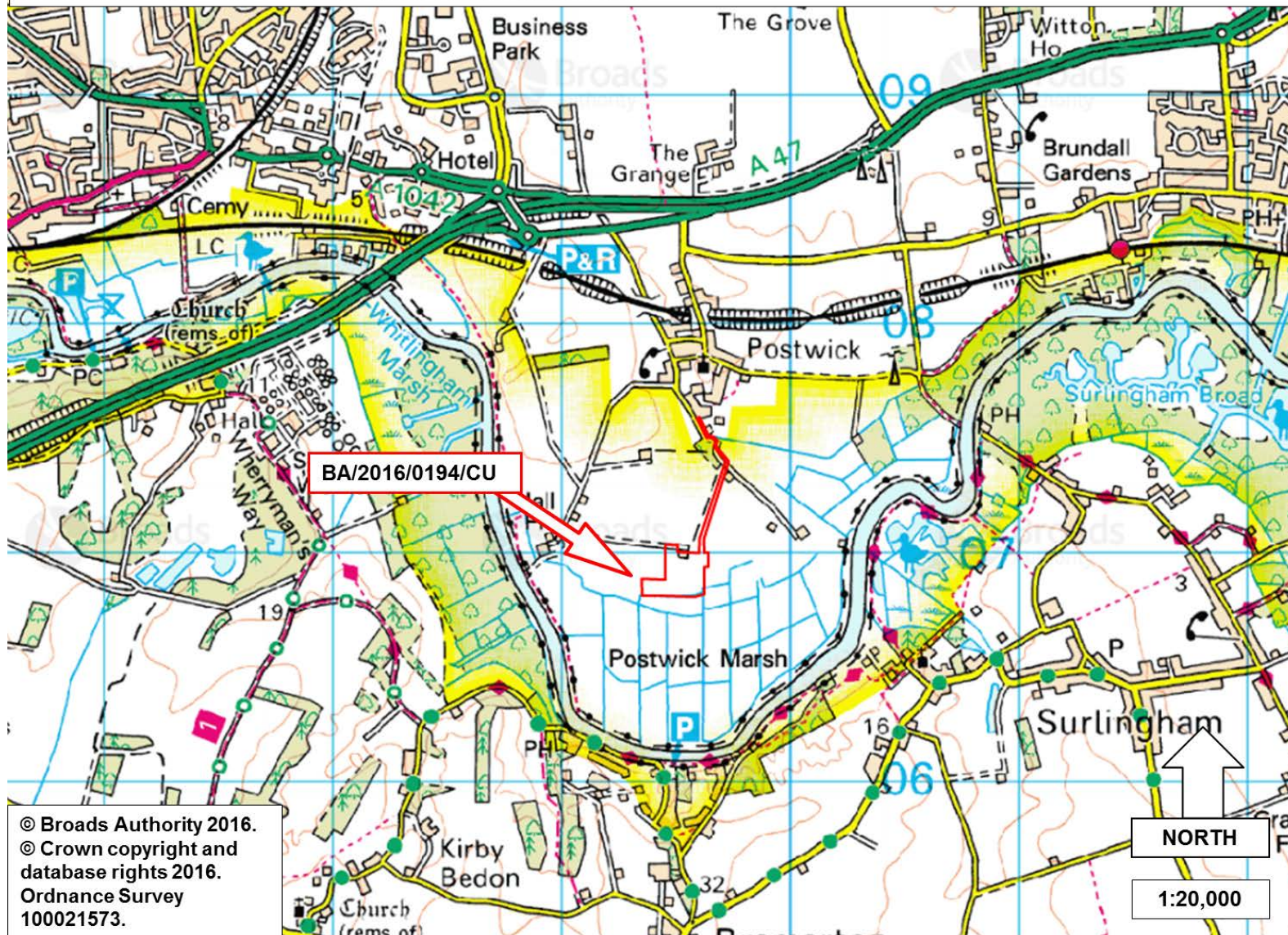
Reference:

BA/2016/0194/CU

Location

Hall Farm, Hall Lane, Postwick, Norwich

BA/2016/0194/CU - Hall Farm, Hall Lane, Postwick, NR13 5HQ



Application for Determination

Parish	Postwick with Witton Parish Council
Reference	BA/2016/0194/CU Target date 23.9. 2016
Location	Hall Farm, Hall Lane, Postwick, Norwich
Proposal	Change of use to outdoor venue for weddings and celebrations, to include retention of existing outdoor timber seating and wood shack, introduction of new service track and extension to existing turning area, creation of new passing places on public and private roadways and associated parking, access and landscaping.
Applicant	Mr and Mrs C & E Langridge and Fairbank
Recommendation	Approve subject to conditions for a temporary period of 24 months
Reason for referral to Committee	Objections Received

1 Background

1.1 A report was prepared for the 19 August 2016 meeting of the Planning Committee, recommending approval subject to conditions for a temporary period of 24 months. The full report is attached as Appendix A to this report.

1.2 Members resolved to defer determining the application until a site visit has been undertaken. The site visit is scheduled for 10.00am on Friday 9 September 2016.

1.3 The draft Minutes record the reason for the site visit as follows:

“Members acknowledged the concerns raised by the Parish Council. They expressed concern about the proposed parking facilities and potential highway issues as well as potential noise. It was considered that a site visit would be beneficial to examine the concerns and it would be helpful for the EHO and a representative from the Highways Authority to be present.”

1.4 The notes of the site visit will be reported verbally at the Planning Committee on 16 September 2016.

2 Update

- 2.1 Since the 19 August meeting of the Planning Committee the applicants have been asked to provide robust evidence to justify how and why this proposal should be considered as a farm diversification scheme in accordance with Policy DP19 of the Development Management Policies DPD and the NPPF, following the splitting up of the farm holding. They have also been asked to provide facts and figures to explain why there would be such a large financial outlay incurred in changing the business from one that currently operates under the 28 day rule to a permanent business that would make the business unsustainable if permission was only granted for 24 months. Finally they have been asked to look at any improvements that can be made to the Noise Management Report and also provide confirmation as to how its recommendations and requirements would be practically implemented on site to effectively mitigate any noise. This additional information will be forwarded to Members for consideration prior to the Planning Committee on 16 September 2016.
- 2.2 Further representations have been received from local residents, one in support of the proposal and one in opposition to the proposal. The representation in support states that whilst they live close to the wedding venue, they are not disturbed in any way by the music being played at the weddings. The representation received in opposition to the scheme clarifies various matters following comments made at the previous Planning Committee and also points out that both a caravan and a campervan had stayed overnight on the site.

3 Conclusion and Recommendation

- 3.1 There has been no change in circumstances since the previous report was prepared, nor has the further information submitted at the time of writing materially affected the officer recommendation for approval.
- 3.2 Approve subject to the following conditions:
- (i) Permission is granted for a period of 24 months from the date of the decision
 - (ii) Definition of nature of permitted events
 - (iii) Development to be in accordance with submitted plans and documentation.
 - (iv) Business is to operate strictly in accordance with the Noise Management Plan at all times.
 - (v) Music to finish by 11pm
 - (vi) Maximum number of guests limited to 200
 - (vii) Submission of plans detailing the design of the passing bay on Oaks Lane
 - (viii) Creation of passing bay at eastern of Oaks Lane prior to commencement of use
 - (ix) Creation of passing bays on Marsh Lane and car park prior to commencement of use

- (x) Preparation of a Flood Response Plan
- (xi) Any work to be carried out to the vegetation in the area to avoid the bird nesting season
- (xii) Low level lighting plan to be submitted to LPA for approval
- (xiii) Native hedgerow species to be used
- (xiv) A bird disturbance survey (wintering and breeding) to be completed during the lifetime of this permission and the results forwarded to the LPA
- (xv) Creation of a medium-large sized wildlife pond on the agricultural holding
- (xvi) Planting carried out in next planting season following this decision
- (xvii) If plants die within 2 years of this consent they must be replaced

4 Reason for Recommendation

- 4.1 The principle of the development is considered to be acceptable and in accordance with Policy DP19 of the Development Management Policies and the NPPF. The proposal is also considered to be in accordance with Policy DP11 of the Development Management Policies DPD and the NPPF. A temporary consent is recommended to ensure that the scheme will comply with the other relevant Development Plan Policies, in particular Policy DP28, before a permanent planning permission is granted.

Background papers: Planning file BA/2016/0194/CU

Author: Alison Cornish
Date of Report: 26/8/2016

List of Appendices: APPENDIX A – Report to Planning Committee on 19 August 2016

**Broads Authority
Planning Committee
19 August 2016**

Application for Determination

Parish	Postwick with Witton Parish Council		
Reference	BA/2016/0194/CU	Target date	23 August 2016
Location	Hall Farm, Hall Lane, Postwick, Norwich		
Proposal	Change of use to outdoor venue for weddings and celebrations, to include retention of existing outdoor timber seating and wood shack, introduction of new service track and extension to existing turning area, creation of new passing places on public and private roadways and associated parking, access and landscaping.		
Applicant	Mr and Mrs C & E Langridge and Fairbank		
Recommendation	Approve subject to conditions for a temporary period of 24 months		
Reason for referral to Committee	Objections Received		

1 Description of Site and Proposals

- 1.1 The site, subject of this application, is situated in the parish of Postwick, approximately 650m south of the village centre. The site itself covers an area of 4.7ha and comprises a mixture of arable farm land and wooded copse. The northern, eastern and southern boundaries of the site are defined by mature hedgerows with the western boundary of the site open to arable fields.
- 1.2 The site is situated on the northern valley side of the River Yare and the land to the south of the site comprises flat grazing marsh which extends to the bank of the river. On the opposite riverbank (approximately 680m from the site) are a scattering of houses and the public house called The Waters Edge, comprising the hamlet of Woods End. To the northeast of the site is the Colts Lodge Bed and Breakfast business and associated dwelling (approximately 150m from the site), and approximately 560m to the west of the site is Hall Farmhouse – the applicant's home, which is accessed via Hall Lane. Approximately 560m to the north east there is a small cluster of dwellings, accessed off Oaks Lane and Marsh Lane.

- 1.3 Access to the site is via the A47 and Oaks Lane, a cul-de-sac road which extends onto a private road, Marsh Lane, and a series of agricultural tracks which serve both the application sites, the surrounding arable land and Colts Lodge.
- 1.4 The application is seeking consent for the permanent establishment of a wedding/associated celebrations and reception venue, which currently operates under the 28 day rule permitted by Schedule 2, Part 4 Class B The Town and Country Planning (General Permitted Development)(England) Order 2015. The wedding venue would typically accommodate 80-120 guests, although permission is being sought for up to 200 guests maximum. At present the venue operates during a season based from mid-May through to mid-September although consent is sought on the basis that the business could operate all year round, depending on demand.
- 1.5 There is currently a small rustic wooden building, with associated wooden benches, within the wooded area of the site, which would continue to be used as the focal point for the actual wedding ceremony. A marquee would be erected within the lawned glade set into the mature woodland copse, for the duration of the wedding booking, which would typically be three days. There is a potable water supply and electricity to the site but no foul drainage to the site. Portable toilet/washroom would be hired for guests use for the duration of the wedding booking. Catering and similar services would be brought in on an ad hoc basis, with different suppliers used according to the requirements of the hirer. Typically the wedding celebrations would include some form of musical entertainment either in the form of a live band or a DJ accommodated within the marquee. An area for guests to camp overnight on the night of the wedding would be established in an area immediately to the south of the existing agricultural access track.
- 1.6 Vehicular access for deliveries to the venue would be created via Oaks Lane leading onto Marsh Lane and then via a newly created access track running from the western boundary of Colt Lodge down to a slightly enlarged area of permeable hardstanding close to the copse area. Vehicular access for wedding guests would be via Oaks Lane and Marsh Lane into a newly created car park area on the eastern edge of the site. The car park area would comprise a grassed area, sufficient to accommodate 40 cars, enclosed with new hedgerow and tree planting, with individual non-demarcated bays. New passing bays would be created along the length of Marsh Lane and one new passing bay would be created at the eastern end of Oaks Lane. Pedestrian paths would be created from the carpark through the rough grazing pasture land and areas of wildflower meadow to the ceremony area. The existing unfinished agricultural track running across the site would be ploughed in and incorporated into the proposed grass meadow.

2 Site History

BA/1993/4646/HISTAP Agricultural building – Observations to District.

BA/2010/0029/FUL Proposed steel transport container for storage and shelter use with portable self-contained W/C for workers. Approved subject to conditions.

BA/2010/0058/FUL Single and two storey extension to dwelling and erection of detached stables. Withdrawn

3 Consultation

Broadland Environmental Health Officer – I have looked at the submitted noise report and noise management plan and have no objections to the application as long as the noise criteria within the amended management plan are legally binding and that the events are managed in accordance with the amended Noise Management Plan dated 28 June 2016.

Key to not causing noise problems with outdoor music venues is good management as client-run events can be unpredictable. If the Authority decides to approve the application it may want to do so for a temporary period to see how workable the proposal is.

Broads Society - No objection.

Postwick with Witton Parish Council – The Parish Council considered the above planning application. A number of objections had been received and would be sent also to the Broads Authority from parishioners. The Parish Council considered that the application should be refused for the following reasons:

1. Additional heavy traffic for 3 to 4 days every week on unsuitable roads affecting all houses situated along the route.
2. The Parish Council felt that noise levels are unable to be controlled and would seriously affect the tranquillity of the whole village and particularly the nearby houses. Unanimously refused.

The amended documents submitted to the Parish Council on 13 July 2016 do not properly deal with the issue of traffic on Oaks Lane. Particularly the traffic generated both prior and after the wedding. Which includes caterers and marquee providers which use large vehicles plus long trailers. Also the proposal that the number of guests should be limited to 200 will still probably result in 50 cars accessing the site. Oaks Lane is very narrow and this additional traffic will add to the already dangerous conditions on this road and will clearly result in further noise.

The Parish Council have considered the proposals which have set out maximum noise levels with a suggested management system. However, it is unclear how in practice noise levels can be reduced to satisfactory levels during the period of the event. The proposed systems suggested that noise can be reduced subject to the “Responsible Person” taking action, but is

unlikely to be satisfactory for the whole event and would appear to be retro-active.

A Petition against the Wedding Venue Traffic from parishioners of Postwick Parish is attached.

Highway Authority – In relation to the type of events the agent states, the application seeks consent for change of use of a small wooded copse and adjacent field for the holding of wedding ceremonies and associated celebrations.

I am satisfied with the agent's explanation of what functions are proposed to be held at the venue, following my concerns that the previous supporting information implied events other than weddings and similar-type celebrations. Accordingly this clarification now correlates with the pre-application discussions with the Highway Authority.

As you will be aware the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Taking into account the fact that events have already been occurring and the traffic information supplied I do not consider that the residual cumulative impacts are severe.

Likewise, my earlier response suggested mitigation for the development by formalising existing informal passing bays, however, based on the additional information supplied together with the provision of one new passing bay at the southern end of Oaks Lane, I do not consider that such an obligation would fully meet the criteria set out in para. 204 of the NPPF.

However, notwithstanding the above, by the very location of the site and the highway network leading thereto, there are sensitivities with the network I need to ensure are not unduly compromised by the development, and therefore whilst not objecting to the development I would recommend that the following conditions and informative note be appended to any grant of permission your Authority is minded to make.

A condition define the nature of permitted events which can be held at the site i.e. limiting it to being a wedding and similar-type celebration venue - for the avoidance of doubt - wording to be agreed.

A condition to restrict the maximum number of guests on site per event to a maximum of 200 in order to protect the environment of the local highway corridor together with the following highway related condition.

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works -provision of a passing bay on Oaks Lane -as indicated on drawing number P391-201 Rev D have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

Prior to the commencement of the use hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

Environment Agency – No objection. The Environment Agency Maps show the site lies in both tidal and fluvial Flood Zone 3a, the high probability zone. The important points are:

- Ground levels rise in a northerly direction providing dry access/egress routes
- A Flood Response Plan has been proposed for the site.

Detailed climate change modelling has not been completed by the applicant. It is their responsibility to provide details of flood risk at the site. At some locations we have modelled flood level data to provide to applicants. Unfortunately these models were completed prior to the update in climate change allowances. We are working to provide some basic allowances that may be appropriate for use against the recent climate change thresholds, to aid applicants. These require significant time and resources to complete and precautionary allowances for potential climate change impacts have not yet been formally signed off.

As the allowances we have in draft format are precautionary for this site we have agreed they can be used to aid you in making a decision. These levels have not yet been approved for use and if further more detailed information comes to light before any planning permission is granted we reserve the right to use the best available data at the time.

4 Representations

- 4.1 A total of 14 representations on this application have been received from residents living in the vicinity of the site. A number of residents have written in more than once. Whilst all the comments made in each of the letters have been taken into consideration in the recommendation made in this report, where multiple letters have been received from the same person this has been counted as one representation. A petition of 50 names has also been received, objecting to the permanent establishment of the wedding venue on the basis of the traffic for the proposed wedding venue using the southern part of Oaks Lane, which is single track with a blind bend.

- 4.2 All 14 representations received object to the proposed change of use of this land to the wedding venue on the basis of the additional traffic generated by the business and the level of noise produced during the wedding receptions.
- 4.3 Residents are concerned that whilst the wedding might take place on a particular Saturday, additional traffic is generated from Thursday through to Monday with traffic delivering equipment and supplies leading up to the wedding and immediately after it. They are also concerned that the proposed access route to the venue, along Oaks Lane and onto Marsh Lane is inadequate, in terms of width, to safely accommodate the additional traffic that would be generated, particularly on the day of the wedding itself. The letters received suggest that a route which utilises Oaks Lane and Hall Lane would be preferable, as it would avoid the narrower, eastern end of Oaks Lane.
- 4.4 The other principle reason for the objections to this proposal is centred around the noise that would be generated by bands and DJ's during the receptions held in the marquees following the actual wedding ceremonies. Residents are concerned, given the open nature of the landscape, the rural character of the area and the fact that the receptions would be held in marquees, that there would be an unacceptable level of noise generated by the music that would have an adverse effect not only on their residential amenity but also on the wildlife in the vicinity of the site and the tranquillity of the area in general.
- 4.5 One representation received has requested that Members carry out a site visit, particularly to look at Oaks Lane.

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

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement

CS4 – Creation of New Resources

Development Management Policies DPD

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

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.

Core Strategy

CS18 – Rural Sustainability

CS20 – Development within Flood Risk Zones

Development Management Policies DPD

DP19 – Employment Diversification

DP28 – Amenity

6 Material Consideration

6.1 National Planning Policy Framework (NPPF).

7 Assessment

- 7.1 In terms of the assessment of this application the main issues to be considered are: the principle of the development, impact on highway safety, noise impact, landscape impact, floodrisk, impact on ecology; impact on residential amenity.
- 7.2 The site of the wedding venue forms part of a working farm. The formal change of use of this site to accommodate the wedding venue business is seen as a diversification of the farming business which would complement the existing agricultural activity on the site whilst retaining and improving the landscape character of the area. The need to strengthen and support the rural economy is highlighted in Paragraph 28 of the NPPF. The NPPF places an emphasis on developing a strong rural economy and specifically requires local planning authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas and to promote the development and diversification of agricultural and other land-based rural businesses.
- 7.3 Policy DP19 of the Development Management Policies DPD reflects this requirement to support the rural economy by permitting farm diversification providing a number of criteria are complied with. Development should be complementary in scale and kind to the main farm operation and site area and must not prejudice the agricultural operations. The application states that the site of the wedding venue is an underutilised part of the landholding and therefore taking it out of agricultural use would not prejudice the efficient functioning of the farm. The wedding venue business would generate revenue from an area of land which currently does not contribute to the economy of the farmholding. The formal establishment of the wedding venue in this location would also support other diversification projects on the farm, namely Colt Lodge Bed and Breakfast business. The scale of the wedding venue is small, comprising the small wooden rustic shed and associated seating and the temporary erection of a marquee,

associated catering and facility accommodation and camping area. Given the small scale nature of the use it would not dominate the functioning of the agricultural holding.

- 7.4 On the basis of the above reasoning the principle of formalising the operation of the wedding venue business on the application site is accepted as being in accordance with both the NPPF and criteria (a) and (b) of Policy DP19. However Policy DP19 does also require any proposal for farm diversification to ensure that it does not have an unacceptable impact on the local transport network and that it complies with the other relevant Development Plan Policies, which in this case relate to noise, landscape, ecology, flooding and residential amenity.
- 7.5 Access to the venue is proposed to be achieved via the A47 onto Oaks Lane leading onto Marsh Lane. The application states that commonly 80 to 120 guests attend the weddings held here although consent is being sought for a maximum of 200 guests. There are also a number of vehicle movements leading up to and following the weddings with the delivery and collection of the marquee and catering and toilet/washroom facilities. The application proposes to create a number of new passing places along Marsh Lane, which is a private road, and also the creation of one new passing bay at the eastern of Oaks Lane. The information submitted with the application states that if weddings were held on consecutive weekends with between 80 and 120 guests attending each wedding, 154 car or Light Goods Vehicle (LGV) movements per week and 16 Other Goods Vehicle (OGV) movements over the two events would be generated. If these figures are extrapolated over the principle wedding season running from late May to early September the projected annual traffic flows on Oaks Lane would be 2,669 cars and LGVs and 277 OGV movements. This would equate to an increase in car and light goods movements of around 3.7% and an increase in OGV movements of approximately 5.2% along Oaks Lane.
- 7.6 All the representations received on this application cite the effect the additional traffic generated by this business would have on the capacity and safety of Oaks Lane as a reason for objecting to the scheme.
- 7.7 The Highway Authority has acknowledged that the wedding venue could continue to operate under the '28 day rule' and that this level of activity would generate its own traffic flow. Therefore any assessment of traffic impact on the road network arising from this proposal would be an assessment over and above the traffic that would be generated under the 28 day rule. The Highway Authority states that the residential area of Oaks Lane leading up to Hall Lane has sufficient width for two way traffic in accordance with Manual for Streets. However the remainder of Oaks Lane to the southeast does vary in width and informal passing bays have been created due to current vehicle movements. Whilst the anticipated additional vehicle traffic movements on this road arising from the permanent establishment of the wedding venue business are perceived by residents along Oaks Lane as being significant, it is the Highway

Authority's view that the applicant has clearly demonstrated that in terms of Highway Authority guidance that there would not be a material increase in traffic flows, with a maximum number of guests set at 200. The NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development would be severe. Taking into account the fact that events have already been occurring and the traffic information supplied in support of the application the Highway Authority does not consider that the residual cumulative impacts would be severe. Whilst the Highway Authority does not therefore object to the application they do require the creation of a passing bay at the eastern end of Oaks Lane to ensure that the highway network is adequate to cater for the development proposed.

- 7.8 Most of the objections received query why Hall Lane cannot be used to access the venue rather than Marsh Lane, as this would avoid the narrow stretch of Oaks Lane and the use of Marsh Lane. The applicant has confirmed that due to changing ownership arrangements Hall Lane will no longer remain in his ownership however Marsh Lane will. Marsh Lane is currently used as an integral part of the agricultural holding providing access for farm machinery and to the Colt Lodge Bed and Breakfast business. It is considered, with the addition of the various passing bays proposed by the applicant, that Marsh Lane would provide a satisfactory access route to the venue for cars and LGV as well as for OGVs.
- 7.9 Whilst the concern expressed by residents that use Oaks Lane that the additional traffic generated by the proposal would have an adverse effect on the safety of the existing users of Oaks Lane is acknowledged and understood, it is concluded that based on the advice provided by the NPPF and the Highway Authority that this proposal is not unacceptable in terms of network capacity and highway safety. The proposal is therefore considered to be in accordance with criteria (c) of Policy DP19 and Policy DP11 of the Development Management Policies DPD and the NPPF.
- 7.10 Criterion (d) of Policy DP19 requires any proposal for farm diversification to comply with other Policies of the Development Plan. One such relevant Policy is Policy DP 28 which deals with amenity and ensuring that any proposal does not have an unacceptable impact on neighbouring properties or landuses. The majority of the objections received on this application cite the detrimental impact that the volume of noise generated by the music played at the wedding receptions would have on their residential amenity and on the tranquillity of the area generally as a reason for objecting to this planning application. Residents state that they are already being affected by the volume of music played at the receptions of the weddings currently held under the 28 day provision.
- 7.11 Noise generated by this proposed activity is of particular concern when assessing the acceptability of this application. The site is situated in a rural, relatively tranquil area with no natural sound buffers surrounding it and any music played would be played in a marquee which has no sound proofing qualities. The application was initially supported by a Technical

Report on Music Noise Assessment. This assessment measured background noise levels at dwellings close to the wedding venue. Based on these results they identified the highest permissible noise levels at the boundary of the nearby dwellings to meet the proposed noise criteria. The key to controlling noise from the venue would rely on monitoring and manual adjustment of levels. As a guide to assist with monitoring noise levels the Technical Report has calculated the highest permissible levels at 50m from the marquee. The Technical Report recommended that a Noise Management Plan is drafted to provide a robust set of methodologies and procedures for noise control.

- 7.12 The Technical Report has been reviewed by Broadland District Council's Environmental Health Officer. Having looked at the Acoustic Report he had concerns regarding the potential amplified music noise from the site. Whilst the criteria set out in the Report seemed satisfactory he stated that it was clear that noise limits could be easily exceeded without adequate controls. On this basis the applicant was asked to provide a Noise Management Plan. The Environmental Health Officer has reviewed the Noise Management Plan and concluded that he has no objections to the application as long as the noise criteria within the Management Plan are legally binding and that the events are managed in accordance with the Noise Management Plan. He stated that the key to successful noise control is effective management and that until the system is implemented it is not possible to know how effective this will be. Therefore he is recommending that a temporary approval is granted at this stage so monitoring of the noise generated and the effect it has on nearby residents and the area in general can be carried out. He also mentioned that discernible bass between 11pm and midnight across an open window could not be ruled out.
- 7.13 The applicant has stated that they are unhappy with the suggestion of a temporary consent given the financial outlay that would be incurred in the permanent establishment of the business. They state that a trial period has already been completed with the holding of weddings on this site under the 28 day rule. However the noise generated by the weddings held previously under this temporary activity provision was not subject to the controls imposed by the newly written Noise Management Plan. Residents have stated that they were disturbed on a regular basis by the volume of noise generated by these wedding receptions. It is therefore crucial for the effectiveness of the Noise Management Plan and the management of it to be monitored over a period of time to ensure that there is no adverse effect on the residential amenity of any of the residential properties before consideration can be given to granting a permanent planning consent.
- 7.14 It is therefore recommended that planning permission is granted for a temporary period of 24 months to assess the effectiveness of the Noise Management Plan and its management. It is also recommended that a condition be imposed on any planning permission that may be granted requiring any music to cease playing at 11pm.

- 7.15 In terms of the impact on ecology of the proposed wedding venue business, it is again the noise generated by the amplified music during the wedding receptions that is causing concern. Postwick Marshes to the south of the site support breeding and wintering wader birds. Mid Yare Broads and Marshes SSSI, SPA is approximately 800m east of the venue. It is acknowledged that the Noise Management Plan has been submitted, however it will not be possible to assess disturbance to breeding and wintering birds on the marshes without further surveys. The Broads Authority's Ecologist would support the granting of a temporary consent as this would provide the applicant with the opportunity to commission bird disturbance surveys to be carried out during the 24 months to provide evidence as to whether or not this activity was having a detrimental effect on the birds adjacent to the site. In addition conditions are recommended to be imposed on any planning permission that might be granted protecting bats and birds and enhancing the hedgerow planting with native hedgerow species.
- 7.16 The proposal is considered to be in accordance with Policy DP2 of the Development Plan Policies DPD as there are no concerns about the effects on landscape character. The area is elevated above the marshland environment and the retention of a grass sward over the area provides a good buffer strip to the marshland. The application was supported by a detailed Landscape Assessment which stated that there would be new woodland planting surrounding the extended service area and double row field hedging with tree planting would be carried out surrounding the north, east and southern car park boundaries with the gaps in the existing hedgerow along the western boundary of the car park being filled in with planting.
- 7.17 The wedding venue business includes provision for a small camping area to be used solely by wedding guests on the Saturday night. Whilst parts of the application site are located within Flood Risk Zone 3 the camping area has been identified as being situated within Flood Risk Zone 2. Camping is categorised as being 'more vulnerable' in the Technical Guidance to the NPPF. The application is supported by a Flood Risk Assessment which confirms that a safe access to and from the site can be maintained throughout a modelled flood event. It is also pointed out that due to the flat topography of the area any flood event would have a slow onset time and it is anticipated not only that people and cars could be safely removed to within Flood Zone 1, but also that sufficient warning could be given to dismantle any temporary structures erected within the site. The Environment Agency has confirmed that it has no objection to the proposal based on the information currently available. It is recommended that a condition be imposed on any planning permission that may be granted requiring the submission of a Flood Response Plan for the venue.

8 Conclusion

- 8.1 Planning permission is being sought to formalise the wedding venue business that currently operates from the application site under the 28 day rule

permitted by Schedule 2, Part 4 Class B The Town and Country Planning (General Permitted Development) (England) Order 2015. The business constitutes diversification of part of an agricultural holding and as such is supported by both Policy DP19 of the Development Management Plan DPD and paragraph 28 of the NPPF.

- 8.2 Whilst the principle of the proposal is accepted it is acknowledged that there is a considerable amount of objection to the scheme from local residents, concerned about the effects of additional traffic generated by the business on the local road network and also about the effect of noise levels from music played at the wedding receptions on their residential amenity and on the tranquillity and ecology of the area.
- 8.3 The ability of Oaks Lane to safely accommodate the additional traffic generated by this proposal has been carefully assessed by the Highway Authority which has concluded that with the maximum number of guests permitted at the wedding limited to 200, and with the creation of the passing bay at the eastern end of Oaks Lane, this road does have the capacity to safely accommodate the anticipated extra traffic. There is therefore no highway objection to the proposal and the scheme has to be considered in accordance with Policy DP11 of the Development Management Policies DPD and the NPPF.
- 8.4 Given the open landscape and rural character of the area in which the venue is situated and the fact that the noise from the music is to be generated within a marquee, the concerns that have been voiced regarding the possible detrimental effect of noise on the area are considered to have significant weight. In an attempt to allay these concerns both a Noise Assessment Report and a Noise Management Plan have been submitted in support of the application. Broadland District Council's Environmental Health Officer has accepted both these documents as being fit for purpose but states that they will only achieve their purpose of limiting the noise levels to acceptable limits if the wedding venue is satisfactorily managed. Therefore to be able to assess whether this will realistically happen he has recommended that a temporary permission is granted to enable the situation to be monitored. This approach is considered to be justified and reasonable and therefore it is recommended that a temporary permission for a period of 24 months is granted subject to conditions.

9 Recommendation

- 9.1 Approve subject to the following conditions:
- (i) Permission is granted for a period of 24 months from the date of the decision
 - (ii) Definition of nature of permitted events
 - (iii) Development to be in accordance with submitted plans and documentation.
 - (iv) Business is to operate strictly in accordance with the Noise Management Plan at all times.

- (v) Music to finish by 11pm
- (vi) Maximum number of guests limited to 200
- (vii) Submission of plans detailing the design of the passing bay on Oaks Lane.
- (viii) Creation of passing bay at eastern of Oaks Lane prior to commencement of use.
- (ix) Creation of passing bays on Marsh Lane and car park prior to commencement of use
- (x) Preparation of a Flood Response Plan.
- (xi) Any work to be carried out to the vegetation in the area to avoid the bird nesting season.
- (xii) Low level lighting plan to be submitted to LPA for approval
- (xiii) Native hedgerow species to be used
- (xiv) A bird disturbance survey (wintering and breeding) to be completed during the lifetime of this permission and the results forwarded to the LPA.
- (xv) Creation of a medium-large sized wildlife pond on the agricultural holding.
- (xvi) Planting carried out in next planting season following this decision
- (xvii) If plants die within 2 years of this consent they must be replaced.

10 Reason for Recommendation

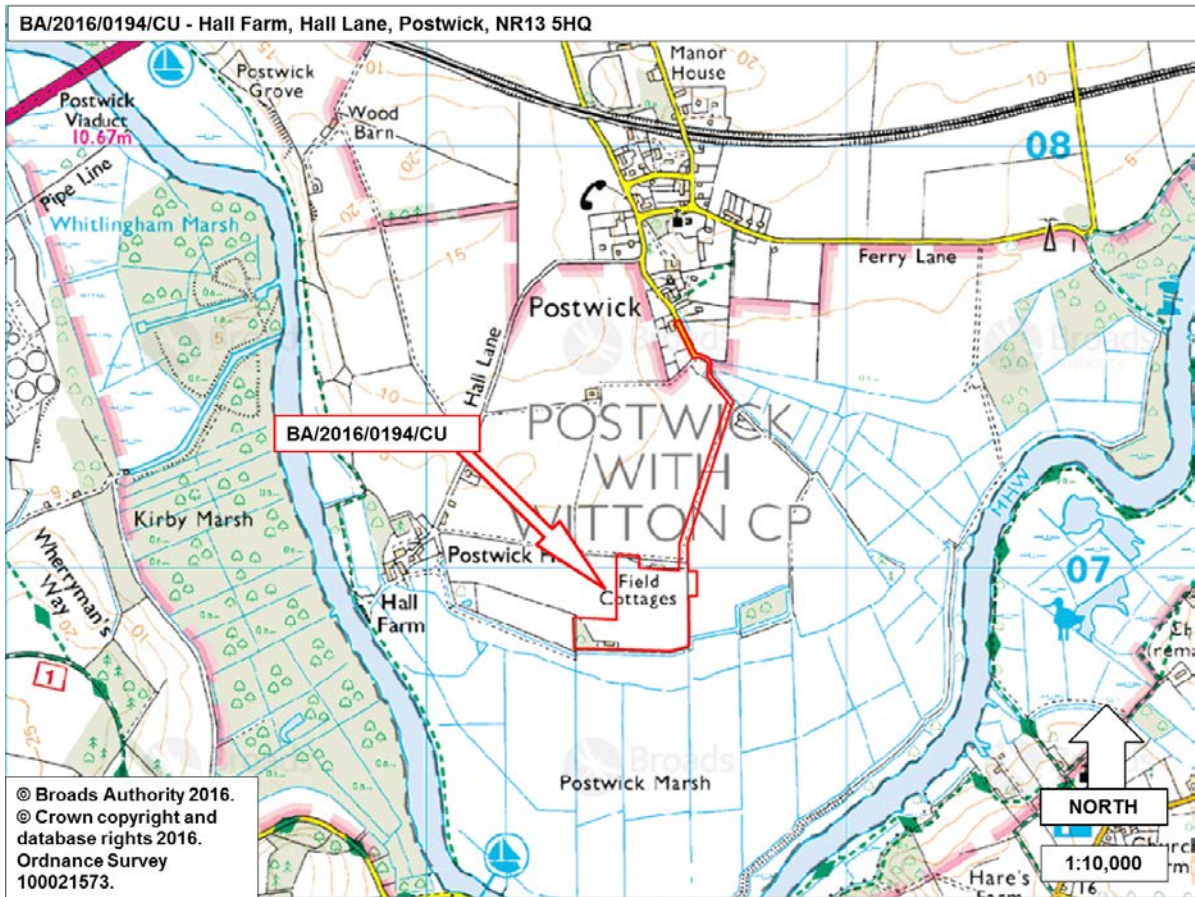
- 10.1 The principle of the development is considered to be acceptable and in accordance with Policy DP19 of the Development Management Policies and the NPPF. The proposal is also considered to be in accordance with Policy DP11 of the Development Management Policies DPD and the NPPF. A temporary consent is recommended to ensure that the scheme will comply with the other relevant Development Plan Policies, in particular Policy DP28, before a permanent planning permission is granted.

Background papers: Planning File BA/2016/0194/CU

Author: Alison Cornish

Date of Report: 8 August 2016

List of Appendices: APPENDIX 1 – Location Plan



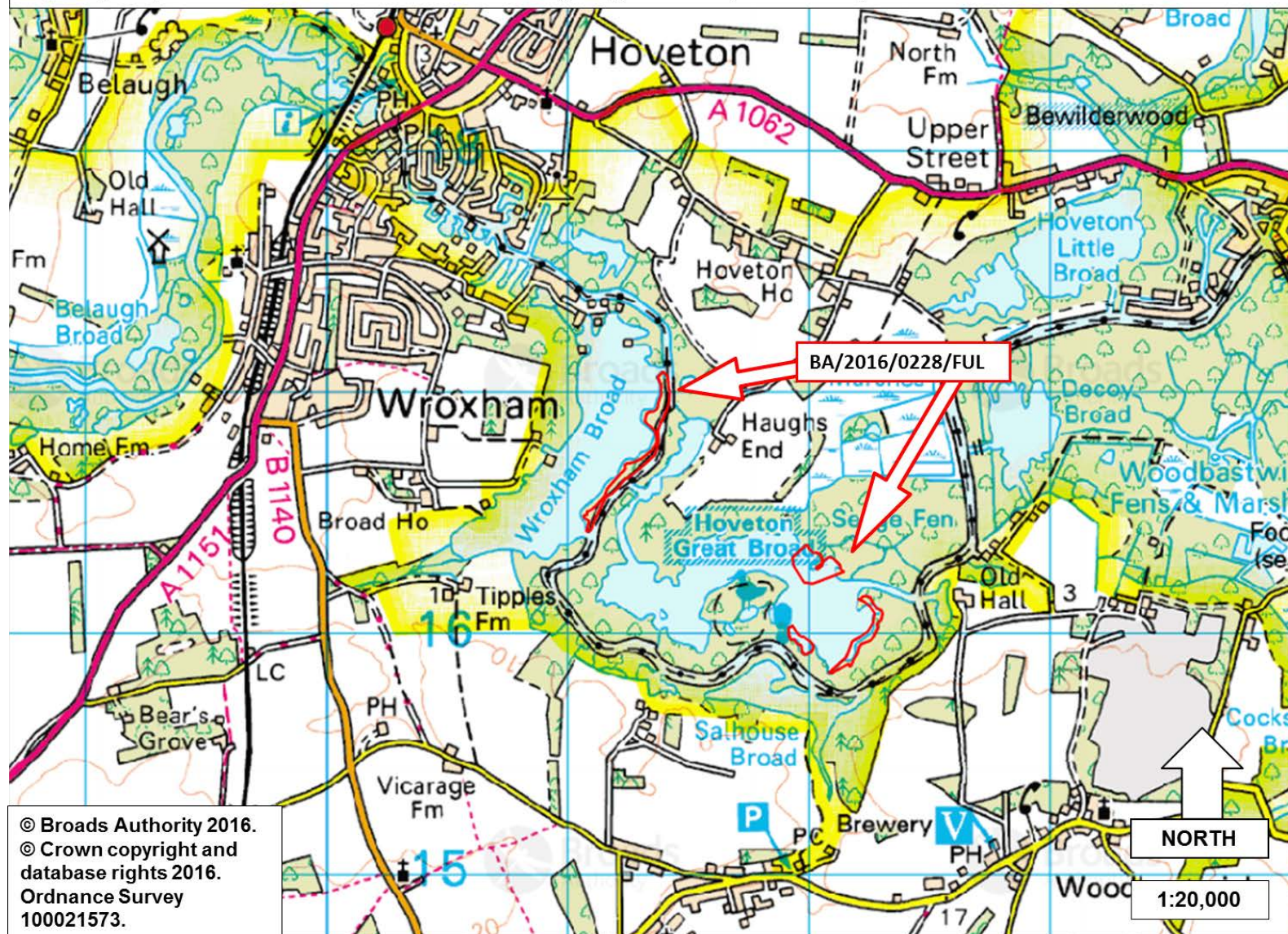
Reference:

BA/2016/0228/COND

Location

Hoveton Great Broad and Hudson's Bay, Haughs
End Road, Lower Street, Hoveton

BA/2016/0228/FUL - Hoveton Great Broad and Hudson's Bay, Haughs End Road, Lower Street, Hoveton



Application for Determination

Parish	Wroxham and Hoveton
Reference	BA/2016/0228/COND Target date 11 October 2016
Location	Hoveton Great Broad and Hudson's Bay, Haughs End Road, Lower Street, Hoveton
Proposal	Variation of conditions 2, 3 and 19 and removal of conditions 7, 11, 12, 20 and 24 from permission BA/2014/0248/FUL
Applicant	Natural England
Recommendation	Approve subject to conditions
Reason for referral to Committee	Third party objections and local interest

1 Description of Site and Proposals

- 1.1 The application site covers areas around the margins of the waterbodies of Hoveton Great Broad and Hudson's Bay, both in the parish of Hoveton, and around Wroxham Island, in Wroxham parish. These sites are located around a meander in the River Bure that forms a 'U' shape east of the settlement of Wroxham and Wroxham Broad and north of Salhouse Broad. Hoveton Great Broad is a large broad sitting within this 'U' separated from the main river by carr woodland; to the northwest is the smaller broad of Hudson's Bay. Due west of Hudson's Bay, across the river, is Wroxham Island, a narrow band of land defining the edge of Wroxham Broad from the river, with openings to the Broad at the northern and southern ends of the Island.
- 1.2 Hoveton Great Broad and Hudson's Bay are private broads within the Hoveton Estate and there is no public access to the water or surrounding land. They form part of the Bure Marshes National Nature Reserve and Natural England, the applicant, operate a seasonal nature trail on the southern edge of Hoveton Great Broad, accessed by moorings on the main river. There is a locked gate that gives private access by water from the river. These two broads are also designated Ramsar, SPA, SAC and SSSI.
- 1.3 Wroxham Island is approximately 700 metres long and varies in width to less than 10 metres at some points. On the river side (east), there are two sections of Broads Authority 24 hour moorings. Wroxham Broad is in private ownership with public access permitted, it does not form part of the public navigation.

- 1.4 In 2014 planning permission was granted for development to facilitate a large scale restoration project on Hoveton Great Broad and Hudson's Bay (BA/2014/0248/FUL). This included removing approximately 300mm depth of sediment from the two broads, pumping this into geotubes around the eastern edges of Hoveton Great Broad and the western side of Wroxham Island to create bunds, backfilling these bunds with further sediment and planting them with fen vegetation, installing fish barriers at all entrances to the two broads, removing all fish and, once water quality has improved, removing the fish barriers. Natural England has secured funding for this project and plan to start work this autumn.
- 1.5 The application proposes varying and removing conditions on the existing permission to amend the approved scheme. The conditions subject to the application are summarised as follows:

Condition	Existing requirement	Proposal
2	To carry out development in accordance with the approved plans and documents	To substitute in amended plans omitting the fen creation on Wroxham Island
3	To carry out the development in accordance with the approved Phasing Schedule	To vary the Phasing Schedule to omit Phase 1 (mud pumping to Wroxham Island)
7	To agree and implement ecological enhancements	Remove condition
11	To agree a method for the installation and anchoring of a mud pumping pipeline across the River Bure to Wroxham Island	Remove condition
12	To agree warning signs and markers of navigation hazards arising from the pipeline and construction works	Remove condition
19	No external lighting	To use external lighting when necessary during working hours of 0800-1800
20	Pipeline and associated infrastructure to be removed on cessation of use of pipeline	Remove condition
24	No mooring against the geobags and associated structures within Wroxham Broad	Remove condition

- 1.6 As summarised in the table above, the conditions subject of the application all concern the approved deposition of sediment from Hoveton Great Broad and

Hudson's Bay in geobag banded areas on Wroxham Island. The effect of the proposal is to remove any work to Wroxham Island from the scheme and all sediment pumped from Hoveton Great Broad and Hudson's Bay would be disposed of within the approved areas around Hoveton Great Broad. The approved scheme allowed for approximately 300mm depth of sediment to be removed, it is proposed to reduce this to 200mm. No other aspect of the scheme is proposed to be amended.

- 1.7 The applicant, Natural England, has advised that the deposition of sediment around Wroxham Island is proposed to be omitted from the scheme as funding could not be obtained for this work as it is outside the habitat designations and that a smaller amount of sediment can be removed from Hoveton Great Broad and still achieve lake restoration, so the additional capacity at Wroxham Island is not required. The Broads Lake Review, published after the submission of the original planning application, suggests that sediment removal is not as effective at reducing nutrient levels as was previously thought. The sediment removal will now focus on deepening the shallower parts of Hoveton Great Broad.
- 1.8 The proposed variations to conditions 2 and 3 would amend the approved plans and documents listed in those conditions to new plans and documents which omit the approved work to Wroxham Island. These conditions require the development to be carried out in accordance with the approved plans and documents. Condition 3 refers to a Phasing Schedule which identifies Phase 1 as: "Pipeline installation; installation of geo-tubes at Wroxham Island; sediment removal from Hudson's bay and western end of Hoveton Great Broad; creation of fen areas adjacent to Wroxham Island". Phases 2 and 3 relate to the work within Hoveton Great Broad and installation of fish barriers to enable biomanipulation. The proposed variations are necessary if the specified work in Phase 1 and shown on the approved plans is proposed to not be carried out.
- 1.9 Condition 7 requires agreement of details of ecological enhancements, to include a kingfisher bank on Wroxham Island in order to secure biodiversity enhancements. The application proposes removing this condition as the kingfisher bank was to be on Wroxham Island and the work here is no longer proposed and the applicant believes the overall project will provide sufficient ecological enhancement.
- 1.10 Condition 11, 12 and 20 all relate to the pipeline which was required to pump sediment from where it would be removed in Hudson's Bay and the western end of Hoveton Great Broad along the bed of the river and into the geobags and banded area on Wroxham Island. This pipeline would no longer be required. These conditions were applied in the interests of protecting river users from navigation hazards.
- 1.11 Condition 19 prevents the use of any external lighting within the application site. The applicant proposes varying this condition to allow lighting to be used during working hours in order to ensure the project is completed in a timely manner.

- 1.12 Condition 24 prevents any mooring against the geobags and associated structures on Wroxham Island which would be created as a result of the approved scheme in the interests of the amenities of the area and protecting the geobags from inappropriate use.

2 Site History

BA/2014/0248/FUL The creation of reedbeds by pumping lake sediment into geotextile to create bunds, back-filling the areas behind with more sediment, and planting these areas with locally sourced fen vegetation, together with the construction of temporary fish barriers – Approved subject to conditions

BA/2014/0407/FUL New vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, footpath and canoe slipway at Pound End; landing stage, boardwalk and viewing platform at Hoveton Great Broad; and temporary de-watering lagoon on The Haugh, Hoveton Estate – Approved subject to conditions

3 Consultation

Hoveton Parish Council - No objections. HPC is curious, however, to know at what point Wroxham Island ceased to be required and whether this requirement (of bund capacity) was in fact ever required or was merely a 'fudge' to ensure that funding for the project as a whole was obtained? We feel that the public should know as the sum of money involved is quite a considerable amount of Public funding.

Wroxham Parish Council – No objections or comments.

Horning Parish Council – Objection. The primary issue appears to be that Wroxham Island will no longer be reinforced and there appear to be a number of objections to this. It does seem that when granted substantial funding from the Lottery one of the key benefits to the public was the reinforcing of Wroxham Island and now to change this seems unsatisfactory.

Salhouse Parish Council – No response.

Hoveton Ward Member – No response.

Wroxham Ward Member– No response.

Broads Society – No objections.

Norfolk and Suffolk Boating Association – The NSBA objected to the original application on the grounds that it was inappropriate to spend large amounts of public money on a private, closed Broad. The NSBA continues to be disappointed by the Broads Authority's failure to take a strong line on matters of public access in what it chooses to call a 'National Park'. As explicitly stated in the original application for planning permission there were two linked parts

to the development. Once was improving the water quality of Hoveton Great Broad via dredging and fish barriers. The other was 'reinstatement/strengthening of Wroxham Island...'. Natural England obtained planning permission on this basis and the expectation was that both parts of the project would be carried out. The Phasing Schedule submitted by Natural England, referred to in conditions 2 and 3, started by stating 'Phase 1: Pipeline installation, installation of geotubes'. It concluded by stating that Phase 1 also included 'creation of fen areas adjacent to Wroxham Island'. The Phasing Schedule remains a condition of the planning permission unless and until superseded or amended as agreed. The NSBA objects to the proposed change of conditions 2 and 3 and the proposed removal of conditions 7, 11, 12, 20 and 24 on the ground that the conditions are essential to the delivery of the two-part project. The rationale and function of the above conditions and the degree to which they made that project as a whole acceptable to the Planning Committee, remain the same as in September 2014. If the Authority acceded to the application for removal/variation of the conditions it would, in effect, be giving planning permission to a different project from that for which planning permission was granted in September 2014.

Broads Angling Strategy Group – No response.

Natural England – No comment.

Environment Agency – No response.

Historic England - We have already seen and approved the 'written scheme of investigation for geoarchaeological investigation', so we do not need to comment at this stage. Historic England accept the above variation of conditions.

Historic Environment Service – No response.

Navigation Committee – To be reported orally.

4 Representations

- 4.1 Three representations received objecting to the application on the basis that the approved work to Wroxham Island would be one of the public benefits of the scheme and it is not in the public interest to remove it, that the area should be open to the public having received public money and that if Wroxham Island is not restored it will be at risk of breaching if erosion progresses.

5 Policies

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

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

CS1 – Landscape Protection and Enhancement
CS2 - Landscape Protection and Enhancement
CS4 – Creation of New Resources
CS13 – Water Space Management
CS15 - Water Space Management

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

DP1 – Natural Environment
DP2 – Landscape and Trees
DP3 – Water Quality and Resources

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

Adopted Development Management Policies (2011)
DP28 – Amenity

6 Assessment

- 6.1 This is an application under section 73 of the Town and Country Planning Act 1990, as amended. The provisions of section 73 are that a Local Planning Authority is not able to reconsider the principle of the original scheme. It is not therefore appropriate to reconsider the principle of the development or the aspects which are not affected by the proposed condition variations and removals. Section 73 states that 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.

Principle

- 6.2 The main effect of the proposal is to remove the approved reinforcement and fen creation on Wroxham Island from the overall scheme. Condition 3 of the permission requires the development to be carried out in accordance with sequence of phases in the approved Phasing Schedule which specifies Phase 1 as the mud pumping to Wroxham Island and associated fen creation and the removal of the Wroxham Island element requires the amendment to the phasing. This condition was applied in recognition that this is a long-term project and it enabled the other conditions to be tied to

each relevant phase. It was not applied to require that this was the first phase and it was not considered that, in planning terms, the acceptability of the whole project was contingent on this phase being completed.

- 6.3 The approved sediment disposal on Wroxham Island would reinstate eroded areas and reinforce this island which separates Wroxham Broad from the River Bure. The benefits of this part of the scheme were welcomed, however, this project is not the only means of achieving these benefits and, in principle, it could be carried out as a separate scheme (subject to a separate planning application). It is appreciated that many of the responses to this application object to the proposed omission of this part of the approved scheme and the loss of the associated benefits which are more tangible to the public than those to the water quality and habitats within Hudson's Bay and Hoveton Great Broad. Wroxham Island (and Broad), whilst more visible and accessible to the public, are also private land for which the landowner (not Natural England) has a responsibility to maintain and, should erosion continue, alternative action may be necessary. It is also appreciated that there are concerns about the use of public money for a project with reduced public benefits, however the applicant has advised that funding could not be obtained for this aspect of the proposal as it is outside the designated areas.
- 6.4 In terms of the consequences for the sediment removal in Hudson's Bay and Hoveton Great Broad, 100mm less sediment would be removed. This would still be undertaken in combination with the biomanipulation (temporary fish removal) which was part of the original project. The Broads Lake Review, which the Broads Authority, Natural England and others were partners in, has informed this change in the project and it is considered that the research supports the claim that less sediment can be removed to still achieve lake restoration, subject to the success of the biomanipulation element which remains as previously approved.
- 6.5 Whilst it would be preferable for this project to be as beneficial as possible and for those benefits to be perceived and directly experienced by the public, it is considered that the overall aim of improving the condition of Hudson's Bay and Hoveton Great Broad can be achieved by the amended proposal. There would be no adverse impacts on navigation or recreation as a result of omitting this part of the project, as it would retain the status quo. The reduction in the scale of the project and benefits is disappointing, however in planning terms there is no justification to insist that the work to Wroxham Island remains part of the project. It is considered the amended project would remain acceptable in principle in accordance with Policies CS4, DP1 and DP3 and the amendments to the approved plans and Phasing Schedule and associated conditions 2 and 3 is acceptable.

Ecological enhancement

- 6.6 The proposed removal of condition 7 would remove the requirement to agree and implement ecological enhancements. The purpose of this condition was to secure details of a kingfisher bank which was proposed on Wroxham Island and any other enhancements, in addition to those to

water quality and habitat from the lake restoration and reed swamp and fen creation in Hoveton Great Broad and Hudson's Bay. Should the proposed amendments to conditions 2 and 3 be acceptable and the work to Wroxham Island be omitted from the project, it is considered that it would no longer be reasonable or necessary to require enhancements such as the kingfisher bank on Wroxham Island and in the remaining project area it is considered there would be sufficient ecological enhancements in accordance with Policy DP1. The proposed removal of condition 7 is therefore considered acceptable if conditions 2 and 3 are varied as proposed.

Pipeline and mooring

- 6.7 Conditions 11, 12 and 20 relate solely to Phase 1 and the mud pumping pipeline which would cross the River Bure to Wroxham Island. Condition 24 requires that there is no mooring against the geotubes on Wroxham Island. Should the proposed amendments to conditions 2 and 3 be acceptable, no development would affect the navigation area, nor use of Wroxham Island for mooring and there would be no need to retain these conditions. The proposed removal is therefore acceptable.

Lighting

- 6.8 The proposed variation to condition 19 would allow use of external lighting when necessary to enhance daylight and extend the working period past dusk over the winter to ensure the project is completed on time. The proposed times of 0800 to 1800 are reasonable working times which it is not considered would adversely affect amenity and given this is a temporary project and subject to the location and type of lighting, it is not considered there would be any adverse impacts on ecology. The proposed variation of this condition can be considered independently of the others subject to this application and is acceptable in accordance with Policies DP1, DP2 and DP28.

Other matters

- 6.9 Should the removal or variation of any or all of the conditions subject to this permission be considered acceptable, it shall be necessary to repeat all other conditions from the original permission and amend these to apply to the new phase numbers (*i.e.* Phase 2 would become Phase 1). A separate application has been made to discharge some of those conditions and those conditions shall need to be reworded to apply to the submissions as may be approved.
- 6.10 It should be noted that approval of this application would result in the issuing of a fresh permission and the applicant would then have two permissions and could choose to implement either one (but not a combination of the two). Approval of this application would not therefore prevent the applicant from choosing to still implement the full project as originally approved. The applicant has advised that they are in discussions with local land owners and users to find other ways the project can help restore and protect Wroxham Island. This would be a separate project and there are no formal proposals at this time.

7 Conclusion

- 7.1 This application proposes making amendments to an existing permission for development to facilitate a large scale lake restoration project. The amendments, with the exception of the proposed variation to condition 19 concerning lighting, all relate to the proposed omission of the pumping of sediment from Hudson's Bay and Hoveton Great Broad to Wroxham Island where it would have been used to fill geobags and backfill areas, restoring eroded areas, reinforcing the Island and creating new fen habitat.
- 7.2 Whilst it is regrettable that the benefits to Wroxham Island would not be delivered as part of this project (and it is appreciated that these are the more tangible public benefits of this publically funded project)`, there is no justification in planning terms to require this part of the development to be carried out (*i.e.* by refusing this application, or approving it without the proposed variations to conditions 2 and 3). It is considered the amended project is acceptable in accordance with development plan policies and the National Planning Policy Framework.
- 7.3 Should the proposed variations to conditions 2 and 3 be considered acceptable, conditions 7, 11, 12, 20 and 24 shall no longer be required and can be removed. However, should conditions 2 and 3 be retained in the original form (maintaining Phase 1 on Wroxham Island as part of the project), these conditions should be retained.
- 7.4 Varying condition 19 to allow use of artificial lighting within the specified hours is considered acceptable and, subject to appropriate limits, would not significantly adversely affect amenity, landscape or ecology.

8 Recommendation

- 8.1 Approve subject to conditions:

- (i) Time limit
- (ii) In accordance with amended plans
- (iii) In accordance with amended Phasing Schedule
- (iv) Archaeological evaluation
- (v) Biosecurity measures
- (vi) Pollution control measures
- (vii) Monitoring plan
- (viii) Management plan
- (ix) Details of raised reedbed areas and geotextile structures
- (x) Silt curtains
- (xi) Details of fish barriers
- (xii) Mitigation Measures
- (xiii) Freezing conditions
- (xiv) Mitigation measures for work outside winter months
- (xv) External lighting only to be used 0800 to 1800, for duration of construction period only and subject to limits

- (xvi) Planting scheme
- (xvii) Removal of fish barriers
- (xviii) Temporary fencing

9 Reason for Recommendation

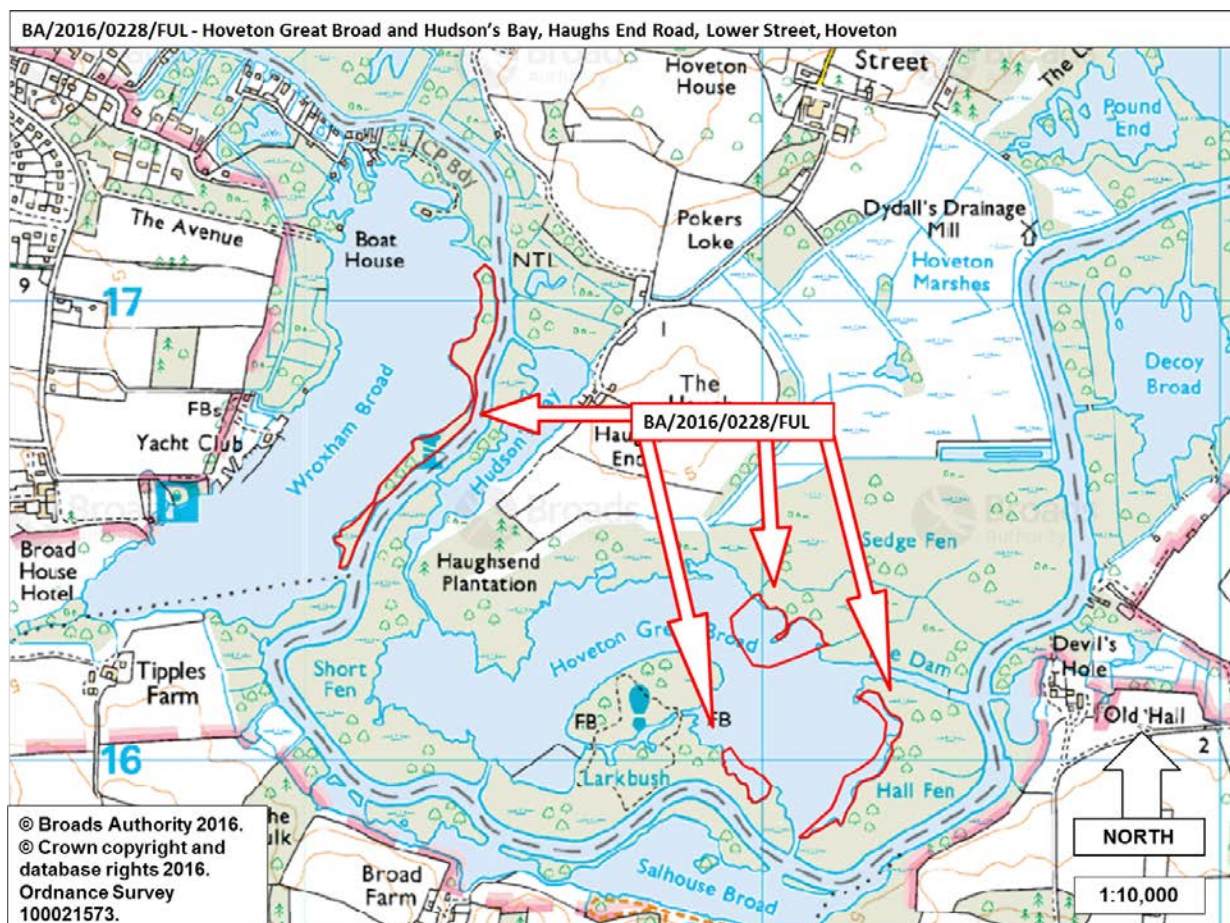
9.1 The proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP3 and DP28 of the adopted Development Management Policies DPD (2011) and Policies CS1, CS2, CS4, CS13 and CS15 of the adopted Core Strategy (2007). The proposal is also considered acceptable in accordance with the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: Application Files BA/2016/0228/COND

Author: Maria Hammond
Date of Report: 1 September 2016

List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1



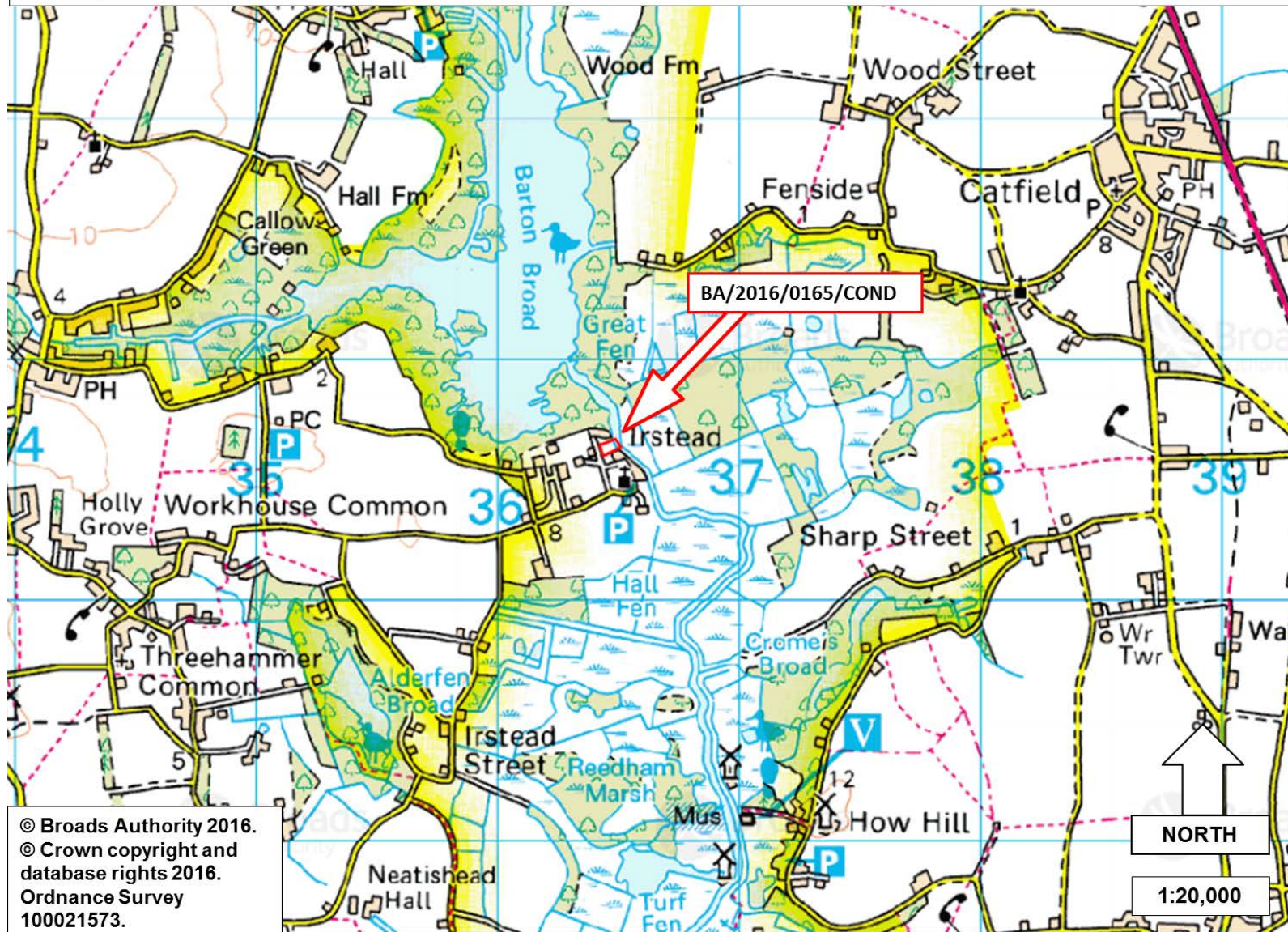
Reference:

BA/2016/0165/COND

Location

Ice House, The Shoal, Irstead

BA/2016/0165/COND - Ice House, The Shoal, Irstead, NR12 8XS



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Ordnance Survey
100021573.

Application for Determination

Parish	Barton Turf and Irstead
Reference	BA/2016/0165/COND Target date 30 June 2016
Location	Ice House, The Shoal, Irstead
Proposal	Retrospective variation of condition 2 of pp BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations
Applicant	Mr and Mrs Andrew Lodge
Recommendation	Approve subject to conditions and Section 106 agreement
Reason for referral to Committee	Departure from development plan

1 Description of Site and Proposals

- 1.1 The application site consists of a dwellinghouse with holiday dwelling in the curtilage at Ice House, The Shoal, Irstead. The Shoal is a private road running north of Shoals Road which gives access to a number of dwellings along its eastern side that enjoy an open aspect to the River Ant to the east.
- 1.2 The dwelling sits immediately adjacent to the river to the east of the large plot and is two storey, incorporating a boatshed on the ground floor. It is thatched and timber framed.
- 1.3 In 2014, planning permission was granted for the erection of a holiday dwelling in the curtilage as enabling development to fund the restoration of dwelling which was in a poor state of repair (BA/2013/0208/FUL). It was recognised that the dwelling is a fine example of a traditional Broads riverside property and it was identified as a non-designated heritage asset. Planning permission was granted as a departure from policy as this is a location where new holiday accommodation would not normally be permitted, however it was considered on balance that the benefits to the dwelling of this enabling development would outweigh the disbenefits. A Section 106 agreement was used to secure a scheme of structural and other repair work to the dwelling tied to the timing of the implementation of the holiday dwelling scheme.

- 1.4 The above permission has been implemented and work to the main dwelling is progressing. The holiday dwelling has been constructed following the completion of the first phase of approved restoration works to the main dwelling, this is in accordance with the scheme required by the Section 106 agreement and the restoration work has been completed to a high standard. It is the holiday dwelling which is the subject of this application.
- 1.5 The planning permission for the holiday dwelling included the use of timber windows and timber boarding as identified in the submitted plans and documents. Condition 2 of the permission requires the development to be carried out in accordance with these plans and documents. A routine condition monitoring visit identified that this had not been the case and the holiday dwelling has been constructed with wood effect UPVC windows and fibre cement boarding.
- 1.6 This application seeks to vary condition 2 to apply to amended plans which propose the retention of the UPVC windows. Following negotiations, it is proposed to replace the existing unauthorised fibre cement boarding on the gables with waney edged timber boarding and on the porch and dormer windows this would be replaced with timber shiplap boarding. It is proposed to carry out the replacement of the boarding within 18-24 months of any permission being granted.
- 1.7 The application states that the intention was for the holiday dwelling to be as low maintenance as possible to steer money into the refurbishment of the dwelling. It is stated that the cost of removing and replacing the windows in the holiday cottage would place a financial burden on the applicant which would effectively put the refurbishment of the dwelling on hold. Quotes have been submitted which indicate it would cost over £50,000 to remove and replace the incorrect windows and cladding and that this would have the effect of postponing repairs to the external cladding of the main dwelling and lead to the existing inappropriate and failing windows in this building to be retained.
- 1.8 It is also proposed to retain amendments to the elevations. These include the amended siting of two dormer windows and provision of a rooflight and suntube on the principle west elevation and a rooflight on the south elevation.
- 1.9 Since the determination of the 2013 application, the main dwelling has been formally recognised as a non-designated heritage asset by inclusion on the Authority's Local List.

2 Site History

BA/2013/0208/FUL - Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling - Approved subject to conditions and Section 106 agreement.

3 Consultation

Broads Society – No objections.

Parish Council - No objections.

District Member – This application can be determined by the Head of Planning.

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. [NPPF](#)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape protection and enhancement

CS5 - Historic and Cultural Environments

DP4 - Design

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

[DEVELOPMENTPLANDOCUMENT](#)

DP5 - Historic Environment

6 Assessment

6.1 The key considerations in the determination of this application are the acceptability of the materials, the impact on the setting of the non-designated asset and the consequences for the restoration of this.

6.2 In the Planning Committee report (November 2013) recommending approval of the holiday dwelling, it was noted "*In terms of detailed design, the simple design of the property and use of a palette of materials which complements, but does not attempt to mimic, the host dwelling is acceptable... the quality of these materials is crucial to the acceptability of the proposal*".

- 6.3 Development Management Policy DP4 requires all new development to be of high design quality and to integrate effectively with its surroundings, reinforce local distinctiveness and landscape character, and to preserve or enhance cultural heritage. In respect of the detailed design and materials, criterion (f) of this policy requires these to be high quality, appropriate to the context and sustainable.
- 6.4 Whilst no detailed proposals for the timber windows and timber boarding were submitted, the use of timber was considered appropriately high quality in accordance with Policy DP4 and to protect the heritage asset of the main dwelling in accordance with Policy DP5.
- 6.5 Replacement of the fibre cement boarding with timber boarding is welcomed as this would restore this element of the development to as originally approved. The fibre cement boarding is considered to adversely affect the appearance of the dwelling with its imitation timber finish that is uniform, will not weather and is different in colour and texture to both the timber fascias and UPVC windows. The three gables are large, prominent areas on the building where the incongruity of this material is most apparent, including in views from the river. The cladding is the most unacceptable element of the development and retention of it would be contrary to Policies DP4 and DP5.
- 6.6 The use of waney edged larch to the three large gables would reference the main dwelling and is a traditional Broads material, thus reinforcing local distinctiveness. It is not considered an attempt to mimic the main dwelling and nor would it detract from it and it is considered an improvement and preferable to shiplap on these large areas of the holiday dwelling. Timber shiplap is considered appropriate for the smaller areas around the dormers and on the porch. The shiplap and waney edge boarding are considered to be high quality materials appropriate to the context which will complement the design of the holiday dwelling and, as intended, the setting of the main dwelling. This aspect of the proposal is therefore considered acceptable in accordance with Policies DP4 and DP5. It is considered necessary to require the replacement of the unauthorised boarding within an appropriate timescale by condition and it is noted that 18 months to two years has been requested. However, in order to regularise the development and achieve a significant improvement in the appearance of the development, one year from the date of the decision is considered more appropriate.
- 6.7 The amendments to the elevations are relatively minor and whilst it would be preferable to minimise the use of rooflights and suntubes, it is not considered the overall design or appearance is significantly adversely affected and nor is the setting of the heritage asset. This aspect of the proposal is also considered acceptable in accordance with Policies DP4 and DP5.
- 6.8 The remaining proposal to consider is the retention of the wood effect UPVC windows. UPVC windows are generally resisted in the Broads as they are not traditional and are a more urban and suburban feature. They

lack the fineness of detail of timber, often having bulky frames which are much larger in profile and the finish is flat and uniform and does not soften and weather in appearance over time. The sustainability credentials are also poor in terms of manufacture and disposal and they cannot be repaired as easily as timber, potentially reducing the lifespan. Products do vary in quality however and it is necessary to consider each proposal on a case by case basis and in relation to Policy DP4.

- 6.9 In this case, the wood effect windows and doors which have been used are not considered to be of such a design or finish that overcomes the general presumption against UPVC. They are not considered to be the high quality, locally distinct material that Policy DP4 seeks to achieve generally nor the high quality material that it was considered necessary to secure the use of to complement the host dwelling when allowing this exceptional development.
- 6.10 Furthermore, it is considered these windows have an adverse impact on the setting of the heritage asset although it must be noted that this is relatively minor in terms of the level of harm and affects only the setting and not the asset itself. In respect of paragraph 135 of the National Planning Policy Framework and Policy DP5, taking a balanced view, the impact on the heritage asset is not unacceptable. In design terms, however, the windows and doors cannot be considered to comply with Policy DP4 and are unacceptable.
- 6.11 Whilst the proposal is contrary to development plan Policy DP4, it is necessary to consider whether there are any other material considerations which weigh in its favour. In this context it is necessary to remember that the holiday cottage was allowed as a departure from the development plan as it was a means to provide funds which were not otherwise available to support the restoration of the main dwelling. This is proving successful as, now the holiday dwelling has been constructed, the applicant has been able to borrow against it and the rethatching of the main dwelling has been completed ahead of schedule.
- 6.12 The application contends that the cost of replacing the windows with appropriate, high quality timber windows would be significant and that it would divert money from the restoration of the main dwelling, compromising the work which was considered necessary to safeguard the future of the heritage asset. The costings that have been presented are itemised and considered realistic. Such cost implications would not normally be a material consideration, however given the reasons for permitting the original development this is a consideration here and the argument presented is considered to be a compelling one that requires careful attention.
- 6.13 It is necessary to consider whether the benefits to the holiday cottage and setting of the main dwelling of requiring the replacement of the UPVC windows with more appropriate windows would be so significant as to outweigh the delays and reduced scale of restoration to the main dwelling;

a heritage asset. This heritage asset sits in a prominent position on the bank on the River Ant and is something of a landmark building, being a familiar feature which makes a positive contribution to the riverscene locally and built heritage of the Broads more widely. The holiday dwelling sits to the rear of the site and, whilst visible from the river, it is less prominent and thus subservient in appearance to the main dwelling. As approved, with timber cladding and windows, the holiday dwelling would have made its own positive contribution to the Broads landscape. This contribution is lessened by virtue of the UPVC windows and doors which have been used.

- 6.14 In respect of heritage assets, the National Planning Policy Framework at paragraph 131 advises that account should be taken of:
- the desirability of sustaining and enhancing the significance of heritage assets...
 - the positive contribution that conservation of heritage assets can make to sustainable communities...
 - the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.15 Whilst the positive contribution the new holiday dwelling makes to local character and distinctiveness is undermined by the retention of the UPVC windows, it is considered that, in this case and on balance, greater weight should be given to the conservation and enhancement of the heritage asset. The improvement that could result from the replacement of the windows must be weighed against the potentially negative impact on the finances available for the conservation and enhancement of the main dwelling and on this basis it is considered that the latter is a material consideration which outweighs the conflict with the development plan. This is a finely balanced judgement made in light of the specific context of this development, the facts of the matter and the information which has been presented. It is not considered that allowing the retention of the windows and doors would set an undesirable precedent nor undermine the objectives of Policy DP4 or the development plan more generally as this is a considered response to a unique set of circumstances.

7 Conclusion

- 7.1 This application seeks to regularise amendments to a development which is largely complete and that was allowed as a departure from the development plan in order to secure the restoration of a non-designated heritage asset. The amendments to the elevations are considered minor and acceptable and the replacement of the unauthorised boarding with high quality, locally distinct timber cladding is welcomed
- 7.2 The proposal to retain the UPVC windows and doors cannot be considered acceptable in accordance with Policy DP4. However, in the particular circumstances of this case it is considered that greater weight should be given to the conservation of the heritage asset and requiring the replacement of the windows and doors would put this at risk. On balance, it is considered that the

proposal to retain the existing windows and doors can be allowed in the interests of securing the complete restoration of the main dwelling.

7.3 The proposal is therefore recommended for approval as a departure from the development plan. It is necessary to advertise/readvertise/publicise the proposal as such.

7.4 This application proposes varying condition 2 of the original permission and should it be approved it shall be necessary to repeat all other conditions from the original permission, amended to reflect that the pre-commencement conditions have been discharged. It shall also be necessary to vary the section 106 agreement that the original permission was subject to, to reflect the new permission that would be granted.

8 Recommendation

8.1 Approve subject to conditions and Section 106 agreement:

- (i) Time limit
- (ii) In accordance with amended plans
- (iii) Cladding to be replaced within one year
- (iv) Holiday dwelling to be retained with bricks and tiles as agreed
- (v) Landscaping scheme retained as agreed
- (vi) Replace any damaged or diseased planting
- (vii) Biodiversity enhancements to be retained
- (viii) Holiday accommodation only
- (ix) Parking and turning area

9 Reason for Recommendation

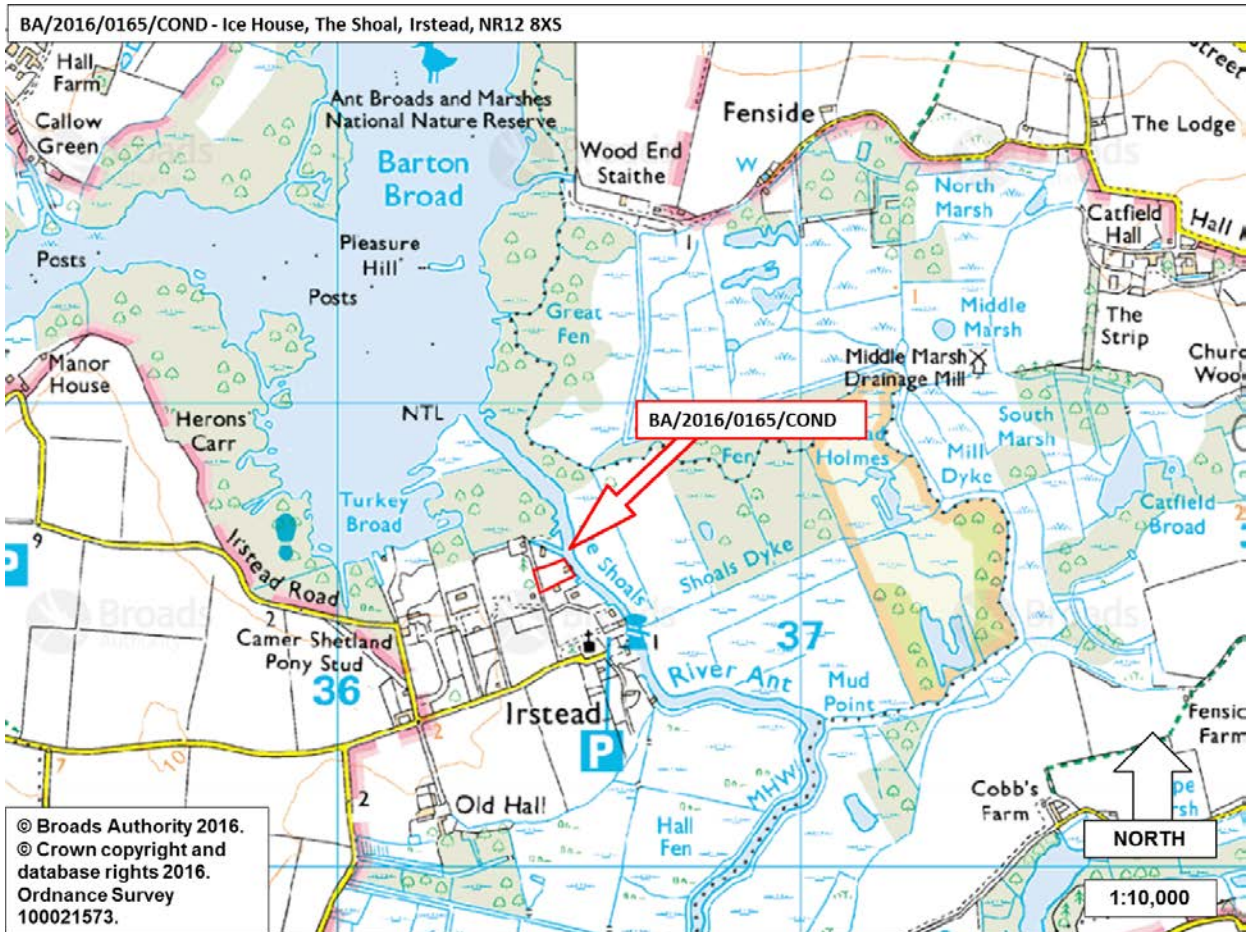
9.1 The proposal is considered to be acceptable as a departure from Policy DP4 of the adopted Development Management Policies (2011) as, nonetheless, it would achieve the aim of conserving a heritage asset in accordance with Policy DP5 of the Development Management Policies (2011), Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: Application File BA/2016/0165/COND and BA/2013/0208/FUL

Author: Maria Hammond

Date of Report: 30 August 2016

List of Appendices: APPENDIX 1 – Location Plan



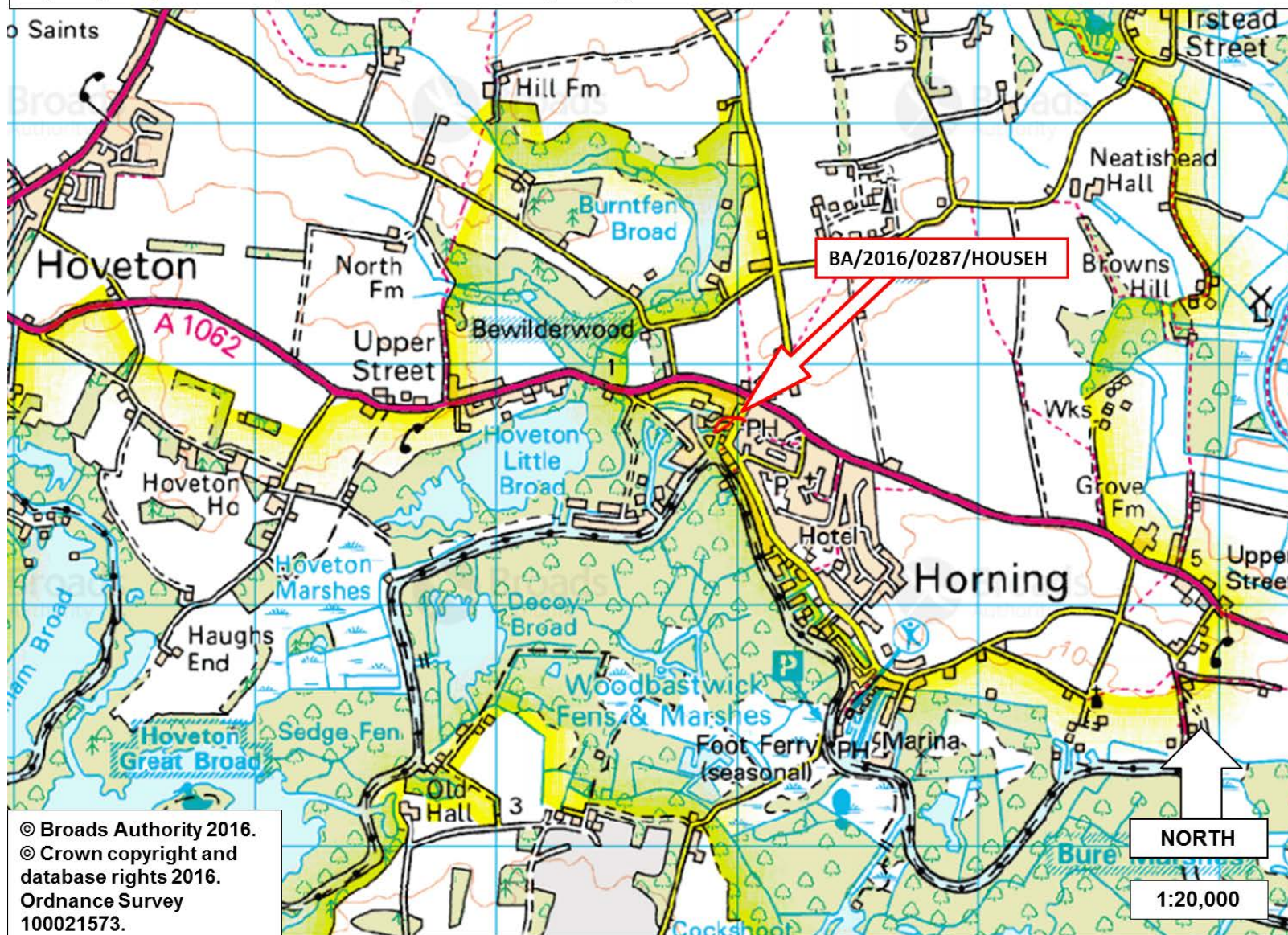
Reference:

BA/2016/0287/HOUSEH

Location

Ropes Hill House, 4 Lower Street, Horning

BA/2016/0287/HOUSEH - Ropes Hill House, 4 Lower Street, Horning, NR12 8AA



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Ordnance Survey
100021573.

Application for Determination

Parish	Horning Parish Council
Reference	BA/2016/0287/HOUSEH Target date 29.09.2016
Location	Ropes Hill House, 4 Lower Street, Horning
Proposal	Rear extension and lift enclosure
Applicant	Mr Len Funnell
Recommendation	Approve subject to conditions
Reason for referral to Committee	Applicant related to a member of the Navigation Committee and former member of the Authority

1 Description of Site and Proposals

- 1.1 The application site is a dwellinghouse known as Ropes Hill House at 4 Lower Street on Ropes Hill in Horning. The site has a dwelling, garage and other outbuildings within a substantial curtilage. Ropes Hill is a private un-metalled track off Lower Street, providing access to approximately a dozen dwellings. The application site can also be accessed by water and sits at the end of a dyke off the River Bure. The application site lies adjacent to the Horning Conservation Area
- 1.2 The proposal seeks consent to replace an existing first floor flat roof extension on the rear elevation with a pitched gable roof. The proposal also includes replacing an existing external staircase and a small extension at ground level to house an internal lift.
- 1.3 The proposed alterations to the existing extension on the rear elevation, which faces the river, include an extension of 1.2 metres across the full width of the extension, whilst the existing flat roof would be replaced with a dual pitched gable roof using pantiles and timber boarding to match the existing dwelling. The existing timber windows would be reused with additional timber windows proposed in the apex of the gable end.
- 1.4 A curved steel staircase with glass balustrade would replace the existing timber external staircase. The minor ground floor extension would measure 1 metre by 3.2 metres, with a single glazed access door on the east elevation.

2 Site History

BA/2004/1412/HISTAP – Erection of double garage and wet boat house – Approved subject to conditions

BA/2003/1548/HISTAP – Erection of first floor extension – Approved subject to conditions

BA/1998/2008/HISTAP – Kitchen extension – Approved subject to conditions

BA/1994/2422/HISTAP - Extensions to living room, dining room and bedroom one – Approved subject to conditions

BA/1987/3494/HISTAP – Swimming pool extension to house – Approved subject to conditions

3 Consultation

Parish Council – no response

District Member – This application can be determined by the Head of Development Management (delegated decision)

Broads Society – no response

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. [NPPF](#)

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

DP2 – Landscape and Trees
DP4 – Design

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

Development Management Plan DPD (2011)

DP28 - Amenity

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the design and the impact local amenity.
- 6.2 In terms of design, the proposed development is small scale and considered to be of an appropriate design and scale which remains subservient to the host dwelling. The introduction of a third gable and replacement staircase facing the river is not considered to have an impact of the adjacent Conservation Area or to unacceptably impact on the appearance of the property. The use of timber windows, timber boarding and pantiles that match the existing is welcomed.
- 6.3 The small ground floor extension to accommodate the internal lift would sit beneath the existing first floor and would have no detrimental impact on the host dwelling.
- 6.4 In terms of amenity, the minor alterations to the dwelling would not result in any additional overlooking or overshadowing of neighbouring properties.

7 Conclusion

- 7.1 In summary, the proposed development is considered an appropriate design which would not have any detrimental impact on neighbouring amenity or result in the loss or damage to any significant landscape heritage.

The proposed development is therefore considered to be in full accordance with Policies DP2, DP4 and DP28 of the Development Management Policies, adopted 2011.

8 Recommendation

- 8.1 Approve subject to the following conditions:
- (i) Time limit
 - (ii) In accordance with submitted plans

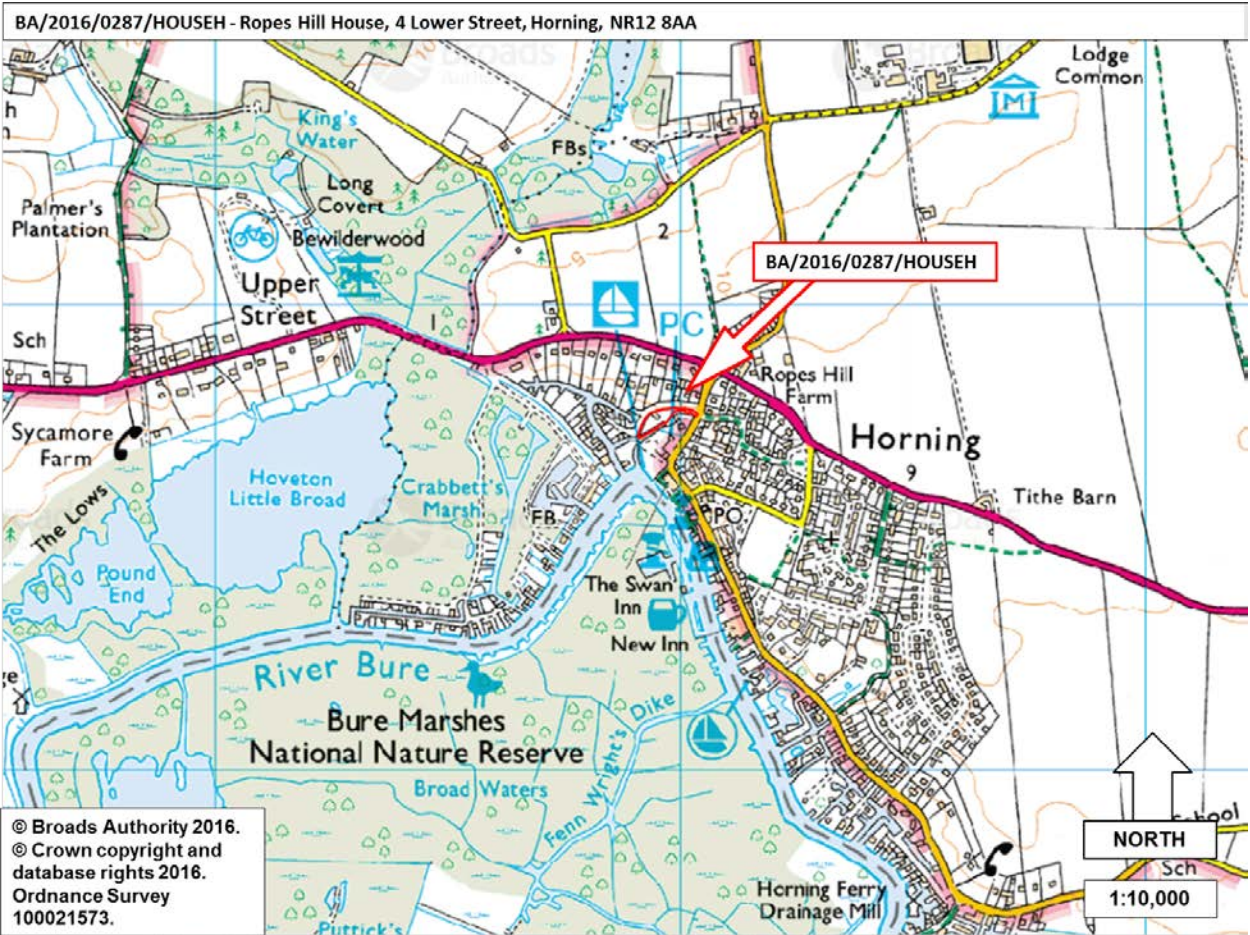
9 Reason for recommendation

- 9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP2, DP4 and DP28.

Background papers: BA/2016/0287/HOUSEH

Author: George Papworth
Date of Report: 30/08/2016
List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1



Norfolk Mead Hotel, Coltishall
Report by Head of Planning

Summary: The report gives the background to and the current issues at the Norfolk Mead Hotel in Coltishall.

Recommendation: That Members note the contents of the Report.

1 Background

- 1.1 Members will recall that they have received correspondence in the form of an 'Open Letter' raising a series of complaints about the operation of the Norfolk Mead Hotel in Coltishall. An initial holding response was sent on behalf of the Chairman of the Planning Committee, and then a full response prepared by the Head of Planning; Members have been copied into all of this. It is not usual for the Planning Committee to receive a report where investigations and/or negotiations are underway, but given the nature of the correspondence the Chairman of the Planning Committee has requested that a report be prepared.
- 1.2 The Norfolk Mead Hotel is an established hotel sitting in grounds of approximately 8 acres in Coltishall. It is a Grade 2 listed building, and is in the Conservation Area. It is located north of the river Bure and is accessed off Church Loke which is a narrow private lane running down from Church Road (B1354), adjacent to the church, and which leads to the private driveway to the hotel. Church Loke also provides access to a detached residential property (Holly Lodge) and a separate terrace of four dwellings which are located to the rear of the hotel, to the west of the walled garden which are also accessed via the driveway. Originally these buildings were an agricultural building which formed part of the hotel complex, but have since been converted, separated and sold individually.
- 1.3 The property has operated as a small country house hotel for at least 25 years. There were a number of planning applications submitted in the early 1990s for additional holiday accommodation in the form of self-contained cottages, which appear not to have been built, but there is little other planning history until recently.
- 1.4 In 2012 the property was put up for sale and the Local Planning Authority (LPA) had informal discussions with a number of interested parties about the potential for further buildings and/or uses on the site.

2 The Planning Applications

- 2.1 In April 2013 the new owner submitted a planning application (2013/0096) for a new function room and service block, to be located within the walled garden to the side of the main hotel building. The function room was required to enable the hotel to cater for weddings and other functions, whilst the service block would provide a catering kitchen. This application was submitted following pre-application discussions around the principle and detailed design of any such building. Objections were raised against the proposal, on grounds including noise, impact on local amenity and vehicle movements. The application was considered by the Planning Committee on 19 July 2013 and planning permission was granted, subject to a number of conditions including noise mitigation and management and a parking plan.
- 2.2 The planning permission was issued on 26 July 2013.
- 2.3 Conditions 12 and 13 covered noise as follows:
- (12). The function room building, including windows and doors, shall be designed to achieve a minimum sound reduction index (Rw) of 35dB.
- (13). Music noise and noise from public address systems shall not exceed 88dBA (5-min) Leq when measured internally at least 1 meter from any wall within the function room.
- 2.4 Condition 9 covered parking as follows:
- (9). Prior to commencement the applicant shall submit a Parking Management Plan for the Norfolk Mead site. The Parking Management Plan shall identify the layout and management of parking spaces within the site and, additionally, identify appropriate additional measures (such as, for example, areas of parking restriction along the shared access drive) as are required to protect the amenity of neighbouring residents and the appearance and setting of the Listed Building
- 2.5 A number of planning applications were subsequently submitted, making minor amendments to the approved building, including reducing the footprint of the building (2013/0273/NONMAT) and adding a window to the service block (2014/0043/NONMAT).
- 2.6 A number of other planning applications covering other parts of the site were also submitted. Permission was sought for a single storey extension to the kitchen (2014/0068), an extension and two holiday units (2015/0198), replacement chalet and sheds (2015/0278) and various alterations to windows and doors.
- 2.7 In February 2016, following noncompliance with the approved car parking plan submitted under condition 9 above (see 2.4), an application to vary this was submitted (2016/0070/COND). This application is still under consideration.

3 The Operation of the Norfolk Mead Hotel Function Room

- 3.1 The function room permitted in 2013 was constructed in 2014, in accordance with the approved plans. Since the function room has been operational there have been complaints received from the occupiers of neighbouring dwellings, primarily around the issues of noise and traffic movements/parking.

Noise

- 3.2 When designing and constructing the function room building the landowner engaged a qualified acoustician to advise him on the structural measures required to comply with planning conditions 12 and 13. Discussions were held with the Environmental Health Officer (EHO) at Broadland District Council. The noise levels which were predicted in the application were considered to be realistic, whilst the measures which were implemented in the construction were considered to be sufficient to meet the requirements of the conditions.
- 3.3 Complaints were received, however, about excessive noise and the EHO undertook investigations, including monitoring the noise at various times in each of the 4 residential properties to the north of the hotel. There was an intensive period of monitoring in the summer of 2015 and a number of management measures were identified which would reduce the noise, including keeping doors shut, as well as technical measures including the installation of an acoustic limiter. An acoustic limiter is a noise sensor installed within the ceiling of the building and when the sound level exceeds the pre-set decibel limit it cuts the power to the noise source – ie the music cuts out. The acoustic limiter was installed in August 2015 and the EHO was satisfied that it had a positive impact on the noise emanating from the venue.
- 3.4 Complaints continued to be received, including allegations that the acoustic limiter was either switched off or over-ridden. The hotel owner advised that he found the limiter operationally restrictive and a number of popular local function bands would not operate with the acoustic limiter as it affected their performance, although over time he was developing a list of bands which could. The EHO continued to investigate the complaints, with further monitoring and unannounced visits. He did not consider the noise to constitute a statutory nuisance and monitoring showed that it was in the main complaint with the planning conditions.
- 3.5 No complaints were received in the latter part of 2015 or early 2016, however complaints began to be received again in June 2016.
- 3.6 In July 2016 a noise report was commissioned by the hotel owner to see what further measures could be used and to test whether the structure was attenuating the noise according its design structures. No further remedies were suggested by the acoustician and the building was found to be attenuating the noise. The hotel owner installed further noise monitoring equipment which gave a constant recording, to demonstrate that he was

working within the specified limits. The EHO checked the supplied data and found that whilst there were incidences of excess noise, this was not constant and the venue operated within the restrictions for much of the time. It appeared to be the case that the restrictions could more easily be met by playing recorded music only instead of live groups.

- 3.7 The hotel owner, however, wishes to continue to offer the option for live bands if possible. In August 2016 he therefore installed acoustic shutters in the function room, having been advised by an acoustician that these could reduce the sound levels by up to 19 decibels. This equipment has been effective in reducing some of the higher frequency noise, but has not addressed the base level or made a significant impact on the overall level. Whilst the noise levels are within the limit of the planning condition (ie 88 decibels), they still need to be reduced in order to satisfy the EHO.
- 3.8 The hotel owner is now discussing with the EHO the purchase of a new comprehensive system, comprising all of the acoustic equipment required for a function including amplifiers and speakers; any band or DJ would simply plug into this. The system would have a pre-set decibel limit and would not emit sound above this limit – rather like a speed restrictor on a car where it's not possible to exceed the pre-set speed limit. This system is likely to cost around £15,000. It would be more consistent and give the hotel full control over the noise limit.
- 3.9 It is acknowledged that there has been a high level of complaints about noise from this venue, and it is accepted that some of these complaints may be justified. It is likely that there have on occasion been breaches of the noise limit condition, however the breaches are not constant, are reducing in frequency and the operator is actively trying to resolve the problems.
- 3.10 The EHO is of the view that the site can operate within the specified noise limits. The proximity to residential properties, however, will affect how it can reasonably operate and the hotel owner needs to better recognise this in the management of the venue and the events. With regard to the adjacent residential properties, whilst the noise levels have on occasion been unacceptable, their amenity will inevitably be compromised by their location next to an established hotel and there needs to be a recognition of this.
- 3.11 In planning terms, there is no evidence of a persistent or prolonged breach of the planning conditions regarding noise such as to warrant any formal action; whilst there has been excessive noise on occasion, the operator is taking steps to address this and progress is being made.
- 3.12 It should also be noted that there have been complaints received about the noise from guests in the garden area of the hotel, including allegations of loud singing, chanting and swearing. These complaints are more frequent in the warmer weather. The hotel grounds form part of the premises and their use by guests (including function room guests) is to be expected. These are largely issues of management and the hotel has installed signs reminding

guests that they are in a residential area and asking for courtesy, particularly after dark; they have also deployed staff to keep the noise down.

Parking

- 3.13 Subsequent to the granting of planning permission, a Parking Management Plan was submitted as required by condition 9. This proposed that the main car park (to accommodate up to 45 vehicles) to the hotel would be on the driveway to the front, where it had been located historically, and if further or overflow car parking was required this would be on the lawn at the front of the building (which could accommodate up to 39 vehicles). This was not ideal, as the building is listed and its setting would not be enhanced by car parking, however it was not anticipated that the further parking would be frequently required.
- 3.14 When the operation of the hotel and function room started, there was a greater need for parking than had been anticipated; the hotel owner, in addition, did not want parking on the lawn. Instead, overflow parking took place either under the trees on the left side of the driveway, or in a paddock to the north of the hotel. These areas could accommodate around 15 and 20 vehicles respectively. None of this parking was in accordance with the Parking Management Plan. There was also additional staff parking taking place to the rear of the kitchen in the service block.
- 3.15 Complaints were received regarding the impact of parking under the trees on the trees and on the neighbouring amenity, due to proximity to the cottage on the end of the terrace; the complaints about the paddock parking related to noise and light intrusion to the properties to the rear on Church Close.
- 3.16 Discussions took place in the summer and autumn of 2015, seeking a solution. An alternative parking scheme was suggested for trial, which would show the main car park in front of the hotel being used as the principal car park for staff and guests, the overflow carpark on the paddock being used for guests when required by events and the area under the trees only being used for staff and only when a large event meant that there was no other parking available. The rationale for this latter area was that staff should, in the main, be leaving earlier and the hotel owners would have more control over the noise, which had been a source of complaints.
- 3.17 Residents of Church Close were advised of the trial and in November 2015 their views were sought. Unsurprisingly, the preference of Church Close was for any additional parking to be provided elsewhere on the hotel site, including, if needed, the lawn area at the front as originally planned. The issue of impact from the noise from the use of the car park (car doors, engines etc) was raised, but not by all the respondees and one specifically said they had expected it to be a problem but it had not. There was concern about what regularisation of the overflow car park would mean and whether there would be hard surfacing and lighting. There was some support for screening if the proposal were to go ahead. The responses were useful in identifying the issues that any application would need to address.

- 3.18 In May 2016 a planning application was submitted to vary the parking plan approved under condition 9 (2016/0070). The new parking plan as proposed in this application, however, proposed using the area under the trees as the first choice overflow car park, rather than the paddock area, and this is not acceptable due, in a large part, to the impact on the trees. Discussions have been ongoing and the hotel owner appears to have accepted the principle of the paddock area being the primary overflow car park, with the area under the trees as an emergency overflow only, limited to staff. A final plan showing the layout and treatment of the area under the trees is awaited and then the application can be determined. It is anticipated that the application will be reported to the October meeting of the Planning Committee. Planning conditions will be important here, as will monitoring.

Other issues

- 3.19 The noise and the parking are the main subjects of complaints at this site, however concerns have also been raised about the following matters.
- 3.20 There is an extractor fan from the kitchen, which residents complain is noisy; it particularly impacts on them when they are in their gardens. It is audible, however it is not considered to adversely affect residential amenity. The hotel owner has installed additional silencers since he was made aware of the problem, as well as reducing the running speed where possible.
- 3.21 The hotel site is not on mains drainage, but has a septic tank which is emptied two or three times per week. It is accessed via the track which runs in front of the terrace of 4 cottages and the heavy vehicle has caused damage to the track. In July 2016 planning permission was granted for a treatment plant at the hotel which, when installed, will reduce the need for emptying (2016/0204). The matter of the damage to the track is between the parties and is not a planning matter. It is understood that the hotel owner has offered to contribute to the cost of repair works.
- 3.22 The behaviour of guests has been raised, with complaints about excessive noise from voices both in the garden and outside the venue. The hotel advises that it does deploy staff to monitor and moderate behaviour, and it was previously agreed that if there was a problem then the residents should telephone the hotel so that it could be dealt with at the time. This is largely a matter for public licensing regime and the EHO will be looking into this.
- 3.23 Complaints have been received that the function room caters mainly for local weddings and events and does not contribute to the visitor offer or tourism economy. The management of the hotel is not a planning matter.
- 3.24 It is the case that the relationship between the parties is poor, and complaints have been received from both sides. No planning matters (other than those above) have been raised.

Engagement with both parties

- 3.25 The LPA has been proactive here in trying to find a solution to the various issues as this is an attractive facility which offers a high quality experience and provides local employment. It must, however, operate in such a way as to be acceptable within the local community. It must also operate within the planning conditions.
- 3.26 In 2015 the LPA engaged directly with the hotel owners, the EHO and two of the local residents who, it was understood, represented the residents in the terrace of four cottages. All the matters of concern were discussed, at length, in a number of face to face meetings and in correspondence. Following the last meeting on 26 November 2015, a review meeting was arranged for 26 April 2016, however this was cancelled as it was not required as there were, at that time, no outstanding issues between the parties.
- 3.27 The LPA will be offering to meet with the other occupiers of the terrace of cottages, to enable them to discuss their concerns.
- 3.28 The planning application for the revised parking plan will be presented to the Planning Committee.

4 Recommendation

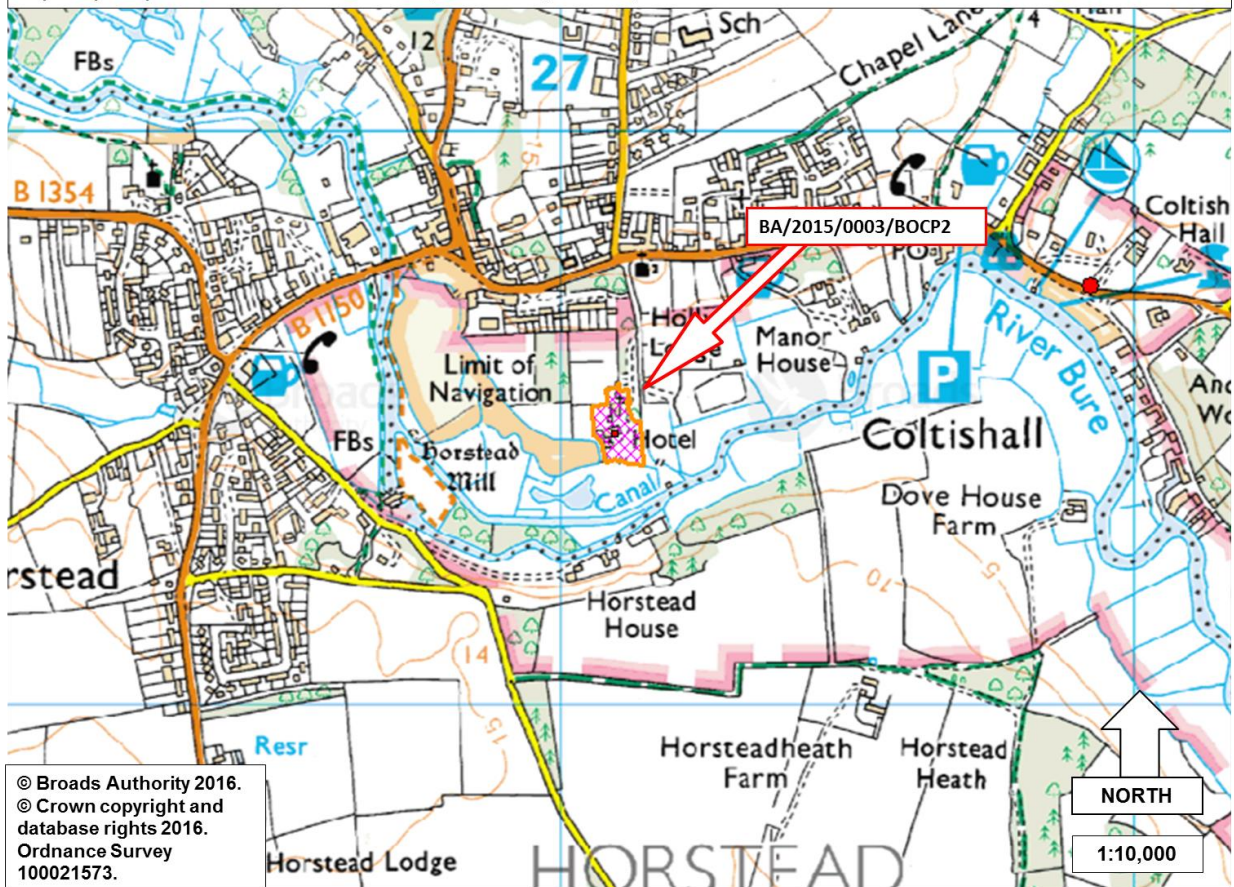
- 4.1 That the report be noted

Background papers: None

Author: Cally Smith
Date of report: 5 September 2016

Appendices: APPENDIX 1 – Location Plan

BA/2015/0003/BOCP2 - The Norfolk Mead Hotel, Church Loke, Coltishall, NR12 7DN



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
<p data-bbox="203 363 427 395">9 October 2015</p> <p data-bbox="203 959 443 991">5 February 2016</p>			<p data-bbox="1160 256 1335 288">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1122 296 2007 360">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015 <li data-bbox="1122 368 2007 512">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container <li data-bbox="1122 520 1973 584">• Leave to appeal against High Court decision refused on 9 October 2015 <li data-bbox="1122 592 1917 655">• Request for oral hearing to challenge Court of Appeal decision filed 2015 <li data-bbox="1122 663 1962 727">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 <li data-bbox="1122 735 1973 847">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river <li data-bbox="1122 855 1458 887">• Site being monitored <li data-bbox="1122 895 1984 999">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016 <li data-bbox="1122 1007 1682 1038">• Enforcement Notices remain in place <li data-bbox="1122 1046 1906 1078">• Applications for Injunctions lodged 18 February 2016 <li data-bbox="1122 1086 1850 1118">• Injunctions served on Mr Wood on 2 March 2016 <li data-bbox="1122 1126 1659 1158">• High Court Hearing 11 March 2016 <li data-bbox="1122 1166 1738 1198">• Interim Injunction granted 11 March 2016 <li data-bbox="1122 1206 1861 1238">• Court date for Permanent Injunction 17 June 2-16 <li data-bbox="1122 1246 1883 1278">• High Court injunction obtained on 17 June 2016 <li data-bbox="1122 1286 1850 1318">• High Court Injunction issued on 24 June 2016 <li data-bbox="1122 1326 1760 1358">• Partial costs of Injunction being sought

Committee Date	Location	Infringement	Action taken and current situation
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container	<ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013 • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway
5 February 2016		Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised development of a portacabin, static caravan, signage and lighting.	<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 • Authority given to serve Enforcement Notices in respect of portacabin and static caravan • 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 • Following negotiations, some agreement had been reached. No further information had been received within the timescale given and this had been extended • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date (22 July 2016) • Application for retention of structures validated 27 July

Committee Date	Location	Infringement	Action taken and current situation
			2016 and under consideration
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 • Planning Application received 10 May 2016 and under consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required.
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • 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

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Appeal submitted against Enforcement Notice on grounds there has been no breach (see Appeals Schedule)
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 • Compliance not achieved. Enforcement Notices to be served • Enforcement Notice served 18 May and take effect 17 June 2016 • Appeal against Enforcement Notice submitted, Start date 2 August 2016

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: 1 September 2016

Appendices: Nil

Broads Local Plan (September) Bite Size Pieces
Report by Planning Policy Officer

Summary: This report introduces the following topics of the Preferred Options Local Plan: Development Boundaries, Development Management Policies (remaining), Economy section, Flood Risk, Green Infrastructure, Houseboats and Floating Buildings Topic Paper, Housing Topic Paper, Housing: OAN, affordable housing, older people housing, second homes, self-build, Landscaping, Light Pollution and supporting report, Local Green Space assessment and policy, Peat, Remaining sites specifics policies: ACL1, ACL2, CAN1, GTY1, TSA3, WHI1, Residential Mooring Nominations and Assessment and Allocation Policy, Residential Moorings Policy, Settlement Fringe, Sites from Issues and Options, Soils, Staithes, Strategic Policies, Strategic Sustainable Development Policy, SuDS and Tourism.

Recommendation: Members' views are requested.

1 Introduction

- 1.1 This bite-size piece of the Preferred Options discusses Development Boundaries, Development Management Policies (remaining), Economy section, Flood Risk, Green Infrastructure, Houseboats and Floating Buildings Topic Paper, Housing Topic Paper, Housing: OAN, affordable housing, older people housing, second homes, self-build, Landscaping, Light Pollution and supporting report, Local Green Space assessment and policy, Peat, Remaining sites specifics policies: ACL1, ACL2, CAN1, GTY1, TSA3, WHI1, Residential Mooring Nominations and Assessment and Allocation Policy, Residential Moorings Policy, Settlement Fringe, Sites from Issues and Options, Soils, Staithes, Strategic Policies, Strategic Sustainable Development Policy, SuDS and Tourism.
- 1.2 Members' views are requested to inform the draft policy approach in the Preferred Options.
- 1.3 It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the final version being presented to Planning Committee in November 2016.

2 The policies

Appendix A: Development Boundaries

- 2.1 The four development boundaries that are already adopted are rolled forward with some slight amendments. The mapping now includes flood risk to make it obvious that this is an important consideration when considering proposals in the development boundary.

Appendix B: Development Management Policies (remaining)

- 2.2 Some Development Management Policies have been before Planning Committee separately. These are the remaining policies. The contents table shows what has happened to each of the current policies.

Appendix C: Economy section

- 2.3 A project brief is out to tender so this is not a policy, but text relating to the Economy Section of the Preferred Options.

Appendix D: Flood Risk

- 2.4 The current policy is updated. It is important to note that this may change following the adoption of a new Flood Risk Supplementary Planning Document over the coming months.

Appendix E: Green Infrastructure

- 2.5 An overarching Green Infrastructure Study. Norfolk County Council has helped shape the policy.

Appendix F: Houseboats and Floating Buildings Topic Paper

- 2.6 Norfolk authorities are considering joint work relating to houseboats. So there is no policy as yet but this is the relevant text that will go in the Local Plan.

Appendix G: Housing Topic Paper

- 2.7 This Housing Topic Paper sets out how the Authority will meet its Objectively Assessed Need in the Local Plan.

Appendix H: Housing: OAN, affordable housing, second homes, self-build, older people housing

- 2.8 Policies and sections relating to housing.

Appendix I: Landscaping

- 2.9 This will be added to the design policy that came to Planning Committee in August.

Appendix K: Light Pollution and supporting report

- 2.10 The report compares two data sets – one from the Authority and one from CPRE. The policy reflects the combined data.

Appendix L: Local Green Space Assessment and policy

- 2.11 Following the call for Local Green Space, sites which were nominated have been assessed. This report sets out the assessment. The policy is included in this appendix as well.

Appendix M: Peat

- 2.12 Peat has many important elements. This policy seeks to ensure that designers of schemes take peat into account.

Appendix N: Remaining sites specifics policies

- 2.13 The remaining policies from the adopted Sites Specifics. ACL1, ACL2, CAN1, GTY1, TSA3, WHI1, with the exception of TSA2

Appendix O: Residential Mooring Nominations and Assessment and Allocations Policy

- 2.14 Some nominations for residential moorings were received and the report assesses these nominations. There is an allocations policy proposed as a result of the assessment.

Appendix P: Residential Moorings Policy and flood risk related supporting text

- 2.15 An amended version of the current policy.

Appendix R: Settlement Fringe

- 2.16 A new policy which seeks to address this landscape type.

Appendix S: Sites from Issues and Options

- 2.17 Policies relating to Ferry Road Horning, Station Road Hoveton and the Loaves and Fishes at Beccles.

Appendix T: Soils

- 2.18 Responding to comments received at the Issues and Options, this is not a new policy, but an issue for stakeholders to consider.

Appendix U: Staithe

- 2.19 This reflects the recent work by the UEA and seeks to protect staithe.

Appendix V: Strategic Policies

- 2.20 The remaining strategic policies with some amendments.

Appendix W: Strategic Sustainable Development Policy

- 2.21 An overarching strategic policy which brings in some existing Core Strategy policies.

Appendix X: Sustainable Drainage Systems

- 2.22 An improved policy worked up with Norfolk County Council.

Appendix Z: Tourism

- 2.23 The strategic and development management policies relating to tourism with some amendments.

3 Financial Implications

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

Background papers: None

Author: Natalie Beal
Date of report: 5 September 2016

Appendices:

- Appendix A: Development Boundaries
- Appendix B: Development Management Policies (remaining)
- Appendix C: Economy section
- Appendix D: Flood Risk
- Appendix E: Green Infrastructure
- Appendix F: Houseboats and Floating Buildings Topic Paper
- Appendix G: Housing Topic Paper
- Appendix H: Housing: OAN, affordable housing, older people housing, second homes, self-build
- Appendix I: Landscaping
- Appendix K: Light Pollution and supporting report
- Appendix L: Local Green Space Assessment and policy
- Appendix M: Peat
- Appendix N: Remaining sites specific policies: ACL1, ACL2, CAN1, GTY1, TSA3, WHI1
- Appendix O: Residential Mooring Nominations and Assessment and Allocations Policy
- Appendix P: Residential Moorings Policy and flood risk related supporting text
- Appendix R: Settlement Fringe

Appendix S: Sites from Issues and Options
Appendix T: Soils
Appendix U: Staithes
Appendix V: Strategic Policies
Appendix W: Strategic Sustainable Development Policy
Appendix X: SuDS
Appendix Z: Tourism

All appendices can be accessed via this link <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-16-september-2016>

Heritage Asset Review Group

Notes of Meeting held on Friday 19 August 2016 starting at 13.30 pm

Present:

Jacquie Burgess - in the Chair
Mike Barnard
Bill Dickson
Peter Dixon
Paul Rice
Haydn Thirtle

In attendance:

Sandra Beckett – Administrative Officer (Governance)
Will Burchnall – Programme Manager (HLF-LPS)
Adrian Clarke – Senior Waterways and Recreation Officer
Ben Hogg – Historic Environment Manager
Simon Hooton – Head of Strategy and Projects
Andrea Long – Director of Planning and Resources
Prue Smith – Consultant on Cultural Heritage

20/1 Apologies for absence and welcome

The Chairman welcomed the new members to the Group – Bill Dickson and Haydn Thirtle, as well as Paul Rice as Vice-Chairman of the Planning Committee.

20/2 To receive the note of the nineteenth meeting held on 29 April 2016

The Note of the nineteenth meeting of HARG held on 29 April 2016 was received as a correct record.

20/3 Points of Information arising from the last meeting

There were no further points of information arising from the last meeting other than those to be discussed within the agenda.

20/4 Conservation Area Re-Appraisals

Progress was reported on the following Conservation Areas.

(1) **Stalham Staithe Conservation Area Re-Appraisal**

The Stalham Staithe Conservation Area Re-Appraisal had been prepared in consultation with North Norfolk District Council as part of the conservation area fell within its boundary. It had been the subject of consultation following a public meeting at Stalham Town Hall in March 2016 and following that officers had had further meetings and discussions with Stalham Town Council and other agencies, as had been agreed to achieve long term management.

The public meeting had been well attended and considerable feedback had been received. A schedule of the consultation responses with respect to the Broads area was received. These largely related to:

- Parking at the Statithe and around the Museum of the Broads including overnight parking
- Refuse and Recycling area
- Riverbank and Quayheading maintenance – room for mooring and issues to do with flooding – lack of maintenance of ditches, dykes and water
- Communication between interested parties and Broads Authority – permitted development rights not clear to householders/ residents in Conservation Area
- Maintenance of Mill Road verges

It was considered that the overall response had been very positive. Officers would respond to the comments and include amendments where required. These would be reported to the next Stalham Staithe Group meeting on 28 September and a report would be submitted to either the October or November Planning Committee.

A suggestion had been made about the potential for including the whole of the Broads Edge Marina which would be a large extension to the Conservation Area. It was noted that the site would not necessarily conform to heritage criteria in accordance with Historic England guidance. Although it was not intended to include this as a recommendation, it would be reported to the Planning Committee.

(2) **East and West Somerton Conservation Area Re-Appraisal**

It was noted that the Somerton Conservation Area Re-Appraisal had been approved for consultation by the Planning Committee on 1 April 2016 subject to inclusion of some amendments to the text and additional graphics. The leaflet was being prepared. The Authority would be undertaking the consultation for both West and East Somerton, recognising that East Somerton came within the Great Yarmouth Borough. It was intended that public consultation would take place in September/October 2016.

**20/5 Conservation Area Re-appraisals – future programme
Ludham, Loddon and Horning**

The Historic Environment Manager explained that there were just three Conservation Area Re-Appraisals left to carry out, these being Ludham, Loddon and Horning.

The Group received the Draft Loddon Conservation Character Re-Appraisal including the amendments to the consultation text Page 3, paras 1, 7, 2; Page 4 para1; Page 6, para1 and the Conservation Area Boundary. A very small part came within the Broads Area and therefore the lead was being taken by South Norfolk with the Authority providing an input. The Authority's heritage consultant had provided some comments and Members were requested to provide any others which might be incorporated into the Authority's response.

At the previous meeting HARG had agreed to include the Ludham and Horning Conservation Area Re-Appraisals in the work schedule for 2017/18. It was anticipated that all the 25 Conservation Areas within the Broads area would be re-appraised by the end of 2017/18. Members considered that all the work carried out was a tremendous achievement and of considerable value both to the Authority and locally. They considered that all the work on the Re-appraisals should be published and available in some form and that this be given consideration and scheduled into a Work Plan at some point.

20/6 Heritage at Risk

20/6(1) Buildings at Risk Schedule 2016

The Consultant on Cultural Heritage provided the Group with the updated Schedules relating to the Buildings At Risk Survey as well as the Schedule relating to current and potential Enforcement issues.

It was noted that full application to include a redevelopment of the site at **Common Farmhouse, Fleggburgh** was anticipated following pre-application discussions.

With reference to the **Mills** within the schedule, most came within the Landscape Partnership Scheme bid and it was noted that the schedule of works were now to be completed as part of the LPS development stage.

It was pleasing to note that **Pettingel's Mill Phase 2** of the Restoration work to include the fitting of the Cap had now been completed. It was agreed that this could be removed from the Register, although it would still be monitored as part of the suite of mills within the HLF Landscape Partnership project.

With reference to **Swim Coots Drainage Mill** at Catfield, a site visit was

scheduled with the NWT owners.

The repairs to **Bridge Farmhouse, Low Road, Mettingham**, had been the subject of a Section 106 Agreement, where the construction of another property was dependent on repairs to the farmhouse being carried out. The planning permission had now expired, and a revised scheme was required. However, the justification for such an application might be compromised and therefore a programme of works on the historic building would be required.

Langley Abbey –the Historic Environment Manager had contacted the owner whose original plans had changed due to funding(through HLS (Higher Level Stewardship))not now being available. Negotiations and action being considered.

Brick Barn Gillingham – It was confirmed that part of the repairs to the road facing east slope of the roof had been undertaken but the repairs to the most vulnerable side were still required. An application was awaited.

The Historic Environment Manager commented that if no action was forthcoming on the last three items, a report to the Planning Committee before the next HARG meeting, setting out the options for potential action might be appropriate.

20/6(2) Enforcement

The Group welcomed the continued progress on the replacement of the windows and doors at Ashby with Oby Manor House, a report on which had been considered at the June Planning Committee meeting.

It was noted that considerable progress had been made on dealing with those Buildings on the Heritage at Risk Register in the Authority's area since HARG had begun its work. Those properties still on the schedule were those which were most challenging. It was noted that there was always a human story relating to the circumstances for each of the buildings.

20/7 Staithes Research Paper

The Senior waterways and Recreation Officer provided HARG with a presentation based on Prof Tom Williamson's work commissioned by the Authority on the Staithes within the Broads Area. Professor Williamson had given his presentation to the Broads Forum in July and it was anticipated that he would be able to give this to the full Authority at some stage.

The work stemmed from the initial project carried out by Roy Kemp of the Broads Society in the 1980s when it had been made very clear that his document was an outline first step and far more detailed, in depth research would be required. As a result of repeated requests from

stakeholders through the Chairman of the Broads Local Access Forum and Broads Forum and following consideration by the Authority's Project Development Group, Professor Williams, a renowned expert on landscape was commissioned to undertake such a detailed research project. He had often been called as an expert witness on public rights of way cases.

Professor Williamson had based his findings on historical documents from a number of sources including the Enclosures Acts and maps, tithes maps and schedules, the 1910 Inland Revenue maps and field books and the Inland Revenue Finance Act of 1910 Valuation Schedules as well as other historical maps.

The Enclosure Act indicated that a public staithe was "to be used by the owners and occupiers of Estates in the said parish ... for laying and depositing corn, manure, and other things thereon", or "for the conveyance of corn, manure and other goods to and from the river by owners and occupiers of the Parish". It was for the loading and unloading of vessels not specifically for mooring. Public staithe were also usually at a point where a public road ran down to a river and connected to highways and were therefore considered as public. The Finance Act of 1910 showed these as unallocated and untaxable land.

Professor Williamson's conclusions were that although previously staithe were considered in terms of *ownership* and as a piece of property; and generally assumed that such areas were usually specifically allotted for public use at the time of parliamentary enclosure, most staithe were probably 'customary' in character. They developed organically where roads, or commons, met rivers and were recognised rather than created.

Therefore public staithe were best understood as a *matter of rights* rather than of ownership. Where two different kinds of public highway – by land and by water – met, a right of transhipment would become established. This has two corollaries. Firstly, that such rights are independent of ownership, and must persist even when a staithe has been alienated into private ownership by a public body; and secondly, that the access to the staithe, from the land, ought to be maintained as a public right of way – and as one for vehicles, not just by foot.

The study had raised the issue of public rights of way and therefore, the final report would be sent to Norfolk County Council. Professor Williamson was currently working on the final document and recognised that it may require legal scrutiny.

Members noted that the research raised a number of issues and provided a great deal to consider. It was considered to be a major piece of work with considerable credibility.

Members thanked the Senior Waterways and Recreation Officer for his enlightening presentation and looked forward to receiving the

presentation and final report from Professor Williamson.

20/8 Water, Mills and Marshes: The Broads Landscape Partnership Bid

Will Burchnall the Programme Manager for the Broads Landscape Partnership Project provided a progress report on submitting the second round application to the HLF. Officers are in the process of writing the Landscape Conservation Action Plan which will set out how the scheme will be delivered between 2018 and the end of 2022. Officers were now pursuing the assembly of Statements of Significance for the different issues and sites and members assistance may be required. The Programme Manager commented that the HLF mentor on the project was very helpful in setting achievable goals. He commented that there had been a very enthusiastic reception for the project and its progress at the Stakeholders workshop held in July.

One of the major areas of work concerned the Mills and laser scanning survey work had been undertaken on a number of the mills included within the project area using laser technology. The Historic Environment Manager provided members with an illustration of some of the results. The technique provided excellent accurate and detailed data within a very short space of time, up to 3- 4 hours. If done manually it would take up to two – three weeks including drawings . Survey work will be carried out on almost half of the 25 mills within the LPS area, the cost for each being Circa £1,200.

The Group considered it to be an amazing tool with excellent potential not just for monitoring purposes on the mills but for extending to other projects including interpretation. It was also suggested that its work might be transferred to a 3D printer. This was considered exciting and an exceptional unexpected outcome of the project.

It was noted that progress was also being made on

- *Development of the Community Engagement, Education and Skills Training Strategies*
- *Development of Landscape Character Assessment including archaeological elements and ecclesiastical history – 2016.*

The Group welcomed the progress being made.

20/9 Any Other Business

National Parks Conservation Officers Conference 2017

The Historic Environment Manager informed the Group that the Broads would be hosting the National Parks Conservation Officers workshop between 9 – 11 May 2017. It was hoped that HARG members could be involved.

20/10 Date of Next Meeting –

It was noted that the next meeting of the Heritage Asset Review Group would take place on Friday **9 December 2016** following the Planning Committee meeting.

The meeting concluded at 2.55pm

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 30 August 2016

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since July 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
31 March 2016	<p>Appeal Reference: APP/E9505/C/16/314 5873</p> <p>Staithe n Willow, Horning</p> <p>Mrs J Self</p>	<p>Appeal against Enforcement Notice</p> <p>Relating to fencing on grounds that there has been no breach of planning</p>	<p>Committee Decision 8 January 2016</p> <p>Questionnaire submitted 21 April 2016</p> <p>LPA's Statement of case submitted 12 May 2016</p> <p>Final documents exchanged 14 June 2016</p>
2 August 2016	<p>Appeal Reference: APP/39505W/16/3154 806</p> <p>Hall Common Farm, Hall Common, Ludham</p>	<p>Appeal against Enforcement Notice</p> <p>Breach of conditions 2 and 3 of BA/2014/0408/COND Unauthorised installation of metal roller shutter door</p>	<p>Committee Decision 4 December 2015</p> <p>Supporting documents submitted by 16 August 2016</p> <p>LPA's Statement of case to be submitted by 13 September 2016</p>

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

Agenda Item No. 14

Summary: This report sets out the delegated decisions made by officers on planning applications from 03 August 2016 to 02 September 2016
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council				
BA/2016/0200/OUT	Irstead Manor Hall Road Irstead Norfolk NR12 8XP	Mr Christopher Corson	Replacement two and a half storey dwelling with outbuildings.	Approve Subject to Conditions
Beccles Town Council				
BA/2016/0124/FUL	Plot 7-9 Puddingmoor Beccles Suffolk	Dr Robert Graham	Replacement piling, fence and addition of storage locker.	Approve Subject to Conditions
Burgh Castle Parish Council				
BA/2016/0253/FUL	An area of grazing marsh within Belton Marshes, to the south- west of Burgh Castle Marina.	Mr Mitchelmore	The excavation of a new section of soke dyke to provide material for improvement of the adjacent flood defence bank.	Approve Subject to Conditions
Dilham Parish Council				
BA/2016/0255/COND	The Rookery Mill Road Dilham Norfolk NR28 9PU	Ms Rebecca Warren	Installation of additional gate, variation of condition 2 of permissions BA/2016/0137/HOUSEH and BA/2016/0138/LBC.	Approve Subject to Conditions
Ditchingham Parish Council				
BA/2016/0264/HOUSEH	2 Waterside Drive Ditchingham Norfolk NR35 2SH	Mr Nicolas Riley	Fence alterations and new shed.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Geldeston Parish Council				
BA/2016/0238/HOUSEH	Dunburgh Meadow Dunburgh Road Geldeston NR34 0LL	Mr & Mrs Meadowcroft	2 storey side extension and single storey link to annexe, extension to central conservatory building, new openings and elevational treatments to bungalow, conservatory and annexe buildings.	Approve Subject to Conditions
Horning Parish Council				
BA/2016/0258/HOUSEH	Dove Cottage Ropes Hill Horning Norfolk NR12 8PA	Mr David Williams	Widen boat dock.	Approve Subject to Conditions
BA/2016/0220/HOUSEH	Sherwood Ropes Hill Horning Norfolk NR12 8PA	Mrs Morag Jones	Car port.	Approve Subject to Conditions
Hoveton Parish Council				
BA/2016/0231/FUL	Ice Cream Parlour Norwich Road Hoveton Norfolk NR12 8DA	Mr Malcolm Grey	Canopys and roller-shutter	Approve Subject to Conditions
Ormesby St Michael Parish Council				
BA/2016/0232/HOUSEH	Burghwood Barns Burghwood Road Ormesby St Michael Norfolk NR29 3NA	Mr D Tucker And Miss S Burton	Front extension to form two bedrooms and first floor extension to form further bedroom.	Refuse
Oulton Broad				
BA/2016/0272/NONMAT	Borrowsdale Waveney Hill Lowestoft Suffolk NR32 3PR	Mr And Mrs Purcell	Addition of 4 No. roof lights, non-material amendment to permission BA/2015/0227/HOUSEH	Approve
BA/2016/0251/CLEUD	Ranworth Marsh Road Lowestoft NR33 9JY	Mr Paul Spriggins	Lawful Development Certificate for 4 years continuous use as a dwelling [C3] .	CLUED Issued

Application	Site	Applicant	Proposal	Decision
Smallburgh Parish Council				
BA/2016/0257/LBC	Smallburgh Hill The Hill Yarmouth Road Smallburgh Norfolk NR12 9AD	Mr Colin Bird	Replacement windows.	Approve Subject to Conditions
Thorpe St Andrew Town Council				
BA/2016/0248/HOUSEH	21 Thorpe Hall Close Thorpe St Andrew Norwich Norfolk NR7 0TH	Mr & Mrs Harvey	Single storey rear extension and garden room.	Approve Subject to Conditions
Wroxham Parish Council				
BA/2016/0236/COND	Ennerdale II Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr Chopra	Alterations to approved plans, variation of condition 2 of permission BA/2014/0313/FUL.	Approve Subject to Conditions