

**Planning Committee**

**AGENDA**

**Friday 6 January 2017**

**10.00am**

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|---|--------|
| 1. <b>To receive apologies for absence and introductions</b>  |        |
| 2. <b>To receive declarations of interest</b>   |        |
| 3. <b>To receive and confirm the minutes of the previous meeting held on 9 December 2016 (herewith)</b> | 3 – 15 |
| 4. <b>Points of information arising from the minutes</b>  |        |
| 5. <b>To note whether any items have been proposed as matters of urgent business</b>                    |        |

**MATTERS FOR DECISION**

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

BA/2016/0422/COND Compartment 37 South Side Of Upton Boat Dyke, River Bure, Upton-w-Fishley

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<b>Enforcement of Planning Control: The Ferry Inn at Horning: Non-compliance with Enforcement Notice, plus unauthorised portakabin and caravan</b>	
Report by Head of Planning (herewith)	
10	28 – 35
<b>Enforcement Update</b>	
Report by Head of Planning (herewith)	
POLICY	
11	36 – 44
<b>Salhouse Neighbourhood Plan- Proceeding to publication</b>	
Report by Planning Policy Officer (herewith)	
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<b>Broads Local Plan January Bite Size Pieces</b> Report by	
Report by Planning Policy Officer (herewith)	
<i>Including:</i>	
<i>Policy PUBPOT 1: Bridge Area</i>	
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<b>Loddon and Chedgrave Conservation Area Reappraisal</b>	
Report by Historic Environment Manager (herewith)	
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<b>Managing Planning Performance and the Designation Regime for Local Planning Authorities</b>	
Report by Head of Planning (herewith)	
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<b>Appeals to the Secretary of State Update</b>	
Report by Administrative Officer (herewith)	
16	72 – 75
<b>Decisions made by Officers under Delegated Powers</b>	
Report by Director of Planning and Resources (herewith)	
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<b>To note the date of the next meeting – Friday 3 February 2017 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich</b>	

**Broads Authority**

**Planning Committee**

Minutes of the meeting held on 9 December 2016

Present:

Sir Peter Dixon – in the Chair

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

Mr H Thirtle  
Mr V Thomson (From Minute 6/9)  
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 6/11 – 6/13)  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – For the Solicitor  
Ms M Hammond – Planning Officer  
Mr B Hogg – Historic Environment Manager  
Mr S Hayden – Arboricultural Consultant  
Ms A Long – Director of Planning and Resources  
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke

**BA/2016/0355/COND and BA/2016/0356/COND Waveney River  
Centre, Staithe Road, Burgh St Peter**

Mr Michael Haslam  
Mr James Knight                      The Agent for the applicant

**BA/2016//COND /0363/FUL Rockland Broad, Rockland St Mary**

Mr Jonathon Cook                      On behalf of the applicant

**6/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting. Apologies were received from Mr Paul Rice. Mr Vic Thomson would be arriving later.

**6/2 Declarations of Interest**

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. The Chairman declared a general interest on behalf of all Members relating to applications:

- BA/2016/0355/COND and BA/2016/0356/COND Waveney River Centre, Staithe Road, Burgh St Peter as the applicant was a member of the Navigation Committee; and
- BA/216/0363/FUL Rockland Broad where the Authority was acting as agent for the applicant – Rockland Parish Council.

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

- (1) **Broads Local Plan:** The Chairman reminded everyone of the drop in sessions as part of the consultation for the Broads Local Plan. The public consultation was due to end on 3 February 2017.
- Thursday 15 December 2016, 6pm to 8pm Horning Village Hall
  - Saturday 7 January 2017, 10.00am – 12.30pm Oulton Community Centre
  - Thursday 19 January 2017, 6pm – 8pm Loddon and Chedgrave Jubilee Hall Sports and Social Club
- (2) **Planning Design Tour - Potential Date:** The Chairman reported that it was proposed to hold the next Planning Design Tour in June on either the scheduled site visit day of 9 June or 16 June 2017. The Administrative Officer would canvas members via a doodle poll to see which date was most suitable.

In response to the Chairman's request as to whether anyone wished to film or record the proceedings, Mr Knight informed the Committee that he would be doing so.

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

### **6/4 Minutes: 11 November 2016**

The minutes of the meeting held on 11 November 2016 were agreed as a correct record and signed by the Chairman.

### **6/5 Points of Information Arising from the Minutes**

None to report.

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

No items had been proposed as matters of urgent business.

## **6/7 Requests to Defer Applications and /or Vary the Order of the Agenda**

A request to defer planning application BA/2016/0376/FUL to enable the applicant to gather and provide further information, had been received. The Chairman reported that the report would be deferred.

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

## **6/8 Applications for Planning Permission**

The Committee considered the following application 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 decision.

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

### **(1) BA/2016/0355/COND and BA/2016/0356/COND Waveney River Centre, Staithe Road, Burgh St Peter**

Removal of condition 4: passing bay signs of permission  
BA/2016/0088/COND

Removal of condition 1: temporary consent and condition 6: passing bay signs, of permission BA/2016/0064/COND.

Applicant: Mr James Knight

The applications were before members as the applicant is a member of the Navigation Committee and a former member of the Full Authority.

The Planning Officer gave a detailed presentation of the two applications. These involved the removal of conditions from two previous planning permissions. The conditions had been first applied to the original permission for residential moorings in 2015 (BA/2015/0251/FUL) and restaurant extension (BA/2015/0360/FUL) to make the development acceptable in highways terms. One condition was included within both permissions BA/2016/0064/COND and BA/2016/0088/COND requiring the signage of passing bays. Since the original permissions had been granted, the Highways Authority had changed their position. They now advised that since 2013 they had resisted such signage on the grounds of reducing sign clutter in the area and future maintenance costs and therefore such a condition was no longer reasonable. The Highways Authority now accepted that both developments, individually and cumulatively, were acceptable without mitigation measures and therefore the proposal to remove condition 4 from BA/2016/0088/COND and condition 6 from BA/2016/0064/COND was acceptable in accordance with Policy DP11. The Planning Officer concluded that approval could be given for the Highways conditions on both applications to be removed.

The second application BA/2016/0356/COND also related to the removal of Condition 1 which related to a temporary time limit for the original application for ten residential moorings (BA/2015/0251/FUL) and subsequent BA/2016/0064/COND. Members had given a five year temporary approval to enable an assessment of the impacts in terms of the site's viability and the economics of providing facilities, and to assess whether the provision of ten residential moorings did improve the economic viability of the Centre. He argued on the basis of marginality, viability, uncertainty and insecurity of tenure for the residential moorings, appearance, and against planning guidelines. The Planning Officer referred to the Planning Practice Guidance on temporary permissions and addressed each of the reasons presented by the applicant in turn particularly taking account of the criteria of Policy DP25 and other relevant policies. The Planning Officer considered that there had been no changes in the circumstances since the original permission had been given. Therefore a temporary time limit was still considered necessary in accordance with the Planning Practice Guidance and recommended this be retained within the conditions for approval. It was also considered that the 5 year temporary permission should be from the date of any consent given to this application.

The Planning Officer referred to outstanding matters relating to unauthorised development and four breaches of condition relating to landscaping, demarcation of parking, signage and use of residential moorings. Two of the four breaches had been resolved and the signage was in place. With regard to the demarcation of parking spaces in relation to the shop, reception and restaurant, this had not been completed and the Highways Authority had advised the applicant that they would not have an objection to the Authority not enforcing this condition. On this basis, the Planning Officer recommended that this condition be not enforced.

With regards to the two existing alternative permissions for the residential moorings BA/2015/0251/FUL or BA/2016/0064/COND, the Planning Officer stated that both had conditions requiring details to be agreed prior to first use of the moorings within two months of the grant of the permissions, whichever was the earlier. Officers had been trying to ascertain whether either permission had been implemented and whether the requirement for those conditions to be discharged had been triggered. On the basis of the information presented, it would appear that neither permission had been implemented.

Mr Haslam on behalf of the applicant, referred to previous advice and correspondence from the Head of Planning which had pointed out the criteria in Policy DP25, explaining that the site was outside the development boundary but giving the view that proposed development would not be contrary to the objectives of the policy. His client was

surprised at the Officer's original recommendation for refusal but was pleased that the Committee had approved the application. In referring to the residential moorings and the requirement for temporary permission, Mr Haslam explained that there had not been a demand for residential moorings due to the temporary permission. Two potential customers for the occupation of the residential mooring berths had indicated they would not take up the moorings unless the permission was permanent. He requested that members examine the implications of imposing the temporary permission particularly when it expired and the potential need to vacate the premises when there were no other places available in the area, and the obligation on Local Authorities to offer accommodation. He contended that the reason to impose the temporary condition was vague and imprecise and the applicant had no idea of the information and evidence that was required by the planning authority at the end of the temporary period to measure viability. It also failed the test of reasonableness as it rendered the development incapable of implementation. He emphasised that the proposal was for a diversification of the business on the basis of a diversification of the use of the moorings from recreational to residential. The application was for modest diversification of a successful business and he urged the Committee to support the application to remove the temporary consent.

Members expressed considerable regret about the position they had been put in with regards to the highways advice. Highways had strongly argued for the imposition of the condition concerning signage at the passing bays due to the potential increase in traffic and associated impact from the additional ten residential moorings and restaurant on this rural road network. However, Members accepted that the highways advice had changed and therefore the removal of the highways condition was now acceptable.

With regards to the temporary consent, Members had acknowledged that the applicant's original justification for the development was to increase the viability of the business particularly in the winter months. They therefore had imposed the condition to enable an assessment of the impacts of the development on the business's viability and whether the provision of the ten residential moorings would improve the economic viability of the social amenities and facilities available for others. This was on the basis that any permission was a departure from the development plan but would be in accordance with the Authority's policies to support tourism and employment uses. Some members stated that they considered the condition was imposed on a very reasonable basis and that it should be possible to provide specific and measurable evidence of viability. In general they were of the view that no additional significant evidence had been supplied at this stage and queried whether the applicant had sought to establish what evidence was required. Some members considered that the temporary condition should not be removed on the basis of the views of two

individuals, although others queried whether the condition was capable of trial.

Following further discussion, the Chairman proposed that the Committee consider each of the Officer's recommendations in turn.

Bill Dickson, seconded by Haydn Thirtle proposed an amendment to recommendation (2) in the report, that the time limit of 5 years on the temporary consent be retained from the original permission (BA/2016/0064/COND) and not from the date when a decision would be issued on BA/2016/0356/COND.

On being put to the vote, the amendment was accepted by 3 votes for, 2 against and 2 abstentions.

RESOLVED unanimously

- (i) Application BA/2016/0355/COND Removal of condition 4: passing bay signs of permission BA/2016/0088/COND  
That the application be approved subject to the previous conditions (amended to reflect the implementation of the development and discharge of pre-commencement conditions, minus condition 4) as outlined within the report.  
Application BA/2016/0355/COND is considered acceptable in accordance with Policy DP11 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012), a material consideration in the determination of this application.

RESOLVED by 5 votes to 1 against and 1 abstention

- (ii) Application BA/2016/0356/COND Removal of condition 1: temporary consent and condition 6: passing bay signs, of permission BA/2016/0064/COND.

That the application involving the removal of condition 6 be approved subject to conditions outlined within the report but retaining the temporary consent as from the date of the original permission.

Application BA/2016/0356/COND is considered acceptable in accordance with Policy DP11 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012). It does not comply with criterion (a) of Policy DP25 but it is considered that there are sufficient material considerations to outweigh the conflict with the plan and allow it as a departure on a temporary trial period as from the original permission.



RESOLVED unanimously

- (iii) Non-compliance with Condition 3 of BA/2015/0236/COND (Demarcation of parking spaces)

No further action be taken.

- (2) **BA/2016/0376/FUL Land at Pump lane, West Caister**  
New rural workers dwelling and development supporting current business  
Applicant: Mr Darren Woolsey

This application was deferred to enable the applicant to gather further information.

- (3) **BA/2016/0363/FUL Rockland Broad, Rockland St Mary**  
Replacement and extension of silt curtains installed in 2011 (PP BA/2011/0002/FUL) to protect three Peat baulks. A single barrier protecting two islands will be approximately 130m in length, with another barrier protecting the third island of approximately 60m in length  
Applicant: Mr Jonathan Cook

The Head of Planning provided a detailed presentation of the application for techniques to protect three small reed islands situated in the south-east corner of Rockland Broad from erosion from wash and grazing by geese. The method involved providing silt curtains to protect all three islands, with the two islands which were subject of a previous experiment to be protected by one continuous silt curtain measuring 130 metres in length, and the third island to be protected by a silt curtain measuring 60 metres in length.

Since the writing of the report, further correspondence had been received from the Environment Agency stating that it had no objections in principle and recommending required mitigating measures. The Senior Ecologist was satisfied that the techniques used would be suitable to provide these. Comments from Natural England were still awaited.

Following an assessment of the key issues relating to impact on landscape, navigation and conservation, the Head of Planning concluded that the proposals offered the potential for significant landscape improvements through the protection of features which were distinctive to and characteristic of the Broads and would provide valuable protected habitat for native flora and fauna. It was further considered that the proposals were not likely to have an unacceptable impact on navigation. It was therefore recommended for approval subject to receipt of the comments from Natural England.

Members were in favour of the application and recognised the benefits. They did have concerns about the possibility of “signage” as indicated in the proposed conditions and considered that the use of buoys at the appropriate locations would be more appropriate. They considered that there should be appropriate minimum demarcation of the works in relation to the main navigation channel but signage would be an intrusion in the natural landscape.

#### RESOLVED

that the application be approved subject to comments from Natural England and conditions as outlined within the report with an amendment to the condition referring to “signage” but to have this replaced with an appropriate form of minimum demarcation. The proposal is considered to be in accordance with Policies CS1, CS3, and CS5 of the Core Strategy (2007), Policy DP1 of the Development Management Document (2011), and the National Planning Policy Framework (2012).

#### **6/9 Enforcement of Planning Control: Eagle’s Nest, Ferry Road, Horning**

The Committee received a further report from that received in June 2014 concerning the unauthorised use of a boathouse for holiday accommodation at Eagles Nest, Ferry Road, Horning. In addition, the boatshed originally granted in 2010 had not been built in accordance with the approved materials and the unauthorised materials remained. A composite boarding had been used to clad the walls and white UPVC windows have been installed. Timber boarding and windows were approved. One of the original conditions on the planning permission for the development of the boathouse was that it be used for mooring and storage only.

The Head of Planning reported that the owner had informed the Authority that the boathouse was no longer being used as holiday accommodation but was being used as residential accommodation by the manager of the boatyard business as it was very useful for him to be on hand to deal with customers, many of whom had disabilities. The planning consultant on behalf of the owner had written to the Authority requesting deferral of consideration of the matter in order to submit more information to support a certificate of lawful use and or submit a planning application for change of use of part of the boathouse to manager’s accommodation.

Members considered that there had been a clear breach of planning permission and it would be expedient to proceed as recommended in the report. A member suggested that the owner be given three months to comply and possibly submit a planning application. However, it was noted that there would be a minimum of 28 days from the serving of a Breach of Condition Notice (BCN) before it came into effect and the owner could submit a planning application within that time. Members considered that the conditions of the original planning permission granted in 2011 had been ignored and the owner had had sufficient time to remedy the situation.

RESOLVED by 7 votes to 0 against, and 1 abstention

- (i) that authorisation is granted for the serving of a Breach of Condition Notice in respect of:

Condition 3 (of application BA/2010/0012/FUL) requiring the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and

Condition 6 (of application BA/2010/0012/FUL) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months.

And for

- (ii) prosecution (in consultation with the solicitor) in the event that the Breach of Condition Notice is not complied with.

## **6/10 Enforcement Update**

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

### **With reference to Thorpe Island**

It was noted that a planning application had been received and a start made on processing this. However, Norwich City Council had raised an objection on the basis that the red line boundary of the application included land within their ownership and as landowner they had not been officially notified by the applicant prior to submitting the application, as was legally required. Therefore the application, if Norwich City Council was right, was technically flawed and could not rightly be progressed. The Authority had notified the applicant's agent and was awaiting a response. The Authority was obliged to deal with an application appropriately and if it did not comply with the legal requirements, the Authority should not be considering the application. Therefore the application had been halted due to a point of law that needed to be addressed before it could proceed.

### **Ferry Inn at Horning**

A meeting with the landowners' new agent had taken place on 10 November 2016 and a further request had been received for the Authority to withdraw the enforcement action as it was not considered that the structures in place were development. Members noted that Mr Paul Rice had attempted to act as a mediator for some considerable time and that the matter had been of concern since 2012. Officers were very confident that the issue under consideration was development. Members were satisfied with the decision they had taken in February 2016 to pursue enforcement action, that this should stand and officers proceed accordingly.

### **Broad Minded Plot 9/9A Martham**

Members had been clear that the mooring of Caravan on a Floating Pontoon was development. A request had been made (by the Environment Agency) for (a further) 90 days in order to persuade the owner to remove the structure. Bearing in mind that the owner had already had 18 months in which to comply, members agreed to deny the request.

RESOLVED

that the Enforcement Update report be noted.

### **6/11 Broads Local Plan –Local Plan Topics for the publication version**

The Committee received a report introducing the topics for the Publication version of the Broads Local Plan set out as follows:

- Appendix A Land at Chedgrave Assessment
- Appendix B East Marine Plan Assessment
- Appendix C Housing and Economic Land Availability Assessment

These documents would inform the draft policy approach in the publication version and the final text within it. There may be other consideration coming to light between now and final version that would be presented to Planning Committee in April 2017.

Members were supportive of the recommendations and details within each of the appendices. They were pleased to note that the Authority's policies had been checked against those of the East Marine Plan Assessment and there were no implications.

RESOLVED

that the recommendations and details within each of the documents provided were supported and endorsed to inform the publication version of the Broads Local Plan.

### **6/12 Annual Monitoring Report**

The Committee received a covering report together with the Annual Monitoring Report for the financial year 2015/16. This covered both Planning Policy and Development Management. With regards to Planning Policy the report also covered progress against the Local development Scheme as well as updates regarding work undertaken under the auspices of Duty to Cooperate beyond March 2016.

RESOLVED

that the report be noted and welcomed and published on the Authority's website.

## **6/13 Confirmation of Re-Served Tree Preservation Orders**

The Historic Environment Manager introduced the Authority's Arboricultural Consultant, Mr Steve Hayden. He presented the report on the recent review of the Tree Preservation Orders (TPOs) in the Broads Authority area to ensure that existing TPOs were compliant with the current legislation and were accurate and consistent as required by all LPAs and in accordance with the criteria set out in The Town and Country (Tree Preservation) (England) Regulations 2012. All trees considered to be worthy of preservation for amenity value or at risk required confirmation by the LPA and under the Authority's scheme of delegation TPOs all new and any amendments to existing TPOs must be determined and confirmed by the Planning Committee.

Members noted the procedures required and the findings of the review involving 37 of the existing TPOs. For 34 of the trees re issued with TPOs no objections were received, one representation was received relating to an inaccuracy in the order (BA/2016/0003/TPO) as the tree no longer existed and one related to an issue with the BA boundary (BA/2016/0019/TPO). It was proposed that the latter two be not confirmed at this stage. One objection was received in relation to a tree at Wayford Bridge as set out at Appendix 2 to the report and therefore the Planning Committee was required to undertake a site visit prior to the determination of the Tree Preservation Order.

It was considered that it would be worthwhile to include a more detailed session on Tree Preservation Orders at the next planned training session in March.

### **RESOLVED**

- (i) that the 34 new TPOs issued be confirmed and the corresponding existing TPOs be revoked as set out in Appendix 1 to the report;
- (ii) that Members undertake a site visit to consider the case of BA/2016/0036/TPO at Wayford Bridge in line with the adopted procedure as an objection has been received. The site visit to take place on Friday 20 January 2017 starting at 2.00pm; and
- (iii) that two of the TPOs identified be not re-issued.

## **6/14 Appeals to Secretary of State Update**

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016.

### **RESOLVED**

that the report be noted.

**6/15 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 25 October 2016 to 22 November 2016.

Members were very pleased to note that some of the applications dealt with had come from the proactive condition monitoring process now in place and that this was proving successful.

RESOLVED

that the report be noted.

**6/16 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 6 January 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.15pm

CHAIRMAN

## Code of Conduct for Members

## Declaration of Interests

**Committee:** Planning Committee

**Date of Meeting:** 9 December 2016

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
All Members	6/8(1) and (3)	Applications BA/2016/0355/COND and BA2016/0356/COND Waveney Inn and River Centre, Staithe Road, Burgh St Peter Applicant member of Navigation Committee member  BA/2016/0363/FUL Rockland Broad Broads Authority agent on behalf of Parish Council
Bill Dickson	-	-
Jacquie Burgess		As previously declared
Haydn Thirtle	-	-
Gail Harris		
Peter Dixon	6(8)1	Know Agent as both members of English Rural Housing Association

**Reference:**

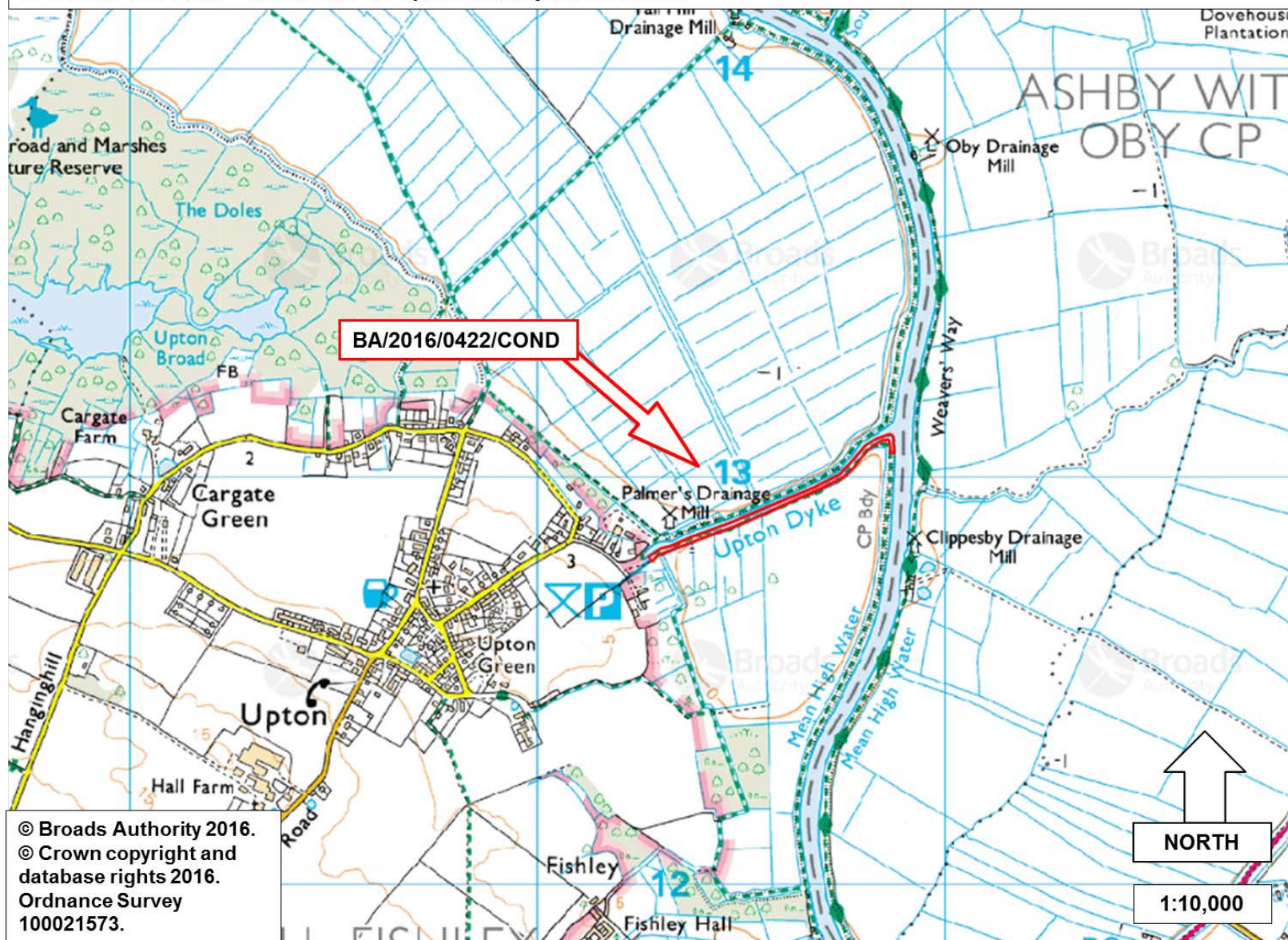
BA/2016/0422/COND

**Location**

Compartment 37 South Side of Upton Boat Dyke,  
River Bure, Upton-w-Fishley



BA/2016/0422/COND - South Side Of Upton Boat Dyke, River Bure



**Application for Determination**

<b>Parishes:</b>	Upton-w-Fishley
<b>Reference:</b>	BA/2016/0422/COND      Target Date: 13 January 2017
<b>Location:</b>	Compartment 37 – South side of Upton Boat Dyke
<b>Proposal:</b>	Variation of condition 1 of planning permission BA/2015/0364/FUL to supplement drawing WNCFSH/420/002/O with WNCFSH/420/002/A to allow removal of piling and realignment of floodbank close to existing culvert (chainage 3962 to 3980)
<b>Applicant:</b>	Environment Agency
<b>Reason for referral:</b>	Variation to major application
<b>Recommendation:</b>	Approve with conditions

**1 Background**

- 1.1 The application site is on the south side of Upton Dyke which is located to the west of the River Bure (see Appendix 1).
- 1.2 In November 2015, a planning application was submitted for ‘driving / removal of piling along the southern bank of Upton Dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank’ (ref no BA/2015/0364/FUL). The application proposed pile removal (via driving piles into the bed of the dyke) for much of the south side of Upton Dyke. However, the works proposed excluded a short section of piling (some 18 metres) close to a culvert. The location of this culvert is approximately halfway between the head of the dyke and the river. It is marked by an IDB drainage dyke running perpendicular to the boat dyke and the culvert itself, which consists of a pipe that goes underneath the boat dyke to allow water to join the drainage dyke network on the other side. The floodbank also makes a kink at this point as it passes around the drainage dyke and associated culvert headwall.
- 1.3 Members may recall that the 2015 application was subject to a Member Site Visit before Committee authorised conditional approval in February 2016. Following further local engagement by BA Officers and BESL, the decision notice was issued in September 2016 (and pre-commencement condition requirement details were approved in November 2016).
- 1.4 BESL have now been informed of a recent decision by the IDB to improve the culvert that runs under Upton Dyke to avoid a ‘kink’ in the floodbank and to allow the adjacent piling to be removed at the same time as the BESL piling removal scheme. This will not affect the function of the pipe that passes under the boat dyke

that allows water to join the drainage network on the other side of the Dyke.

- 1.5 This new application therefore proposes a variation to the approved scheme (with a supplementary drawing). In summary, the change proposes the extension of the culvert pipe to allow the floodbank to be rolled back to follow the same alignment as the bank either side (to the east and west) straightening the floodbank alignment. This will then also allow the river edge piles to be removed rather than retaining them as shown in the original drawing.
- 1.6 The 2015 application highlighted that the approach to pile removal would follow the following process:
  - Before the piles are driven, any walings and tie rods are removed and a wedge of material is excavated from behind the piles
  - The original floodbank will be re-graded prior to pile removal
  - The exposed pile edge will be driven vertically into the river bed (unless ground conditions prevent and in this case the pile will be extracted); this leaves a new river edge from the river bed to the top of the old floodbank (formed of a 1 in 2 slope)
  - Removal of the old bank down to mean high water spring level in order to form a reeded road in front of the new rollback bank
- 1.7 Pile removal is proposed to immediately follow the roll back of the flood bank adjacent to this area. Material for the roll back floodbank is to be sourced from material secured from pile driving works elsewhere in the Dyke (notably in the eastern part of the Dyke). In the position where the pipe passes under the Dyke, the piles will be extracted (not driven) to ensure no damage to the pipe.
- 1.8 BESL consider that the proposal will be a significant enhancement as it will improve navigation by removing what would have been a narrow pinch point in the channel and make the resulting reeded boat dyke edge straight.
- 1.9 It is proposed that piling removal works will be undertaken at the same time as the works approved in the earlier planning application. Erosion protection will be installed to match that already approved and all erosion monitoring and mitigation will mirror that agreed in the earlier consent.

## **2 Planning History**

- 2.1 The following applications are particularly relevant:

BA/2008/0089/FUL (Comp 37) - Flood defence works comprising of maintenance, strengthening, rollback and set back of flood bank, installation of erosion protection and piling, retention of existing piling, future removal of existing piling and provision of a temporary site compound. Permanent diversion of public footpath to remain on the crest of the new bank. Approved September 2008

BA/2015/0364/FUL - Driving / removal of piling along the southern bank of Upton Dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank. Approved September 2016

- 2.2 The pre-commencement condition details (which required details to be agreed prior to works commencing were approved in November 2016).

### **3 Consultations**

- 3.1 Upton –w- Fishley Parish Council The parish councillors decided to record no objections to the plans. They were pleased to hear that improvements are to be made to the culvert, meaning that the dyke can be straightened out at this point.

They have always had concerns about the vulnerability of the drain at this point, but are happy to accept the advice of the various engineers that this improvement will be sufficient, presuming that any issues will be rectified.

Broads Society – Awaited.

NCC Highways – No objection.

NCC PROW – Awaited.

Environment Agency – Awaited.

Water Management Alliance – Awaited.

Natural England – No comment.

RSPB – Awaited.

NCC Historic Environment Service – Awaited.

Broadland DC Environment Health Officer – Awaited.

NSBA – Awaited.

### **4 Representations**

- 4.1 The Navigation Committee considered the application proposal at their meeting on 15 December 2016. They noted the amendment to the approved scheme and considered that this represented an improvement on the existing situation. No objections were raised.

- 4.2 No other representation has been received to date.

### **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.

Core Strategy (CS) (2007)

[Core Strategy \(Adopted\\_Sept\\_2007\).pdf](#)

Policy CS1 – Landscape protection and enhancement

Policy CS3 - Navigation

Policy CS4 – Creation of new resources

Policy CS15 – Water space management

Development Management Plan DPD (DMP) (2011)  
[DMP\\_DPD - Adoption\\_version.pdf](#)

Policy DP1 – Natural environment

- 5.2 The policy below has also been assessed for consistency with the NPPF and has been found not to be reflected in the NPPF; so full weight cannot be given in the consideration and determination of this application.

Development Management Plan DPD (DMP) (2011)

Policy DP13 – Bank protection

- 5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)  
[NPPF](#)

## **6 Assessment**

- 6.1 The application effectively seeks permission to supplement the current approved drawings linked to consent 2015/0364/FUL to allow the works (outlined in para 1.5) to take place on an additional short section of the existing flood defences (with the other conditions imposed on the earlier remaining unchanged). Whilst the previous planning application raised significant local concern and objection, in approving the consent in February 2016 the Committee fully assessed all these considerations.
- 6.2 In relation to this application, the Committee need to consider the merits of the proposed revision on this short section of the current defences.
- 6.3 The application has been devised by BESL, in consultation with the IDB, with an approach adopted that should ensure that the drainage function of the system will remain unchanged and that the pipe that passes under the dyke will not be compromised, notably by BESL extracting piles close to this pipe rather than driving into the ground (to avoid potential damage to this under dyke pipe) .
- 6.4 The approach proposed will offer the opportunity to remove a pinch-point in the dyke and it is considered that this should benefit navigation, given the current limited width of the dyke at this point. This is consistent with the aims of development plan policy CS3. The piling is no longer needed for erosion protection purposes and its removal (subject to the imposition of suitable planning conditions) and associated roll back of the floodbank would deliver flood defences in a more sustainable manner (consistent with an aspiration of policy CS4).
- 6.5 The changes on the south side of Upton Dyke with the removal of the hard piled edge (no longer required for erosion protection purposes) will provide a more natural reeded edge to the Dyke. It is considered that the completion of pile removal in the Dyke will enhance the appearance in the landscape creating a more natural environment, consistent with development plan policies CS1 and DP1.
- 6.6 The approved scheme recognises the potential for erosion and siltation associated with flood defence and pile removal works in the dyke. BESL have devised works in this part of the dyke to limit such risk (and associated adverse impact on water depths in the Dyke) notably in relation to the profile of edge where pile removal is proposed. In addition, the proposed variation will ensure that the previously agreed

erosion monitoring and mitigation measures associated with the remaining works in Upton Dyke will apply. Therefore, it is considered that the proposed additional works, subject to the imposition of conditions, will accord with the water space management aspirations of development plan policy CS15.

## **7 Conclusion**

- 7.1 Proposals in this area have previously been contentious in relation to pile removal. However, in this case it is considered that the realignment of the floodbank in this location and the removal of piles will remove a pinch point in the dyke and deliver a benefit for navigation. This is considered to meet the key tests of development plan policy.

## **8 Recommendation**

- 8.1 Subject to no substantive representation / comment being raised from the outstanding consultees, this planning application be varied to allow the floodbank to be re-aligned and the piling removed (with all other planning conditions imposed on 2015/0364 remaining unchanged).
- 8.2 The following informative be specified on the decision notice of the planning application:

The permission shall be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.

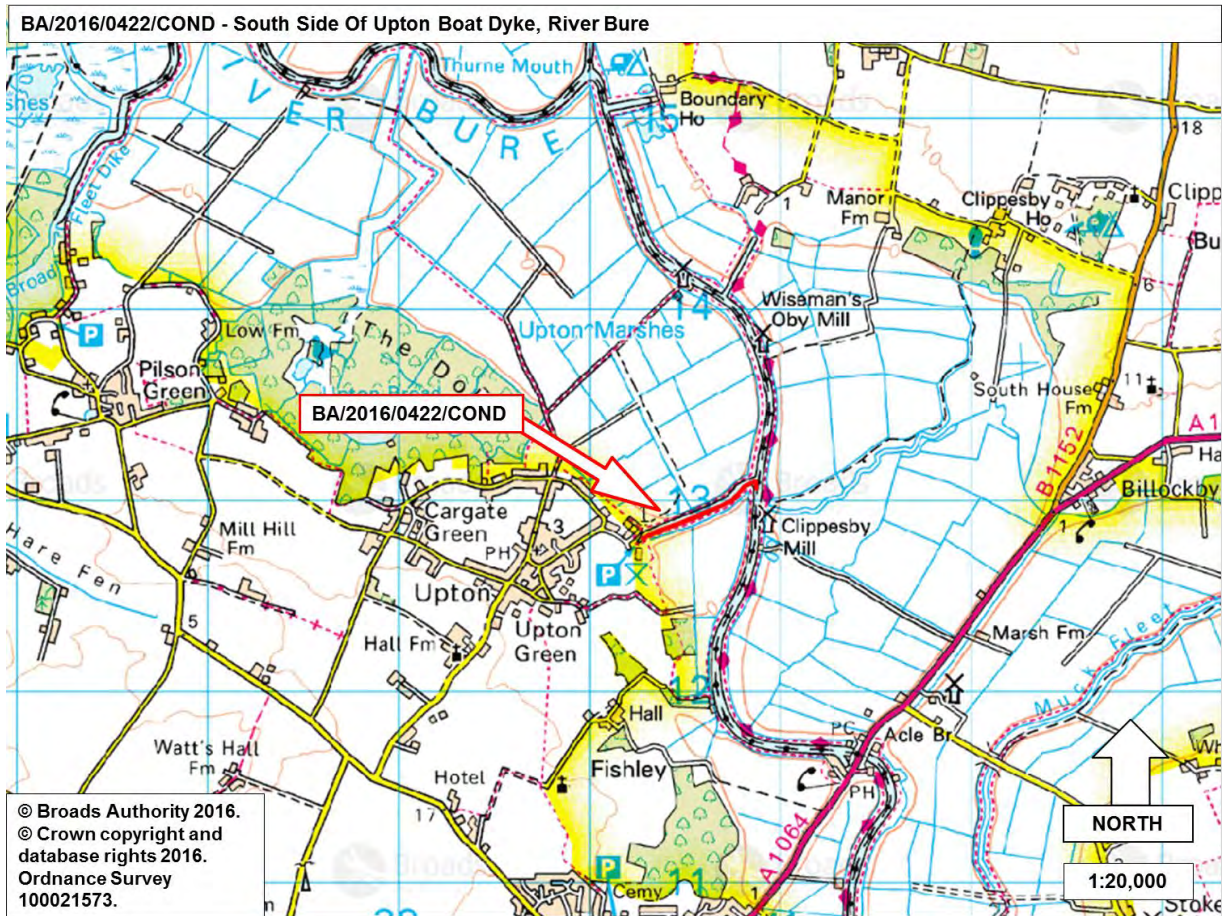
Background Papers: BA/2016/0422/COND

Author: Andy Scales  
Date: 19 December 2016

Appendix APPENDIX 1 - Location Plan  
APPENDIX 2 - Photograph of application site



APPENDIX 1







APPENDIX 2 – Aerial photo of Upton Dyke



**Enforcement of Planning Control: Ferry Inn at Horning  
Non-Compliance with Enforcement Notice, plus unauthorised  
portakabin and caravan**  
Report by Head of Planning

**Summary:** Members have previously authorised prosecution in respect of non-compliance with Enforcement Notices at The Ferry Inn, Horning, plus the serving of further Enforcement Notices in respect of further breaches. The planning agent has requested that these actions be deferred to 31 March 2017 to allow compliance to be achieved.

**Recommendation:** Members views are requested.

**Location:** The Ferry Inn, Ferry Road, Horning

## **1 Background**

- 1.1 In September 2013 Enforcement Notices were served at The Ferry Inn, Horning in respect of the standing and use of a refrigerated trailer. A two year period was allowed for compliance, to enable the operator of the public house to arrange alternative facilities. The Enforcement Notice was not complied with.
- 1.2 In February 2016 a report was presented to Planning Committee seeking authority to serve Enforcement Notices at The Ferry Inn, Horning in respect of two breaches comprising the standing and use of a portakabin and also of a caravan. Members resolved to serve the Enforcement Notices, but to allow a period of three months so officers could seek to negotiate a solution.
- 1.3 A report was prepared for the 24 June 2016 meeting of the Planning Committee, advising them that no solution had been negotiated in respect of the items at 1.2 above, and nor had there been compliance in respect of the earlier Enforcement Notice. The Committee was advised that the actions authorised at the February 2016 meeting would be instigated – ie prosecution and Enforcement Notices.
- 1.4 Immediately prior to that meeting, however, a planning application was submitted. This addressed some of the matters and whilst the application was incomplete it did represent, finally, a step in the right direction. The Planning Committee deferred consideration of the June report to allow the application to be progressed. Regrettably, the application did not fully address all the matters and the proposals were contrary to development plan policy in respect

of a number of key issues (including flood risk). The application was withdrawn on 28 September 2016.

- 1.5 At the 9 December meeting of the Planning Committee, under the standing item which covers updates on enforcement matters, members were advised that the operator had recently engaged planning consultants. These consultants had advised that they were looking to challenge the legitimacy of the 2013 Enforcement Notices and challenge any new Enforcement Notices which were served. The basis of the challenges would be purely legal. The Planning Committee was advised that the Broads Authority is confident of its position in respect of the September 2013 Enforcement Notices and the new ones, and that the agent had been advised of this by email on 28 November 2016. The Planning Committee was advised that the planning consultants, in a letter dated December, had requested the 2013 Enforcement Notice be withdrawn and the new Enforcement Notices not be served. The Planning Committee considered the request, but decided to proceed with the actions previously authorised.

## **2 Update**

- 2.1 On 13 December, a letter was received from the planning consultants advising that they were disappointed with the fact that the Planning Committee had not acceded to the request, and that in consequence the operator had decided to remove the refrigerated trailer and was looking at options for the other breaches.
- 2.2 A further period to 31 March 2017 was requested to resolve the matter.
- 2.3 The views of members are requested.

## **3 Financial Implications**

- 3.1 There will be financial implications if the Broads Authority proceeds with prosecution and further Enforcement Notice, as already agreed. This expenditure will be delayed if the request for further time is allowed; if there is compliance the costs will be avoided.

## **4 Conclusion**

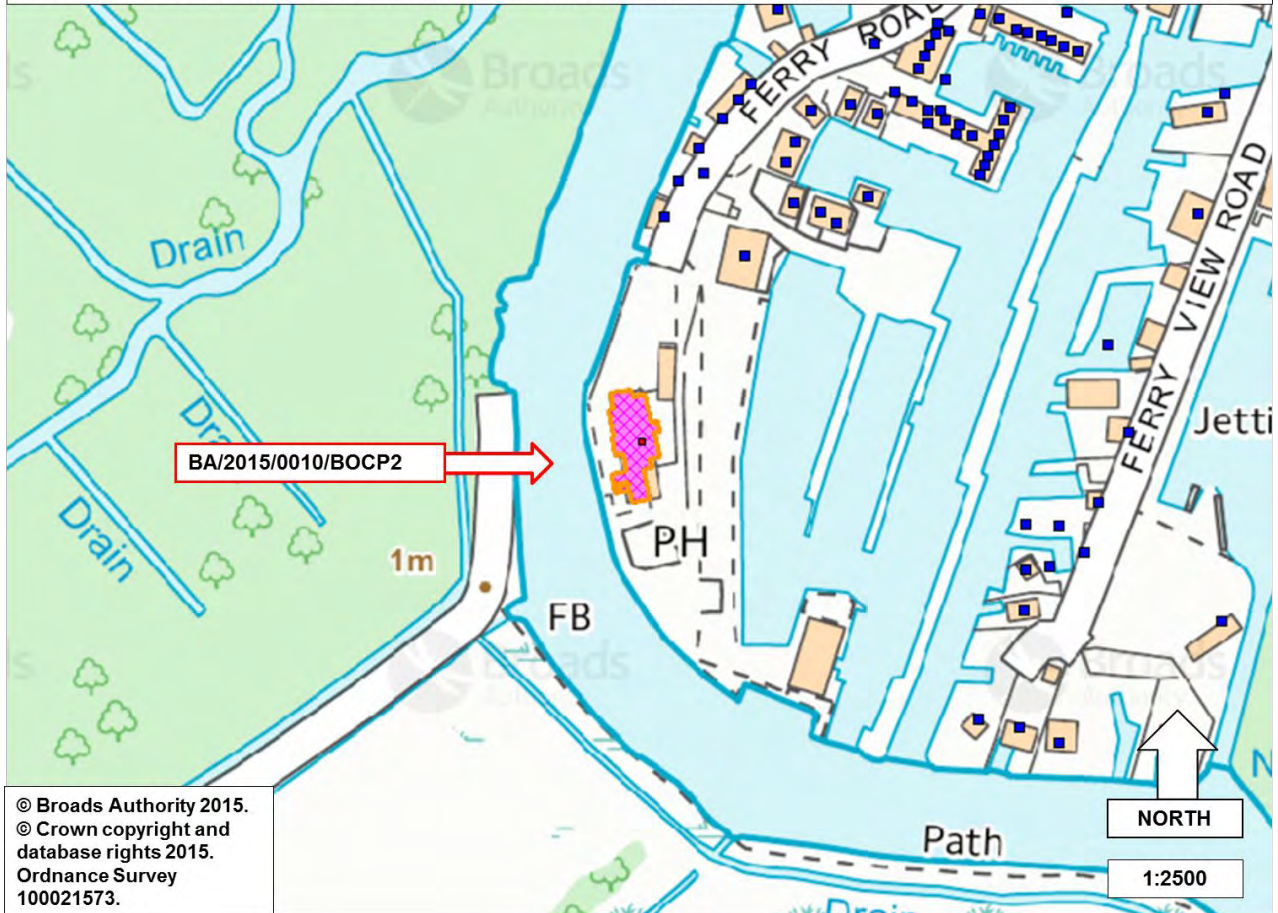
- 4.1 This is a long standing matter, where considerable effort has been put into negotiations that have tried to ensure compliance has previously been discussed, but never achieved.
- 4.2 Members views are requested.

Background papers: File BA/2005/2210/BOCP2

Author: Cally Smith  
Date of report: 16 December 2016  
Appendices: Site plan

APPENDIX

BA/2015/0010/BOCP2 - New static caravan, a portakabin, 2x lorry/trucks, bouncy castle and playbus.



**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.

<b>Committee Date</b>	<b>Location</b>	<b>Infringement</b>	<b>Action taken and current situation</b>
5 December 2008	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> <li>• Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011</li> <li>• Appeal lodged 6 December 2011</li> <li>• Public Inquiry took place on 1 and 2 May 2012</li> <li>• 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</li> <li>• Challenge to decision filed in High Court 12 July 2012</li> <li>• High Court date 26 June 2013</li> </ul>

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

Committee Date	Location	Infringement	Action taken and current situation
<p data-bbox="203 363 427 400">9 October 2015</p> <p data-bbox="203 954 443 991">5 February 2016</p>			<p data-bbox="1160 256 1335 293">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1122 298 2007 367">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015</li> <li data-bbox="1122 371 2007 515">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container</li> <li data-bbox="1122 520 1977 588">• Leave to appeal against High Court decision refused on 9 October 2015</li> <li data-bbox="1122 593 1917 662">• Request for oral hearing to challenge Court of Appeal decision filed 2015</li> <li data-bbox="1122 667 1962 735">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016</li> <li data-bbox="1122 740 1977 857">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river</li> <li data-bbox="1122 861 1458 898">• Site being monitored</li> <li data-bbox="1122 903 1991 1003">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016</li> <li data-bbox="1122 1008 1686 1045">• Enforcement Notices remain in place</li> <li data-bbox="1122 1050 1910 1086">• Applications for Injunctions lodged 18 February 2016</li> <li data-bbox="1122 1091 1854 1128">• Injunctions served on Mr Wood on 2 March 2016</li> <li data-bbox="1122 1133 1659 1169">• High Court Hearing 11 March 2016</li> <li data-bbox="1122 1174 1744 1211">• Interim Injunction granted 11 March 2016</li> <li data-bbox="1122 1216 1865 1252">• Court date for Permanent Injunction 17 June 2-16</li> <li data-bbox="1122 1257 1839 1294">• High Court injunction obtained on 17 June 2016</li> <li data-bbox="1122 1299 1809 1335">• High Court Injunction issued on 24 June 2016</li> <li data-bbox="1122 1340 1715 1377">• Partial costs of Injunction being sought</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Incomplete planning application received 20 September, with further documents subsequently submitted. Under review</li> <li>• Planning application validated 13 October 2016. Further information requested by 27 October 2016</li> <li>• <b>Application as submitted does not comply with High Court requirements. Legal advice sought on how to proceed regarding Injunction</b></li> <li>• <b>Legal advice awaited on how to proceed</b></li> <li>• <b>Application being processed</b></li> </ul>
<p>17 August 2012</p>          <p>5 February 2016</p>	<p>The Ferry Inn, Horning</p>	<p>Unauthorised fencing, importation of material and land-raising and the standing of a storage container</p>          <p>Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised development of a portacabin, static caravan, signage and lighting.</p>	<ul style="list-style-type: none"> <li>• Enforcement Notice served in respect of trailer on 25 September 2013</li> <li>• Compliance required by 11 November 2015</li> <li>• Further breaches identified and negotiations underway</li>   <li>• Report taken to Planning Committee in February 2016</li> <li>• Authority given to instigate prosecution proceedings re refrigerated trailer, suspended for three months to seek a resolution</li> <li>• Authority given to serve Enforcement Notices in respect of portacabin and static caravan</li> <li>• Negotiations to take place with the landlord and tenant landlord on other elements</li> <li>• Meeting took place in March 2016</li> <li>• Tenant landlord to detail intentions by 20 April 2016</li> <li>• Following negotiations, some agreement had been</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
9 December 2016			<p>reached. No further information had been received within the timescale given and this had been extended</p> <ul style="list-style-type: none"> <li>• LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited</li> <li>• No application received</li> <li>• Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested</li> <li>• No further information received to date (22 July 2016)</li> <li>• Application for retention of structures validated 27 July 2016 and under consideration</li> <li>• Application withdrawn 29 September 2016</li> <li>• Meeting with landowner's agent 10 November 2016</li> <li>• Landowner's agent considering position.</li> <li>• No realistic prospect of compliance by negotiation</li> <li>• <b>Planning Committee agree to proceed with prosecution and further Enforcement Notices</b></li> <li>• <b>Further request to defer action – see report elsewhere on agenda</b></li> </ul>
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> <li>• 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</li> <li>• Planning Contravention Notice served</li> <li>• Negotiations underway</li> <li>• Planning Application received</li> </ul>



Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Planning permission granted 12 March 2015. Operator given six months for compliance</li> <li>• Additional period of compliance extended to end of December 2015</li> <li>• Compliance not achieved. Negotiations underway</li> <li>• Planning Application received 10 May 2016 and under consideration</li> <li>• Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required</li> </ul>
<p>5 December 2014</p> <p>8 January 2016</p>	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> <li>• Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015</li> <li>• Site to be checked 1 November 2015</li> <li>• Compliance not achieved.</li> <li>• Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards</li> <li>• Enforcement Notice issued 1 February 2016</li> <li>• Compliance date 6 April 2016</li> <li>• <b>Appeal submitted against Enforcement Notice on grounds there has been no breach (see Appeals Schedule)</b></li> </ul>
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised	<ul style="list-style-type: none"> <li>• Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with.</li> <li>• Period of 4 weeks given for landowner to consider position</li> <li>• Negotiations underway</li> <li>• Application for lattice work door as mitigation submitted</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
		installation of metal roller shutter door	<ul style="list-style-type: none"> <li>• Planning permission granted 4 April 2016. Site to be inspected</li> <li>• Compliance not achieved. Enforcement Notices to be served</li> <li>• Enforcement Notice served 18 May and take effect 17 June 2016</li> <li>• <b>Appeal against Enforcement Notice submitted (see Appeals Schedule)</b></li> <li>• <b>Inspector’s site visit 4 January 2017</b></li> </ul>
11 November 2016	“Broad Minded” Plot 9/9A Martham	Mooring of Caravan on Floating Pontoon	<ul style="list-style-type: none"> <li>• Authority given for an Enforcement Notice to be served (in consultation with the Solicitor) requiring the cessation of the residential use and the removal of the caravan on floating pontoons known as “Broad minded” with a compliance period of 3 months</li> <li>• <b>Discussion underway with Environment Agency as landowner</b></li> <li>• <b>Environment Agency given 30 days (to 9 January 2017) to negotiate removal of structure</b></li> </ul>
9 December 2016	Eagles Nest, Ferry Road, Horning	Non-compliance with conditions 3 and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential	<ul style="list-style-type: none"> <li>• Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> <li>(i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and</li> <li>(ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months.</li> </ul> </li> </ul> <p>And</p>

Committee Date	Location	Infringement	Action taken and current situation
		accommodation.	(iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not complied with. <ul style="list-style-type: none"> <li>• <b>Invoid CLEUD application received</b></li> <li>• <b>Application to remove materials condition received</b></li> </ul>

## 2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith  
Date of report: 16 December 2016

Appendices: Nil

**Salhouse Neighbourhood Plan – Proceeding to Publication**  
Report by Planning Policy Officer

**Summary:** Salhouse Parish Council has submitted its proposed Neighbourhood Plan to Broadland District Council and the Broads Authority along with the necessary supporting information.

Broadland District Council and the Broads Authority must now assess the submitted Plan against criteria set out by Government legislation and decide whether the proposal complies with these criteria. Notice of the decision will need to be sent to Salhouse Parish Council.

This report details this assessment and recommends that the Planning Committee endorse the submitted Neighbourhood Plan in order that subsequent stages in the statutory process can be followed.

**Recommendations:**

- (i) That the Planning Committee endorses the Submission version of the Salhouse Neighbourhood Plan (NP) and approves proceeding to publication (consultation).
- (ii) That the Planning Committee endorses the proposed comments from the Broads Authority on the consultation version of the Salhouse Neighbourhood Plan.
- (iii) That Planning Committee agrees to delegate to the Director of Planning and Resources in consultation with the Chair of the Authority and the Chairman of the Planning Committee the authority to submit the Salhouse Neighbourhood Plan to independent examination on assessment of the comments received after the public consultation (publication) ends, subject to no new major issues being raised.

**1 Introduction**

1.1 Salhouse Parish Council applied to Broadland District Council and the Broads Authority in November 2014 to designate its Neighbourhood Area for the purpose of producing a Neighbourhood Plan.

1.2 The process of producing the Plan has seen the Parish Council undertaking extensive consultation with residents and other stakeholder organisations, as well as the drafting of Plan objectives and policies.

- 1.3 A proposed Neighbourhood Plan has now been developed and submitted, along with the necessary supporting information to the Broads Authority and Broadland District Council. The Plan and the main supporting documents, feature as appendices to this report.
- 1.4 On submission of a Neighbourhood Plan to the local planning authority, that authority must undertake an assessment of the proposed plan against certain criteria. This is required by the amended Town and Country Planning Act 1990.
- 1.5 The legislation prescribes that the local planning authority must consider:
- (i) whether the parish/town council is authorised to act (i.e. whether it is the appropriate body to produce a Neighbourhood Plan for the area suggested).
  - (ii) Whether the proposal and accompanying documents:
    - (a) comply with the rules for submission to the Council.
    - (b) meet the definition of a Neighbourhood Plan.
    - (c) meet the scope of Neighbourhood Plan provisions.
  - (iii) Whether the parish/town council has undertaken the correct procedures in relation to consultation and publicity regarding the Neighbourhood Plan.

## **2 Assessment**

2.1 On submission of a Neighbourhood Plan to the local planning authority, that authority must undertake an assessment of the proposed plan against certain criteria (see 1.5). This is required by the amended Town and Country Planning Act 1990. The following sets out details of the assessment against each of the prescribed criteria (bold headings):

### **2.2 Is the parish/town council authorised to act?**

2.2.1 Salhouse Parish Council applied to Broadland District Council and the Broads Authority to designate its neighbourhood area as the whole of its parish boundary. This application was approved by both authorities in January 2015.

2.2.2 It is therefore considered that the Parish Council is authorised to act in relation to this neighbourhood area.

### **2.3 Do the proposals and accompanying documents:**

- (a) **Comply with the rules for submission to the Council?**  
Regulation 15 of the Neighbourhood Planning Regulations 2012 states that the submitted documents should include:
  - A map or statement identifying the area to which the plan relates.

- A consultation statement, which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered and, where relevant, addressed in the Neighbourhood Plan.
- The proposed Neighbourhood Plan.
- A Basic Conditions Statement, showing how the Plan meets the basic conditions set out in Schedule 4B of the 1990 Act.

The Parish Council has supplied all of the above documentation.

Please note that, at the time of writing, the Parish Council has yet to receive a response from Natural England concerning the Habitat Regulation Assessment screening assessment. It is not expected that Natural England will advise a full Habitats Regulation Assessment is undertaken. However, if so, then this will delay the Neighbourhood Plan proceeding to its statutory six week publication period.

(b) **Meet the definition of a Neighbourhood Plan?**

It is considered that the Salhouse Neighbourhood Plan meets the definition of a Neighbourhood Plan as set out in Section 38A of the Planning and Compulsory Purchase Act 2004, containing (as it does) eleven different planning policies.

(c) **Meet the scope of Neighbourhood Plan provisions?**

The Salhouse Neighbourhood Plan clearly states that it is a development plan for Salhouse, to 2026.

- The Neighbourhood Plan does not make any provision regarding excluded development. Excluded development is that which is either a 'county matter' (relating to minerals), any operation relating to waste development, or development consisting wholly or partly of a national infrastructure project.
- The Neighbourhood Plan only relates to the Salhouse neighbourhood area and it does not repeat an existing planning permission.

It is therefore considered that it satisfactorily meets the provisions defined in Section 38B of the Planning and Compulsory Purchase Act 2004.

**2.4 Has the parish/town council undertaken the correct procedures in relation to consultation and publicity regarding the Neighbourhood Plan?**

2.4.1 Regulation 14 of the Neighbourhood Planning Regulations 2012 states that, before submitting the Neighbourhood Plan to the local planning authority, the parish/town council should publicise and consult on various stages of the plan production.

- 2.4.2 The pre-submission (Reg. 14) consultation undertaken by the Parish Council in relation to the draft Neighbourhood Plan is summarised in the Consultation Statement. This provides details of the publicity that was undertaken at this (and prior) consultation stages and the bodies that were consulted on the draft Plan. A copy of the Neighbourhood Plan was also received by the District Council.
- 2.4.3 It is proposed that, as Salhouse Parish Council has met each of the criteria specified above Broadland District Council approve the submission of the Salhouse Neighbourhood Plan and confirmation be sent to the Parish Council.
- 2.4.4 The Parish of Salhouse falls partly within the administrative area of the Broads Authority and whilst there is an agreement that Broadland District Council takes the lead on the Neighbourhood Plan process, the submitted documents do also need to be approved by the Broads Authority before the next stage of formal consultation can begin.
- 2.4.5 If approved, Broadland District Council will arrange for the Neighbourhood Plan to be publicised and will invite comments from the public, stakeholder bodies and previous consultees over a period of six weeks.
- 2.4.6 This consultation period will then be followed by an independent examination which, it is intended, will be carried out by an accredited Neighbourhood Plan examiner.
- 2.4.7 Following the examination (which will normally be dealt with via written representations), the examiner will produce a report recommending whether or not the Neighbourhood Plan should go to a referendum (with or without certain modifications). The District Council and the Broads Authority will then consider this report and decide whether or not they agree with the examiner's decision.
- 2.4.8 If it is decided that the Plan should go to a referendum (with or without modifications) then everyone eligible to vote within the neighbourhood area is invited to vote on the adoption of the Neighbourhood Plan. This is a simple yes/no vote and a majority of those voting in favour of the Plan (50%+1) is required before it can be adopted by the District Council and the Broads Authority.

### **3 Proposed Action**

- 3.1 It is proposed that, as Salhouse Parish Council has met each of the criteria specified in para. 3.5 of this report, Planning Committee of the Broads Authority approve the submission of the Salhouse Neighbourhood Plan.
- 3.2 If the Plan is approved, then notice will be sent to Salhouse Parish Council of this fact. If the Plan is refused, then Broadland Council and the Broads Authority will need to notify Salhouse Parish Council of the reasons for this refusal, in a written statement.

- 3.3 If approved, Broadland District Council will then arrange for the Neighbourhood Plan to be publicised and will invite comments from the public, stakeholder bodies and previous consultees over a period of six weeks.
- 3.4 It is important to note that the Broads Authority can respond to this consultation in its role as a consultee. The proposed comments have been drafted and are attached to this report.
- 3.5 This publicity period will then be followed by an independent examination which, it is intended, will be carried out by an accredited Neighbourhood Plan examiner, through the RICS Neighbourhood Plan Independent Examiner Referral Scheme (NPIERS). This scheme has been approved by DCLG and is the approach that other local authorities around the country have been taking at this particular stage.
- 3.6 Following the examination (which will normally be dealt with via written representations), the examiner will produce a report recommending whether or not the Neighbourhood Plan should go to a referendum (with or without certain modifications). The District Council and Broads Authority then considers this report and decides whether or not it agrees with the examiner's decision.
- 3.7 If it is decided that the Plan should go to a referendum (with or without modifications) then everyone eligible to vote within the neighbourhood area is invited to vote on the adoption of the Neighbourhood Plan. This is a simple yes/no vote and a majority of those voting in favour of the Plan is required before it can be adopted by the District Council and Broads Authority.

## 4 Financial Implications

- 4.1 There are no direct financial implications other than Officer time.

Background papers: None

Author: Natalie Beal

Date of report: 28 November 2016

Appendices: APPENDIX A - Timetable for the remaining stages of the Salhouse NP  
 APPENDIX B - Submission Neighbourhood Plan  
 APPENDIX C - Basic Conditions Statement  
 APPENDIX D - Consultation Statement  
 APPENDIX E - Sustainability Appraisal  
 APPENDIX F\_ Proposed Comments from the Broads Authority on the Salhouse Neighbourhood Plan

Note that Appendices B, C, D, E can be found here:  
<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-6-january-2017>



## APPENDIX A

### Timetable for the remaining stages of the Salhouse Neighbourhood Plan

SALHOUSE NEIGHBOURHOOD PLAN - TIMETABLE			
<b>Submission of draft Neighbourhood Development Plan to the Local Planning Authority</b>			
Receipt of documents by District Council	SPC	07/11/2016	
<b>BDC formal approval</b>	<b>BDC</b>	<b>17/11/2016</b>	
<b>Broads Authority formal approval</b>	<b>BA</b>	<b>06/01/2017</b>	
Decision notice sent to Parish Council	BDC	06/01/2017	
<b>Publication of Neighbourhood Development Plan</b>			
Send notification letters/emails	BDC	06/01/2017	
Deliver documents to libraries, reception etc.	BDC	06/01/2017	
Webpage and Objective go live	BDC	09/01/2017	
Publication period	BDC	09/01/2017	20/02/2017
Consultation responses collated	BDC	27/02/2017	
<b>Appointment of Examiner</b>			
Approach potential examiners	BDC	28/11/2016	16/12/2016
Selection and appointment of examiner	BDC/BA/SPC	06/01/2017	
<b>Submit plan for examination</b>			
Submission of documents and consultation responses to examiner	BDC	27/02/2017	
<b>Examination</b>			
Written examination undertaken	Examiner	27/02/2017	20/03/2017
Examiner's report submitted to BDC & BA	Examiner	20/03/2017	
<b>Council consideration of the Examiner's recommendations</b>			
<b>BDC PH1 report produced and approved</b>	<b>BDC</b>	<b>27/03/2017</b>	
<b>BA Planning Committee report produced and approved</b>	<b>BA</b>	<b>31/03/2017</b>	
<b>Publication of Examiner's Report and Decision Statement</b>			
Publication of examiner's report and decision statement on BDC & BA websites	BDC	10/04/2017	
Notification letter sent to consultees	BDC	10/04/2017	
<b>Publication of pre-referendum information statement and specified documents</b>			
Production of information statement and specified documents	BDC	10/04/2017	
Publish statement and documents on BDC & BA websites	BDC/BA	10/04/2017	
Make statement and documents available at BDC & BA receptions and at libraries etc.	BDC/BA	10/04/2017	
<b>Referendum</b>			
Referendum held	BDC	23/05/2017	
<b>Adoption</b>			
Report produced and submitted to Democratic Services	BDC/BA	26/05/2017	
<b>BDC Council adoption of Neighbourhood Plan</b>	<b>BDC</b>	<b>XX/06/2017</b>	
<b>BA adoption of Neighbourhood Plan</b>	<b>BA</b>	<b>XX/06/2017</b>	

## Proposed Comments from the Broads Authority on the Salhouse Neighbourhood Plan

### Submission Draft

Page 9, first sentence. As reads, seems that the Broads has a National Park equivalent status because of Salhouse Broad. Suggest re-wording and remove 'by virtue of Salhouse Broad'.

Page 9, para 3 – Broads not Norfolk Broads. Also a number missing '...about mile away...'

Page 10, para 5. Query wording that says '...is also impacted by the Broads Landscape Character Assessment...'. Using the word 'impacted' has a negative connotation. Suggest a similar paragraph to that which describes the Broadland LCA.

Page 10 – deprivation (and later employment). You can use this website to find out current Job Seekers Allowance figures:

<https://www.nomisweb.co.uk/reports/lmp/la/1946157233/report.aspx?town=salhouse>. Also, what is the total out of which Salhouse is 20,895<sup>th</sup>? That might be useful to state.

Page 11, column three, first paragraph re Salhouse Station. Typo - ...'off of...'

Consistent terminology – natural heritage versus natural environment versus natural environmental heritage? Are these referring to the same thing?

### Policy OE1

'significant damage' – what is classed as significant?

'impact' – any kind of impact? Do you mean negative?

'..in terms of size...' – what do you intend by this? Expand the site into neighbouring land?

Third bullet point – is the location of the replacement important too?

'...on such sites...' – which sites are these?

Do all or some of these criteria need to be met?

Bullet point 2 – 'for example...' – would this be better in the reasoned justification for this policy?

To whom will the mitigation measure be made available?

We made the comment about natural heritage before. It is not clear what this means. Perhaps it is the natural environment or green infrastructure. Suggest either a clear definition as to what 'natural heritage' means or use a more recognised planning term. (I note page 48 of the Consultation Statement)

Last few words – typo '...meets conforms...'

### Policy OE2

See above re natural heritage term.

### Policy OE3

What about other lighting like poorly designed security lighting? I note Page 50 of the consultation statement (where we have said this before and you have written 'noted').

### Policy OE4

What are additional assets?

Is the loss of agricultural land considered acceptable to the wider area?

### Policy OE5

What/where are the village assets? Are these the areas listed as bullet points on page 16? Would a map be of use for interpreting the policy and identifying the 'assets'?

Do you want to be stronger by saying 'expects' rather than encourages?

## Policy OE6

Is the aim of this to improve *highway* safety?

Page 18, para 2 – typo ‘in total there just over ...’

## Policy EMP1

What improvements are needed?

Do you want to be stronger by saying ‘expects’ rather than encourages?

Regarding viability. We say something like this in the reasoned justification for policies which mention viability:

‘...will only be permitted where the proposal is accompanied by a statement completed by an independent chartered surveyor which demonstrates that it is financially unviable or that any net loss of accommodation is necessary to allow appropriate relocation or redevelopment. Evidence of a robust marketing campaign of at least 12 months will be required that clearly demonstrates that there is no market demand for the premises. The Authority will need to verify the content of such a report and may need to employ external expertise to do so (the applicant will need to meet the cost of this).’

Should the alternative provision be of a similar like and kind?

Page 19, para 3. Typo – ‘...a further 19 new houses figure when completed’.

Page 19, column 3, para 3. ‘they allow everyone...’ we are not sure of the relevance of this sentence in this section. Does ‘they’ mean the policies? Which particular policy does this refer to?

Page 20. Regarding sheltered housing, the Government seems to wish for more people to stay in their own homes for longer. One of the ways planning can address this is through lifetime homes and optional building regulations requirements.

Some information on this is here, taken from the draft Broads Local Plan:

With regards to adaptable dwellings, the Authority refers to the 16 criteria relating to Lifetime Homes<sup>1</sup>. The Authority encourages new housing to be built to the Lifetime Homes standard, which makes it easier for people to remain in their own homes as their mobility needs change, through encouraging homes to be built in a way in which rooms can be used flexibly over time. The criteria in this policy also contribute towards the creation of safe, functional and well-designed communities as aspired to by the Government’s Lifetime Neighbourhoods<sup>2</sup> ambitions.

<sup>1</sup> Lifetime Homes Standards Homes that are accessible to everybody and where the layout can be easily adapted to meet the needs of future occupants. <http://www.lifetimehomes.org.uk/>

<sup>1</sup> <https://www.gov.uk/government/publications/lifetime-neighbourhoods--2>

The Authority also encourages the provision of some dwellings, in appropriate locations, to be designed to be accessible and accommodate wheelchairs. The details are set out in the Building Regulations part M<sup>3</sup>. The Census 2011 shows that the Broads Authority Executive Area has an ageing

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<sup>1</sup> Lifetime Homes Standards Homes that are accessible to everybody and where the layout can be easily adapted to meet the needs of future occupants. <http://www.lifetimehomes.org.uk/>

<sup>2</sup> <https://www.gov.uk/government/publications/lifetime-neighbourhoods--2>

<sup>3</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506503/BR\\_PDF\\_AD\\_M1\\_2015\\_with\\_20\\_16\\_amendments\\_V3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506503/BR_PDF_AD_M1_2015_with_20_16_amendments_V3.pdf)

population and older people could benefit from more accessible dwellings. The NPPG<sup>4</sup> is clear, however, in saying that '*Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied*'. The Authority acknowledges that this standard may not be appropriate in some locations or for some schemes, but applicants are required to justify reasons for not including dwellings that are accessible and adaptable.

Policy H1 and H2 – we note that in H1 you wish for development to respect the character, height and density of the village. In H2 you say there should be a greater diversity of housing types. Do these contradict each other? When you say housing types, is this detached, terraced etc or number of bedrooms or design?

Policy H3

Does the second paragraph repeat the first?

Where the policy refers to outside the settlement limit, how far out is allowed?

How would development outside the development boundary be accessed?

Projects to support the Local Plan

There are community rights that can help protect important community assets.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/244635/130924\\_You\\_ve\\_got\\_the\\_power\\_accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244635/130924_You_ve_got_the_power_accessible.pdf)

Regarding mapping environmental features of the village. Some of this work could have been completed as part of the Norfolk-wide Ecosystems mapping project just recently started.

The Neighbourhood Plan speaks a lot of linking to the two parts of the village together and also linking the Broad. Is this a project that is being worked on?

General for policies

It is easier for Development Management Officers if the bullet points are numbered or lettered – i, ii, iii or a, b, c.

It will be easier for Development Management Officers (who will be using these policies) if the reasoned justification was linked to the specific policy rather than being all together. I note page 49 on the consultation statement.

Sustainability Appraisal

Page 9, ENV9 row. Some policies refer to Carbon Footprint and housing policy refers to density and character so there could be some policies appropriate to this AS objective.

Page 12, SOC8 row. Policies refer to development being of high quality.

Page 14, ECON6. The employment policies would rate against this SA Objective.

Basic Conditions Statement

Page 3 – the Broads Authority designated the area as well. 7 November 2014.

Consultation Statement

Page 3, middle column, bottom para – also submitted to the Broads Authority.

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<sup>4</sup> <http://planningguidance.communities.gov.uk/blog/guidance/housing-optional-technical-standards/accessibility-and-wheelchair-housing-standards/>

**Broads Local Plan January Bite Size Pieces**  
Report by Planning Policy Officer

**Summary:** This report introduces the following topic for the Publication version of the Local Plan: Land at Potter Heigham Bridge.

**Recommendation:** That Members' views are requested.

## **1 Introduction**

- 1.1 This report introduces the following topic for the Publication version of the Local Plan: Land at Potter Heigham Bridge.
- 1.2 Members' views are requested to inform the draft policy approach in the Publication version of the Local plan.
- 1.3 It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the final version being presented to Planning Committee in April 2017.

## **2 Potter Heigham Bridge Area: Policy PUBPOT1**

- 2.1 The area around Potter Heigham Bridge, as identified on the Adopted Policies Map will be further developed and enhanced as a location for river related leisure and tourism. Further details are included in Appendix A.

## **3 Financial Implications**

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

Background papers: None

Author: Natalie Beal  
Date of report: 16 December 2016

Appendices APPENDIX A – Policy PUBPOT 1: Bridge Area

## Policy PUBPOT 1: Bridge Area

Inset Maps 12e &amp; 12f

The area around Potter Heigham Bridge, as identified on the Adopted Policies Map, will be further developed and enhanced as a location for river related leisure and tourism.

Within this area identified on the Adopted Policies Map

- i) Public realm and landscaping improvements are welcomed;
- ii) new residential development will not be permitted; and
- iii) the amenity of existing residential occupiers will be protected.

New development should not impact negatively on the Potter Heigham bridge or its setting as ~~it is~~ a Scheduled Monument and Grade II\* listed building.

Proposals will also be designed to avoid contributions to light pollution as well as address existing sources of light pollution.

In addition the relevant policies of the Development Management Policies DPD Local Plan will apply with the following provisos:

At the Staithe

- a) Particular care will be taken to achieve improvements to the appearance and public realm of the area;
- b) Development which provides facilities supporting recreation and tourism will be encouraged supported; and
- c) Care will be taken to generally limit loss of existing car parking provision, and to ensure adequate car and cycle parking is provided to serve new facilities.

At the former Bridge Hotel site

- d) Particular care will be taken to achieve improvements to the appearance and public realm of the area;
- e) Development which provides facilities supporting recreation and tourism will be encouraged supported; and
- f) New holiday accommodation will only be permitted as part of a wider scheme which provides for such recreation and tourism facilities comprehensive scheme for the site which includes other appropriate recreation and tourism related provisions.

At ~~Latham~~ the large retail outlet

- g) The retail use of this site will be protected;
- h) Appropriate and well-designed improvements or changes to the site will be supported;
- i) Care will be taken to avoid loss of existing levels of car parking provision, and to ensure adequate car and cycle parking is provided to serve these facilities.

## CONSTRAINTS &amp; FEATURES

- Potter Heigham Bridge is a scheduled ancient monument and Listed Grade II\* building.

- Area close to SAC, SPA, SSSI.
- Flood risk (zones 2 & 3 by EA 2012 mapping; zones 1, 2 & 3 by SFRA 2007 mapping).
- Potential archaeological interest.

#### Reasoned Justification

The area around Potter Heigham Bridge is one of the most popular areas for visitors in the Broads. A range of attractions, including boatyard, cafe, public house, restaurant, shops, moorings and slipway, combined with direct access to and views of the River Thurne, contribute to the appeal.

Car parking in the area is privately controlled. With the ~~and, with~~ the number of visitors, boat hirers, workers and chalet occupiers wishing to park in the area, there is potential for the parking provision to, comes under significant pressure, particularly at peak times. Provision of further car parking is problematic given the sensitivity of the area. It is therefore important to ensure none of the existing capacity is lost. The policy also seeks the provision of improved cycle parking of a useful design in accessible locations to aid visitors by means other than motor cars.

While environmental improvements and some upgrading of premises have occurred in recent years, there remains scope for further improvements and development. In particular the site of the former Bridge Hotel, at the southern end of the bridge, would benefit from a more attractive and permanent redevelopment.

Parts of the area are at risk of flooding. The relevant Development Management Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk.

The large retail outlet is an important visitor attraction in the area, drawing visitors from around the county and beyond. The policy seeks to protect this land use and allow appropriate and well-designed improvements or changes to the business.

Bridge Green is designated as Local Green Space. See policy xxx.

The Policy provides encouragement and guidance for further improvements and facilities for the area.

Proposals will need to meet the requirements of policy PODM22 as the Potter Heigham Bridge area generally has good dark skies and is near to the area of darkest skies in the Broads.

#### Alternative Options and Sustainability Appraisal Summary

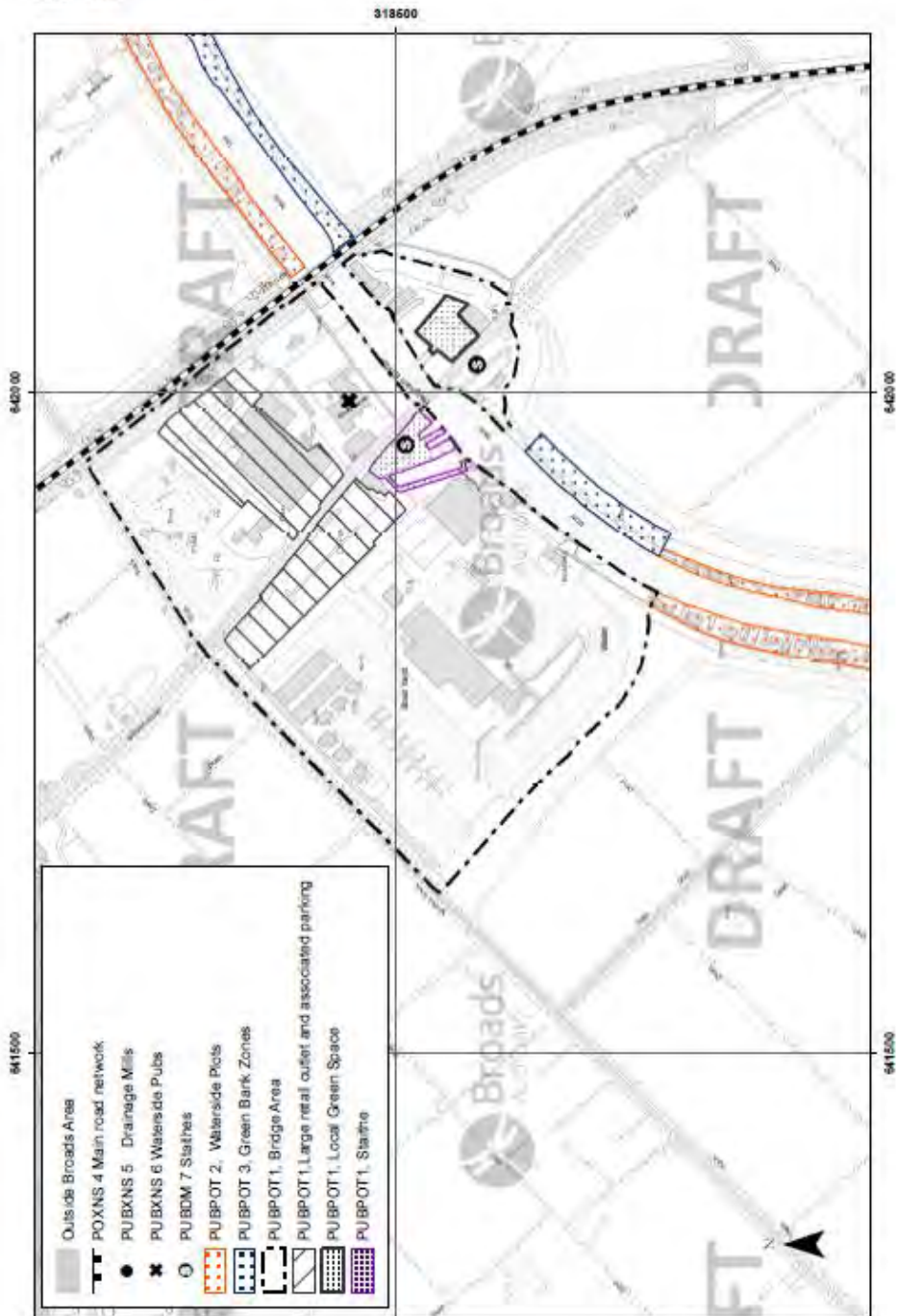
- Preferred Option.
- No policy

#### Evidence used to inform this section

#### Monitoring Indicators

Broads Local Plan - April 2017

Potter Heigham Bridge  
 Scale 1:4,000



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**Loddon and Chedgrave Conservation Area Re-appraisal**  
Report by Historic Environment Manager

**Summary:** Members will be aware that the Authority has a responsibility to review its current Conservation Areas and from time to time consider the designation of new ones. This includes the publication of Appraisals and Management Proposals.

The purpose of this report is to give members the opportunity to comment on the Loddon and Chedgrave Conservation Area Appraisal and consultation prior to a decision on adoption.

**Recommendation:**

That members

- (i) consider the Loddon and Chedgrave Conservation Area draft re-appraisal and consultation; and
- (ii) subject to member comments, recommend to the Broads Authority in January to adopt the Loddon and Chedgrave Conservation Area re-appraisal and management plan that falls within the Broads Authority executive area.

**1 Introduction**

- 1.1 Members have previously agreed to assessment work being carried out on the phased re-appraisal of Conservation Areas, taking into account the duty of the Authority to identify and maintain up to date appraisals of existing Conservation Areas and, as appropriate, designate new areas.
- 1.2 Members will be aware that an informal agreement has been reached with the Districts' Conservation Officers whereby areas that fell mainly within the Broads Authority area would have the appraisal work carried out by the Broads Authority, and areas that fell mainly outside the Broads Authority area would have the appraisal work carried out by the relevant district.
- 1.3 The Loddon and Chedgrave Conservation Area lies partly within the Broads Authority Executive Area and partly within South Norfolk District Council. The majority of the area is within South Norfolk Council's area therefore the appraisal work and the consultation exercise has been carried out and funded by South Norfolk Council. Details of the consultation and feedback received as a result of it are outlined below.

- 1.4 South Norfolk Council's Officers have considered, in the preparation of the re-appraisal and management plan, if boundary changes are required and concluded that, in this instance it is appropriate to include C19 and early C20 development to the south along Beccles Road and an area of landscape to the west within the Chet Valley which includes C19 cottages in the South Norfolk part of the area. The boundary will also be slightly amended within the Broads Authority area alongside the River Chet to the east of the bridge on the north bank to include the whole of the Loddon Quay development. The Broads Authority Historic Environment Manager has been involved in that assessment and provided comments and input on the appraisal.
- 1.5 The Loddon and Chedgrave Conservation Area consultation was discussed at the Broads Authority Heritage Asset Review Group (HARG) on 19 August 2016. At this meeting Members were made aware of South Norfolk Council's intention regarding re-appraisal of the Loddon and Chedgrave Conservation Area. Unfortunately, South Norfolk Council Officers had not made the Broads Authority Officers aware of the draft appraisal prior to the public consultation exercise beginning although comments have been fed in subsequently as outlined above. Members of HARG agreed that a report on the consultation should be brought to the Broads Authority Planning Committee to make a decision regarding adoption.
- 1.6 A copy of the Loddon and Chedgrave Conservation Area re-appraisal, management plan and boundary is appended (Appendix 1).

## **2 Loddon and Chedgrave Conservation Area Consultation Feedback**

- 2.1 A public consultation exercise was undertaken by South Norfolk Council. This included an exhibition held in Loddon and Chedgrave and a presentation was given at a Town Council meeting.
- 2.2 The public consultation period on the appraisal was held from 1 July to 31 July 2016. The full consultation process and a summary of the responses given are at Appendix 2.
- 2.3 All residents affected by the boundary changes were given the opportunity to comment on the proposals. The consultation process that was followed is consistent with that outlined in the Broads Authority's Statement of Community Involvement, although the Broads Authority itself was not involved in the consultation events.
- 2.4 Specific comments received were generally outside of the Broads executive area where additional restrictions in terms of permitted development already apply.
- 2.5 General comments were made regarding replacement windows and about property values for property newly included within the Conservation Area. These comments and specific Officer response to these comments are appended (Appendix 2).

### **3 Assessment and Implications of Adoption**

- 3.1 The Loddon and Chedgrave Conservation Area is one of the 25 Conservation Areas either wholly or partly within the Broads Authority executive area. The Conservation Areas are designated heritage assets.
- 3.2 The Authority has a duty to periodically review Conservation Areas and provide up to date appraisal and management plans for them. The Loddon and Chedgrave Conservation Area currently has an out of date appraisal. The provision of an appraisal and management plan assists local residents and businesses in the preparation of appropriate development proposals within the Area and the Local Planning Authority in the determination of these applications.
- 3.3 The Loddon and Chedgrave Conservation Area boundary is proposed to be altered as a result of the re-appraisal. There will therefore be additional financial implications for its administration by the Broads Authority regarding the consideration of development management proposals or applications for works to trees. There may be very limited financial implications for the Broads Authority for any future re-appraisal work. Although it should be noted that virtually all of the built development within the proposed extension falls within South Norfolk District Council's area.
- 3.4 As regards implications for residents and landowners within the Conservation Area, the re-appraisal represents varying degrees of additional constraint.
- 3.5 Within the Broads Authority part of the area, the additional constraints in the main already apply. Outside of the Broads Authority Area additional restrictions on permitted development rights for householders will result from inclusion within the boundary. These restrictions were summarised and circulated as part of the consultation process. There may therefore be a minor financial implication for residents in the preparation of applications for planning permission that would otherwise be permitted development. This only applies, however, in the South Norfolk part of the Area.
- 3.6 The re-appraisal provides a written interpretation of the characteristics of the Conservation Area and identifies key features, issues and opportunities for enhancement. It is considered that the document will assist residents and landowners in the preparation and development of proposals within the Conservation Area.
- 3.7 It is further considered that the very minor financial implication to the Broads Authority of potential future re-appraisal work is outweighed by the statutory duty placed on the Authority to publish up to date appraisals of Conservation Areas.

- 3.8 Although not unanimous the majority of feedback received as a result of the consultation process has been positive.
- 3.9 South Norfolk District Council are responsible for the formal adoption of that part of the Conservation Area which falls within their area. A report including the minor revisions suggested by the Authority was taken to their Planning Policy and Regulation Policy Committee on 5 October 2016 and supported.
- 3.10 South Norfolk Cabinet adopted the part of the area within their executive boundary on 5 December 2015. The Cabinet report is appended (Appendix 3).
- 3.11 If the appraisal is adopted by the Broads Authority, South Norfolk Council will carry out the statutory notifications and inform residents in line with current legislation.

#### **4 Conclusions**

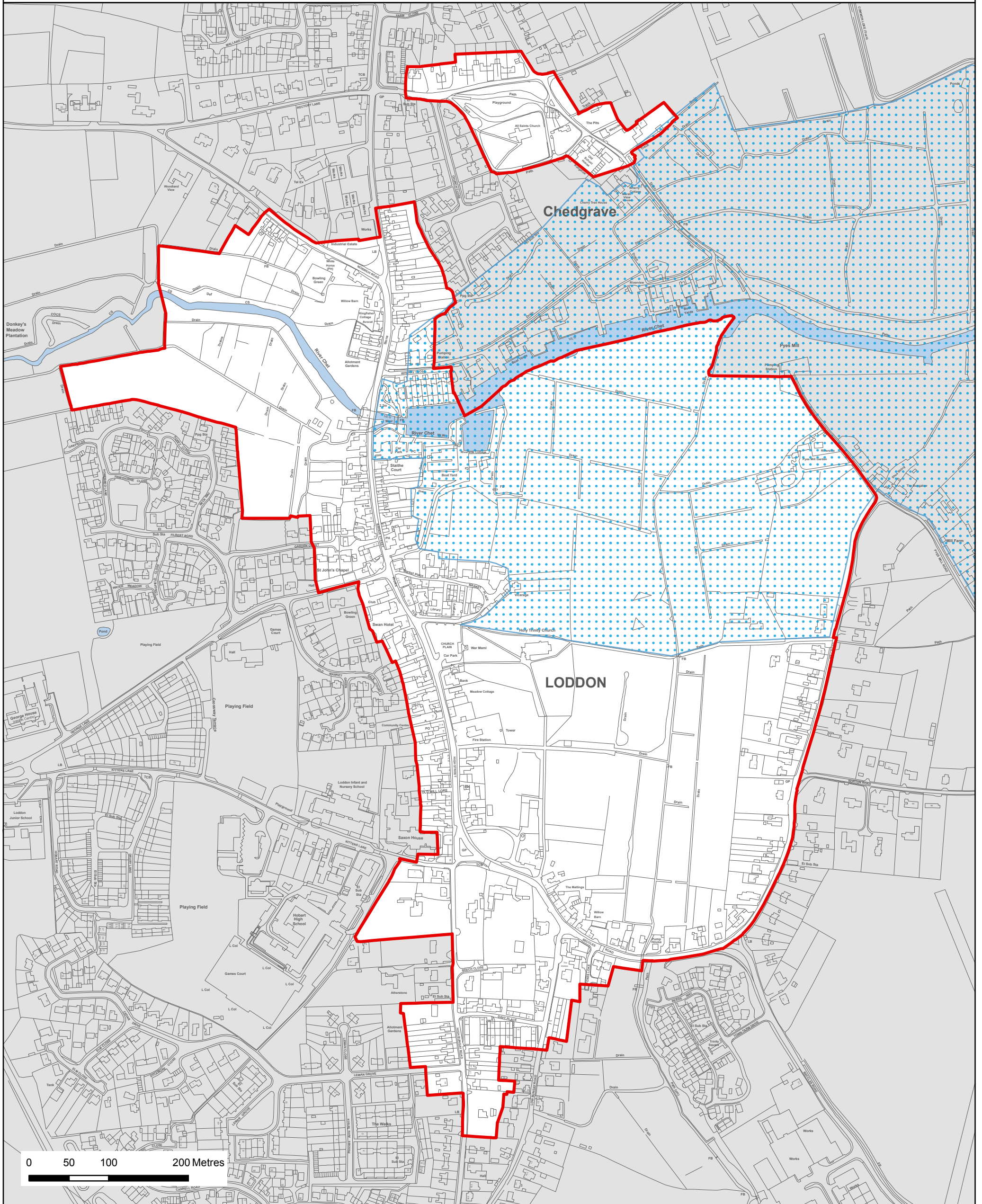
- 4.1 It is considered that the area identified by the boundary map including the extension and described in the appraisal and management plan of Loddon and Chedgrave is worthy of Conservation Area designation following a detailed assessment, public and stakeholder consultation. Therefore, it is recommended that Planning Committee recommend to the Broads Authority that the appraisal and management plan for the Loddon and Chedgrave Conservation Area, for that part of the Area within the Broads Authority executive area, is formally adopted by the Broads Authority.

Background papers: None

Author: Ben Hogg  
Date of report: 5 December 2016

Appendices: APPENDIX 1 - Loddon and Chedgrave Conservation Area Re-Appraisal Management Plan and Boundary  
APPENDIX 2 - Summary of Consultation responses  
APPENDIX 3 – SNDC Committee Report and Minutes and [Loddon and Chedgrave Character Appraisal](#)

# Loddon & Chedgrave Conservation Area





0 50 100 200 Metres



South Norfolk Council  
 Swan Lane  
 Long Stratton  
 Norwich  
 NR15 2XE

Tel: (01508) 533633  
 Fax: (01508) 533695

### Key

-  Conservation area boundary
-  Broads Authority Executive area



Scale at A3: 1:4,500  
 Date: Dec 2016



## Appendix 2

### Consultation responses

#### Consultation process

Prior to preparing a draft assessment and boundary changes informal 'walkabouts' of the areas took place in November 2015. This was formed of a small group of local councillors (district and parish) and local amenity groups, such as local heritage and history societies. Following this process the recommended changes to the boundary were drafted.

The statutory consultation on the prepared appraisal drafts, which included recommended boundary changes and conservation management guidelines, took place from July 1 to 31. The following process took place:

- Residents directly affected by the proposed boundary changes were contacted by letter.
- Emails were sent to Ward Councillors, County Councillors, the Parish Councils, Norfolk County Council Historic Environment Service, Historic England and in the case of Loddon, the Broads Authority.
- Adverts were placed in local libraries and information points, such as local supermarkets or noticeboards and a press release was issued with articles appearing in the local press.
- Exhibitions were erected for a minimum of two days in a publically accessible place within each conservation area, with an officer in attendance for a minimum of three hours.
- The appraisals were available to view on the council's website and at the reception desk, with forms available online to complete.
- Presentations were made to each Parish Council.
- The website and the exhibitions had a questionnaire to prompt a reply on the description of character, drawing of the revised boundary line, and the conservation management guidelines.

#### Comments received and responses:

**Historic England & County Council Historic Environment Service** – no comments

#### Parish Councils:

**Harleston:** Generally supportive and looking forward to working together on future enhancement. The town council is already looking into better replacement street signage for the town.

**Hingham** council were supportive of the appraisal and advised that they would like to work with the district council with regard to future enhancement/improvements.

**Loddon & Chedgrave** councils suggested Langley Park, Chedgrave Manor and Pyes Mill (a landscaped area) could also all be included. *In response, these sites are all peripheral to the*

conservation area and considered too far removed and separate in terms of character when viewed within the context of the central historic part of the town. Chedgrave Manor and Langley Park (the house) are also listed, and Langley Park is a registered park and garden. The landscape that has been included provides an important backdrop to the town and assists in controlling backland development around areas where key parts of the town such as the area around the bridge and the church back onto open countryside.

**The Broad Authority** – no concerns, but would like some additional/updated text included to relate to their planning controls.

## Response from members of the public:

### Harleston:

Comment	Response
There were some comments made that consultation should have been more widespread and better advertised.	<i>The Council has carried out the legal duty in terms of holding a public meeting and went beyond the statutory requirements for the consultation, however, this point is noted and will be important to ensure the appraisal consultations are mentioned in more local media places such as community newsletters and parish noticeboards.</i>
It was suggested that the boundary should be extended further along London Road to include various historic properties, and also to include Malthouse House Court – a recent development adjacent to the listed converted Malthouse.	<i>Although there are some properties of architectural and historic merit along London Road, unlike the terrace which is being included, the properties are more spread out and there has been more infill. The character is therefore more 'diluted' and it is considered does not warrant inclusion. The Malthouse Court development is a good design – but there is considered not to be any threat to it, any planning permission would need to be considered in relation to the setting of the listed building as well as the existing conservation area.</i>

### Hingham

Comment	Response
Two residents within Manor Court were concerned that the historic wall within the Court could be demolished if outside the conservation area.	<i>Due to the historic association to the Manor House of the space and the existing wall, it was decided to keep the area in the conservation area. This was also the subject of debate on the walkabout as to whether the area should in or not.</i>

<p>Some concern was raised at the loss of protection for trees in the areas being proposed to be taken out of the conservation area, particularly in Rectory Gardens.</p>	<p><i>Many of the areas which are being taken out already have TPOs in place, which give greater protection for the trees than conservation area status. This will however be reviews by the conservation officer and the tree officer to ensure the TPO areas are up-to-date and to see whether any more</i></p>
<p>Concern that Stone Lane would be taken out because it is an historic lane with some historic properties</p>	<p><i>The most important feature is the historic wall. However, the properties have also been altered to some extent and have lost their original character. The connection of the wall on its own to the rest of the conservation area is not considered sufficiently significantly to merit being in the conservation area, so it will remain being proposed to be taken out.</i></p>

### Loddon

Comment	Response
<p>Concerns raised by residents living in the proposed addition to the conservation area in High Bungay Road due to further planning restrictions that would result in terms of replacing windows/doors, adding dormers and replacing/restoring outbuildings. General concern about additional costs that would result when wanting to carryout works. The historic merit of area was also questioned die to the inappropriate alterations that have already been carried out.</p>	<p><i>Planning permission is not required to replace any windows/doors on houses that are single dwellings in the conservation area. It would also not be required to restore an existing outbuilding unless there are any material changes to the external appearance. To replace an outbuilding may require planning permission in a conservation area. A new dormer would require planning permission in a conservation area. However, planning permission can also be required for a new dormer outside a conservation area depending on the size of the dormer.</i></p> <p><i>It is considered that, despite later inappropriate alterations to many of the houses in High Bungay Road in the additional area proposed, the form, proportion, surviving detailing and material finishes of buildings still makes a positive contribution to the historic character of street views. The additional area proposed in High Bungay Road, despite later alterations, still retains some of its historic character which is considered worthy of retention as an addition to the conservation area. Also, at the south end the number of matures trees and listed property, No.25, define a clear end boundary to the conservation area and provide an attractive gateway to it. Although no.34</i></p>



	<i>stands alone as a brick bungalow is distinct mid-20th character and symmetry add interest to the street scene, its trees are also prominent in street views.</i>
Concern was raised about property being de-valued as a result of being included in the conservation area.	Research carried out by the London School of Economics in 2012 indicates that being in a conservation area usually adds value to properties.

## Appendix C

Copies of the appraisal can be found at:

### Harleston:

xxxxxx

### Hingham:

Xxxxx

### Loddon:

xxxxxx

5 December 2016

Agenda Item No 1

Conservation Area Appraisals and Boundary Amendments for Harleston, Hingham  
and Loddon Conservation Areas

**Report of the Senior Conservation and Design Officer**

**Cabinet Member: Lee Hornby, Portfolio Holder for Regulation & Public Safety**

**Chris Bennett**

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## **1.0 Introduction**

- 1.1 The council has a duty under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review and designate conservation areas where areas are considered to be of special architectural or historic interest whose character and appearance it is desirable to preserve or enhance. Section 71 requires the authority to formulate and publish proposals for preservation and enhancement of those areas.
- 1.2 The council has 52 conservation areas and we are in the process of reviewing the character and appearance of the conservation areas through conservation area appraisals, accordingly revising boundaries if warranted, and formulating proposals for management and enhancement.
- 1.3 The purpose of this report is for Cabinet to recommend to Council to approve and adopt:
  - Amended conservation area boundaries for Harleston, Hingham and Loddon & Chedgrave Conservation Areas.
  - Conservation area appraisals and conservation management guidelines for Harleston, Hingham and Loddon & Chedgrave Conservation Areas.

## **2.0 Background**

- 2.1 The programme of conservation area appraisals currently being undertaken is the first comprehensive review of the conservation areas since their original designations, in some cases dating back to the mid-1970s. During this period development has led to a change in the character and appearance of the conservation areas and there has also been a change in opinion as to what heritage may be considered worthy of preservation.
- 2.2 The rolling programme of reviewing conservation areas has given priority to those areas where the character is considered to be at greatest threat from change. The appraisals previously adopted are: Diss (2012) Trowse with Newton (2012) Wymondham (2012) Long Stratton (2013) Stoke Holy Cross (2013) Cringleford (2014). The Broads Authority has carried out appraisals which also cover the South Norfolk area for Ditchingham Dam, Ellingham and Geldeston (2013) and Langley Abbey (2014.) It was agreed at the Planning Policy and Regulation Policy Committee on 5<sup>th</sup> October that the next set of appraisals to be carried out during 2016-2017 should be for Bawburgh, Dickleburgh, Hempnall, Mulbarton, Scole, Tacolneston conservation areas.

- 2.3 The appraisals have been carried out in line with the Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1, published February 2016. This is an updated edition of Understanding Place: Conservation Area Designation, Appraisal and Management, first published by English Heritage in March 2011.
- 2.4 The appraisals and proposed boundary revisions were taken to the Planning Policy and Regulation Policy Committee on 5<sup>th</sup> October who recommended approval of the revised boundaries, conservation area appraisals and the conservation management guidelines by Cabinet and Committee. The committee advised that the conservation area for Loddon and Chedgrave should be referred to as Loddon & Chedgrave (the area had been referred to simply as the 'Loddon conservation area' at the consultation stage.)

### **3.0 Current position and issues**

- 3.1 The conservation area boundaries have not been reviewed or amended for these three conservation areas since the original designation in Harleston (26.6.75) and Hingham (17.2.75). Having been originally designated in 1975, Loddon was reviewed and redrawn in 1994 to include the Chedgrave 'satellite' area. In order to be effective in assisting in making planning determinations and making informed decisions, it is important that the conservation area boundaries and appraisal content are up-to-date.
- 3.2 The appraisals assess the character and appearance of the conservation areas and recommend either extending or removing peripheral areas by changing the boundary line depending on whether the areas make a positive, negative or neutral contribution to the conservation area. Conservation management guidelines are included, which set out proposals as to how the conservation areas can be managed and further enhanced.

### **4.0 Consultation**

- 4.1 It is a duty prior to adopting the recommendations of the appraisals for preservation and enhancement of an area to hold a public meeting and to have regard to the views expressed. The public meeting took the form of an exhibition held in each town and a presentation was also given at Parish/Town Council meetings.
- 4.2 In addition a public consultation on the appraisals was undertaken from 1 July to 31 July. The full consultation process and a summary of the responses given are at Appendix B.
- 4.3 Notification of the proposals to change the boundaries was also given through a letter to all the properties directly affected.

4.4 Following adoption, the changes in the boundary and properties affected will be advertised in a local paper and the London Gazette. It is a requirement to inform the secretary of state, and a further letter will be sent to all the buildings affected by the proposal to inform them that the revised boundary has been adopted.

## 5.0 Proposals

5.1 The maps at Appendix A show the proposed revised conservation area boundaries with the areas to be included and excluded. The red line maps show the new conservation area boundaries.

**Harleston:** The area will be extended to the north and south to include areas of historic 'gateway' development of the C19 and early C20 housing, and also an important area of mature landscaping to the east constituting the former grounds of Caltofts.

**Hingham:** Several sites are being proposed to be removed due to existing historic properties being altered or sites being developed with modern housing.

**Loddon & Chedgrave:** It is proposed to include C19 and early C20 to the south along Beccles Road and an area of landscaping to the west within the Chet Valley which includes C19 cottages. The boundary will also be slightly amended alongside the Chet to the east of the bridge on the north bank to include the whole of the Loddon Quay development.

5.2 As a result of the consultation the following changes to the boundaries are proposed subsequent to the consultation:

**Harleston:** A small area of verge landscaping is now proposed to be included on the corner of London Road and Willow Walk.

**Hingham:** Properties within the Manor Court development, which were proposed to be taken out of the conservation area, will remain in it.

These minor revisions were supported by the Planning Policy and Regulation Policy Committee on 5<sup>th</sup> October 2016.

5.3 Appendix C contains a link to the three conservation area appraisals. The recommendation is to adopt the appraisals as an evidence base in support of the Local Plan. Planning inspectors have accepted appraisals as a material consideration of considerable weight in appeals whether or not they have been adopted as supplementary Planning Document (SPD), so it is not necessary to adopt as

(SPD). The appraisals also contain conservation management guidelines that will be agreed in principle as part of this adoption process.

## **6.0 Risks and implications arising**

- 6.1 The boundary change and the enlargement of the conservation areas in Harleston and Loddon & Chedgrave may result in some additional planning applications. Some areas of modern development in Harleston, and a number of areas in Hingham, are however being removed. In terms of the overall workload of planning applications, the change is small and insignificant in terms of impact on workloads.
- 6.2 Inclusion in the conservation area will result in the following changes to those properties:
- Any submission for planning permission will be considered with regard to preserving and enhancing the character and appearance of the conservation area.
  - Planning permission will be needed to demolish buildings and other structures such as front garden walls (if over 1m in height)
  - Alterations affecting external appearance, particularly to the front elevation are likely to require planning permission e.g. dormer windows and satellite dishes
  - Six weeks notice is required to be given to the council prior to undertaking any works to trees.
- 6.3 The character assessment in the appraisals will provide improved background information on defining the character and appearance of the conservation areas, and this in turn will lead to an improvement in design and access statements and assist in decision making when determining planning applications.
- 6.4 The conservation management guidelines are written to support and develop good practice in preserving and enhancing the conservation areas.

## **7.0 Decision**

- 7.1 To recommend that Council approves and adopts the amended conservation area boundaries for Harleston, Hingham and Loddon & Chedgrave Conservation Areas.
- 7.2 To recommend that Council approves and adopts the conservation area appraisals and conservation management guidelines for the conservation areas of Harleston, Hingham and Loddon & Chedgrave.

**Managing Planning Performance and the Designation Regime for Local  
Planning Authorities**  
Report by Head of Planning

**Summary:** This report outlines the Government's intentions around the designation of Local Planning Authorities as poor performers and informs Members of the forthcoming assessment.

**Recommendation:** That the report be noted.

## **1 Background**

- 1.1 Successive Governments have long sought to improve the speed of the planning process, with targets set centrally for the speed of determination of planning applications. In the late 1990 and 2000's there were financial incentives in the form of Planning Delivery Grant (PDG) paid to those Local Planning Authorities (LPAs) which met the targets, but since 2007 the emphasis has been more about identification of the persistent poor performers, their designation as under-performers and then intervention.
- 1.2 The Government now proposes to increase the targets. A report has been published setting this out and which can be found with an accompanying memorandum at <https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation>.

## **2 The Current Designation Criteria and Performance**

- 2.1 The existing approach to measuring performance was introduced by the Growth and Infrastructure Act 2013 and is based on assessing LPAs performance on the speed and quality of their decisions on applications for major development; no account is taken of performance on minor and other application types. Where an LPA is designated as underperforming, applicants have had the option of submitting their applications for major development (and connected applications) directly to the Planning Inspectorate for determination.
- 2.2 The current statutory targets against which speed of determination is measured require a LPA to determine 60% of major applications within 13 weeks or within a timescale agreed in a Planning Performance Agreement (PPA) or within another timescale agreed in writing with the applicant. The assessment is made over a rolling 24 months period, updated quarterly. LPAs achieving a determination of 50% or under are at risk of being designated as under-performing.



- 2.3 The Department for Communities and Local Government (CLG) advise that the latest data shows that performance on applications for major development has improved and for the quarter April - June 2016, 83 per cent of major applications were decided on time compared with 57 per cent in July to September 2012. It is noted that this has been achieved despite the fact that nationally the number of major applications has increased during the period and there has been a reduction in spending on planning and development services by local authorities.
- 2.4 The Broads Authority achieved 83.3% over the most recent monitoring period, which rates at position 154 out of 339 District LPAs measured. This places it just above the national average.
- 2.5 The performance benchmarked against other Norfolk LPAs (plus Waveney District Council) is set out below.

LPA name	Performance as %	Rating
South Norfolk Council	96.4	24
Norwich City Council	94.4	42
Borough Council of Great Yarmouth	91.3	70
Borough Council of Kings Lynn and West Norfolk	84.3	142
Broadland District Council	83.8	149
<b>Broads Authority</b>	<b>83.3</b>	<b>156</b>
North Norfolk District Council	82.5	164
Breckland Council	76.8	226
Waveney District Council	67.2	289

- 2.6 The performance benchmarked against the National Parks is set out below:

NPA name	Performance as %	Rating
Yorkshire Dales	100	5
Exmoor	100	6
Peak District	100	9
New Forest	90.9	76
Dartmoor	84.6	141
Northumberland	83.3	154
<b>Broads Authority</b>	<b>83.3</b>	<b>156</b>
Lake District	76.4	230
South Downs	64.0	305
North Yorkshire Moors	63.6	307

- 2.7 It should be noted that this is a very simplistic way to measure performance, which takes no account of the number or complexity of applications. It is, however, the way it is calculated and is the basis for designation.

- 2.8 The current statutory targets against which quality of decisions is measured evaluate the LPAs success rate at appeal and consider the number of appeals which are allowed (ie where the Inspector finds against the LPA) against the number of overall decisions made. Again, this looks at major applications only, has a rolling two year assessment period and the target is for overturned appeals to constitute no more than 10% of overall decision made.
- 2.9 The most recent date is for the two years ending December 2014. The Broads Authority's rate of appeals allowed was 4.5% of major decisions, which comprised 1 allowed appeal out of 1 appeal determined and out of 22 major applications determined in that period. This rates at position 269 out of 337 District LPAs measured.
- 2.10 The performance benchmarked against other Norfolk LPAs (plus Waveney District Council) is set out below.

LPA name	Performance as %	Rating
South Norfolk Council	0.0	74
Borough Council of Great Yarmouth	0.0	40
Norwich City Council	1.1	119
Breckland Council	2.5	196
North Norfolk District Council	3.6	237
<b>Broads Authority</b>	<b>4.5</b>	<b>269</b>
Broadland District Council	4.7	273
Borough Council of Kings Lynn and West Norfolk	5.6	288
Waveney District Council	5.9	290

- 2.11 The performance benchmarked against the National Parks is set out below:

NPA name	Performance as %	Rating
Dartmoor	0.0	29
Exmoor	0.0	35
North Yorkshire Moors	0.0	56
Northumberland	0.0	57
Peak District	0.0	59
Yorkshire Dales	0.0	90
<b>Broads Authority</b>	<b>4.5</b>	<b>269</b>
New Forest	4.8	276
Lake District	6.1	298
South Downs	-	-

- 2.12 It should be noted that this is a very simplistic way to measure quality of decision, as it takes no account of the number or complexity of appeals. It is, however, the way it is calculated and is the basis for designation.

### 3 The Amended Designation Criteria

3.1 From 2017 the designation criteria will be changed and extended. The performance of an LPA will be assessed on the basis of speed and quality of decisions, and it will be extended to cover both major and non-major applications. As currently, the speed with which applications are dealt with will be measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period, whilst the quality of the decisions will be measured by the proportion of decisions on applications that are subsequently overturned at appeal. There will therefore be four separate assessments:

- The speed of determining applications for major development;
- The speed of determining applications for non-major development;
- The quality of decisions made by the authority on applications for major development;
- The quality of decisions made by the authority on applications for non-major development.

3.2 It should be noted that the assessments are separate, as are the designations, meaning that an LPA could be designated on the basis of its performance in determining applications for major development, applications for non-major development, or both. The assessment for each of these two categories of development will be against two separate measures of performance – speed and quality.

3.3 In order to promote continuing improvement, it is proposed that the targets will increase in 2017 and then again in 2018. This is summarised in the following table:

	<b>2017 Threshold and assessment period</b>	<b>2018 Threshold and assessment period</b>
Speed of major Development	<b>50%</b> (October 2014 to September 2016)	<b>60%</b> (October 2015 to September 2017)
Speed of non-major Development	<b>65%</b> (October 2014 to September 2016)	<b>70%</b> (October 2015 to September 2017)
Quality of major Development	<b>N/A</b> – we are not assessing quality in this designation round	<b>10%</b> (April 2015 to March 2017)
Quality of non-major Development	<b>N/A</b> – we are not assessing quality in this designation round	<b>10%</b> (April 2015 to March 2017)

3.4 Where an LPA is designated, applicants may apply directly to the Planning Inspectorate for the category of applications (major, non-major or both) for which the LPA has been designated, although there are exceptions. Householder applications and retrospective applications will not be able to be

submitted to the Planning Inspectorate as CLG considers these applications to be best dealt with locally. To address the under-performance issue, however, soon after a designation is made the LPA will be expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. Where necessary, this action plan will have to directly address weaknesses in the processing of householder applications, providing the appropriate protection to applicants and the best access to a timely decision.

- 3.5 The Secretary of State will aim to decide whether any designations should be made in the first quarter of each calendar year, following an assessment of the performance.

#### **4 Commentary and Summary**

- 4.1 There is increasingly a clear focus on the role of the planning system in supporting growth and prosperity and the Government is seeking to remove any impediment to this. The actions in respect of poorly performing LPAs are consistent with this.
- 4.2 The performance of the Broads Authority as an LPA is reported to the Planning Committee quarterly, so members will be aware that the statutory targets are consistently met. This will continue to be reported quarterly so members can monitor performance.

#### **5 Recommendation**

- 5.1 That the report be noted

Background papers: None

Author or Report: Cally Smith  
Date of Report: 14 December 2016

Appendices: None

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

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

**Recommendation:** That the report be noted.

**1 Introduction**

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

**2 Financial Implications**

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett  
Date of report: 15 December 2016

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

**APPENDIX 1**

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

<b>Start Date of Appeal</b>	<b>Location</b>	<b>Nature of Appeal/ Description of Development</b>	<b>Decision and Date</b>
31 March 2016	<b>Appeal Reference: APP/E9505/C/16/314 5873</b>  Staithe n Willow, Horning  Mrs J Self	<b>Appeal against Enforcement Notice</b>  Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016  Questionnaire submitted 21 April 2016  LPAs Statement of case submitted 12 May 2016  Final documents exchanged 14 June 2016
2 August 2016	<b>Appeal Reference: APP/39505W/16/3154 806</b>  Hall Common Farm, Hall Common, Ludham	<b>Appeal against Enforcement Notice</b>  Breach of conditions 2 and 3 of BA/2014/0408/COND Unauthorised installation of metal roller shutter door	Committee Decision 4 December 2015  Supporting documents submitted by 16 August 2016  LPAs Statement of case submitted 13 September 2016  Inspector's site visit 4 January 2017
12 October 2016	<b>Appeal Reference APP/E9505/W/16/315 8503 BA/2016/0026/COND</b>  50 Riverside Estate, Brundall  Mr David Hilburn	<b>Appeal against refusal</b>  Variation of condition 2 of previous permission BA/2012/0394/FUL – replacement chalet (to retain upvc windows and doors)	Delegated Decision 24 March 2016  Questionnaire submitted 18 October 2016  Statement of case submitted 14 November 2016

<b>Start Date of Appeal</b>	<b>Location</b>	<b>Nature of Appeal/ Description of Development</b>	<b>Decision and Date</b>
Awaited	<p><b>Appeal Reference APP/E9505/D/16/316 3616</b>  <b>BA Appeal Ref:</b>  BA/2016/0005/REF</p> <p><b>BA/2016/0263/HH</b></p> <p>70 Riverside Estate,  Brundall</p> <p>Mr David Wright</p>	<p><b>Appeal against refusal</b></p> <p>Retrospective application for retention of replacement cladding (to retain upvc windows and doors)</p>	<p>Delegated Decision  26 August 2016</p>
9 December 2016	<p><b>Appeal Reference APP/E9505/D/16/316 3088</b>  BA/2016/0004/REF  <b>BA/2016/0260/FUL</b></p> <p>Slad Lane,  Woodbastwick,  Salhouse</p> <p>Mr J Cator</p>	<p><b>Appeal against refusal</b></p> <p>Change of use of ground floor cottage to tea room (class A3)</p>	<p>Committee Decision  17 October 2016</p> <p>Questionnaire submitted 16 December 2016</p> <p>Statement of case due by 13 January 2017</p>
9 December 2016	<p><b>Appeal reference APP/E9505/W/16/316 3872</b>  <b>BA/2016/0276/FUL</b>  BA/2016/0006/REF  Gunton Lodge, Broad View Road, Oulton Broad</p> <p>Mr Lloyd Crisp</p>	<p><b>Appeal against refusal</b></p> <p>New dwelling and replacement garage</p>	<p>Delegated Decision  20 September 2016</p> <p>Questionnaire submitted 16 December 2016</p> <p>Statement of case due by 13 January 2017</p>
Awaited	<p><b>APP/E9505/W/16/316 4553</b>  <b>BA/2016/0007/REF</b>  Land at Griffin Lane, Thorpe St Andrew</p> <p>BCK Marine</p>	<p><b>Appeal against refusal</b></p> <p>Boatshed, storage container and shelter</p>	<p>Delegated Decision  24 June 2016</p>

## Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority  
Planning Committee**

06 January 2017

Agenda Item No. 16

Summary: This report sets out the delegated decisions made by officers on planning applications from 23 November 2016 to 15 December 2016  
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
<b>Burgh Castle Parish Council</b>				
<b>BA/2016/0318/HOUSEH</b>	<b>Church Farm Church Road Burgh Castle NR31 9QG</b>	<b>Mr &amp; Mrs Swallow</b>	<b>Proposed alterations: demolition of three twentieth century extensions; replacement windows; change of use of an outbuilding to an annexe; proposed three bay garage within car park; removal of existing hard-landscaping; proposed landscaping.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0319/LBC</b>				<b>Approve Subject to Conditions</b>
<b>BA/2016/0388/FUL</b>	<b>Land Between The Old Rectory And Glebe Marshes Church Road Burgh Castle Norfolk</b>	<b>Mr Russell Wilson</b>	<b>Boardwalk</b>	<b>Approve Subject to Conditions</b>
<b>Ditchingham Parish Council</b>				
<b>BA/2016/0294/HOUSEH</b>	<b>76 Waterside Drive Ditchingham NR35 2SH</b>	<b>Mr Colin Edwards</b>	<b>Log cabin.</b>	<b>Approve Subject to Conditions</b>
<b>Filby Parish Council</b>				
<b>BA/2016/0361/NONMAT</b>	<b>Land To South Of Loke Cottage Thrigby Road Filby Norfolk NR29 3HJ</b>	<b>Mr Scott Bird</b>	<b>Alterations to windows and doors, non-material amendment to permission BA/2012/0213/REM.</b>	<b>Approve</b>



Application	Site	Applicant	Proposal	Decision
<b>Horning Parish Council</b>				
<b>BA/2016/0381/HOUSEH</b>	<b>South Quays Horning Reach Horning Norfolk NR12 8JR</b>	<b>Mr And Mrs Tomkins</b>	<b>Extension.</b>	<b>Approve Subject to Conditions</b>
<b>Horseley Parish Council</b>				
<b>BA/2016/0353/ADV</b>	<b>The National Trust Car Park Horseley Mill Somerton Road Horseley Norfolk NR29 4EE</b>	<b>The National Trust</b>	<b>Proposed pay &amp; display machine and sign.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0352/FUL</b>			<b>Replacement pay and display machine and sign.</b>	<b>Approve Subject to Conditions</b>
<b>Hoveton Parish Council</b>				
<b>BA/2016/0313/COND</b>	<b>Half Acre Horning Road Hoveton Norwich Norfolk NR12 8JW</b>	<b>Mr And Mrs Potter</b>	<b>Variation of Condition 2, submitted plans, of permission BA/2015/0379/HOUSEH.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0359/FUL</b>	<b>Unit 1 The Broads Centre Riverside Centre Norwich Road Hoveton Norfolk NR12 8AJ</b>	<b>Mr Antony Tagliamonti</b>	<b>Change of use of the ground floor from a Bank (A2 use) to an A1/A3 use coffee shop, external seating, replacement shopfront and associated signage.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0360/ADV</b>			<b>One internally illuminated fascia sign and one internally illuminated projecting sign.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0369/HOUSEH</b>	<b>The Old Vicarage Horning Road Hoveton NR12 8NY</b>	<b>Mr &amp; Mrs G Walker</b>	<b>Replacement side extension.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0389/APPCON</b>	<b>Little Crabbetts Horning Road Hoveton NR12 8JW</b>	<b>Mr &amp; Mrs John Reid</b>	<b>Detail of condition 3: cart shed roof tiles, and condition 4: wall and roof materials of extension, of permission BA/2015/0425/HOUSEH.</b>	<b>Approve</b>

Application	Site	Applicant	Proposal	Decision
<b>Kirby Bedon Parish Council</b>				
BA/2016/0379/CU	Riverside House Woods End Kirby Bedon NR14 7ED	Mr Nick King	Extension to existing residential dwelling and conversion of outbuilding to holiday accommodation.	Approve Subject to Conditions
<b>Postwick With Witton Parish Council</b>				
BA/2016/0414/AGR	Hall Farm Hall Lane Postwick Norwich Norfolk NR13 5HQ	Mr Chris Langridge	A new three bay barn is required to service the circa 34ha agricultural unit at Postwick. The barn will comprise a two bay internal area accommodating dry storage and a small farm workshop, and a covered external area (third bay) for machine and other storage. The ridge heights of the two smaller (internal area) bays is 4.6m, the third (open) bay is slightly higher at 5m. Eaves height remains the same (3.2m) on all three bays.	Prior Approval not Required
<b>Smallburgh Parish Council</b>				
BA/2016/0398/LBC	Toad Hall The Hill Yarmouth Road Smallburgh Norfolk NR12 9AD	Mr Andrew Buesnel	Carport.	Approve Subject to Conditions
BA/2016/0371/HOUSEH	Toad Hall The Hill Yarmouth Road Smallburgh NR12 9AD			Approve Subject to Conditions
<b>Stalham Parish Council</b>				
BA/2016/0216/FUL	28 Burtons Mill The Staithe Stalham Norfolk NR12 9FE	Mr Douglas Bushell	Change of Use from holiday accommodation to residential.	Refuse

Application	Site	Applicant	Proposal	Decision
<b>Thorpe St Andrew Town Council</b>				
<b>BA/2016/0394/NONMAT</b>	<b>Norfolk Garden Supplies 54B Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0HE</b>	<b>Mr Peter Hales</b>	<b>Re-positioning of toilet facility and sign, non-material amendment to permission BA/2016/0183/COND.</b>	<b>Approve</b>
<b>Trowse With Newton Parish Council</b>				
<b>BA/2016/0357/COND</b>	<b>Whitlingham Broad Camp Site Whitlingham Lane Trowse NR14 8TR</b>	<b>Ms Linda Robey</b>	<b>Variation of condition 2: amendments to approved plans, of permission BA/2015/0223/FUL.</b>	<b>Approve Subject to Conditions</b>
<b>Upton With Fishley Parish Council</b>				
<b>BA/2016/0383/CU</b>	<b>Fishley Hall Fishley Upton Norwich Norfolk NR13 6DA</b>	<b>Mr Philip Molineux</b>	<b>Continued use of barns as a wedding venue.</b>	<b>Approve Subject to Conditions</b>
<b>Woodbastwick Parish Council</b>				
<b>BA/2016/0367/APPCON</b>	<b>Sotshole School Hill Ranworth Norwich Norfolk NR13 6HU</b>	<b>Mr Stuart Goodall</b>	<b>Discharge of condition 3: window details, condition 4: bond, mortar, and brick type, condition 5: internal finishes, and condition 8: landscaping of permission BA/2016/0079/COND.</b>	<b>Approve</b>
<b>Wroxham Parish Council</b>				
<b>BA/2016/0375/COND</b>	<b>The Moorings Beech Road Wroxham</b>	<b>Mr Alan Castledine</b>	<b>Variation of condition 2: approved plan, of permission BA/2016/0131/FUL.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2016/0374/FUL</b>	<b>Home Farm Skinners Lane Wroxham Norwich Norfolk NR12 8SJ</b>	<b>Wroxham Home Farms</b>	<b>Agricultural grain store</b>	<b>Approve Subject to Conditions</b>