

Planning Committee

AGENDA

Friday 9 October 2015

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 11 September 2015 (herewith) | 3 – 15 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
 - BA/2015/0223/FUL Whitlingham Broad Campsite, Whitlingham Lane, Trowse with Newton

16 – 30

		Page
•	BA/2015/0244/COND Barnes Brinkcraft, Riverside Road, Wroxham	31 - 40

ENFORCEMENT

9.	Enforcement of Planning Control: Unauthorised Erection of Canopies and Alterations to Shop Front Report by Planning Office (Compliance and Implementation)	41 - 43
10.	Enforcement of Planning Control: Thorpe Island: Report on Options for Action(s) at Thorpe Island Report by Head of Planning (herewith)	44 - 51

POLICY

11.	The Central Norfolk Strategic Housing Market Assessment (SHMA) Report by Planning Policy Officer (herewith)	52 - 60
12.	Mooring Guide and Riverbank Stabilisation Guide Consultation Responses Report by Planning Officer (herewith)	61 - 76

MATTERS FOR INFORMATION

13.	Enforcement Update Report by Head of Planning (herewith)	77 - 81
14.	Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	82 - 83
15.	Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	84 - 85
16.	To note the date of the next meeting – Friday 6 November 2015 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority
Planning Committee

Minutes of the meeting held on 11 September 2015

Present:

Mrs L Hemsall – in the Chair

Miss S Blane (Minute 3/ 8(2) - 3/8(4))	Mr G W Jermany
Mr N Dixon	Mr P Rice
Ms G Harris	Mr V Thomson

In Attendance:

Ms N Beal – Planning Policy Officer (minute 3/9)
Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (Minute 3/1 - 3/8)
Ms M Hammond – Planning Officer (Minute 3/1 - 3/8)
Mr P Ionta – Solicitor and Monitoring Officer
Ms A Long – Director of Planning and Resources
Ms A Macnab – Planning Officer (Minute 3/10)
Ms C Smith – Head of Planning
Ms T Wakelin – Director of Operations (Minute 3/11)

Members of the Public in attendance who spoke:

BA/2015/ 0188/FUL Poplar Farm, Church Lane, Runham, Mautby

Mr Jon Green and Applicants
Ms Clarke

BA/2015/0276/FUL Berney Arms Inn, The Marshes, Reedham,

Mr R Hollocks Applicant

**BA/2015/0236/COND Waveney Inn and River Centre, Staithe Road,
Burgh St Peter** Variation of Condition 2 of BA/2013/0329/FUL

**BA/2015/0243/NONMAT Waveney Inn and River Centre, Staithe
Road, Burgh St Peter** Non material amendment to pp BA/2013/0405/CU
Mr James Knight Applicant

3/1 Apologies for Absence and Welcome

Mrs Lana Hemsall (Vice-Chairman) as Acting Chairman welcomed everyone to the meeting particularly members of the public.

Apologies were received from Mr M Barnard, Professor J Burgess, Dr J M Gray and Mr J Timewell.

3/2 Declarations of Interest

The Acting Chairman declared a general interest on behalf of all members and staff in relation to Application BA/2015/ 0236/COND and BA/2015/0243/NONMAT as the applicant is a member of the Broads Authority. Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

3/3 Minutes: 21 August 2015

The minutes of the meeting held on 21 August 2015 were agreed as a correct record and signed by the Chairman of the meeting.

3/4 Points of Information Arising from the Minutes

None reported.

3/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

3/6 Chairman's Announcements and Introduction to Public Speaking

(1) Central Norfolk Strategic Housing Market Assessment (SHMA) DTc meeting – 9 September 2015

The Chairman reported that she together with the Head of Planning and the Planning Policy Officer had attended a meeting of the Central Norfolk SHMA part of the joint Norfolk Planning group to consider a preliminary report for consultation. This would be making its way via the constituent authorities in due course and a report was due to be prepared for the October Committee meeting.

(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. No member of the public indicated that they intended to record or film the proceedings.

3/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

3/8 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/2015/0188/FUL Poplar Farm, Church Lane, Runham, Mautby**
Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building
Applicant: Mr J Green

The Planning Officer provided a detailed presentation of the proposals, part of which were retrospective, to retain extensions to agricultural barns built on the remnants of previous buildings and for the erection of an additional farm building. The development was intended to support the continued use of the site for agricultural purposes. The site immediately bordered the Halvergate Marshes Conservation Area and was adjacent to a public right of way and a Grade II * Listed Church with two semi-detached cottages 34 metres from the boundary. The buildings would be concentrated on the northern part of the site with a reed bed filtration system to the south bordering the marshes.

The Planning Officer drew attention to the consultation responses with no further consultation responses having been received since the report had been written. However, the objectors were not able to attend the meeting but wished to point out the distance between their properties from the site being 34 metres where Defra guidelines indicated a separation of 400 metres. The Parish Council had considered that the proposal was over development. The Planning Officer considered that the scale was proportionate and appropriate to the site and commented that consolidation of buildings on the north of the site was preferable to them being spread out.

Having provided a detailed assessment against the Authority's policies taking account of the main concerns and issues relating to design, amenity, heritage assets, flood risk and water quality, the Planning Officer concluded that the application would not adversely harm the adjacent Conservation Area or listed church nor the local landscape but could improve it. Subject to conditions providing mitigation measures concerning amenity, flood risk and water quality, the application could be recommended for approval.

The Planning Officer explained that the queries from the Parish Council in relation to the infilling of ditches on the site was the subject of a

separate investigation, not part of this application but with which the applicants were cooperating.

Ms Clark and Mr Green spoke in support of their application explaining that the site had been taken over in a dilapidated state in 2010 and had been a long established working farm. Although they were both working full time elsewhere at present all their efforts were being put into the improvements of the site with the aim of eventually making it provide them with a living. They provided a detailed description of how their business was developing which currently included 50 head of cattle and 35 breeding ewes. The aim of the proposal was to change the layout in order to maximise the capacity of the buildings and make them fit for purpose and economically viable.

Members considered that the application was worthy of support and were satisfied with the proposed conditions particularly those suggested by Environmental Health and the arrangements to ensure that livestock would not be kept in the buildings except in exceptional and necessary circumstances between April and October. They concurred with the officer's assessment.

Mr Dixon proposed, seconded by Mr Jermany and it was

RESOLVED unanimously

that the application be approved subject to detailed conditions as outlined within the report as the proposal is considered to be acceptable in accordance with Policies CS1, CS7 and CS20 of the adopted Core Strategy (2007), Policies DP2, DP3, DP4, DP5, DP28 and DP29 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application

- (2) **BA/2015/0276/FUL Berney Arms Inn, The Marshes, Reedham**
Change of use of the Pub Building to a single dwelling
Applicant: Mr Raymond Hollocks

The Planning Officer provided a detailed presentation of the application for a change of use of the Berney Arms Inn to a single residential dwelling. The Inn was in a significant location on the northern bank of the River Yare, near to the confluence with the River Waveney and southwest of Breydon Water, adjacent to the Weavers Way and Wherryman's Way, RSPB nature reserve, part of the SSSI and within the Halvergate Marshes Conservation Area.

The Planning Officer drew attention to the consultations received, a large proportion of which were objections on the grounds of loss of an important tourist facility to the Broads in a prominent significant location, lack of justification on viability grounds including inaccurate information relating to boats on the broads and insufficient information

and absence of a satisfactory flood risk assessment (FRA), concern over loss/uncertainty over a significant length of public moorings, and insufficient weight being given to such an important waiting place for safe passage across Breydon Water.

Having provided a detailed assessment of the main issues to consider, which included the principle of the development, the viability and flood risk, access and the suitability of the site for residential use, the Planning Officer concluded that an approval could not be justified. The loss of the Pub would result in failure to protect an important and vital visitor and community facility which provided an essential asset to the local area, tourists, boats coming to and from Breydon Water and walkers along the Weavers Way and Wherryman's Way; the change of use would result in the loss of a non-designated heritage asset, resulting in significant harm to the special character of the area, the loss to the Conservation Area assets would be substantial and, fundamentally alter the relationship of the pub to the historic and cultural landscape. The viability element of the applicant's assessment was not based on a realistic assessment of the actual situation with regard to hire boat numbers, and the applicant had failed to demonstrate that there had been a significant decline in the numbers of hire boats, or that the pub trade had declined significantly in such a way as to directly affect the trading of the Berney Arms.

In addition, a FRA, particularly in this Flood Zone 3 location was vital if the Authority was to make informed planning decisions. Since the report had been written, a FRA had been submitted but had not yet been assessed by the Environment Agency. Therefore at present, the flood risk resulting from the proposed development was unknown. The absence of an FRA was considered sufficient reason in itself for a refusal of planning permission.

The Planning Officer informed the Committee that since the report had been written, Broadland District Council had nominated the Berney Arms as an Asset of Community Value under the Localism Act. The landowner had 28 days in which to appeal. The order gave the community six months in which to find funds to bid for the property and protect it as a community asset.

Mr Hollocks, the applicant explained that the figures provided in support of his application came from those provided by Hoseasons since the 1980s indicating that the number of hire boats had declined. The boats were not using the facilities especially as many of them were now far more self-sufficient than previously. There had been very good operators of the Berney Arms pub over the last three years with plenty of experience. However, they had not been able to make the premises viable. He cited an example of when there were 30 boats moored, only three customers had used the facilities. A turnover of £200k was required in order to break even. In addition there was no legal right of way over the marshes. Mr Hollocks claimed that landowners would

allow access to the premises but only for a dwelling. In answer to Members' questions relating to claims from objectors that the sale price was unreasonable, Mr Hollocks commented that it had been based on the Estate agent's valuation for such premises which he considered reasonable and he had been open to offers for the entire site. Although he had accepted offers these had not progressed due to questions of viability from funding sources. In answer to the criticism relating to lack of maintenance, he explained that the place was very clean but he acknowledged that investment would be needed and viability and increased trade was required to justify that investment. Mr Hollocks confirmed that he had no current offers on the table for the Berney Arms as a business or as a house. He also explained that he had not provided a FRA when first submitting the application as he did not think this would be necessary on the basis that the Environment Agency had recently undertaken flood defence works, the number of buildings on the premises had not changed and there were fewer people involved on the site.

Members were of the view that the facilities in this location contributed to the special character of the area and the principle of change of use required extremely careful and thorough examination. Therefore the quality of evidence had to be exceptionally high due to the potential loss of such a significant asset. With regard to economic viability, it was considered that the economic case had been inadequately demonstrated. Therefore in general, Members were of the view that the application as submitted did not meet the appropriate tests and the Officer's recommendation should be supported.

Mr Dixon proposed, seconded by Mr Rice and it was

RESOLVED by 6 votes to 1 against

that the application be refused as the proposal is considered to be contrary to Policies CS9, CS18, and CS20 of the Core Strategy (2007), Policies DP6, DP21, DP27, and DP29 of the Development Plan Document (2011), Policy XNS6 of the Site Specific Policies Local Plan (2014), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2015/0236/COND Waveney Inn and River Centre, Staithe Road, Burgh St Peter** Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings -New entrances, external cladding and window alterations; and
- (4) **BA/2015/0243/NONMAT Waveney Inn and River Centre, Staithe Road, Burgh St Peter** Non material amendment to pp BA/2013/0405/CU for minor differences to the external appearance of the apartment building from that approved
Applicant: Waveney River Centre (2003) Ltd.

The Planning Officer explained that both applications were before the Committee because the applicant is a member of the Broads Authority. She provided a detailed presentation of each of the proposals based at the Waveney River Centre, the first of which related to the Waveney Inn public house and the second concerning the original shop and holiday apartment. Application BA/2015/0236/COND involved regularising deviations from the original drawings relating to the application which had been approved in 2013 which included amendments to the entrances, external cladding and windows. As the amendments to the approved scheme were considered to have a significant material effect on the approved scheme, it had been necessary for the applicant to submit amended plans. The development had been completed although the proposed parking spaces in front of the building had not been demarcated. The applicant had demonstrated that the number of parking spaces available on the site was adequate.

With regard to application BA/2015/0236/NONMAT, the application was for the regularisation of a number of minor differences to the external appearance of the apartment from that approved in the planning permission granted in 2014. These included changes to the access by providing ramps and alterations to the location of steps as well as changes to the colour of the windows and doors. However, the changes were considered to be minor and not to have an adverse effect on the approved scheme.

The Planning Officer explained that the main issues to consider were that of design. She concluded that the retention of the amendments was considered acceptable as the completed designs had achieved the sensitive, contemporary renovation of the approved schemes in accordance with Policy and which had been commended by Members previously.

Mr Knight, the applicant explained that in the case of Waveney Inn, due to it being an old property, it became apparent when carrying out the works that it would not be practical to achieve all that had been included in the plans and that amendments, considered minor, were required. Given that the original Licensee had given notice to vacate the premises after 10 years, there was a limited timeframe in which to carry out the works prior to the next holiday season which therefore resulted in evolutionary changes to the overall scheme. He acknowledged that not enough consideration had been given to the detail at the start. He confirmed that the rendering required as part of the original plans would be undertaken within the next few months.

Mr Knight commented that the original application BA/2013/0329/FUL had provided indicative drawings of parking spaces, although he understood that these would not be specific as it became apparent that there was plenty of parking available in the vicinity. He did not intend to draw lines on the block parking as he considered this would detract

from the overall character. He considered that the only way to demarcate parking spaces would be to take up blocks and replace them with different coloured ones, which would be expensive. He would like this condition to be removed.

Concern was expressed that the applicant had not contacted the Authority at the right time in the process of the development when it was clear that amendments to the approved scheme would be required. Although Members expressed disappointment that the applications were retrospective they did consider that the overall scheme and finish was acceptable and they were mindful that they were required to judge the schemes on their merits. Some members were sympathetic to the applicant in relation to the condition concerning the demarcation of parking spaces, but recognised that this was part of the original application and if an amendment was required this would need to be the subject of a separate application. Members concurred with the officer's assessment.

RESOLVED unanimously

- (i) that the planning application **BA/2015/0236/COND** be approved subject to conditions as outlined within the report to include the retention of parking in accordance with plans. The proposal is considered to be acceptable in accordance with Policies DP4 and DP11 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.(NPPF).
- (ii) that the application **BA/2015/0243/NONMAT** be approved. The application is considered to be in accordance with the aims of the development plan policies particularly with PoliciesDP4 of the Development Management Plan DPD (2011), and the National Planning Policy Framework (NPPF).

3/9 Broads Local Plan Issues and Options Update

The Committee received a report on the progress being made on the development of the Broads Local Plan. They noted that the Issues and Options version was on target to meet the consultation stage for early February 2016. The aim of the Issues and Options version of the Local Plan was to explore and identify the issues and three broad options for each issue. Detailed policy wording and alternative options would be produced in the Preferred Options stage.

Members noted the key dates and that it was intended that the Issues and Options version of the Local Plan consultation stage would be aligned with the first consultation stage on the Broads Plan. They noted that a report on the consultation Mooring and Riverbank Stabilisation Guide would be brought to the next Planning Committee, as would a report on the Broads Objectively

Assessed Housing Need. It was intended that a report on the Issues and Options would be brought to the January Planning Committee prior to submission to the full Authority for authority to consult.

RESOLVED

that the report be noted.

3/10 BA2015/0225/FUL Generation Park: An introduction to the Planning Application

Further to Minute1/10(1) of 24 July 2015, the Committee received a report and brief presentation which provided a broad overview of the major planning application recently submitted for the redevelopment of the Utilities site between Hardy Road and Cremorne Lane, Norwich, the development known as Generation Park in order to give Members information prior to the Joint Site Visit with Norwich City Council on 2 October 2015. In the Planning Officer's presentation she identified those areas where permission was being applied for in outline and those elements which were being applied for in full. She also identified those aspects of the development which were the responsibility of the Broads Authority to determine as well as those to be determined by Norwich City Council.

The Planning officer explained the proposed vantage points for the Joint site visit, details of which would be sent out within the next week electronically. The visit would include transport by mini bus and boat. It was intended that plans would be made available for the visit and explained on site.

The Chairman informed the Committee that she considered it important that a representative of the Navigation Committee was included on the site visit. Therefore under Standing Order 6 she gave the Vice-Chairman of the Navigation Committee the opportunity to address the Committee.

The Vice-Chairman of the Navigation Committee raised navigation matters he considered pertinent to be pointed out when visiting the site, such as identification of the proposed moorings, pontoons, slipways and bridges and the potential constraints in relation to the navigable width of the waterways.

The Planning Officer commented that these issues had been the subject of lengthy discussions at pre-application stage and the applicants had submitted a Waterside Management document as part of the application to address many of the issues. She assured members that the issues raised would be brought to the attention of members on the site visit.

RESOLVED

that the report be noted.

3/11 Hickling Broad Enhancement Project Proposals

The Committee received a report and presentation by the Director of Operations relating to the proposals for the enhancement of Hickling Broad and details of the master plan vision for the Project in order to provide a strategic overview and identification of matters for consideration by the Planning Committee in the future. This set out the background and context to the project which had built on the scientific evidence from the Broads Lake Review, and explained the approach that would lead to a series of planning applications which would be required. These included design solutions for bank restoration, spit and refuge creation works as well as proposals for innovative techniques to deliver enhancements.

Members noted the potential impacts and the initial proposals which fell within the Authority's policy framework as well as the consultation responses to date from the Broads Forum and Navigation Committees. The Authority was due to consider the principles of the project at its meeting on 25 September following which further consultation would be undertaken particularly with Hickling Sailing Club and a Parish Forum organised for the area for members of the public and local residents. The project would take place over a number of years, the timescale being dependent on success in securing external funding.

The Vice-Chairman of the Navigation Committee, in being given the opportunity to comment, explained that the Navigation Committee was generally supportive of the project, particularly those areas where banks had been eroded being reinstated. The main concern was to ensure that dredging operations would not be compromised in the interests of the wider project and that urgent dredging works required would not be delayed.

The Director of Operations assured Members that necessary dredging works in the area were due to be carried out this Autumn.

Members welcomed the report, congratulated officers on the work undertaken so far and thanked the officers for providing a useful and interesting overview.

RESOLVED

that the report be noted.

3/12 HARG Heritage Asset Review Group: Notes from 21 August 2015

The Committee received the Notes from the Heritage Asset Review Group meeting on 21 August 2015. In particular Members noted the progress being made on the Conservation Area appraisals.

RESOLVED

that the report be noted.

3/13 Enforcement Item for noting – Nos 1 and 2 Manor Farm House, Oby

The Committee received a report which provided an update on the progress being made in relation to the Grade 2 Listed Building at Manor Farm where an agreement had been entered into for a phased replacement of the windows and doors. This was associated with the Listed Building Consent (LBC) which was granted for the work (BA/2014/0076/LBC) on 1 May 2014 when a period of 10 years was given for completion of the works.

Members welcomed the progress being made with 5 of the 28 apertures having been restored and further work scheduled. They indicated that they would be satisfied with the item being included in the Enforcement Schedule rather than receiving a full report and that this could include more details on the update at 6 monthly intervals.

RESOLVED

that the report be noted and welcomed.

3/14 Enforcement Update

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

Further to Minute 2/9 of 21 August 2015, The Head of Planning reported on the former Jenners site at **Thorpe Island**. The landowner, had submitted an appeal against the decision of the High Court. The decision as to whether he would be granted leave to appeal was not likely to be received until the end of the year and if granted this might not be heard until Summer 2016. Inevitably this caused delays. A report on the options open to the Authority would be provided to a future Planning Committee.

RESOLVED

that the report be noted.

3/15 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 March 2015.

RESOLVED

that the report be noted.

3/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 10 August 2015 to 1 September 2015

RESOLVED

that the report be noted.

3/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 9 October 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich, following which there would be a Training session.

Members were reminded that prior to this there would be the Joint Site Visit with Norwich City Council on 2 October 2015.

The meeting concluded at 13.02 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning** 11 September 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members and Staff	3/8(3)	Application BA/2015/0236/COND and BA/2015/0243/MONMAT as the applicant is a member of the Broads Authority
Paul Rice	3/14	Enforcement Issues – Ferry Inn, Horning as currently involved in mediation.
George Jermany	General	Toll Payer

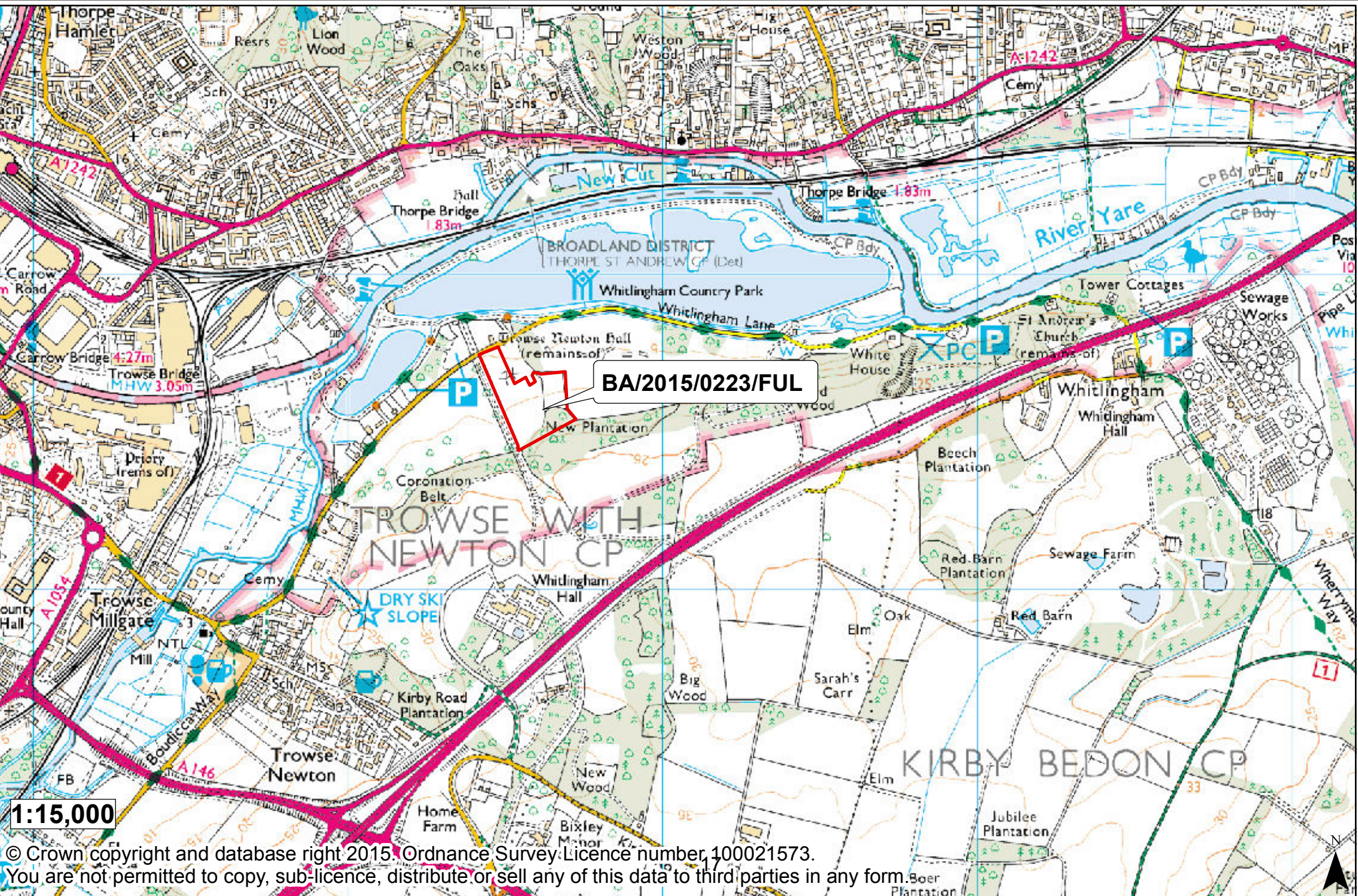
Reference

BA/2015/0223/FUL

Location

Whitlingham Broad Campsite, Whitlingham Lane, Trowse
with Newton

BA/2015/0223/FUL Whitlingham Broad Campsite, Whitlingham Lane, Trowse with Newton



Application for Determination

Parishes:	Trowse-w-Newton		
Reference:	BA/2015/0223/FUL	Target Date:	13 October 2015
Location:	Whitlingham Lane, Trowse With Newton		
Proposal:	Application for permanent change of use of land to campsite following existing temporary consent BA/2012/0338/CU which expires in March 2016. Consent to include erection of replacement washroom, managers dwelling, four tree sheds and various camping structures and associated infrastructure.		
Applicant:	Whitlingham Broad Campsite		
Recommendation:	Approve with conditions		

1 Description of Site and Proposal

- 1.1 The site is located at the western end of Whitlingham Country Park some 1 kilometre to the east of Trowse village. It forms part of a larger former gravel extraction area. The site also lies within a larger area which formed Crown Point Gardens (a Grade II Listed Park and Garden).
- 1.2 In March 2013 temporary planning permission was granted for the use of the site as a campsite (initial permission was granted for a three year period). The permission included the provision of a number of temporary buildings associated with the campsite use. In March 2014 a further consent was granted for a number of minor changes including an increase in the area of the campsite using a strip of land abutting its western boundary, provision of additional facilities and changes to ancillary structure at the camp site (based on operational reasons following the first year of activities).
- 1.3 The camp site now extends to some 1.97ha on the south side of Whitlingham Lane opposite Whitlingham Barn / Visitor Centre. The existing site consists of two reinstated grassed areas, one fronting Whitlingham Lane (to the west of a car / coach parking area) and a second area set back further to the south of the existing Broads Authority store / workshop. The site is substantially screened by a 1.8 metre high bund which fronts Whitlingham Lane (which screens in part the car parking area)
- 1.4 The current camp site with temporary planning permission offers:
 - A campsite offering 60 camping pitches for tents and campervans (no

- caravans) and up to 9 bell tent /shepherd hut pitches
 - Ancillary facilities including reception and associated structures, store and cycle store buildings plus a toilet and shower block (these are concentrated immediately south of existing Broads Authority work store)
 - A static caravan for on-site managers' accommodation (adjacent to the ancillary facilities)
 - Car parking in two locations; on the lower camping field cars park with each pitch and for campers using the upper (southern) field parking is provided on an area of the adjacent overflow car park
- 1.5 This planning application has been submitted in the third year of operation and seeks permanent planning permission for the following:
- The use of the site for camping pitches on the two field
 - Provision of 7 bell tents (March to October inclusive)
 - Provision of 4 shepherd huts (including 2 additional huts)
 - Provision of 2 yurts (including 1 additional yurt)
 - Retention of existing reception/ stores
 - Secure storage container
 - New cycle store / storage building (to match reception)
 - Replacement of existing temporary washroom with new purpose build facility
 - Erection of four new tree shacks in the wooden slopes to the south of the existing camping fields
 - New managers dwelling to replace temporary static caravan facility (approved as temporary accommodation when business was established)
- 1.6 The application has been accompanied by a suite of supporting documents including:
- Design and Access Statement
 - Planning Statement
 - Flood risk Statement (although the site location in flood zone 1)
 - Arboricultural Impact Assessment
 - Ecological Report
 - Financial Assessment
- 1.7 The camp site has now operated for two full seasons which has allowed accounts and associated financial information to be submitted (on a confidential basis) to demonstrate the financial standing of the business.
- 1.8 The two main changes from the current temporary camp site facilities relate to the following:
- Introduction of new tree shacks in the wooded slopes to the south of the main camping fields
 - The provision of a new managers dwelling, to the south east of the camping fields in a partially screened / wooded area to replace the existing temporary caravan

- 1.9 In terms of design, both the proposed tree sheds and managers dwelling are proposed to use materials that will integrate well into the wooded setting, including the use of timber and corrugated sheeted roof. The supporting Design and Access Statement outlines that these are devised with a simple form, referencing the functional character and grouping of farm and utility buildings.
- 1.10 Following receipt of the application, the applicant has provided further information regarding landscaping and phasing including that the works are proposed to be phased as follows:
- Phase 1 – New washrooms, container, etc
 - Phase 2 – New yurt and bell tent structures
 - Phase 3 – New managers dwelling
 - Phase 4 – New tree sheds
- 1.11 In addition, following concern expressed by consultees, the applicant has supplied additional drainage details and a Heritage Statement.

2 Site History

- | | | | |
|-----|----------------|---|------------------------|
| 2.1 | BA2012/0338/CU | Change of use application for use of two fields as touring campsite for a temporary period of three years | Approved
March 2013 |
| | BA2014/0012/CU | Change of use of private amenity land to provide one 'yurt' camping pitch and two relocated bell tent pitches; relocation of existing bell tent pitches; erection of storage shed; provision of pedestrian bridge over existing culvert; construction of open sided lean-to as cover to outside wash-up area; retrospective consent for construction of lean-to store in service yard and timber walkway and deck to access manager's accommodation. All of the above for a temporary period until 25 March 2016 to accord with existing consent 2012/0338/CU | Approved
March 2014 |
- 2.2 Prior to these two consents, various permissions were granted for sand and gravel extraction during the 1990's. In 2010, planning permission was granted on land abutting the camp site for change of use to enable the provision of car and bus park to serve the wider Whitlingham Country Park (reference BA/2010/0129/FUL).

3 Consultations

3.1 The following comments have been received from consultees:

Trowse-w-Newton Parish Council – Awaited.

Broads Society – No objections.

NCC Highways – The site is located off the public highway and it is noted that the parking provision for the development will be on the existing car park or the camping field. The existing access to the site affords appropriate visibility to Whitlingham Lane and is of acceptable standard. Accordingly in highway terms only I have no objection to the proposal or wish to restrict the grant of permission.

Environment Agency – We wish to raise a holding objection because there is inadequate information regarding foul water disposal for the development; and as such the proposed development would pose an unacceptable risk of pollution to surface water and ground water quality. *(NB. The further views of the Environment Agency are awaited on the additional drainage details supplied).*

NCC Historic Environment Service – The development is situated within Crown Point park which is Grade II designated, therefore Historic England should be consulted prior to determination of the planning application. The proposed ground disturbance for the development is not extensive and is partly within a previously quarried area, therefore the impact on any below ground heritage assets is thought to be minimal. Providing Historic England have no objections we have no further comment to make and will not be requesting any archaeological conditions.

South Norfolk Council Environmental Health Officer – Awaited.

Historic England – We recommend that you seek further information before determining the application. At present we do not consider that sufficient evidence has been provided to understand the impact of the proposal on the significance of any heritage assets and their setting. We would request further supporting information to contain a Heritage Statement to meet the requirements of paragraph 128 of the National Planning Policy Framework (NPPF). *(NB. The further views of the Historic England are awaited on the additional Heritage Statement details supplied).*

4 Representations

4.1 Whitlingham Charitable Trust - The Trust are supportive of the application. The proposal fits the ethos of Whitlingham Country Park, that of quiet enjoyment. The temporary campsite had been very successful and there had been no adverse impacts on users of the Park. Two benefits to the Trust are highlighted if permanent change of use of land were granted:

- The residential dwelling and continued campsite activities would help continue the welcome extra security provided by having such a presence close by to the Park 24 hours a day.
- The Trust would continue to benefit from extra parking income from use of the car park facilities by clients of the campsite.

5 Planning Policy

- 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.

Broads Core Strategy

[Core Strategy \(Adopted Sept 2007\).pdf](#)

Policy CS1 – Landscape protection and enhancement

Policy CS5 – Historic and cultural environments

Policy CS9 – Sustainable tourism

Policy CS11 – Sustainable tourism

Policy CS12 – Sustainable tourism

Broads Development Management Policies DPD

[DMP DPD - Adoption version.pdf](#)

Policy DP4 – Design

- 5.2 The following policies have been assessed for consistency with the NPPF and have been 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.

Broads Development Management Policies DPD

Policy DP5 - Historic environment

Policy DP14 – General location of sustainable tourism and recreation development

Policy DP15 – Holiday accommodation

- 5.3 The following policy has been assessed for consistency with the NPPF and found in part to be inconsistent with the NPPF so care is needed in applying this policy and where weight can be given.

Broads Development Management Policies DPD

Policy CS19 – Rural sustainability.

- 5.4 The National Planning Policy Framework (NPPF)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

represents a material consideration in determining applications. It highlights a presumption in favour of sustainable development. In relation to this application, the provisions of paragraph 28 are particularly relevant and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

National Planning Policy Framework (NPPF) (2012)

NPPF

6 Assessment

6.1 The grant of the temporary consent in 2013 established that in principle the use could be accommodated and effectively enabled a three year period for its impact to be assessed. The application has been submitted towards the end of its third season and allowed for two full seasons of accounts to be considered.

6.2 In view of site specific factors, planning policy considerations and the experience of the operation of the temporary permission, it is considered that the key issues relate to

- Continuing suitability for camp site use / facilities proposed
- Visual impact / design
- Justification for on-site dwelling
- Access and parking
- Heritage
- Drainage

6.3 Continuing suitability to accommodate the camp site / facilities proposed

6.3.1 The site occupies a location outside any settlement boundary in an area designated as countryside. As such, normal restraint policy applies and development is strictly controlled. Notwithstanding this, policy at all levels continues to seek to support sustainable tourism in the countryside, (as detailed in the provisions of the Sustainable Tourism and Recreation Strategy for the Broads, development plan policy and NPPF provisions).

6.3.2 The thrust of the sustainable tourism strategy has not changed since the initial temporary consent. It still seeks to provide accommodation at a suitable scale and in appropriate locations. This is highlighted in development plan policy in Policy CS9, which supports diversification of tourism where economically and environmentally sustainable. Furthermore the strategy established a need to adopt a proactive approach to shaping accommodation provision including small scale camping sites.

6.3.3 The camp site currently extends to 1.97ha and provide 60 pitches (and bell tents, shepherd huts and yurt). This scale of camp site, although not small, is not considered inappropriate in this location as it is at the edge of the well-established country park. This also offers good access to the facilities

provided at Whitlingham (and also close by in Trowse village and Norwich).

- 6.3.4 Policy DP14 highlights new tourism developments (such as camp sites) can be permitted where they are closely associated with existing tourism sites. The county park is an important countryside destination for local residents and has facilities that attract visitors from outside the area. Therefore it is considered that it represents a 'tourism site' location which would be suitable to accommodate a camp site. It should also be noted that Whitlingham Charitable Trust see benefits from the campsite use and are supportive of the application.
- 6.3.5 With regard to the extent of facilities proposed, Development plan policy DP14 is important. It seeks to limit new build associated with the tourism developments in the countryside. In this case, the continuing nature of the use as a camp site (with tents, campervans and a small number of bell tents and their platforms) will provide limited permanent buildings. Even with the introduction of the four new tree sheds on the existing wooden slope, this will still ensure a very limited and acceptable impact in the area. In addition, it is considered that the extent of ancillary facilities now proposed for the camp site (reception, stores, new washroom, etc) represent a reasonable level of such facilities for this scale of campsite. The existing consent has enabled impact on landscape and residential amenity to be properly assessed and it is considered that the use has led to no unacceptable impact on residential or visual amenity (also explored further in section 6.2). Therefore, it is considered that the proposed extent of 'new build' / facilities on the site is acceptable and consistent with the aims of Policy DP14.
- 6.3.6 Based on the above, it is considered that the provision of a permanent consent for a camp site of a scale envisaged is acceptable in this location, and is consistent with the aims of development plan policies, including CS9, CS11 and CS12, plus DP14, DP15 and NPPF advice, notably that contained in paragraph 28.

6.4 Visual impact and design

- 6.4.1 The site is adjacent to a car park on a site formerly used for gravel extraction. As such the character and appearance of the area has changed significantly over the last 10 years. The application site consists mainly of two reinstated grassed areas, part of which is on rising land (in the south east part of the site) but is substantially screened by a 1.8 metre high bund which fronts Whitlingham Lane. This limits significantly the impact of tents and associated vehicles on the camp site from the main through route into the country park.
- 6.4.2 In the country park landscape, there will be views into the site (especially in periods when the trees close to the site are not in leaf). However, this will mainly be at periods when the site has a lower level of occupation. At other times tents and camper vans will be seen in a well screened landscape with trees to the south, west and east of the site limiting impact and provide a

green backcloth to the site. Also at busy times for the country park, tents, campervans and associated cars will be sited in an area where cars and coaches will already be parked close by.

- 6.4.3 The siting of the ancillary buildings linked to the camp site use remain close to the existing Broads store building. This Broads building has a functional appearance and the original washroom granted consent for the campsite had a similar appearance. The design of the reception, stores and proposed new washroom seek to reflect a less functional appearance introducing a timber boarded appearance and sheeted roof, reflecting the more traditional form of single storey building associated with the area and is more appropriate for a permanent built form. Members should note that in granting temporary planning permission in 2013, the Committee report highlighted the need for any future permanent buildings to be provided to deliver an improve appearance and it is considered the proposals submitted fully meets this approach. It is considered that the appearance, form and proportions of the proposed ancillary buildings are acceptable and will deliver an enhanced design linked to any permanent consent.
- 6.4.4 In view of the wooded setting of the site, the application for a permanent camp site use is informed by an Arboricultural report which includes a woodland management plan and proposals for additional planting proposals to enhance the appearance and setting of the site. Whilst proposals will involve the removal of some existing vegetation, notably to accommodate the proposed tree shacks and new dwelling, this removal is in heavily wooded areas. It is considered that the overall approach to new planting linked on the campsite plus wider woodland management will maintain the character of the area. Within the camp site itself, this includes new hedging, wild flower and tree planting. Overall it is considered that these proposals will improve the natural appearance of the site, plus help maintain and enhance ecological interest and address the aspirations of development plan policy CS1.
- 6.4.5 In terms of design, both new managers' accommodation and tree houses / shack structures have been formulated to respect the rural site context. As outlined in the supporting Design and Access Statement, the scheme has been 'devised with a simple form, referencing the functional character and grouping of farm and utility buildings'.
- 6.4.6 In respect of the managers dwelling, the proposed siting differs from the temporary caravan (which is sited to the rear of the reception / washroom). The proposed siting is set back from the main camp site and will be substantially screened by existing trees / semi mature landscape belt resulting in glimpsed views to the proposed two storey built form. Whilst this is further from the reception, it is still close by and offers an acceptable level of proximity and surveillance and the proposed siting therefore is considered appropriate for a new dwelling. The design is welcomed and it is considered that it will offer a contemporary appearance rather than a typically domestic one which is considered appropriate in this location. Both the new tree shacks and managers dwelling are proposed to use materials

that have been selected to integrate well into the wooded setting, including the use of timber and corrugated sheeted roof. It is considered that this design approach is appropriate for the setting and meets the key design tests of development plan policy DC4.

- 6.4.7 In terms of other structures, experience has demonstrated that the impact of the bell tents, yurts and shepherds huts is limited, especially as bell tents will only be erected between March and October (when the camp site is at its busiest).
- 6.4.8 In view of the above, it is considered that the visual impact from the application proposal will not unacceptably impact on the landscape character or scenic beauty of the area and the design approach for new structures and the dwelling is acceptable consistent with the aims of policy CS1 and policy DP4.

6.5 Justification for on-site dwelling

- 6.5.1 In planning policy terms, residential accommodation in the countryside has to meet strict tests. The NPPF highlights that Local Planning Authorities should avoid new isolated residential units in the countryside unless there are special circumstances such as 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'. Broads development plan Policy DP26 outlined the tests as:
- There is a demonstrated need for a full time worker for the enterprise to function properly
 - Evidence has been submitted to demonstrate the business has been established for three years, has been profitable for one and is financially sound and has a clear prospect of remaining so
 - The functional need cannot be met by an existing dwelling on the site or in a nearby settlement
 - The dwelling would be commensurate in size and scale with the needs of the enterprise
 - It would not adversely affect protected species or habitats
- 6.5.2 In 2013, the need for on-site accommodation was accepted based on an all year round need to deliver a good level of service for campers (including for early or later arrivals); to meet health and safety requirements / emergency contact and offer a level of security for visitors. In granting temporary consent it was considered the key tests for temporary accommodation were met and it was recognised that there was a functional need for on-site accommodation linked to the proper operation and management of the business. However as a new business, it was not appropriate to permit a permanent dwelling unless it was proved that the business had properly established on sound financial basis and there was a long term need for such accommodation.
- 6.5.3 It is considered that the function need for a full time worker remains established. Therefore the key test involves financial considerations. To

enable the financial standing of the business to be assessed, the application has been supported by financial information which has been independently assessed (in part against the projected growth / profitability which was advanced when the application was initially submitted). In this case, it has been concluded that Whitlingham Broad Campsite has traded successfully since May 2013 and based upon the evidence submitted and further detail provided by the applicants, the business is viable, profitable and financially sound.

- 6.5.4 With a dwelling in the countryside based on the business / operational use, it is important to ensure that the scale of dwelling is not excessive and commensurate with the requirements of the business and its financial standing. In this case the scale of dwelling (three bedroom) is considered reasonable with a modest floor area (some 110 sq m), not excessive for the needs of the business for on site management and is supported by the scale of income that will be derived by the business.
- 6.5.5 The application is supported by an Ecology Report that concludes that the site has low ecological / habitat value and the proposal will have a neutral impact (with some opportunity for ecological enhancement). This includes the area proposed to site the new dwelling.
- 6.5.6 In view of the above, it is considered that the proposed dwelling is justified based on the needs of the business and meets the test of policy DP26 and is consistent with the provisions of the NPPF advice.

6.6 Access, parking and servicing

- 6.6.1 The campsite offers good links to the county park and services and facilities in Trowse village (and Norwich). It is sited to offer good accessibility to walkers and cyclist including those using the long distance Wherryman Way footpath and the national cycle route which passes through the country park. This makes the site well placed to attract non car borne visitors. As part of the facilities on site, secure cycle storage is to be provided. In addition, it is recognised that the site is not a significant distance from either bus routes or Norwich Rail Station. Therefore the site meets the key accessibility test of Policy CS19 and NPPF advice to provide facilities without reliance of private motor vehicles. However it would be naive not to recognise that the good road access available and the proximity to car parking will make the site potentially attractive to campers arriving by car or using campervans.
- 6.6.2 It is considered that the site represents a suitably accessible location meeting the tests of development plan policy, notably Policy DP11. In addition its position at the western end of the County Park should ensure vehicle movements along Whitlingham Lane to the east will limit any increase in car movements along the quieter part of Whitlingham Lane.

6.7 Heritage

- 6.7.1 The application site falls within a Listed Grade II Gardens. Historic England raised initial objection based on the lack of assessment of impact on heritage assets. This has been addressed in the Heritage Statement now submitted with the application. Whilst the further views of Historic England are awaited (and will be reported verbally to Members). It is considered that the nature of the use and the siting of the additional facilities within the area of previously disturbed land on the former quarry site may have a limited impact on the setting of the Park and Garden. However the modest scale of development in the context of the whole of the designated asset and the benefit of increased public access to enjoy the significance of the Park and Garden mitigate this less than substantial harm. Therefore on balance the scheme is considered acceptable in terms of the impact on Heritage when considered against the relevant criteria in the NPPF and Policy DP5.

6.8 Drainage

- 6.8.1 The site lies outside any high flood risk area. Notwithstanding this, concern has been raised by the Environment Agency and a holding objection received. However the applicant has responded to address the foul and surface water issues raised outlining a new gravity fed system is to be used. Whilst formal response is awaited from the Environment Agency, informal discussions have suggested thus objection will be withdrawn. Members will be formally updated at the meeting. no objections are anticipated

7 **Conclusion**

- 7.1 The temporary planning permission granted in March 2013 has enabled the camp site business to develop. It is considered that the supporting information has demonstrated the camp site use has been successfully established without unacceptable impact on amenity.
- 7.2 The design of permanent built form proposed, including the managers' dwellings, represents an appropriate quality of design, sympathetic in this setting. The business is successfully established and the nature of the business does justify permanent accommodation linked to the campsite use.
- 7.3 Subject to the imposition of planning conditions, it is considered that the proposal is acceptable and consist with the thrust of development plan policy.

8 Recommendation

8.1 Subject to no additional representation/comment being raised permanent planning permission be approved subject to the following conditions:

- (i) Permanent consent
- (ii) Amended plans
- (iii) Access from Whitlingham Lane only
- (iv) External finishes / detailing of on-site facilities to be agreed
- (v) External finishes / detailing of dwelling / tree sheds to be agreed
- (vi) Landscaping / surfacing
- (vii) Restriction on occupation of accommodation to site employee / manager
- (viii) External lighting
- (ix) Ecological protection (inc timing of works outside nesting / breeding season)
- (x) Location of bell tents and yurts
- (xi) Foul drainage details
- (xii) Maximum of 60 pitches for tents or camper vans (no touring caravans) + no additional bell tents, yurts and shepherd huts without a further consent.

Background Papers: Planning File BA2015/0223/FUL

Author: Andy Scales
Date of report: 21 September 2015

Appendices APPENDIX 1 - Location Plan

APPENDIX 1

BA/2015/0223/FUL Whitlingham Broad Campsite, Whitlingham Lane, Trowse with Newton

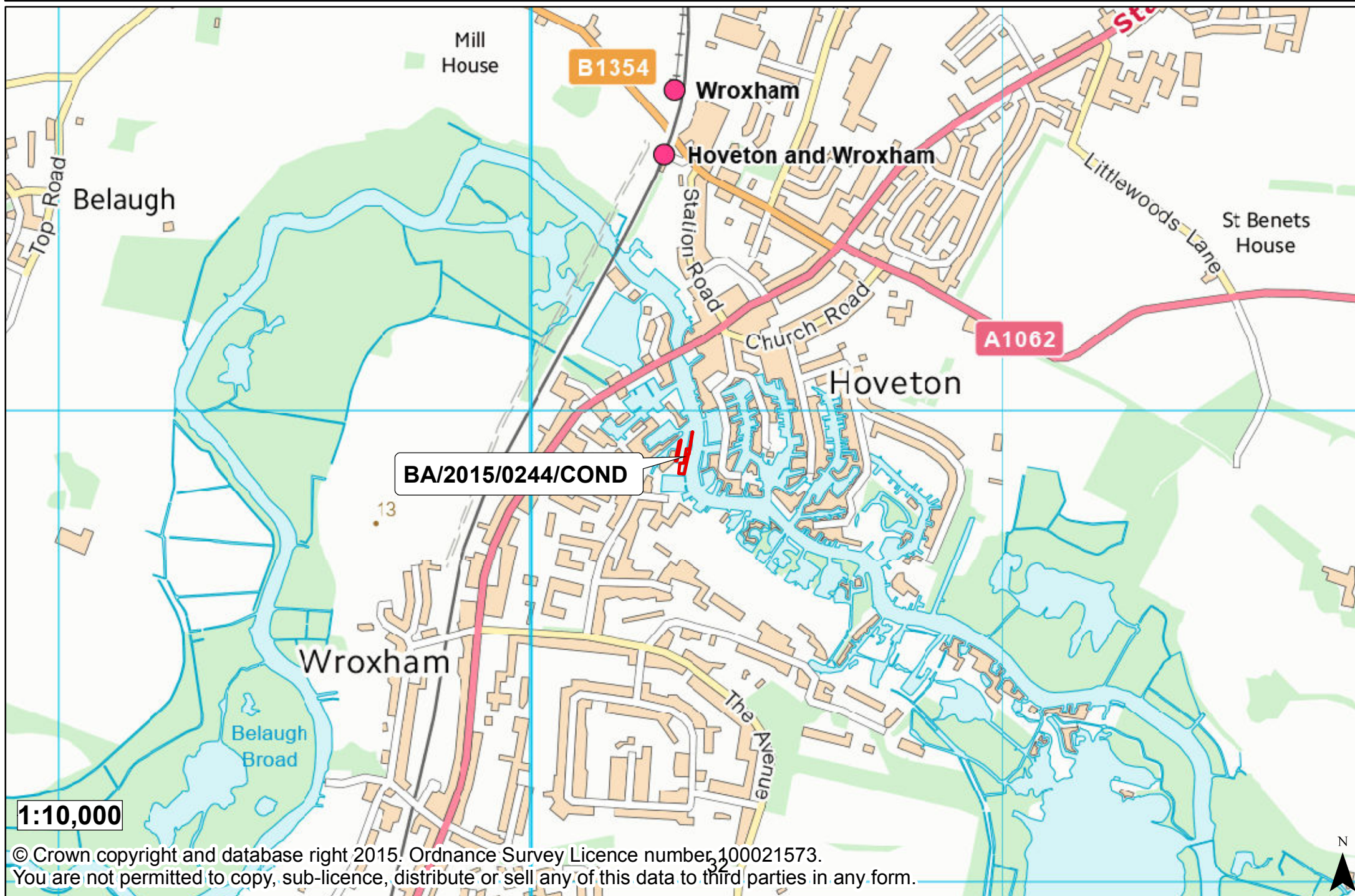


Reference

BA/2015/0244/COND

Location

Barnes Brinkcraft, Riverside Road, Wroxham



Application for Determination

Parish	Wroxham and Hoveton		
Reference	BA/2015/0244/COND	Target date	11 September 2015
Location	Barnes Brinkcraft, Riverside Road, Wroxham		
Proposal	Removal of Condition 5 from planning permission BA/2008/0266/FUL to remove the requirement to provide 4 public moorings in Wroxham		
Applicant	Barnes Brinkcraft Ltd.		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Third party objection		

1 Description of Site and Proposals

- 1.1 The application concerns the Barnes Brinkcraft boatyard which spans the River Bure at two sites in Wroxham and Hoveton. The site at Wroxham (the former Moore and Co. boatyard) consists of moorings on the river and within basins and these are predominantly private moorings. On the opposite side of the river, within Hoveton, there is the main base for the boatyard's hire operations with over 70 moorings and also units of holiday accommodation.
- 1.2 In 2008 an application was submitted proposing the realignment of quayheading along the river on the Wroxham side and this included the removal of an office building and the provision of four public mooring spaces at the northern end of the riverfront moorings. This was approved subject to conditions, including condition 5 which states:
- The mooring as hatched in yellow on the submitted plan (Titled 'Site location and site layout plan') shall only be used for the mooring of boats for a period of up to a maximum period of 24 hours and shall not be used for mooring by the same boat within the following 24 hours.*
- 1.3 The approved 'Site location and site layout plan' (submitted by the applicant) identified a length of 115 foot, or a total of four, public moorings.
- 1.4 The development has not been occupied in accordance with condition 5 and private boats have been mooring on a long-term basis in the area allocated

for public moorings. This application seeks to regularise the situation by removing condition 5 from the previous permission.

- 1.5 The application notes that these moorings are not well served by nearby facilities and that it is a distance of approximately 1500 metres from the moorings to the centre of Hoveton where visitor facilities and amenities are concentrated. There are also no staff based at this site to collect mooring fees and there are limited facilities.
- 1.6 As an amendment to the original application, it is now proposed to provide six visitor moorings within the yard on the Hoveton side of the river. This is the operational base for the hire boats and at changeover times the riverfront and basin moorings are often at capacity. The yard does, however, allow for visitors to moor here when space allows, but this is not required by any existing planning permission.
- 1.7 The proposal is to provide six visitor moorings within the Hoveton site on a flexible basis and the following new planning condition is proposed:

A minimum of six moorings within the areas identified in red on the drawing titled 'Visitor Mooring Layout at 1:200' (received by the Local Planning Authority on 3 September 2015) shall be made available at all times for short-stay visiting boats with the exception of 08:00 to 16:00 on Fridays and Saturdays if there is insufficient space. These moorings shall be occupied by visiting boats for a maximum period of up to 24 hours each and no one boat shall moor in the area identified in red on drawing titled 'Visitor Mooring Layout at 1:200' again within the following 24 hours. These moorings shall be kept available for this use at all times in perpetuity, notwithstanding closures for maintenance.

- 1.8 The submitted plan identifies all the existing mooring areas within the Hoveton site and it is proposed to provide a new riverfront sign with the following wording: *'Visitors please request that staff direct you to a suitable mooring location'*.

2 Site History

BA/2008/0266/FUL Realignment of quayheading to allow stern on mooring, removal of office building and the provision of four public mooring spaces – Approved subject to conditions

BA/2009/0284/COND Variation of condition 6 of previously approved planning permission BA/208/0266/FUL to allow boats of 10m to moor stern on in indicated area and not 16m as previously approved - Approved subject to conditions

BA/2009/0353/FUL Resubmission of PP BA/2009/0184/FUL for a minor alteration to mooring basin to allow side on mooring for 2 boats – Approved subject to conditions

BA/2011/0316/FUL Realignment of quay heading and demolition of two wet boat sheds – Approved subject to conditions

BA/2013/0019/FUL Part demolition of boat shed and erection of a terrace of three detached houses – Approved subject to conditions

BA/2015/0316/FUL 182m of replacement quayheading – Pending consideration

3 Consultation

Wroxham Parish Council – No objections (Response to original proposal, no response to consultation on amendment).

Hoveton Parish Council – No objections (Response to original proposal, no response to consultation on amendment).

Wroxham District Member – To be updated orally

Hoveton District Member – To be updated orally

Broads Society – No objections (Response to original proposal, no response to consultation on amendment).

Norfolk and Suffolk Boating Association – The amended proposal does answer the NSBA's argument that six visitor moorings should be provided. It does not, however, specify a dedicated area for these moorings. Ensuring compliance with what is now proposed could be problematic. The amended proposal would not apply between 0800 and 1600 Fridays and Saturdays if there was insufficient space. There is no such temporal limitation in respect of condition 5 which Barnes Brinkcraft wish to see removed and DP16 (h) does not provide for such a limitation to be imposed in respect of the additional two moorings.

Inland Waterways Association – The increased number of moorings from the original application are acceptable, as is the proposed wording of the signage.

It was not considered necessary to consult the Navigation Committee on this application as the proposal relates only to a change of use of existing moorings which are largely off the main river and therefore the proposal would not significantly affect the use or enjoyment of the navigation area. Both the Chairman and Vice Chairman of the Navigation Committee have confirmed that they are satisfied with this approach.

4 Representations

None received.

5 Policies

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

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

CS9 – Sustainable Tourism
CS14 – Water Space Management
CS23 - Economy

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

DP27 – Visitor and Community Facilities and Services

- 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.

DP16 - Moorings

6 Assessment

- 6.1 The key consideration in the determination of this application is whether the proposal complies with DP16 and other development plan policies which seek to ensure a network of visitor facilities, including moorings, are provided throughout the system.
- 6.2 The proposal seeks to remove the requirement for visitor moorings to be provided, allowing these moorings to be used for other purposes. Providing additional private moorings within this site is considered acceptable in principle and to comply with criteria a, b, d and e of Policy DP16 as the impact on the navigation, landscape character, species and habitats and amenity would be no greater for private moorings than visitor moorings. With regard to criterion c, the applicant has cited the long walk to the local services to be one reason why visitor moorings are not appropriate or viable here. It is considered that, in general, those visiting private boats moored are likely to have lower demands for visitor services (shops, restaurants, information, etc.) than those visiting the area and mooring for up to 24 hours and, on balance, the access to facilities is considered acceptable for private moorings.
- 6.3 It is also necessary for criteria f – k to be satisfied as this site is part of an existing marina. Criterion f of Policy DP16 only allows for new development in marinas if they would not result in the loss of visitor/short stay moorings.

This is consistent with the objectives of Policies CS9 (i), CS14, CS23 and DP27 which all seek to encourage, maintain and protect existing visitor facilities, including moorings. Furthermore, criterion h of Policy DP16 requires developments in existing marinas to provide new visitor (short stay) moorings at not less than 10% of total new moorings, with a minimum provision of two.

- 6.4 The amended proposal would provide a total of six (four replacement and two additional) visitor moorings within the Hoveton site. The applicant notes this side of the river has better access to the facilities in Hoveton (within 250 metres) and this site is staffed, has waste disposal, toilets, showers, water, fuel, pump out and an on-site engineer. In principle, transferring the provision of visitor moorings from the Wroxham side to the Hoveton side is considered acceptable and six moorings are considered necessary to comply with Policy DP16
- 6.5 When approving new visitor moorings, it would usually be considered necessary to ensure these are in a dedicated area, appropriately signed and available at all times exclusively for visitors. The applicant does not consider this possible within the constraints of the existing boatyard and the proposed condition at paragraph 1.7 has been drafted as a compromise position.
- 6.6 Whilst the provision of dedicated moorings available for the exclusive use of short-stay visitors would be preferable, it is appreciated that the boatyard offers visitor moorings on a voluntary and flexible basis at present when capacity allows. When the yard's hire boats are out cruising, there are many berths available for this use, often in excess of the necessary six. The proposed condition would take account of the peak changeover times when the hire boats are back at their base and outside these times allow for visitors to be accommodated either on the riverfront or within the basins wherever there is space. This is not the optimum solution, however the applicant has indicated that a condition requiring constant provision of dedicated moorings exclusively for visitors could not and would not be complied with. The proposed condition would ensure that visitor moorings are available overnight on Fridays and Saturdays, but not during the day unless capacity allows.
- 6.7 The proposal would ensure that six visitor moorings are available the majority of the time and these would be better located in relation to existing services and facilities than the four existing moorings. Without any alternative provision of visitor moorings, the proposal to remove the four existing moorings is contrary to Policy DP16. On balance, the proposed replacement provision and two additional moorings is considered to be acceptable and to meet the objectives of Policies CS9 (i), CS14, CS23, criteria f and h of DP16 and DP27. Providing these moorings at the Hoveton site and the private moorings at Wroxham also complies with criteria g, l, j and k of Policy DP16.

- 6.8 It is noted the Norfolk and Suffolk Boating Association are concerned the proposed condition could not be satisfactorily enforced. In the same way that the proposed signage would require visitors to ask staff to direct them to the available visitor moorings, it would be necessary for any officer monitoring compliance with the condition to ask for the moorings available to visitors at any one time to be identified by staff. The keeping of a formal log or register of the use of each mooring is not considered practical at such a busy site. On balance it is considered the provision of visitor moorings can be satisfactorily monitored and enforced.
- 6.9 Rather than remove the existing condition altogether, it is considered necessary to vary it to allow only private moorings in place of the previously approved visitor moorings and, as this application affects the conditions of an existing permission, it is considered necessary to re-state the original conditions as appropriate.

7 Conclusion

- 7.1 The application proposes replacing existing visitor moorings with private moorings and replacing and increasing the provision of visitor moorings within the boatyard on the opposite bank. The site in Wroxham is considered appropriate for private moorings and the Hoveton site is considered to be better served for visitor facilities. Four existing visitor moorings would be replaced and a further two would be provided. For the majority of the week, the proposal would result in an increase in provision and this is welcomed. These moorings are already often available on a voluntary basis and this proposal would secure this arrangement. Although, during busy daytime periods on Fridays and Saturdays, the required visitor moorings may not be provided, the proposal is, on balance, considered acceptable and to comply with Policies CS9, CS14, CS23, DP16 and DP27.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) In accordance with approved plans
 - (iii) A minimum of six moorings within the areas identified in red on the drawing titled 'Visitor Mooring Layout at 1:200' (received by the Local Planning Authority on 3 September 2015) shall be made available at all times for short-stay visiting boats with the exception of 08:00 to 16:00 on Fridays and Saturdays if there is insufficient space. These moorings shall be occupied by visiting boats for a maximum period of up to 24 hours each and no one boat shall moor in the area identified in red on drawing titled 'Visitor Mooring Layout at 1:200' again within the following 24 hours. These moorings shall be kept available for this use at all times in perpetuity, notwithstanding closures for maintenance.
 - (iv) Approved signage to be installed prior to first use of private moorings
 - (v) The moorings indicated in red on the submitted Site Location and Layout Plan (received by the Local Planning Authority on 15 July 2015) shall be used for the mooring of private boats only and shall not be

used for the mooring of commercial (hire) boats or for residential moorings.

- (vi) Boats moored in the area edged in purple on the submitted plan (Titled 'Site location and site layout plan' received by the Local Planning Authority on 21 October 2009 in respect of application BA/2009/0284/COND) shall only be moored stern on and shall not be greater than 10 metres in length.

9 Reason for Recommendation

- 9.1 The proposal is considered acceptable in accordance with Policies CS9, CS14 and CS23 of the adopted Core Strategy (2007), Policies DP16 and DP27 of the adopted Development Management Policies (2011) and the National Planning Policy Framework which is a material consideration in the determination of this application.

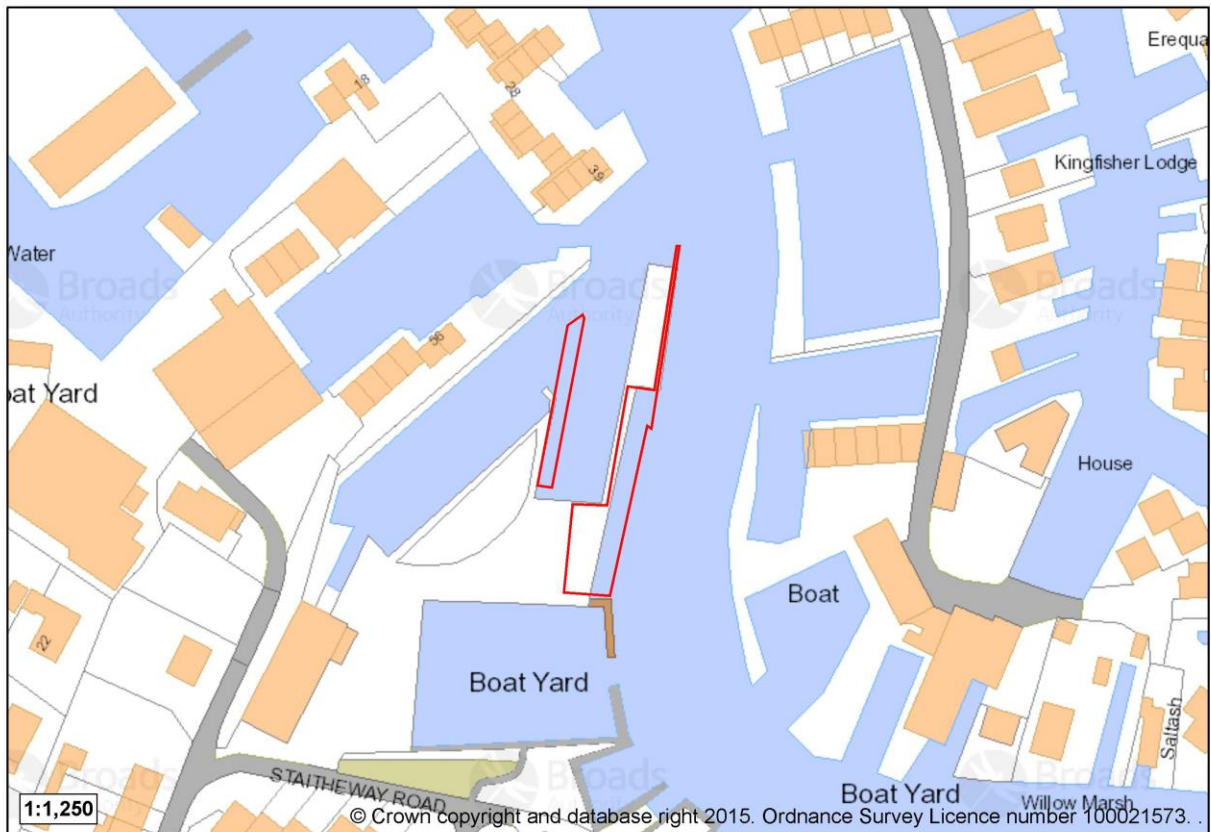
Background papers: Planning File BA/2015/0244/COND

Author: Maria Hammond
Date of Report: 23 September 2015

List of Appendices: APPENDIX 1 – Site Plan

APPENDIX 1

BA/2015/0244/COND Barnes Brinkcraft, Riverside Road, Wroxham



Enforcement of Planning Control
Unauthorised Erection of Canopies and Alterations to Shop Front
Report by Planning Officer (Compliance and Implementation)

Summary: Unauthorised erection of canopies and alterations to shop front.

Recommendation: That authorisation is granted for the issuing of an Enforcement Notice and for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with.

Location: Grey's Ices and Confectionary, Norwich Road, Hoveton

1 Background

1.1 In May 2015 the Authority was made aware of the erection of canopies at Grey's Ices and Confectionary in Hoveton. An officer investigated the matter and it was found that:

- Signs had been changed on the north and east elevations
- The fenestration pattern had also been altered on the east elevation with shutters introduced
- There had been the replacement of one long canopy on the east elevation with two triangular canopies
- There had been the introduction of one new triangular canopy on the north elevation
- Cladding on the first floor east elevation had been removed

Given the above the shop front is now both physically and visually different from the previous shop front, it is considered that development has occurred and there has been a breach in planning control as planning permission has not been granted.

1.2 Officers visited the owner to discuss the alterations and have written to him to invite a retrospective planning application. The owner indicated at the site meeting that he believed the alterations (in relation to the canopies) to be temporary and therefore did not consider that he needed planning permission. Despite these discussions and it being made clear to the Landowner that a retrospective application is required, no application has been received to date.

1.3 The Parish Council have been contacted for their thoughts on the matter and they consider that the Authority should continue to pursue the submission of a

retrospective planning application, which would be consistent with how other premises in the local area have been dealt with in the past.

2 Assessment

- 2.1 In terms of an assessment, whilst it is acknowledged that the shop sits within a predominantly commercial area with properties of a similar character, there are concerns over the visual impact of this development as it represents a step change in the overall character of the area.
- 2.2 The previous shop front, although commercial, was of a fairly low-key and traditional character. The cumulative effect of the new alterations has meant that the shop is much more visually prominent which detracts from the wider character of the area. The concerns are compounded when considering the step changes to the character area, away from more traditional shop fronts and the resulting visual competition between the various styles.
- 2.3 The NPPF outlines that *'effective enforcement is important as a means of maintaining public confidence in the planning system'* (Para 207 of the NPPF (2012)). The Parish Council highlight the need to be consistent over action and it is agreed that consistency is an important means of maintaining public confidence in the planning system.
- 2.4 In addition to the above, the Government have recently issued a statement setting out their current view on intentional unauthorised development. On 31 August 2015, the following statement was issued from the Department for Communities and Local Government:
- 'The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.'*
- 2.5 Members should be aware that the owner of this site has a history of undertaking development without the benefit of prior consent. He is aware of the Authority's free pre-application service but our records show that he has chosen not to use it in this instance. It is therefore considered likely that intentional unauthorised development has occurred.

3 Conclusion and Recommendation

- 3.1 Should the applicant have sought planning permission for the alterations it is considered that amendments could have been made to ensure the shop front was visually appropriate. However, given the above concerns over the visual

impact, to maintain confidence in the planning system, and given that the development is unauthorised and that owner has not been forthcoming with an application it is considered appropriate to pursue formal action through the serving of an Enforcement Notice. It is also the case that authorisation for the serving of an Enforcement Notice will sometimes prompt compliance.

- 3.2 As an application has not been submitted as a result of enforcement negotiations officers therefore seek authorisation from Members to issue an Enforcement Notice to seek compliance and for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with.

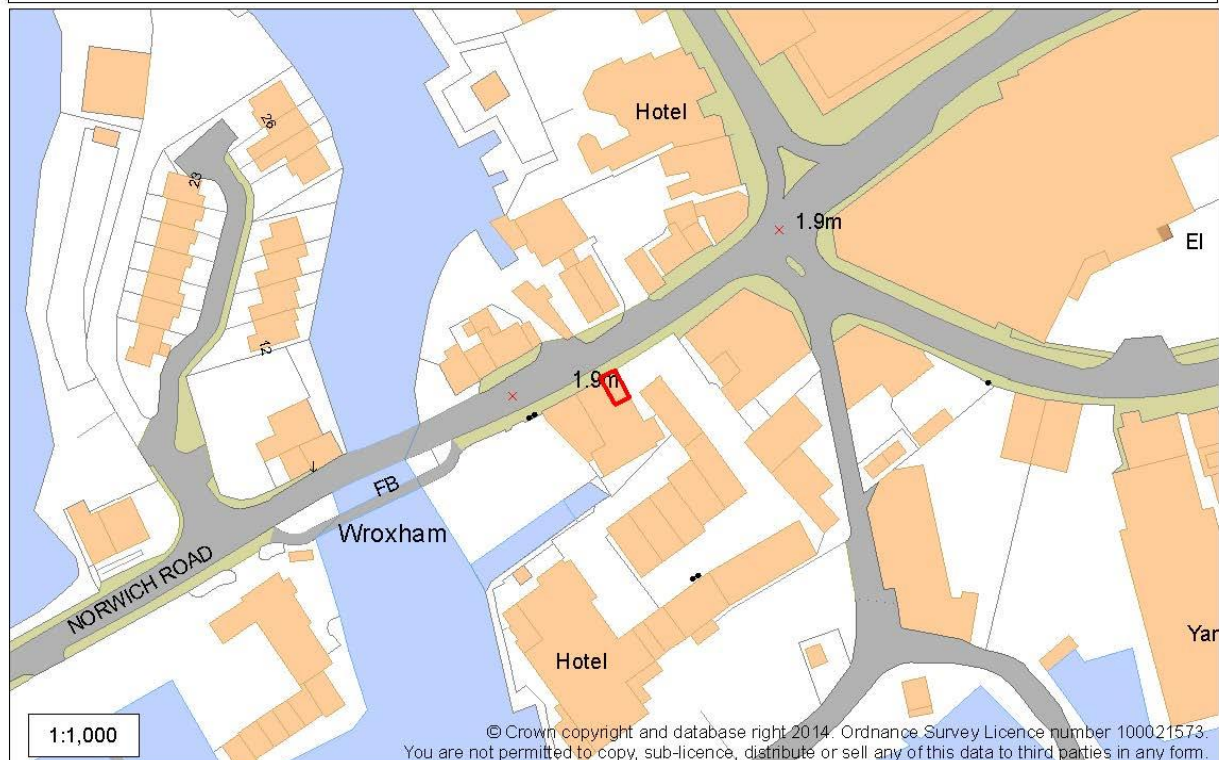
Background Papers: Broads Authority Enforcement File BA/2015/0009/BOCP3

Author: Kayleigh Wood
Date of Report: 24 September 2015

Appendices: APPENDIX 1 - Site Map

APPENDIX 1

BA/2015/0009/BOCP3: Grey's Ices and Confectionary, Norwich Road, Hoveton



Thorpe Island: Report on Options for Action(s) at Thorpe Island
Report by Head of Planning

Summary:	Members will be aware of a long standing enforcement matter at Thorpe Island, where the High Court has recently upheld the decision of a Planning Inspector to rule that the current development is unauthorised. At their meeting on 21 August 2015 Members resolved to pursue an Injunction to stop the existing breaches. A challenge to the High Court decision has, however, now been submitted to the Court of Appeal and this introduces both delay and uncertainty. Members will need to consider the options for taking the matter forward and these are set out in the report.
Recommendation:	That an Injunction is sought covering all breaches on the site (with the exception of the green storage container) and the adjacent river frontage with those matters which are the subject of the Court of Appeal challenge suspended pending the outcome of that challenge, and that direct action be taken in respect of the green metal storage container.

1 Background

- 1.1 Members will be aware of a long standing enforcement case at Thorpe Island in Thorpe St Andrew, Norwich. This matter relates to an Enforcement Notice which was served in November 2011 and which has been the subject of one planning inquiry (the decision on which was successfully challenged in the High Court as a result of an error made by the Planning Inspector) and one planning hearing (following the success of the first High Court challenge). The challenge to the Inspector's decision in respect of the second decision was heard in the High Court in May 2015 and in his decision handed down on 6 August 2015. Justice Lindblom dismissed all of the challenges to the Planning Inspector's decision following the planning hearing and upheld that decision.
- 1.2 The effect of the High Court decision was to revert the legal position on the site back to the position extant after the Enforcement Notice had come into effect, meaning that the landowner was required:
 - (a) to cease the use of the basin for the mooring of boats and remove the boats from the basin; and

- (b) to remove all the jetties and to restore the land to its condition as prior to the development; and
 - (c) to remove the motor engines and to restore the land to its condition as prior to the development
 - (d) to remove the green metal storage container and to restore the land to its condition as prior to the development
- 1.3 At their meeting on 21 August 2015 the Planning Committee resolved unanimously to authorise the preparation of a Planning Injunction to cover the whole site, including the area and breaches outside of the original Enforcement Notice.
- 1.4 On 27 August 2015 the landowner lodged an application for leave to appeal in the Court of Appeal against the decision of the High Court.

2 The Court of Appeal Challenge

- 2.1 The grounds of the challenge submitted by the landowner are as follows:
- (a) That the Judge erred in law in finding that the planning permissions for the basin and the wet boathouse were ambiguous as to the use they permit and, therefore, allowed the consideration of extraneous information in order to interpret the permissions [judgment para 45];
 - (b) That the Judge erred in law in the extent of the extraneous evidence which was considered and that evidence could not, in any event, support the conclusion reached that the use of the basin was to be ancillary to the 'commercial mooring of a hire boat fleet as an integral part of a boatyard operation' [judgment para 34, 44, 46, 47, 54, 55 in particular];
 - (c) That the Judge erred in law in taking into account extraneous evidence when considering the purpose for which the basin was designed under the Town and Country Planning Act 1990, section 75(3).
- 2.2 In effect, these challenges cover the same material that was considered at the High Court stage, albeit in more detail. Whereas at the High Court stage the landowner was arguing, inter alia, that the Inspector had erred in law, now (at the Court of Appeal stage) he is arguing that Justice Lindblom has also erred in law by agreeing with the errors in law that the Inspector made.
- 2.3 The process of making an appeal in the Court of Appeal has two stages. In the first instance, the would-be appellant must seek leave to appeal as this is not an automatic right. The leave stage is usually dealt with by written submissions (i.e. without a hearing). In considering the leave application, the Judge must be satisfied that the appeal has some merit and a reasonable prospect of success. If the Judge is satisfied of this, leave to appeal will be granted and the matter will proceed to a Hearing; the period between the successful leave application and the Hearing might be over six months,

although this depends very much on the court listing. If the Judge is not satisfied that the challenge has some merit and a reasonable prospect of success, s/he will refuse leave to appeal and the decision of the High Court will be upheld. The Judge might also decide that further information and discussion is needed in order to consider the leave application fully and will ask for an oral hearing to assess this.

2.4 It is useful to remember that the decision which has been challenged is the decision of the High Court, and neither the Planning Inspectorate (whose decision the High Court upheld) or the Broads Authority (whose decision the Planning Inspectorate upheld in part) are the main parties. The principal Respondent is the Secretary of State for Communities and Local Government on behalf of the High Court.

2.5 The Secretary of State as Respondent has filed a response to the challenge, submitting that permission to appeal should be refused – i.e. that leave should not be granted. It argues that the grounds of challenge do not raise important points of principle or practice and concludes:

“The Appellant has now had the benefit of two decisions on the interpretation of the relevant planning permissions, both reasoned in detail: an appeal decision by an experienced planning inspector and a judgement by the lead Judge for the Planning Court (as Lindblom J was then). No further use of judicial resources in this matter is warranted”.

2.6 The application for leave to appeal will be heard in due course in the Court of Appeal; the best estimate is that this is likely to take place around the end of the year.

3 Effect of the Challenge on the Injunction Process

3.1 At their meeting on 21 August 2015 the Planning Committee resolved unanimously to authorise the preparation of a Planning Injunction. This was to cover the breaches included within the original Enforcement Notice, the breaches which are within the area of the original Enforcement Notice but not covered by it and those which are entirely outwith the Enforcement Notice. These are summarised as follows:

a	Covered by Enforcement Notice	<ul style="list-style-type: none"> • Mooring of boats in the basin • Retention of pontoons and jetties in the basin • Standing of green metal storage container
b	Within area of Enforcement Notice, but not covered by it	<ul style="list-style-type: none"> • Mooring of houseboats in the basin • Operational development to replace remnant quayheading • Construction and use of various decked areas and other structures associated with mooring berths • Use of land for standing of vehicles and

		other structures, including for residential purposes <ul style="list-style-type: none"> • Horsiculture (intermittent)
c	Outside Enforcement Notice area and scope	<ul style="list-style-type: none"> • Mooring of boats along the river frontage • Operational development to replace remnant quayheading • Construction and use of various decked areas and other structures associated with mooring use

- 3.2 The main effect of the challenge is to introduce a further delay to the ultimate resolution of this matter. The effect of the enforcement notice is suspended pending this final determination of the appeal (under s175(4)). Whilst it might be argued that this is its purpose, it must be remembered that Mr Wood is simply exercising his normal rights of appeal. The precise length of the delay is uncertain, but is likely to be not insignificant – the decision on the leave application is unlikely to be made much before Christmas 2015 and if leave is granted the matter is unlikely to be heard before summer 2016. If leave to appeal is refused on the papers, his final opportunity will be to request that the decision is reconsidered at an oral hearing by the Court of Appeal. It is only if leave is granted, and he loses the appeal, that there is a theoretical chance that he could try to appeal to the Supreme Court. But they only accept appeals on a point of general public importance. It is therefore most likely that this current application for permission to the Court of Appeal is the last stage. However, Members will recall that the landowner has previously advised that he intends to continue to challenge decisions until he receives a decision with which he is satisfied.
- 3.3 The challenge to the decision of the High Court does not prevent the Broads Authority from actioning the resolution of the Planning Committee to pursue and implement an Injunction. However, were the challenge to be successful and the High Court decision were to be quashed (for this would be the outcome of a successful challenge), the Broads Authority might be criticised for taking action (i.e. pursuing and implementing an Injunction) when the matter was yet to be finally resolved.
- 3.4 Whilst this is the case with regard to the breaches covered by the original Enforcement Notice, no such risks apply with regard to the other breaches (i.e. those within area of Enforcement Notice, but not covered by it and those outside the area and scope of the original Enforcement Notice).
- 3.5 It is also the case that, in respect of the breaches covered by the Enforcement Notice, the Broads Authority could seek an Injunction. There is the power to ask the Court of Appeal for an order that “*the enforcement notice shall have effect, or have effect to such extent as may be specified in the order, pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.*” (s.289(4A)). The High Court itself would not consider granting an injunction for those breaches covered by the

Notice until the decision of the Court of Appeal had been made on the challenge.

- 3.6 Given the delay introduced by this latest challenge, it is appropriate to consider what action should be taken whilst the challenge is being processed.

4 Options for Interim Action

- 4.1 There are a number of approaches to securing compliance despite this latest delay and these are set out below.

Injunction for all of the breaches

- 4.2 The Broads Authority could continue to pursue an Injunction for all of the breaches, but, in making that application, it could ask the Court to adjourn the consideration of that part of the Injunction which relates to the matters under challenge pending the decision of the Court of Appeal. These matters would then be subject to the Injunction if the challenge is dismissed.
- 4.3 This approach would enable action to be taken immediately on the breaches identified under (b) and (c) in the table at 3.1 above. The matters identified at (a) in the table could be addressed immediately following the issue of the Court of Appeal decision if leave to appeal is refused or if, following a hearing, the challenge is dismissed.
- 4.4 This is likely to be the most straightforward and least costly approach, as it involves only one application to the Court.
- 4.5 This is the approach that is recommended by the Authority's legal advisers on this matter. In coming to this recommendation, the advisers are also mindful of the comments made by the landowner at the Planning Committee on 21 August 2015 where he made it clear that he is seeking an unrestricted permission.

Injunction for those breaches not covered by the Enforcement Notice

- 4.6 Alternatively, the Broads Authority could pursue an Injunction, but only to cover those breaches which are not covered by the Enforcement Notice. This would enable action to be taken immediately on the breaches identified under (b) and (c) in the table at 3.1 above. The matters identified at (a) in the table would then need to be addressed later, after the decision of the Court of Appeal.
- 4.7 This would be a straightforward approach, but would involve duplication of effort (and additional cost) in the making of the application for the second Injunction.

Compulsory Purchase Order

- 4.8 Members will be aware that Thorpe St Andrew Town Council has requested that the Broads Authority pursue a Compulsory Purchase Order in order to obtain control of the site. A similar request has been received from the solicitor acting on behalf of the local residents. The Broads Authority does not have compulsory purchase powers, so any such action would need to be undertaken by Broadland District Council.
- 4.9 There is a right of appeal against a Compulsory Purchase Order and it is likely that the landowner would exercise this right.

Direct action

- 4.10 The report to the 21 August 2015 meeting of the Planning Committee set out a range of options for action, however it did not ask the Committee to consider the option of direct action or include an appraisal of this. Legal advice has subsequently indicated that the Authority should consider what its approach would be to direct action, cautioning that an Injunction application by Hackney LBC was refused by Judge Gilbert on the basis that there was no evidence that the local authority had first considered using section 178 of the Town and Country Planning Act 1990 (the section which covers direct action) to enforce compliance.
- 4.11 At the moment, direct action is only a future possibility. It can only be used in respect of those breaches which are covered by the Enforcement Notice. This is because the role of direct action, within the suite of enforcement powers available to a Local Planning Authority, is to enforce compliance with an extant Enforcement Notice. It could therefore only be used in respect of the breaches listed at (a) in the table above – i.e. the mooring of the boats in the basin, the retention of the pontoons and jetties in the basin and the standing of green metal storage container. The effect of the Enforcement Notice is currently suspended, but the option for direct action will become available once the Notice is confirmed.
- 4.12 In this case, direct action is not considered to be a suitable remedy in respect of the boats moored in the basin for a number of reasons. Direct action would involve the removal of the boats from the basin. However the Authority has no available location where they could be legally moored (thus would potentially be forcing the owners of those vessels into a position of trespass). A number of the vessels are not river worthy and the Authority would therefore be putting unsafe craft into the navigation to the detriment of wider safety objectives. A number of the vessels are also not tolled and the Authority would therefore be putting unlicensed vessels onto the main navigation. It is also the case that the Authority's insurance would not cover its moving of unsafe and/or unlicensed vessels, so any actions in this regard would be illegal as matters currently stand. On this basis, direct action cannot currently be recommended to address this particular breach.

- 4.13 With regard to direct action to remove the pontoons and jetties in the basin, these are used to facilitate the unauthorised use of the basin and their removal would complicate the ability of boats to moor in the basin, although it would not totally preclude it. Their removal, however, might prompt some vessels to move out of the basin and this would represent compliance for those vessels. There is an argument that limited direct action in respect of the pontoons and jetties could be supported.
- 4.14 The green metal container has been on the site for over 5 years and is used to provide storage for the landowner; it is unauthorised and whilst the landowner has undertaken on a number of occasions to remove it (including during the Inspectors' site visit), this has not occurred. Its removal would be straightforward.
- 4.15 It is the case that there is a mooring post in the basin, which was installed (without planning permission) in 2008 at the same time as part of the western pontoon. On 13 November 2008 an Enforcement Notice was served requiring the removal of the mooring post and pontoons, with a compliance date of 25 December 2008, which was 14 days after the Enforcement Notice took effect. No appeal against the Enforcement Notice was submitted, but nor was there compliance and the post remains in situ to date. The mooring post does not form part of the current challenge so could be subject to direct action if Members were so minded. This would involve removing the top of the post, which is unlikely to be difficult to do. Its removal would remedy the breach, but on its own this measure would not make a material difference to the condition of the site.

5 Conclusion and Recommendation

- 5.1 The Judgement from the High Court was clear and robust. The legal advisers on behalf of the Secretary of State (as Respondent) have filed a response to the challenge, arguing that it is without merit. The legal advice to the Broads Authority concurs with this, advising that the challenge is without merit and that the Court of Appeal is unlikely to grant permission to appeal against "this carefully-considered judgement". The effect of the challenge is to delay to conclusion on this matter. Whilst it may be that this is its main purpose, we must await the outcome of the appeal process.
- 5.2 At its meeting on 21 August 2015, the Planning Committee was unanimous in its resolution to pursue an Injunction to bring to an end the on-going breaches. The submission by the landowner of the challenge to the decision of the High Court does introduce a complication, but does not prevent the Authority from pursuing actions to enforce compliance on this site.
- 5.3 It is entirely appropriate to continue to pursue an Injunction against the breaches which are not the subject of the appeal challenge, and those which are the subject of the appeal once the appeal is finally dismissed. It is appropriate at the same time, to consider applying for an order under section 289(4A) to give effect to the enforcement notice to cover those matters which are the subject of the challenge, if permission to appeal is given.

- 5.4 Members have not considered direct action on this site previously, but there would be advantages to direct action to remove the green metal container, as this would be a low cost and straightforward operation which would deal with this breach decisively. It would be possible to take direct action remove the mooring post, but the benefits of this would be primarily around establishing the principle. Given the legal challenge it is not appropriate at this time to consider direct action in respect of the pontoons and jetties.
- 5.5 A Compulsory Purchase Order would address the situation in the long term, but is unlikely to be a quick solution. It is recommended that the Broads Authority liaise with Broadland District Council to support Thorpe Town Council in their efforts to achieve this.

Background documents: case file and High Court decision

Author of report: Cally Smith
Date of report: 28 September 2015

Appendices: None

The Central Norfolk Strategic Housing Market Assessment
Report by Planning Policy Officer

Summary:	The Central Norfolk Strategic Housing Market Assessment has identified the Objectively Assessed Housing Need for the Broads Authority. This is 274 dwellings between 2012 and 2036. Across Central Norfolk, the average requirement is for 26% affordable housing.
Recommendation:	That Members consider the draft Central Norfolk Strategic Housing Market Assessment, 2015, in so far as it relates to the Broads Authority and to authorise the Director of Planning and Resources, Chairman of Planning Committee and Chair of the Broads Authority to make any necessary minor amendments arising from the Norfolk Duty to Cooperate Forum, and or from the adoption process of the remaining commissioning bodies and accept this as part of the evidence base for the Local Plan.

1 Introduction

- 1.1 The purpose of this report is to update Members on progress and the emerging final results of the Central Norfolk Strategic Housing Market Assessment (CNSHMA). The report is based upon the final draft of the CNSHMA. The draft report has been discussed at the extraordinary meeting of the Duty to Co-operate Forum on the 9 September 2015. Any significant changes between the writing of this report and the finalised document will be verbally reported to a future Planning Committee.
- 1.2 This is the first time a formal quantitative need has been identified for the Broads. This report seeks to summarise the report and provide detail behind the findings. A link to the draft CNSHMA itself is included at the Appendices.

2 Background

- 2.1 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (PPG) contain a presumption in favour of sustainable development. It states that Local Plans should meet the full, objectively assessed needs for market and affordable housing in the market area. Given that the Regional Spatial Strategies (which set housing targets) are now revoked Local Authorities are now required to objectively assess the housing needs for their area and plan to meet those needs in full.

- 2.2 The NPPF states that Local Planning authorities should “*prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries...*” (paragraph 159).
- 2.3 National Planning Practice Guidance (PPG), on the assessment of housing and economic development needs was published in March 2014 and updated in March 2015. In the updated March 2015 guidance the Government confirmed that wherever possible, local needs assessments should be informed by the latest available information and it went on to state that the 2012-2037 Household Projections (which were published on 27 February 2015), were considered the most up-to-date estimate of future household growth and hence should be used as the starting point for any assessment.

3 About the Central Norfolk Strategic Housing Market Area

- 3.1 Members will be aware that the duty to co-operate was introduced in 2011 by the Localism Act and is a legal obligation. The NPPF sets out an expectation that the public bodies will cooperate on issues with cross-boundary impacts, and in particular in relation to the strategic priorities such as “the homes and jobs needed in the area”.
- 3.2 Further to this, Opinion Research Services (ORS) was jointly commissioned (initially by five central Norfolk local authorities¹) through the Duty to Co-operate Forum to identify the functional Housing Market Areas (HMAs) covered by the local planning authorities and to prepare a Strategic Housing Market Assessment (SHMA) to establish the Objectively Assessed Need (OAN) for housing across the central Norfolk area. Following legal advice, the Broads Authority recently became a commissioning partner and is now part of the commissioning group.
- 3.3 The aim was to ensure that the study was fully compliant with the requirements of the NPPF, national PPG, the Planning Advisory Service (PAS) Technical Advice note (June 2014) and be mindful of emerging good practice and the outcomes from Planning Inspectorate examinations into Local Plans.
- 3.4 The Planning Practice Guidance sets out the definition of the Need for housing as the scale and mix of housing, and the range of tenures that is likely to be needed in the housing market area over the plan period and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand. In assessing the level of need the requirement is to calculate this objectively and not to apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints.

¹ Norwich City, Broadland, Breckland, North Norfolk and South Norfolk, together with the Broads Authority.

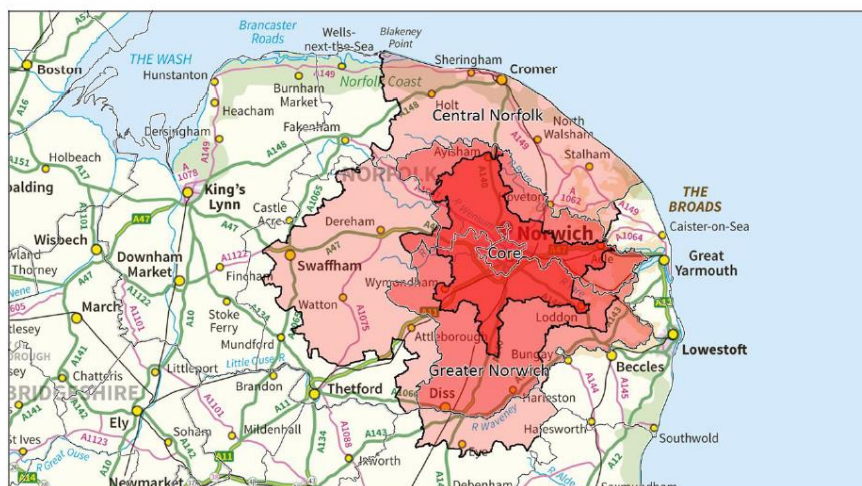
4 Calculating the Strategic Housing Market Assessment

4.1 The key methodology and findings are summarised below:

Identification of the Housing Market Area

- 4.2 The initial stage in the calculation of a Strategic Housing Market Assessment (SHMA) is the identification of the Housing Market Area.
- 4.3 Evidence shows that the functional Central Norfolk Housing Market Area (CNHMA) is not the same as the local authority boundaries. The functional linkages between where people live and work cut across the various local planning authority administrative boundaries of Breckland, Norwich, Broadland and South Norfolk authorities along with substantial parts of North Norfolk, the Broads Authority, together with some marginal interaction with other parts of Norfolk and Suffolk.
- 4.4 The study identified a three stage CNHMA, defined as a Core Area, a Greater Norwich Area and a Central Norfolk Area and these are shown in Figure 1. These are based on the relative strength of connectivity with the area around the City of Norwich itself. The report concludes that the CNHMA includes significant parts of the Broads. Typically, local housing market areas are generally areas with at least 65% self-containment (i.e. where most of those changing house without changing employment choose to stay). The consultants identified that 91% of workers that live in the CNHMA also worked in the CNHMA and that 93% of movers currently living in the CNHMA moved from another address inside the CNHMA.
- 4.5 The market area was assessed through patterns in the relationship between housing demand and supply across locations using a variety of sources and statistics from household migration, search patterns and travel to work data and labour market analysis.
- 4.6 The study makes reference to many of the settlements in the surrounding areas to Norwich and especially those to the west and south west of the district which have low levels of self-containment and are not able to strongly fall within any particular housing market. These settlements still have spatial relationships with other locations throughout the region but are combined to form the larger housing market area through reason of best-fit. Therefore, these form part of the wider study area. The extent of the CNHMA demonstrates that it is the most appropriate functional housing market for the district to align to and the consultants have concluded that the housing market area as identified is robust and forms the relevant basis for the identification of the OAN.

Figure 1: Housing Market Areas – Core, Greater Norwich and Central Norfolk



(Map copied from the ORS Central Norfolk SHMA)

Identification of the level of need

- 4.7 Having identified the geographic boundaries of the Housing Market Area, the assessment of the OAN then goes on to identify the total amount of housing need including by type, tenure and size. This is based on the analysis of a wide range of information collated from multiple sources. This includes:
 - a) Secondary data from local, regional and national sources
 - b) Existing policy and supporting documents
 - c) Stakeholder views
- 4.8 Following the updated national PPG issued on the 27th February 2015, the 2012 - 2037 Household Projections, published by the Department of Communities and Local Government (DCLG), February 2015, have been used as the most up to date estimate of future household growth as the starting point. These were then sensitivity tested against previous projections and more local assumptions in order to best reflect a wide range of underlying data and trend based assumptions so as to consider the appropriateness of projected growth rather than simplistically defer to the most recent/national data.
- 4.9 One key influence reflected by the study is the underlying assumed migration rates, which are often based on five year trends. This short term approach can have a significant effect on population projections. The study considers that the five year trend migration scenarios are unlikely to be robust for long term planning and in order to capture both the highs and lows they have adopted a ten year migration trend as the basis of the projections for the identification of the OAN.
- 4.10 In order to establish the OAN, there is a requirement to convert the projected population rise into household projections which will form part of the calculation of housing need by converting population into households. The consultants have given careful consideration to this area and reflected on the

advice contained in updated national PPG, earlier decisions by the Planning Inspectorate (including key cases such as the South Worcester Local Plan examination) and the Planning Advisory Service technical advice. They concluded that the 2012 based projections are the most robust to establish the projected number of additional households. It is important to note that Household Headship Rates² are applied across the existing population and therefore are a key part of the process of determining the OAN.

Market Signals

- 4.11 There are other factors that the SHMA needs to consider and these are set out in paragraph 17 of the NPPF which states that “plans should take account of market signals, such as land prices and housing affordability” and the national PPG identifies that “the housing need numbers suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals”.
- 4.12 The market signals identified in the SHMA include land prices, house prices, rents, affordability and the rate of development. There is no guidance on how these market signals should be incorporated into the assessment however the study concludes that the probable consequence of affordability issues is an increase in overcrowding, concealed and sharing households, homelessness and the numbers in temporary accommodation.
- 4.13 Utilising census information the study concludes that there is a need to adjust planned housing growth in order to address the increase in concealed families over the last decade and factor in trends and future average household sizes. In relation to other market signals, when compared against the circumstances of similar demographic and economic areas the study found that the market signals were generally no worse than comparator areas. The national PPG states that where there is a “worsening trend in any of these indicators household projections should be adjusted to reflect appropriate market signals”.
- 4.14 There is no guidance as to what level of adjustment should be applied and the consultants have recommend that based on Local Plan examinations elsewhere, a 10% uplift should be applied as a reasonable signal in order to address the increased housing delivery required to account for concealed households and overcrowding.
- 4.15 In relation to affordable housing the study has undertaken significant work in reviewing the overall OAN for the Central Norfolk Area. The study analysed local authority data on homeless households, temporary accommodation, concealed families overcrowding, housing conditions, housing register data and welfare considerations. When these are considered alongside household

² Headship rates are the number of people who are counted as heads of households. Headship rates are important because they help determine how many households are forming that will need housing.

formation rates the study identifies that 25% of all newly forming households (including migrating into the area) are unable to afford their housing costs. When adjustments are made for out-migration, improved circumstances and market signals the SHMA finds that there is an annual affordable need of 26% of overall housing need (861 dwellings per year) across the Central Norfolk Housing Market Area. The study also conclude that central Norfolk could benefit from higher levels of affordable housing if it were shown that development would remain viable; however, the identified level across the five districts would cover both current and future projected needs for affordable housing. On that basis there would be no need to increase overall housing provision.

Employment

- 4.16 The performance of the labour market in future years is an important factor which affects demand for housing. In addition to the analysis of demographic projections there is a requirement to take into account employment trends so that there is a balance between future jobs and workers and market signals.
- 4.17 Local labour market analysis follows very similarly the national trends and predicts that the economic activity rates for older people will increase, mainly due to changes in state pension age, less generous pensions and increasing health. Female participation in the labour market is also expected to continue to rise while participation of the younger people in the work place is expected to be constant, reflecting the longer time in education balanced against the requirements for financial support.
- 4.18 The consultants conclude that there is a need to provide 38,400 extra workers locally whereas 42,300 extra workers would be needed to fill the available jobs. There is therefore a shortfall of 3,900 workers based on the increase in jobs that is currently forecast. In order to demonstrate a balance between future jobs and workers the SHMA has applied an uplift to the number of dwellings for central Norfolk which is distributed across the five authorities.

Identifying the need for the entire Broads Authority Executive Area

- 4.19 Members will have noted that the CNSHMA covers only Broads part of Norwich, North Norfolk, South Norfolk and Broadland, leaving the Broads parts of Waveney and Great Yarmouth outside of the CNSHMA. Clearly, this would result in an OAN Need which was incomplete.
- 4.20 It is accepted methodology in producing SHMAs that the OAN for the entire Local Planning Authority (LPA) area can be calculated as part of a SHMA whose direct Housing Market Area covers only part of the LPA area. On this basis, it is valid for the CNSHMA to calculate an OAN for the entire Broads Authority Executive Area.
- 4.21 It is important to note that the housing need of the Broads Authority is a part of the housing need of the constituent districts. That is to say, the Authority's

need does not add to the total need for the CNSHMA or the constituent districts, but forms a separable part of the District's complete need..

- 4.22 Having taken all of the above into account, the report then calculates the OAN for the entire Broads are, including those part of Great Yarmouth and Waveney which fall within the Broads Executive Area.
- 4.23 If the Broads had a typical age profile and migration patterns as the rest of Central Norfolk, it would be expected that its OAN to be around 1.0% of its existing dwelling stock per annum, which would represent a figure of around 30 dwelling per annum. However due to an older population in the Broads, there are less households formed and more deaths. The total need for the Broads Authority area between 2012 and 2036 is 274 dwellings. The following table sets this out for each of the constituent districts.

Figure 93: Projected Dwellings needed for the Broads by Local Authority (Note: Dwelling numbers derived based on proportion of dwellings without a usually resident household in the 2011 Census. Note: figures may not sum due to rounding)

	Breckland	Broadland	North Norfolk	Norwich	South Norfolk	Great Yarmouth	Waveney
ORS Model Using Long-term migration trends	0	44	62	3	35	58	51
Jobs led growth	0	48	67	3	38	63	55

Other Forms of Housing

- 4.24 Once overall need is established, this is then broken down by tenure, household type, (singles, couples and families and household size) and identifies the needs of differing groups such as the private rented sector, older people, those wishing to build their own homes and student accommodation as well as the needs of Gypsy and Traveller and Travelling Showpeople.
- 4.25 In relation to Gypsies and Travellers the SHMA confirms that these households form part of the household projections and therefore the need reported in the various Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment completed by the constituent districts are a component part of the housing figures provided and are not additional to the figure identified in the CNSHMA.
- 4.26 The self build sector makes an important contribution to the housing supply nationally and the SHMA has sought to identify any such demand in using information from the Self BuildPortal's "Need a plot" database. This indicated that those looking for a site in central Norfolk remains low.
- 4.27 In considering the future housing needs for older people, there is a need to consider any specialist provision. The study considers that defining the future need for specialist housing for older people is a challenge with many different types of housing such as care homes, extra care and sheltered housing.

- 4.28 The study recognises that people living in retirement homes are considered as part of the communal establishment and are not included in the household projections. The study identifies a projected increase over those aged over 75 living in communal housing across the CNHMA of 4,551 but recommend that it does not necessarily follow that all the need should be provided as additional bed spaces in residential institutions. Furthermore, national policy is underpinned by the principle of sustaining people at home as long as possible, thereby avoiding expensive hospital and care home services. Therefore, despite the ageing population, the number of spaces in care homes and nursing homes may not increase.
- 4.29 ORS conclude that in relation to student accommodation, student housing is essentially a Norwich phenomena and the market is unlikely to change significantly.
- 4.30 The study undertakes an analysis of trends in the private rented sector and concludes that the private rented sector growth is below the national average in all of the local authorities with the exception of Norwich.
- 4.31 The study finds there is strong growth in the private rented sector and that the sector will continue to grow across all tenure options for an increasing proportion of local households.
- 4.32 Members will be aware that many Local Planning Authorities are currently experiencing a “backlog” in unmet need based on the Core Strategy housing target. This CNSHMA identifies all housing need from 2012 and should be used to “re-set the clock” and provide a new baseline assessment for all housing need going forward.

Particular parts of the CNSHMA of relevance to the Broads

- 4.33 Links to the full CNSHMA report are set out the end of this report. Members will find the section of the report covering the Broads Authority area, which discusses this in detail, can be found at paragraph 5.87 of Part 1 and Appendix C of Part 2.

5 Financial Implications

- 5.1 The Authority has contributed £5,000 to the production of the CNSHMA.
- 5.2 Officer time in interpreting the results as the Local Plan is produced and in determining resultant planning applications.

6 Next Steps

- 6.1 The other five commissioning partners are taking similar reports to their decision making bodies. Concurrently, officers are liaising with the consultants regarding minor amendments such as typographical errors. It is intended that following the final decision of the six partners, the study is published in final format.

- 6.2 Norfolk Authorities working together through the Norfolk Strategic Framework will lead on interpreting the results. If the Broads Authority (and indeed other authorities) cannot meet the identified need in their Local Planning Authority area, it is for discussions through the Duty to Co-operate process to identify where the need can be met, such as through the assistance of neighbouring authorities.

7 Conclusion

- 7.1 The housing need for the entire Broads Authority Executive Area has been calculated at 274 dwellings between 2012 and 2036.
- 7.2 The average affordable housing requirement across Central Norfolk is 26%.
- 7.3 This is the first time the Authority has a need or housing target identified. As the Local Plan is produced, the Authority will seek to understand how it can meet the identified need.

8 Links of Relevance

Executive Summary of the CNSHMA:

<http://democracy.breckland.gov.uk/documents/s36216/2015%2009%2011%20Central%20Norfolk%20Executive%20Summary.pdf>

Part 1 of the CNSHMA

<http://democracy.breckland.gov.uk/documents/s36214/2015%2009%2011%20Central%20Norfolk%20Draft%20report%20FINAL-Part%201.pdf>

Part 2 of the CNSHMA:

<http://democracy.breckland.gov.uk/documents/s36220/2015%2009%2011%20Central%20Norfolk%20Part%202.pdf>

Background papers: None

Author: Natalie Beal
Date of report: 23 September 2015

Appendices: None

Mooring Guide and Riverbank Stabilisation Guide Consultation Responses
Report by Planning Policy Officer

Summary:	Members will recall consideration of the draft Mooring and Riverbank Stabilisation Guides by Planning Committee and Navigation Committee. They approved the guides for public consultation which took place between 14 July 2015 to Friday 4 September 2015. Sixteen organisations responded to the consultation. All responses have been considered and a number of changes to the guides are proposed.
Recommendation:	That the Planning Committee endorse the proposed changes and recommends their adoption to the Broads Authority.

1 Introduction

- 1.1 The Authority has an existing guide for Riverbank Protection Works¹ which is over ten years old. As part of the Local Plan review process, the guide has been reviewed with the intention of making the content more up to date to reflect current practice and lessons learned. The guides are intended to give would-be designers/ developers of riverbank stabilisation and moorings information to help inform the way forward with their design and highlight some of the common issues which such development needs to consider.

2 The Revised Guides

- 2.1 The original guide has been split into two guides to provide clarity between the issue of riverbank stabilisation and mooring and also to enable more information to be provided for the different structures to reflect their purpose.
- 2.2 The guides will be hosted on the Broads Authority website and produced in paper format only on request.

3 Status of the Guides

- 3.1 The purpose of the guides is to provide would-be designers of riverbank stabilisation and moorings advice on issues to consider as well as information to help choose the most appropriate and relevant design for a particular location.
- 3.2 The guides are not Supplementary Planning Documents but have been produced in a similar way (consultation and adoption by Full Authority).

¹ http://www.broads-authority.gov.uk/_data/assets/pdf_file/0020/412832/Riverbank_Protection_Works.pdf

- 3.3 The guides have been consulted on in order to give the guides more weight in determining planning applications and potentially at any subsequent appeals if required.

4 Consultation and Comments Received

- 4.1 The guides were presented to Planning Committee on 29 May 2015 and Navigation Committee on 4 June 2015.
- 4.2 The consultation ran from 14 July 2015 to 4pm on Friday 4 September 2015.
- 4.3 All organisations on the Local Plan database were contacted as well as other organisations with a particular interest in the subject of the guides. Boatyards and Marinas were contacted and officers attended the Broads Forum on 30 July 2015 to seek comments.
- 4.4 In total, 16 organisations/groups responded. Their comments and the proposed responses from the Broads Authority and proposed amendments to the guides are set out at Appendix A.
- 4.5 The amended draft guides are presented at Appendix B and C. Where changes have been made, the text is highlighted in pink.

5 Financial Implications

- 5.1 Officer time to date in producing the draft guides as well as finalising the guides following Full Authority.

6 Next Steps

- 6.1 It is proposed that the tracked changes shown will be accepted and guides finalised and formatted
- 6.2 Copies of the responses made to the consultation, the Authority's response and the final guide will be sent to all who responded to the consultation. An update on the consultation will also be given to Navigation Committee in October
- 6.3 It is proposed that the guides will be referred to Full Authority for adoption on 20 November 2015.
- 6.4 After adoption, the guides will be placed on their own webpage along with a summary of the process to date and the comments received. They will be used and signposted to those proposing moorings and riverbank stabilisation.

7 Conclusion

- 7.1 Having up to date guides will provide developers and landowners with useful guidance on the design of moorings or the protection of riverbanks.

- 7.2 The consultation event was far ranging and resulted in responses which have helped to improve and clarify the guides.
- 7.3 It is recommended that Planning Committee endorse adopting the guides to Full Authority.

Background papers: None

Author: Natalie Beal
Date of report: 23 September 2015

Appendices: APPENDIX A: Comments received during consultation

APPENDIX B: Mooring Design Guide (with track changes) and
APPENDIX C: Riverbank Stabilisation Guide (with track changes)
<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee2>

APPENDIX A

Mooring Guide and Bank Stabilisation Guide Consultation (Aug-Sept 2016) RESPONSES

Barton Turf Adventure Centre

- (1) Typo - Mooring guide page 4, col 3 para 3, also page 10 col 1: – “waling” not “whaling” – AFAIK there are no whales on the Broads!
- (2) Stabilisation guide – suggest that it be noted somewhere that the use of geotextiles as bank reinforcement is not compatible with water voles as they cannot burrow through it.

Summary of response:

Typological error highlighted. Geotextiles prevent water voles from burrowing through.

Broads Authority response:

- (1) Whaling will be changed to waling.
 - (2) Agree. The BA install these at the water line so they are still effectively a soft edge to the water. Amend to say installed at or below water line.
-

Broads Angling Strategy Group

After discussion at its last committee meeting 16th July it was agreed that these guides apply design principles that enable angling in a safe and appropriate manner and no further action was needed.

Summary of response:

These guides apply design principles that enable angling in a safe and appropriate manner.

Broads Authority response:

Support noted.

Broads Authority

Suggested amendments by Officers.

Broads Authority response:

Mooring Guide:

Page 2 - 'Please contact us for free advice about whether natural...'

Page 3 - '...the ends are directed in to the bank.'

Page 3 - '...erosion of natural edges in some areas. Returning then to the'

Page 4 - 'Alder for pole piling is available locally. It has...'

Page 4 - '...of your project. There should be no ecological impacts'

Page 4 - 'The additional horizontal timber will help disguise the less natural material'.

Page 10 - 'Timber capping and waling of steel or plastic...'

Page 10 - 'and areas of high tidal range'.

Riverbank Stabilisation:

Page 5 - '...softwood to be used, it should be pressure treated to provide a reasonable life in wet conditions'.

Page 7 - 'Appropriate for most locations in the Broads with medium or low tidal range'.

Page 7 - 'you could consider plastic or plastic coated mesh instead of steel wire'.

Page 8 - 'the nearer it is to the water, the lower the impact. However potential navigation hazard has to be considered.'

Broads Forum

Comments from Broads Forum at meeting on 30 July 2015:

- FSC timber is poor quality so using it is not cost effective.
- Vertical wear out posts to protect piling.
- Some boats do not have fenders which could impact piling.
- SSSI section uses the word 'claims'. Re word to 'has' or something similar.
- Natura 2000 sites section needs improving in similar way as reference to Wildlife and Countryside Act 1981.

Broads Authority response:

Regarding FSC:

- The durability of treated softwood timber typically sold has reduced. This is a result of some of the more harmful chemicals in the preservative being banned and lower quality timber on the market.
- FSC (Forest Stewardship Council) certification on timber refers to the management of the forestry where the timber is sourced. It has nothing to do with the quality, durability, type or treatment of the timber (you can get FSC pine, oak, ekki etc.).
- Whatever the timber we would recommend it has FSC certification to be confident it has come from sustainable forestry. We will amend the wording in the guides to "Timber should be from a sustainable source and should have Forestry Stewardship Council (FSC) certification".

With regard to wear out posts and boat fenders:

- The use of boat fenders is a matter for boat owners. Generally fendering on most moorings and on boats is to protect the vessel not hard piling.
- We will amend the text as follows "The design is suitable for most tidal ranges. However consider the use of vertical fenders / rubbing strips in areas of high tidal range".

With regards to SSSI wording:

- See later comment from RSPB.
-

Environment Agency

We have considered these two documents and our detailed comments are as follows:

Flood Defence Consent:

The section on Flood Defence Consents could be a little more specific. The text we usually provide is below:

Under the terms of the Water Resources Act 1991, and the Land Drainage and Sea Defence Byelaws for Anglian Region, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of a main river or flood/sea defence.

The following could also be included to explain why Flood Defence Consent is required.

Any consent application should demonstrate that:

- There is no increase in flood risk either upstream or downstream
- Access to the main river network and sea/tidal defences for maintenance and improvement is not prejudiced.
- Works are carried out in such a way as to avoid unnecessary environmental damage.

Mitigation is likely to be required to control off site flood risk. We will not be able to issue our consent until this has been demonstrated.

Channel width: Where channel width is discussed it may be beneficial to mention that flow should not be restricted or channel capacity reduced as this could increase flood risk elsewhere. This would be considered as part of a Flood Defence Consent.

Water Framework Directive: There is no mention of the Water Framework Directive (WFD) in either document, for example it would be useful to include information on where a WFD assessment may be required, e.g. depending on length and type of works proposed an assessment may be needed.

Summary of response:

- Suggests better Flood Defence Consent text.
- Text about why Flood Defence Consent is required.
- Reference Water Framework Directive.

Broads Authority response:

- Agree. Flood risk will be mentioned in channel width section with impact on navigation.
- Agree. The potential requirement for a WFD assessment will be added to the EA section of the Permissions section of both guides.
- Agree. Guide text regarding consent will be amended to reflect this comment.
- In relation to why consent is required, this would reproduce lots of guidance in place. The changes to be made are adequate for this guide. Links to the EA webpages will be included in the guide.

Highways England

The areas where trunk roads and Broads Authority watercourses interact are relatively few and clearly our remit differs considerably. In this respect I do not feel that Highways England has a comment to make regarding your proposed policy documents.

Summary of response:

No comment.

Broads Authority response:

Noted.

Historic England

Draft Mooring Design Guide:

- The draft guide provides a useful overview of the design issues that need to be addressed by mooring proposals. We welcome the need for moorings to reflect and complement the character of the area, including heritage sites and conservation areas. The design, size and materials of any new mooring will need to be appropriate to the significance of heritage assets, which includes development within the setting of specific assets. The introduction of lighting

could impact on the significance of heritage assets, while there could be archaeological impacts from piling, dredging and the construction of trenches for services.

- We would advise that any proposal to replace old moorings should consider the significance of the existing mooring and whether it could be regarded as a heritage asset in its own right. In certain cases, there may be a need to conserve the existing mooring or at least ensure that it is recorded before removal.
- The archaeology section is rather short and could be expanded to mention built heritage and clarify that archaeological deposits can include paleo-environmental. Reference could also be made to the county historic environment records. We recommend that the guide requires proposals to assess whether there is potential for archaeological interest before the design is finalised, as this would be more proactive and prevent problems at the application stage. The current wording of the final sentence in this section implies a more reactive approach once proposals have been finalised and approved.
- The checklist at the end of the guide should make explicit reference to proposals needing to consider impact on heritage assets, including archaeology, before submitting a planning application.

Draft Riverbank Stabilisation Guide:

- As with the moorings guide, we welcome the need for stabilisation methods to reflect and complement the character of the area. The potential for impact on heritage assets through stabilisation methods, including impact on archaeological deposits, is considerable. Methods will need to minimise negative impacts and seek benefits for all aspects of the environment, including the natural and the historic.
- As with the moorings guide, the archaeological section is rather short and needs to promote a more proactive approach to the assessment of archaeological interest before stabilisation proposals are finalised.
- The checklist at the end of the guide asks planning applications to consider the archaeological and heritage characteristics of the location, but should go further and ask applications to consider the impact of development on such characteristics.

Summary of response:

Mooring:

- The design, size and materials of any new mooring will need to be appropriate to the significance of heritage assets, which includes development within the setting of specific assets. The introduction of lighting could impact on the significance of heritage assets, while there could be archaeological impacts from piling, dredging and the construction of trenches for services.
- We would advise that any proposal to replace old moorings should consider the significance of the existing mooring and whether it could be regarded as a heritage asset in its own right. In certain cases, there may be a need to conserve the existing mooring or at least ensure that it is recorded before removal.
- The archaeology section is rather short and could be expanded to mention built heritage and clarify that archaeological deposits can include paleo-environmental. Reference could also be made to the county historic environment records. We recommend that the guide requires proposals to assess whether there is potential for archaeological interest before the design is finalised, as this would be more proactive and prevent problems at the application stage.
- The checklist at the end of the guide should make explicit reference to proposals needing to consider impact on heritage assets, including archaeology, before submitting a planning application.

Stabilisation:

- Stabilisation methods will need to minimise negative impacts and seek benefits for all aspects of the environment, including the natural and the historic.
- Archaeological section is rather short and needs to promote a more proactive approach to the assessment of archaeological interest before stabilisation proposals are finalised.
- The checklist at the end of the guide asks planning applications should go further and ask applications to consider the impact of development on such characteristics.

Broads Authority response:

- Will amend introduction to landscape and wildlife to say 'Design of moorings should be appropriate to the location and reflect and complement the character...'.
- There are two issues here the impact that the outcome of the works might have on significance (setting) and also the potential physical impact (damage) on assets through the works.
- It is proposed to replace the archaeology section as follows. "Heritage and Archaeology. Heritage is a finite resource care should be taken throughout the design process to ensure that the physical and visual impact on both built heritage and Archaeology is minimised. The entire Broads is a site of exceptional waterlogged archaeology. This means there is potential for important discoveries during the course of carrying out work and you should be aware that archaeology may be uncovered. If planning permission is required it may be subject to an archaeological condition. Early advice should be sought from the Authority. Consulting the relevant Historic Environment record early in the process (LINK) will indicate any known heritage assets and help assess the likelihood of potential archaeology."
- This will be part of the assessment of any development that requires planning permission. But not all stabilisation and mooring development requires planning permission. There is general reference to heritage in the guide.
- Agree. Amend mooring checklist to say 'How does your proposal reflect the local character and how does it consider impact on heritage assets, including archaeology?'
- Agree. Amend stabilisation checklist to say 'What are the characteristics of the location and how does your proposal impact on/reflect/complement these characteristics?'

Homes and Communities Agency

Thank you for your email in connection with the above consultation the Broads Authority are undertaking. However, as this guide is unlikely to impact on the delivery of housing, the Homes and Community Agency does not intend to respond to the consultation, but we thank you for drawing this to our attention.

Summary of response:

No comment.

Broads Authority response:

Noted.

Knight, Mr J (Broads Authority Member)

Thanks for this. The guide is very useful and I fed most of my comments through at the Navigation Committee but am repeating some of them here, which I hope is helpful.

- (1) Much of the guidance is very prescriptive but is also subjective. For example 'surfacing behind moorings should be kept as natural as possible.' Why? Is this not simply a personal opinion rather than good practice?
- (2) Safety ladders and life rings - every 50m is excessive in my opinion within enclosed marinas, and certainly exceeds the requirements of The Yacht Harbour Association guidance. 50m may well be suitable for the rivers and I suggest that the guidance is modified accordingly.
- (3) Signage - the requirement for 50mm signage is unnecessarily prescriptive and appears entirely arbitrary as there are almost as many letter heights & styles currently in use as there are signs around the Broads

Summary of response:

- (1) Considers parts of the guide subjective. For example surfacing behind moorings.
- (2) Considers safety advice in moorings guide excessive.
- (3) Considers signing guidance overly prescriptive.

Broads Authority response:

- (1) Noted. In liaison with the Landscape Officer, suggested amendments to wording as follows:

'The type of surfacing behind moorings should reflect the environment within which the moorings are located. For rural environments the use of grass or bark provides a more natural feature. Grass can be reinforced to provide a firmer surface to allow access by, for example, wheelchairs and pushchairs. In more urban environments or areas of high use alternative surfacing may be chosen and local products which are cost effective include gravel (which can also be reinforced to make firmer) or hoggins.'

- (2) Noted. In liaison with the Head of Safety Management and the Rivers Engineer, the following amendments will be made:

- 'Safety ladders should be spaced at no more than 50m apart along the length of the mooring. There should also be a chain, rail or similar structure that someone in the water can grab onto in any tidal conditions. You should also complete a risk assessment to determine where public rescue equipment (for example lifebuoys or unlocked throw lines) should be located.'
- Another change to this section is also made. The Health and Safety Executive guide has 'docks' in its title, but it does relate to marinas. As such the following change is to be made:
- 'There is a free Health and Safety Executive code of practice www.hse.gov.uk/pubns/books/l148.htm relating to docks and moorings (including marinas).'

- (3) Comment noted. No change proposed however:

- Agree that there are many signing styles, but this guide refers to mooring related signage.
- AINA (Association of Inland Navigation Authorities) guide lines state that 50mm as a text height is viewable from 10m which we have judged to be a reasonable distance in which to react to the message of 'No public mooring' or succinct wording to that effect.
- A sign of this type will fit on the fascia or capping of a standard quay heading without the need for additional structures.
- White text on black is highly visible without causing glare from strong light.
- The guidance given in the guide is prescriptive, we felt this was preferable to a lengthy explanation of the reasoning and given that it only relates to one particular type of sign that it was not unreasonable.

Marine Management Organisation

Comments from our Marine Licensing team are as follows:

With regard to the mooring guide:

Within the checklist for submission of the planning application an additional question should be asked to confirm if the applicant has considered the need for a marine licence and if they have applied for one. As both authorities will be issuing a licence for these works it is important that we work together and having the applicant inform the authority, of their need for a marine licence, will help facilitate joint working, where required.

With regard to the Bank stabilisation guide:

- Reference should be made under the Permissions and notices section to the fact that for these works a Marine Licence from the MMO, under the Marine and Coastal Access Act 2009, is almost certainly going to be required for any works in a tidal area (i.e below Mean High Water Springs). I would suggest adding wording very similar to that used under the draft moorings guide.
- Within the checklist for submission of the planning application an additional question should be asked to confirm if the applicant has considered the need for a marine licence and if they have applied for one. As both authorities will be issuing a licence for these works it is important that we work together and having the applicant inform the authority, of their need for a marine licence, will help facilitate joint working, where required.

Summary of response:

With regard to the mooring guide:

Within the checklist for submission of the planning application an additional question should be asked to confirm if the applicant has considered the need for a marine licence and if they have applied for one.

With regard to the Bank stabilisation guide:

- Reference should be made under the Permissions and notices section to the fact that for these works a Marine Licence from the MMO, under the Marine and Coastal Access Act 2009, is almost certainly going to be required for any works in a tidal area (i.e below Mean High Water Springs).
- Within the checklist for submission of the planning application an additional question should be asked to confirm if the applicant has considered the need for a marine licence and if they have applied for one.

Broads Authority response:

- This issue is being considered at Full Authority on 25 September 2015. Dan Hoare. The resolution of Full Authority will inform the response to this comment which will be reported orally to Planning Committee. <http://www.broads-authority.gov.uk/broads-authority/committees/broads-authority/broads-authority-25-september-2015>.
- Agree. Amend so wording in stabilisation guide is similar to that of the mooring guide.
- Agree. Add marine licence to checklist or mooring guide.

Natural England

General comments:

- Natural England welcomes that both guides highlight the international and national importance of the landscape and wildlife within the Broads, the potential threats to these from mooring and riverbank stabilisation works and the due process that must be followed before any works can take place where there is potential for impacts to designated sites.
- We also welcome that page 3 of each guide encourages the exploration of enhancing or creating increased space for wildlife when assessing works options.

Suggested changes:

- We advise that Ramsar sites [Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.] should also be listed on page 3 of each guide among the international site designations present within the Broads.
- On page 3 of the Draft Riverbank Stabilisation Guide, we advise that lesser reedmace *Typha angustifolia* should also be included within the list of recommended stabilisation species; this can effectively promote the growth of hover which is a very effective absorber of wave energy from boat wash.

Summary of response:

- We advise that Ramsar sites should also be listed on page 3 of each guide among the international site designations present within the Broads.
- On page 3 of the Draft Riverbank Stabilisation Guide, we advise that lesser reedmace *Typha angustifolia* should also be included within the list of recommended stabilisation species; this can effectively promote the growth of hover which is a very effective absorber of wave energy from boat wash.

Broads Authority response:

- Agree. Ramsar sites will be added to this section of the guides.
- Agree. Lesser reedmace *Typha angustifolia* will be added to the list.

Norfolk and Suffolk Boating Association

Draft Mooring Design Guide:

- Surfacing p 4: Large stone is clean on the boat but difficult for disabled people to walk on or for a wheel chair. Granite or stone chippings, which are used at some moorings, are easier for the disabled but the dust abrades the boat deck, cockpit and cabin sole. For this reason, we are strongly opposed to the use of stone chippings. Wood chippings rot over time but can be kinder to disabled people, and boats.
- Safety p 5: Where there are strong currents or a high tidal range most boats make for the ladders and moor up on them because they are easy and handy to attach the first mooring warp. If there was provision for 'vertical mooring' – vertical 2" rails that could be used instead of the ladders – the ladders could revert to being a safety feature.
- Signage p 7: The Authority's 'no mooring' signs on a piled edge are written in white on black. The remainder of the Authority's signs are written in black or some other colour on white.
- Timber staging p 9: Where staging is erected the vertical posts need to be on the outside of the structure such that the boat rides up and down on the vertical posts rather than getting caught under the staging (unless mooring poles are used to push the boat away from the mooring).
- Quay heading and piling p 9: We are wholly in favour of chamfered whaling. We note that this is not always used at the Authority's quay headings. Dome headed coach bolts should be countersunk into whaling and tightened onto the piling to avoid damage to boats
- Swing or trot p 10: In relation to the first paragraph on p 11, swing moorings are suitable for rivers provided there is a heavy enough weight and/or chain and there is sufficient room for the boat to swing without impeding the banks and other boats. This is demonstrated in countless other rivers and estuaries up and down the country.
- Dolphin p 11: The three legged dolphins that are at the North end of Breydon Water are positively dangerous for small sailing craft on a rising tide. They have no means of easily attaching a boat to them.

Bank stabilisation:

- Bank line protection p 7: The use of gabions is problematic. The rock filled gabions that have fairly recently replaced the steel piling in The New Cut are now clearly failing in parts.
- Matting p 8: Matting does not get caught up in boat engines – it gets caught up in boat stern gear.

Summary of response:***Draft Mooring Design Guide:***

- (1) We are strongly opposed to the use of stone chippings. Wood chippings rot over time but can be kinder to disabled people, and boats.
- (2) If there was provision for 'vertical mooring' – vertical 2" rails that could be used instead of the ladders – the ladders could revert to being a safety feature.
- (3) The Authority's 'no mooring' signs on a piled edge are written in white on black. The remainder of the Authority's signs are written in black or some other colour on white.
- (4) Where staging is erected the vertical posts need to be on the outside of the structure such that the boat rides up and down on the vertical posts rather than getting caught under the staging (unless mooring poles are used to push the boat away from the mooring).
- (5) Dome headed coach bolts should be countersunk into whaling and tightened onto the piling to avoid damage to boats
- (6) Swing moorings are suitable for rivers provided there is a heavy enough weight and/or chain and there is sufficient room for the boat to swing without impeding the banks and other boats. This is demonstrated in countless other rivers and estuaries up and down the country.
- (7) The three legged dolphins that are at the North end of Breydon Water are positively dangerous for small sailing craft on a rising tide. They have no means of easily attaching a boat to them.

Riverbank Stabilisation Guide:

- (1) The rock filled gabions that have fairly recently replaced the steel piling in The New Cut are now clearly failing in parts.
- (2) Matting gets caught up in boat stern gear.

Broads Authority response:

Mooring comments:

- 1: Noted. See changes to this section as detailed in response to James Knights' comments which address this.
- 2: Noted and agree to some extent. Amend guide to say 'Where moorings are proposed in areas of large tidal range, a vertical rail for ease of mooring at lower states of tide could be considered.'
- 3: Noted.
- 4: Agree. Drawing to be amended to take on board this suggestion.
- 5: Agreed, but this is a guide not a specification. However we will amend the example of piling drawing to extend the note on tie rods to read "Galvanised tie rod anchored to buried pile and bolted to waling with head countersunk".
- 6: This may be acceptable on wide rivers and estuaries, but swing moorings have the potential to impede navigation on most areas of our rivers. No change to guide.
- 7: Noted. Dolphins remain an option, we are not specifying the design. No change to guide.

Stabilisation comments:

1: The BA acknowledge there are issues in this area. This prompted the wording in the guide. No change to guide.

2: Agree. Replace 'engine' with 'boat stern gear'.

Norfolk County Council

Mooring Design Guide:

The County Council welcomes the draft guidance on Mooring Design and the sustainable principles which underpin the emerging Guidance. In particular the County Council welcomes the reference on page 2 to Landscape and Wildlife and on page 4 to Archaeology. In addition the County Council welcomes the reference on page 7 to Permissions and Notices.

Riverbank Stabilisation Guide:

The County Council welcomes the draft guidance on Riverbank Stabilisation and the sustainable principles which underpin the emerging Guidance. In particular the County Council welcomes the reference on pages 2 - 4 to Landscape and Wildlife and on page 4 to Archaeology. In addition the County Council welcomes the reference to Permissions and Notices on page 5.

Summary of response:

General support.

Broads Authority response:

Noted.

Norfolk Heritage Fleet Trust (Hunters Yard)

Broads Authority Mooring Design Guide:

- (1) A lot of space is taken up by considering the requirements of the environment, wildlife and archaeology but little on the requirements of the users of the mooring (boats). There is no guidance the best mooring design and arrangements for boats.
- (2) This guide has more relevance to private moorings than BA official moorings. Although the guide recommends grass, gravel, hoggin or bark for surfacing, many BA moorings still have fine grit for surfacing which is particularly damaging to boat decks.
- (3) A paragraph (Page 6) is devoted to Channel Width: new moorings must have no adverse impact on the navigation channel. "It is also not necessarily about the mooring itself, but the impact on channel width by the vessel that is to be moored". I know that this is a new guide and I have no access to the current guide but the recent moorings at How Hill and Womack Dyke have both reduced the navigation channel making it very difficult for tacking yachts.
- (4) Ways of mooring are covered on Page 7 - "In some locations double mooring or mooring stern on are more efficient ways of using space as long as there is adequate channel width". There are several places where there are stern-on moorings but the channel width is certainly not adequate, eg Horning New Inn, Horning Ferry and Martham - should they be allowed?

Broads Authority Riverbank Stabilisation Guidance:

- (1) The guidance on Page 4 about trees implies that trees are a good thing although it is mentioned in passing that they have a detrimental effect for sailing. It should be remembered that trees are a fairly recent addition to river banks. Early photographs of the Broads show very few trees (wherry men did not like trees) and, earlier than that, trees did not last to maturity as they were an important source of fuel. Should planting of new trees be encouraged if it alters the appearance of the area? The whole area is not a natural landscape but is the result of centuries of industrial and agricultural use.

- (2) Page 6 includes a section on re-profiling banks. There is no mention of the need to maintain some areas with vertical banks for informal mooring. The current scheme of sloping back all the banks removes any possibility of mooring and disembarking - this can also be a problem when Yard staff go to the aid of boats in trouble.

Again much emphasis placed on designs being beneficial to wildlife. All designs should be a compromise to meet the needs of every user, be it human or wildlife.

Summary of response:

Mooring Guide:

- (1) Little on the requirements of the users of the mooring.
- (2) Many BA moorings still have fine grit for surfacing which is particularly damaging to boat decks.
- (3) Recent moorings at How Hill and Womack Dyke have both reduced the navigation channel making it very difficult for tacking yachts.
- (4) There are several places where there are stern-on moorings but the channel width is certainly not adequate, eg Horning New Inn, Horning Ferry and Martham - should they be allowed?

Riverbank Stabilisation Guide:

- (1) The guidance on Page 4 about trees implies that trees are a good thing although it is mentioned in passing that they have a detrimental effect for sailing. Should planting of new trees be encouraged if it alters the appearance of the area?
- (2) Page 6 includes a section on re-profiling banks. There is no mention of the need to maintain some areas with vertical banks for informal mooring. The current scheme of sloping back all the banks removes any possibility of mooring and disembarking - this can also be a problem when Yard staff go to the aid of boats in trouble.
- (3) Again much emphasis placed on designs being beneficial to wildlife. All designs should be a compromise to meet the needs of every user, be it human or wildlife.

Broads Authority response:

- Surfacing comments noted. See comment in response to James Knight's comments which includes new wording.
- The moorings at How Hill were installed by BESL and were along the same section of frontage that mooring previously took place on (circa 2004). The new piling was installed in front of the previous pile line rather than removing the previous piling and repiling on exactly the same line. As the old piling had failed to the extent that it was a crinkle crankle wall the new pile line was some distance out from the previous pile edge and has resulted in a reduction in river width at this point. This was the subject of some debate at the time and is precisely why the Authority wanted the guidance to cover unacceptable encroachment on the available navigable width at any given location. No change to guide.
- Stern on comments noted. No change to guide. Comment will be referred to ranger team to consider and assess.
- Tree comments Noted. The guidance neither promotes or discourages trees. The existing text highlights the complex issue and reflects broadly the comments raised by Norfolk Heritage Fleet Trust. No change to guide.
- The current scheme being undertaken by EA involving removal of their own assets which were put in place for bank protection. The BA acknowledge that informal mooring contribute to the amount of mooring available in the Broads. Re-profiling banks is one of the various options discussed in the guide. The guide is not promoting removal of hard edges. Different options will provide different benefits in different locations. No change to guide.

- Agreed. The guides discuss design, cost, maintenance, safety, landscape impact amongst other issues to consider. No change to the guide.
-

RSPB

- Having reviewed the proposal, the RSPB considers there is a lack of clarity regarding the information that should be presented to the Broads Authority and/or Natural England when undertaking works on moorings or riverbank stabilisation close to designated sites. The RSPB therefore recommends the document be strengthened to better reflect requirements to ensure adverse effect to Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) are avoided. Under the 'permissions and notices' section of the guides (p.7 & p.5 respectively), a planning application is required for waterside development. It should be highlighted that projects likely to impact on a Natura 2000 site should be accompanied by sufficient information to enable the Competent Authority to complete a Habitats Regulations Assessment to determine the application(s) in accordance with the Habitat Regulations [The Conservation of Habitats and Species Regulations 2010]. The guides already note that Natural England will need to determine whether the project will require any consents, but greater clarity on what this will require would be helpful. Additional guidance on the information required to enable Natural England and the Broads Authority to consent works under the Habitats Regulations could be attached to penultimate paragraph on p.3 of the Mooring design guide and the final paragraph on p.3 of the riverbank stabilisation guide. The guides already provide information regarding the Wildlife and Countryside Act 1981 and the need to survey for European Protected Species; a similar statement clarifying assessment requirements for the wider designations would therefore be appropriate for completeness.
- The RSPB recommends that penultimate paragraph on p.3 of the Mooring design guide and the final paragraph on p.3 of the riverbank stabilisation guide be amended. The first sentence of both paragraphs starts "The Broads also claims 28 Sites of Special Scientific Interest (SSSIs)..." The Broads does have/supports the identified SSSIs and a stronger term than "claims" must be used. We suggest this paragraph be re-worded to say: "The Broads supports internationally important wildlife populations and habitats protected within Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These sites are underpinned at a national level by 28 Sites of Special Scientific Interest (SSSIs) that cover 24% of the executive area."

Summary of response:

- RSPB considers there is a lack of clarity regarding the information that should be presented to the Broads Authority and/or Natural England when undertaking works on moorings or riverbank stabilisation close to designated sites. The RSPB therefore recommends the document be strengthened to better reflect requirements to ensure adverse effect to Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) are avoided.
- Under the 'permissions and notices' section of the guides (p.7 & p.5 respectively), a planning application is required for waterside development. It should be highlighted that projects likely to impact on a Natura 2000 site should be accompanied by sufficient information to enable the Competent Authority to complete a Habitats Regulations Assessment to determine the application(s) in accordance with the Habitat Regulations.
- Additional guidance on the information required to enable Natural England and the Broads Authority to consent works under the Habitats Regulations could be attached to penultimate paragraph on p.3 of the Mooring design guide and the final paragraph on p.3 of the riverbank stabilisation guide.
- The RSPB recommends that penultimate paragraph on p.3 of the Mooring design guide and the final paragraph on p.3 of the riverbank stabilisation guide be re-worded to say: "The Broads supports internationally important wildlife populations and habitats protected within Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These sites are underpinned at a national level by 28 Sites of Special Scientific Interest (SSSIs) that cover 24% of the executive area."

Broads Authority response:

Amend text in both guides to say:

'The Broads supports internationally important wildlife and habitats. Within the Broads are the Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Broads Ramsar site. These sites are underpinned at a national level by 28 Sites of Special Scientific Interest (SSSIs) covering 24% of the executive area. You will need written consent from Natural England for any proposed works that may impact a protected site. In some cases an appropriate assessment may be required under the Habitat Regulations to demonstrate that there will be no adverse impacts on the integrity of the protected site.'

Salhouse Broad

In response to your consultation notification, please note a few points on the Mooring Guide and Draft Riverbank Stabilisation Guide, as recognised by Salhouse Broad:

- Coir is mentioned but not explained that this is coconut fibre.
- Matting out of jute is suggested, but coir and hemp would also be suitable.
- Asphaltic matting is mentioned, this should be bitumen matting.

Mooring design guide:

- Terram is a brand, and should not be 'advertised'
- Piling example, should show appropriate finish, of woodchip / gravel / reinforced grass turf
- Piling example should show appropriate drainage, to stop puddle formation behind the piling.

Summary of response:

- Coir is mentioned but not explained that this is coconut fibre
- Matting out of jute is suggested, but coir and hemp would also be suitable
- Asphaltic matting is mentioned, this should be bitumen matting
- Terram is a brand, and should not be 'advertised'
- Piling example, should show appropriate finish, of woodchip / gravel / reinforced grass turf
- Piling example should show appropriate drainage, to stop puddle formation behind the piling.

Broads Authority response:

- Agree. Amend to 'coir (coconut fibre)'.
 - Agree. Amend to 'natural fibres (e.g. jute, coir or hemp)'
 - Noted. Asphaltic is an accepted term. No change to guide.
 - Agree. Replace 'terram' with 'geotextile membrane'
 - It is difficult to show all three suggestions on one diagram. We discuss surfacing elsewhere in the guide. No change to guide.
 - The requirement to consider drainage is not standard on all piling schemes. Add a new bullet point relating to considering drainage.
-

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 6th 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>legal advice</p> <ul style="list-style-type: none"> • Challenge to High Court decision filed in Court of Appeal on 27 August 2015
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
8 November 2013	J B Boat Sales, 106 Lower Street, Horning	Unauthorised building of new office not in accordance with approved plans	<ul style="list-style-type: none"> • Authority for serving an Enforcement Notice in consultation with the solicitor requiring the removal of a prefabricated building and restoration of site, with a compliance period of three months. Authority to prosecute in the event of non-compliance • Enforcement Notice served 19 November 2013 • Compliance required by 6 April 2014 • Negotiations underway regarding planning application • Compliance not achieved and no application submitted • Solicitor instructed to commence Prosecution proceedings • Case to be heard in Norwich Magistrates Court on 28 January 2014 • Case adjourned to 25 February 2015 • Planning application received 13 February 2015 and adjournment to be requested for Hearing • Revised Scheme submitted and approved • Remedial works to be completed by 8 August 2015 • Remedial works to be completed by 8 October 2015

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015
5 December 2014	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015
24 July 2015	Cross Keys Dilham	Unauthorised siting of a static caravan	<ul style="list-style-type: none"> • Authority given for the serving of an Enforcement Notice seeking removal of the Static Caravan with a compliance period of three months; and authority given for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with • Enforcement Notice served 27 August 2015 • Compliance required by 2 January 2016
11 September 2015	Nos 1and 2 Manor Farm House, Manor Road, Oby	Unauthorised Work to Grade 2 Listed building	<ul style="list-style-type: none"> • Authority to serve Listed Building Enforcement Notice (LBEN) if voluntary compliance not achieved PC 17-8-12 • Agreement for a phased replacement for windows. • Listed Building consent LBC granted for work

Committee Date	Location	Infringement	Action taken and current situation
			<p>(BA/2014/0076/LBC) on 1-5-14 with period of ten years for completion of works.</p> <ul style="list-style-type: none"> • 5 of the 28 apertures that require replacing have been completed (April 2015) • Officers to report on progress in 6 months' time – March 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: 23 September 2015

Appendices: Nil

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

Summary: This report sets out the position regarding appeals against the Authority since March 2015.

Recommendation: That the report be noted.

1 Introduction

- 1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since March 2015.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files.

Author: Sandra A Beckett
Date of report: September 2015

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

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State since March 2015

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
28-05-15	App Ref BA/2015/0002/REF APP/E9505/W/15/3013 891 BA/2014/0281/COND Pampas Lodge Holiday Park The Street, Haddiscoe NR14 6AA Mr Colin Shirley	Appeal against refusal Variation of Condition 6 of 1998/1645/CU to allow use of caravan pitch for year-round warden's accommodation	Delegated Decision on 3 December 2014 Questionnaire and Notification Letters sent 04-06-15 Statement sent by 02-07-2015 Inspector's site visit 8 September 2015 Allowed with conditions on 24-9-15
10-06-15	App Ref BA/2015/0002/REF APP/E9505/W/15/3013 891 BA/2014/0281/COND Pampas Lodge Holiday Park The Street, Haddiscoe NR14 6AA Mr Colin Shirley	Appeal for costs in respect of appeal at Pampas Lodge Holiday Park	Delegated Decision Response sent by 02-07-2015 Appeal Dismissed 24-9-15
	App Ref BA/2015/ APP/E9505/ Silver Dawn, Woodlands Way Horning Reach Horning NR12 8JR Mr N Barrett	Appeal against refusal Variation of Condition 3 of BA/2012/0056/FUL to amend approved roof material	Committee decision on 6 February 2015

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

09 October 2015

Agenda Item No. 15

Summary: This report sets out the delegated decisions made by officers on planning applications from 01 September 2015 to 01 October 2015
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Brundall Parish Council				
BA/2015/0235/HOUSEH	13 Riverside Estate Brundall Norwich Norfolk NR13 5PU	AR And DR Discretionary Trust	Erection of front and side extensions and pitched roof with velux windows.	Approved Subject to Conditions
Geldeston Parish Council				
BA/2015/0189/HOUSEH	Woodlands 21 Station Road Geldeston Beccles Norfolk NR34 0HS	Mr J Oxley	Replacement store building.	Approved Subject to Conditions
Gillingham Parish Council				
BA/2015/0255/FUL	The Moorings Gillingham Dam Gillingham Beccles Norfolk NR34 0PA	Mr J Tubby	Re-location of fence on new highway boundary line.	Approved Subject to Conditions
Langley With Hardley Parish Council				
BA/2015/0242/HOUSEH	22 Langley Street Langley Norwich Norfolk NR14 6AD	Mr John Sargeant	Removal of existing veranda. New orangery 6800mm projection by 5300mm wide.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Potter Heigham Parish Council				
BA/2015/0280/HOUSEH	St. Elmo North East Riverbank Bridge Road Potter Heigham Great Yarmouth Norfolk NR29 5NE	Mrs Angela King	Alterations to front wall, patio doors and three front windows, and extend decking to veranda area.	Approved Subject to Conditions
Smallburgh Parish Council				
BA/2015/0213/HOUSEH	Braganza Low Street Smallburgh Norfolk NR12 9LR	Mr & Mrs Jeremy Debbage	Proposed extensions to both house and garage, including first floor terrace and balustrading.	Approved Subject to Conditions
Stalham Parish Council				
BA/2015/0257/FUL	T Mobile Richardsons Boatyard The Staithe Stalham Norwich Norfolk NR12 9BX		Telecommunications equipment upgrade and associated works.	Approved Subject to Conditions