

Planning Committee

AGENDA

Friday 11 September 2015

10.00am

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|--|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 21 August 2015 (herewith) | 3 – 11 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
- BA/2015/0188/FUL Poplar Farm, Church Lane, Runham, Mautby
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9. Broads Local Plan – Issues and Options Update Report by Planning Policy Officer (herewith)	54 – 56
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10. Generation Park: Introduction to the Planning Application Briefing Report by Planning Officer (herewith)	57 – 61
11. Hickling Broad Enhancement Project Proposal Report by Consultant Planning Officer on behalf of Broads Authority (herewith)	62 – 81
12. HARG Heritage Asset Review Group – Notes from the meeting held on 21 August 2015 Report by Historic Environment Manager (herewith)	82 – 85
13. Enforcement of Planning Control: Item for Noting No.1 and No.2 Manor Farm House, Manor Farm Road, Oby Report by Planning Officer (Compliance and Implementation) (herewith)	86 – 88
14. Enforcement Update Report by Head of Planning (herewith)	89 – 93
15. Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	94 – 95
16. Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	96 – 97
17. To note the date of the next meeting – Friday 9 October 2015 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority

Planning Committee

Minutes of the meeting held on 21 August 2015

Present:

Dr J M Gray – in the Chair

Miss S Blane
Prof J Burgess
Mr N Dixon
Ms G Harris
Mrs L Hempsall

Mr G W Jernany
Mr P Rice
Mr V Thomson
Mr J Timewell

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Ms A Long – Director of Planning and Resources
Mr N Catherall – Planning Officer
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

**BA/2015/0205/ FUL Herbert Woods Boatyard, Broads Haven,
Bridge Road, Potter Heigham**

Mr M Whitaker The Applicant

Enforcement Matter: Thorpe Island

Mr Thomas Foreman Thorpe St Andrew Town Council
Mr Jeremy Clarke Resident Thorpe St Andrew
Mrs Sofroniou Resident of Thorpe St Andrew
Mr Roger Wood Landowner, Thorpe Island

2/1 Apologies for Absence and Welcome

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

Apologies were received from Mr M Barnard.

2/2 Declarations of Interest

The Chairman declared a general interest on behalf of all members in relation to Application BA/2015/0205/FUL as the applicant was a Member of the Broads Authority. Members indicated that they had no other declarations of pecuniary interests other than those already registered and as set out in Appendix 1.

2/3 Minutes: 24 July 2015

The minutes of the meeting held on 24 July 2015 were agreed as a correct record and signed by the Chairman.

2/4 Points of Information Arising from the Minutes

None reported.

2/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

2/6 Chairman's Announcements and Introduction to Public Speaking

(1) Site Visit for Generation Park Application – Proposed for 2 October 2015

Norwich City Planning Committee agreed to the date for the site visit in principle and will confirm agreement at their next meeting on 3 September 2015.

(2) Public Speaking

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

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

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

There were no requests to defer applications or vary the order of the agenda.

2/8 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/2015/0205/FUL Herbert Woods Boatyard, Broads Haven, Bridge Road, Potter Heigham,**
Re-configuration of part of existing mooring basin measuring approximately 30, x 60m
Applicant: Mr Michael Whitaker

The Planning Officer explained that the application was before the Committee as the applicant was a member of the Broads Authority. He provided a detailed presentation of the proposals to remove a narrow spit of land between two existing mooring basin elements, formerly the site of wet boatsheds, on the well-established, commercial boatyard of Herbert Woods at Potter Heigham. The aim was to provide a more practical use of this section of the boatyard. The scheme would not result in an increase in moorings or a loss of existing moorings but would provide a more efficient use of the basin.

The Planning Officer referred to the consultation responses received. He explained that originally Historic England had concerns over the need to survey and document the excavated material and therefore an archaeological condition had been recommended. However, since the report had been written further consultation had been received from Historic Buildings at Norfolk County Council and Natural England stating they had no objections. Historic England was content with their conclusions. In addition, the Parish Council had no objections and was supportive as the proposal would tidy up the area.

Having provided a detailed assessment against the Authority's policies, particularly Policies CS1 and the criterion of DP16 for the reconfiguration of basins and therefore taking account of the main issues relating to impact on landscape character, protected habitats and species and the SSSI, and navigation, the Planning Officer concluded that there would be no significant adverse impacts and the application could be recommended for approval subject to conditions without an archaeological condition.

Having been satisfied by the applicant on the areas for the disposal of the spoil from the works, Members considered that the application was acceptable.

Prof Burgess proposed, seconded by Miss Blane and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report with the deletion of an archaeological condition. The proposal was considered to be in accordance with Policies CS1, CS3 and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP16 and DP29 of the Development Plan Document (2011) and the NPPF (2012), a material consideration in the determination of the application.

2/9 Thorpe Island – Report on High Court Judgement

The Chairman explained that it was not usual to make provision for public speaking on enforcement matters - often it is necessary to protect the anonymity of complainants. However, given the high level of public interest in the case for Thorpe Island (as well as the previous public involvement at the Public Inquiry and Hearing) and the seriousness of the issues involved relating to a Conservation area in an area equivalent to a National Park, the Broads Authority proposed to allow it in this case. In making this exception, however, the Broads Authority required that any comments made should be in respect of the proposals for the way forward or future intentions for the site and not a rerun of the history and issues which had already been determined by the Inspector and upheld in the High Court. The procedure for public speaking would be in the usual format allowing 5 minutes for each of the parties.

The Committee was provided with a detailed presentation and report by the Head of Planning relating to the recent High Court challenge to a decision made by the Planning Inspectorate concerning the long standing enforcement matter at Thorpe Island. Letters were also received from LSR Solicitors and Planning Consultants on behalf of Mr Clarke and Mr Cooper, Leathes Prior Solicitors on behalf of Mr Roger Wood and Dr Rodney Furze, Architect who had originally drawn up sketch details for proposals in the 1960s and 1970s for the site.

Members noted that the High Court had dismissed all of the challenges and upheld the decision of the Planning Inspectorate. The report and presentation provided the background to the matter setting out the timeline for the planning history of the site from the 1960s to March 2010, the enforcement issues from November 2011 to the present day and provided an explanation of the High Court decision and its implications.

Members noted that the Judge's decision stated that the 1960s permissions were for a comprehensive development and not stand alone components and that there was no existing planning permission, the basin had been designed for a commercial use integral to the original comprehensive scheme and was not stand alone; and the current private mooring was not the same as commercial use. Therefore planning permission would be required. (The decision concluded that the Planning Inspector had not erred in law, was not wrong in restricting the number of boats and that the Planning Inspector's decision was not irrational.)

Members noted that further breaches had continued resulting in repeated complaints from local residents, the Town Council as well as interest shown by the local MP about the additional activities taking place. Boats including houseboats, continued to be brought on site together with other structures such as decking and vehicles. Members noted the breaches covered by the original Enforcement Notice, breaches which were within the area but not covered by the Enforcement Notice and breaches which were entirely outside

the area and the scope of the Enforcement Notice (being in the main river adjoining Thorpe Island).

Members noted that these breaches were having an adverse impact on the area and were contrary to development plan policies, particularly adopted Core strategy 2007 Policies CS1, CS4, CS5 and CS24 and adopted DM Policies (2011) DP2, DP4, DP5, DP16, DP25 and DP28

Members were provided with the details of the potential options for taking matters forward, taking account of the advantages and disadvantages of each. These included:

- (i) Taking no action;
- (ii) Seeking to negotiate a mutually acceptable solution with the landowner;
- (iii) Serving further Enforcement Notices in respect of the new breaches;
- (iv) Prosecuting the landowner for non-compliance with the Enforcement Notice;
- (v) Applying to the High Court for an Injunction.

The Head of Planning emphasised that not all of the options were mutually exclusive and it was open to members to consider a combination of the approaches if they so wished. However, in conclusion, the Head of Planning recommended the pursuit of an Injunction in respect of all breaches on the basis that it would be wide ranging, potentially quick, could satisfy the expectation from local residents and would be demonstrating that the Authority was upholding planning law and that it was serious in wishing to resolve the issues and remedy the breaches in a Conservation Area within a special area. The Head of Planning explained that the landowner had a right to appeal the High Court decision to the Court of Appeal which was required to be lodged by Thursday 27 August. If this was the case then any decision made today may need to be held in abeyance.

Mr Foreman, on behalf of Thorpe St Andrew Town Council explained that the Town Council was seriously concerned about the state and continued deterioration of Thorpe Island, part of a Conservation Area in an area with national park status. The Council therefore advocated the Compulsory Purchase of Thorpe Island as the most cost effective way forward in the public interest for the future. He explained that the Town Council would endorse the recommendation of the Planning Officers. Further breaches, enforcement notices and negotiations would result in further delays, and all previous attempts to remedy the breaches had been disregarded. It was considered that the Injunction route would be the most conclusive way to protect the area. There was concern that boats within the basin could then move to the river and therefore a cohesive approach was required. He requested that a proactive role be taken and advocated the use of an Injunction, and that other matters should be explored further.

Mr Jeremy Clarke on behalf of Thorpe St Andrew residents, also supported and welcomed the Officer's recommendation citing the letter from Linda

Russell, Solicitor and Planning Consultant on his behalf. The amenity of residents had been disrupted and violated and the situation continued to worsen. The Authority had followed due process and incurred costs. He personally had incurred legal fees to see that due processes were followed. The site did not have planning permission and the Authority had a window of opportunity to adopt "no development". He urged the Authority to take out an Injunction and follow this up with direct action.

Mrs Sofroniou supported Mr Clarke's statement. She explained that she had lived opposite the site since 1997 and what had been a haven for wildlife was now becoming an eyesore. The landowner had no respect for the planning laws and residents were in fear of what would take place next. Legal challenges had been employed by the landowner to continue with illegal actions. Therefore action was required to protect our heritage and pressure applied in order to protect the area for future generations.

Mr Wood, the landowner commented that originally the Authority had been in favour of a marina but appeared to have changed its mind. The original scheme, which included a marina with an associated clubhouse had been designed by an architect who still lived in Norwich and whose letter had been provided to the Committee. He stated that the people of Norwich needed and deserved a marina for their boats as evidenced from the newspapers. He was of the view that planning permission existed and that this covered the mooring of private boats. In answer to members' questions he explained that the original plans were similar to that which had been granted permission for a scheme in Brundall. He had challenged the decisions for which he had been granted 12 and also 25 moorings as he considered that these numbers were not sufficient to make his business viable and pay the rates.

Members were mindful that the Authority was charged with the protection of the Broads as a special area and its duty and responsibility was to uphold planning law and that it was best practise to negotiate. However, there was uncertainty as to the landowner's true aspirations given that he had not implemented the planning permission he had been granted by the Inspector under two separate decisions, or confidence that he would conform to the requirements of those decisions. Further Enforcement Notices could result in further delays. Therefore Members were in favour of an Injunction to cover all the breaches indicated as well as to protect the river frontage. A member also advocated that the landowner be given the opportunity to regularise some of the activities by submitting a well-constructed, detailed and thorough planning application in accordance with polices. It was noted that this opportunity had already been afforded to the landowner.

A member commented that having heard the views of the Town Council and the Local Residents, the Authority had a responsibility as a Local Planning Authority to uphold the planning legislation and the need to be aware of the local residents' needs and their amenity. The landowner had used the legal process to pursue his own objectives and in doing so had damaged the landscape, and the amenities as well as damaging the Conservation area which was part of the special landscape of the Broads, an area with

equivalent national park status. It was unlicensed development. No planning permission existed and therefore it was considered that the Authority must support the planning legislation and the decision of the courts and to protect the amenity of the residents. In supporting the recommendation, members emphasised that it was not a course being taken lightly. It represented a failure on the part of the system not of the Authority's making. The Authority had dealt with matters in accordance with the correct procedures. It was considered that there was no alternative if the Authority was to uphold the planning law, the rights of the people who lived and enjoyed the area and the credibility of the Authority.

Members noted that an Injunction could not guarantee compliance, although there could be heavy penalties for not doing so. It would be open to the Authority to consider direct action and seek to recover costs.

Members were advised that the timing of seeking/serving of an Injunction would depend on the submission of a challenge by the landowner of the High Court decision to the Court of Appeal and its acceptance. It would also be mindful that there was time in the existing Enforcement Notice for compliance. Therefore an Injunction would be subject to legal advice.

Mr Rice proposed, seconded by Mr Jermany and it was

RESOLVED unanimously

to authorise the initiation of a Planning Injunction in relation to Thorpe Island and the adjoining area as highlighted in the report subject to legal advice.

2/10 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications for the quarter ending 31 March 2015

The Committee received the report with set out the development control statistics for the quarter ending 30 June 2015. It was noted the Authority was dealing with applications within Government targets and officers were to be commended.

RESOLVED

that the report be noted.

2/11 Enforcement Update

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

RESOLVED

that the report be noted.

2/12 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 March 2015. Since the schedule had been drawn up, a further appeal had been submitted in relation to Silver Dawn although this had not yet been validated by the Planning Inspectorate. It would be up to the Inspectorate to determine whether an appeal was dealt with by a Hearing. It was the duty of Broads Authority officers to defend any decision made by the Authority.

RESOLVED

that the report be noted.

2/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers 13 July to 10 August 2015.

RESOLVED

that the report be noted.

2/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 11 September 2015 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich,

The meeting concluded at 12.05 pm.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning 21 August 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	2/8(1)	Application BA/2015/0205/FUL As applicant a member of the Broads Authority
Paul Rice	2/8 and 2/8(11)	Application in my Ward as Parish Councillor and District Councillor – details already in front of Parish. Enforcement: Ferry Inn - involved in mediation
George Jermany		Toll Payer
Lana Hemsall	2/9	Apart from being lobbied generally, also been lobbied by Thorpe St Andrew Town Council

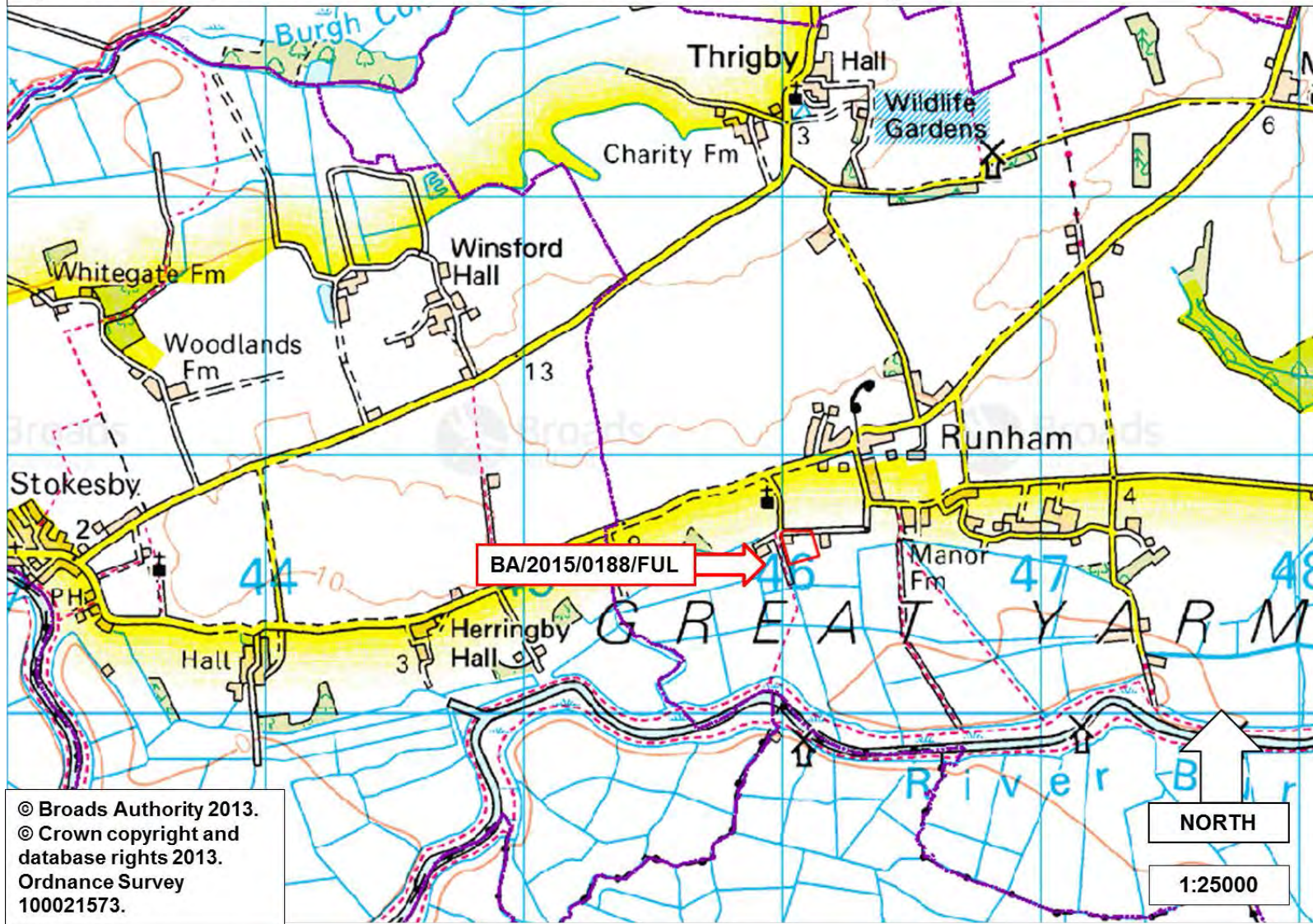
Reference

BA/2015/0188/FUL

Location

Poplar Farm, Church Lane, Runham, Mautby

BA/2015/0188/FUL - Poplar Farm, Church Lane, Runham, Mautby, Norfolk, NR29 3EL- Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building.



Application for Determination

Parish	Mautby		
Reference	BA/2015/0188/FUL	Target date	24 September 2015
Location	Poplar Farm, Church Lane, Runham, Mautby		
Proposal	Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building		
Applicant	Mr J Green		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Third party objections received		

1 Description of Site and Proposals

- 1.1 The application site is located remote from the main settlement of Runham at the southern end of Church Lane, south of St Peter and St Paul's Church and on the edge of, but outside, the Halvergate Marshes Conservation Area. The site measures approximately 1.5 hectares and has historically been in agricultural use.
- 1.2 Church Lane turns 90 degrees to the west at the application site and on the southern side of the road to the west there is a small group of dwellings. A public footpath runs along the western boundary of the site in a southerly direction towards the River Bure. East of the site there is land used for the grazing of horses and to the south there are open grazing marshes. To the north the land rises gently towards Runham Road which passes through Stokesby, Runham and Mautby. This area has a strong rural and agricultural character. The application site is outside any development boundary and in flood risk zone 3.
- 1.3 The site is roughly square in shape sitting at the corner of Church Lane and the public footpath and the development is concentrated in the northernmost half of the site which is separated from the grazing area beyond by a post and wire fence. The western and northern boundaries have recently been planted with conifer hedges where there are not already established conifers.
- 1.4 It is understood that the site was vacant and dilapidated until the applicant took ownership in 2010 and began to clear and develop it. The application

seeks to regularise some existing development that has been completed without consent and proposes new development to reorder the site.

- 1.5 It is proposed to retain existing extensions to agricultural barns and add new extensions and the erection of an additional farm building. The existing buildings consist of a cattle shed measuring approximately 24m x 10m at the centre of the site with open cattle yard along the southern side, a smaller cattle shed measuring 12m x 14m with adjoining yard and concrete hardstandings along the western boundary and a concrete hardstanding forming a partly enclosed feed pad to the southeast. A static caravan also exists along the northern boundary and is the subject of a separate application (BA/2015/0190/FUL).
- 1.6 The existing buildings have been adapted from previous pole barn structures and are constructed of metal frames with low blockwork walls and metal railings with Yorkshire boarding above. The roofs have corrugated metal sheeting with some clear panels to allow natural light in, the central shed has a low monopitch roof and that to the west has a higher dual pitched roof. It is proposed to retain these and extend them.
- 1.7 The central shed would be extended to the north along the whole length, with the extension measuring 24m x 10m. This would also have a monopitch roof in the opposite direction to the existing, forming a valley between the two, and all materials would match the existing.
- 1.8 To the west, the existing shed would be extended over the attached open yard to match the dimensions and materials of the existing shed at 12m x 10m. A timber feed store measuring 8m x 6m would be built on the existing hardstanding to the north and this would also be extended to provide parking for a livestock trailer.
- 1.9 A new cattle shed measuring 24m x 12 is proposed along the southern boundary, matching the dimensions of the existing central shed and also having an attached open cattle yard. Around all the buildings, concrete hardstanding would be laid to assist with mucking out and managing surface run-off. The cattle sheds are used for housing cattle and sheep during calving, lambing and over the winter, but the animals are predominantly out to graze. The proposal would facilitate an expansion in the cattle herd from 30 to 50 cows and their followers; there are also around 30 sheep, but these are mainly grazed off-site.
- 1.10 To the east of the site, an existing open area would be divided into designated storage areas. The southernmost area would store straw bales, north of this straw trailers, a teleporter and tractor would be parked. A further straw yard would be provided nearer the road, separated from the road by storage for silage bales. These would be accessed by hardcore tracks.

2 Site History

BA/2015/0190/FUL Permission for retention of residential caravan – pending consideration.

3 Consultation

Parish Council – Parish Councillors feel there is an overdevelopment of the land - noise and environment issues could occur. The ditches that the applicant has filled in on the north/western corner of the site should be reinstated. Mr Green's letter accompanying the application paperwork is at odds with the planning application regarding numbers of animals. Accommodating livestock within 400 m of a dwelling - the plans submitted show cattle sheds a lot closer than that. Parish Councillors feel the cattle shed close to the adjacent dwelling should be used for storage of straw and the No3 storage shed for cattle.

Broads Society – No objections.

District Member – No response.

Environment Agency – No objection provided the LPA are satisfied the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.

GYBC Environmental Health – No objection subject to conditions and informatives we believe are necessary to prevent detriment to amenities. Environmental Services has not witnessed a statutory nuisance from flies. Recommended conditions on contamination, fly management plan, hours of work, period of use of farm for livestock and air quality.

Representations

Representations have been received from the two occupiers of 1 Church Lane, both of whom object to the proposals on grounds of amenity (flies, odour and noise), flooding and proximity to residential properties.

Two representations in support of the application on grounds of improving the appearance of the site and the opportunity this development provides for local enterprise.

The applicant has also submitted a copy of a petition in support of the application that they have undertaken. This includes 60 signatures.

4 Policies

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

CS1 – Landscape Protection and Enhancement

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

DP3 - Water Quality and Resources

DP4 – Design

DP29 – Development on Sites with a High Probability of Flooding

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

CS7 – Environmental Protection

CS20 – Rural Sustainability

DP28 – Amenity

5 Assessment

- 5.1 In the determination of the application it is necessary to consider the principle of the development and if this is acceptable the issues of design, landscape, heritage assets, amenity, flood risk and water quality.
- 5.2 With regard to the principle of the development, the NPPF is supportive of the sustainable growth and expansion of rural business and the promotion of agricultural businesses (paragraph 28). This site has formerly been used for agriculture and, given the strongly agricultural character of the surrounding area, facilitating this continued use through a redevelopment is considered acceptable in principle. The proposed buildings would all support use of this site as a base for cattle and other livestock farming, with adjoining land and sites elsewhere used for grazing.
- 5.3 The existing and proposed buildings are simple and functional in design and materials, fit for their agricultural purpose. They are relatively modest in scale individually and would be no higher than the existing buildings on site. The Parish Council's concerns regarding overdevelopment are understood, however each building is considered appropriate to the scale of the site and cumulatively it is considered preferable to cluster the buildings than to spread them over a wider area by extending into the marshes.
- 5.4 The footprint of development would increase and remain concentrated in the western part of the site. The applicant has chosen to site the buildings to the west and storage to the east due to the noise created by the movement of machinery associated with the straw and silage storage and

vehicle parking. It is also noted that the siting is supported by the Environment Health Officer due to an overhead electrical wire in the western part of the site which is hazardous for vehicle movements. The proposed layout is therefore considered appropriate, subject to any impacts on amenity which are considered below, and overall the proposal is considered acceptable in design in accordance with Policy DP4.

- 5.5 From the south, the site is open to views from the grazing marshes within the Halvergate Marshes Conservation Area where it is also seen in the foreground of views of the grade II* listed church. Grazing of the marshes is a strong characteristic of the Conservation Area and farms and buildings to support this use on the upland fringes are also typical.
- 5.6 The storage area to the east of the site has been designed so that straw bales would be along the southern edge to screen the machinery behind and the tallest building on site is gable-on to the marshes, reducing the visual bulk of development in views from the south. The established conifer hedging on the northern boundary forms a soft backdrop for the development, but it is considered necessary to reinforce, and in the longer term replace, this with additional planting to provide a natural backdrop.
- 5.7 The church is on higher ground to the north and the tower in particular is seen in views of the existing and proposed buildings. This proposal offers an opportunity to achieve a more ordered solution on site than at present and sensitive materials and new landscaping are considered necessary to ensure the proposal would have no greater impact on the setting of the church than the existing site, with the potential to offer an enhancement of distance views. Subject to conditions, it is therefore considered any adverse impacts on designated heritage assets and landscape character can be satisfactorily mitigated in accordance with Policies DP2 and DP5 and the NPPF.
- 5.8 With regard to amenity, the farm operations have recently given rise to complaints regarding flies and odour and the objections received have reiterated these concerns in light of the proposed extensions and new building. The dwellings to the west are within 40 metres of the site and the impacts of the proposed development require careful consideration.
- 5.9 The Environmental Health Officer advises that, notwithstanding the complaints they have received, they have not witnessed a statutory nuisance with regard to flies and have no objection to the proposal, subject to conditions including a fly management plan. They also recommend restricting the use of the buildings for livestock to the colder months only (October – March), which will help to prevent issues of odour and flies in the spring and summer. During the period April – October, livestock would only be allowed to use the buildings in limited circumstances, such as when they are in transit between grazing sites, in times of flood, when being treated for illness or injury or when calving/lambing and this can be covered by planning condition. These conditions are considered necessary to mitigate any significant fly and odour issues, above those

which may be expected in a rural, agricultural area. A further condition regarding working hours for construction is also considered appropriate to mitigate any unacceptable levels of disruption during the development period and conditions requiring a contamination assessment are also considered appropriate.

- 5.10 In terms of the operation of the farm, it is appreciated the Parish Council would prefer the cattle shed on the western boundary not to be occupied by animals as this is closest to the neighbouring dwellings, however the applicant's rationale for the proposed layout is considered sound and seeks to minimise impacts on amenity. In accordance with the condition on use of the buildings, the sheds would only be occupied intermittently and at a low density for six months of the year and this would help mitigate any impacts from noise, as well as flies and odour.
- 5.11 This is an agricultural site in a rural area and it is considered that the use of appropriate conditions can mitigate any unacceptable impacts on amenity. Furthermore, there are non-planning regulations and codes of good practice which cover amenity and environmental impacts, as well as animal welfare. On balance, the proposal is considered acceptable in accordance with Policy DP28.
- 5.12 The site is in flood risk zone 3 and, in accordance with the NPPF, this 'less vulnerable' classified development is only acceptable if it passes the Sequential Test. To do so, there must be no other reasonably available site at a lower flood risk which could accommodate this development and the applicant has confirmed that they own no other land. The Environment Agency have no objection in principle but note the site would flood in various flood events if the river were not defended and that this risk will increase over the lifetime of the development with climate change. It is considered that a flood evacuation plan and flood recovery measures can satisfactorily mitigate the residual risk and that, subject to conditions requiring these, the proposal is acceptable in accordance with Policies CS20 and DP29 and the NPPF in respect of flood risk.
- 5.13 A reed bed lagoon for surface water run-off is proposed in the meadow immediately south of the buildings. A surface water management plan including full details of this lagoon is considered necessary to ensure there are no adverse impacts on local water quality in accordance with Policy DP3 or any increase in risk of surface water flooding. Queries have been raised over the infilling of ditches around the site and this is being investigated separately.

6 Conclusion

- 6.1 This application seeks to retain the existing development and expand this to support the continued use of the site for agricultural purposes. This is acceptable in principle and the simple, functional buildings and ordered layout are considered appropriate for this use in this location. With agreement on the precise materials and finishes to be used and additional landscaping, it is not

considered the proposal would harm the adjacent Conservation Area or nearby listed church, nor the local landscape.

- 6.2 The proximity to a group of residential dwellings and the potential impacts this may have on the amenity of the occupiers is a significant consideration. It is considered that any unacceptable impacts from flies or odour can be satisfactorily managed through appropriate conditions, as can any disruption from construction noise. Limiting the occupation of the buildings by livestock through the spring and summer months to temporary and low intensity uses will mitigate any significant amenity impacts and ensure the livestock is out to graze for the majority of the year. The recommended Environmental Health conditions are all considered necessary to ensure there are no unacceptable impacts contrary to Policy DP28.
- 6.3 Subject to appropriate conditions, the residual flood risks and any adverse impacts on water quality can be satisfactorily mitigated.

7 Recommendation

7.1 Approve subject to conditions:

- (i) Standard time limit
- (ii) In accordance with approved plans
- (iii) Material samples
- (iv) Landscaping plan
- (v) Surface water management plan including full details of new lagoon
- (vi) Flood evacuation plan
- (vii) Flood recovery measures
- (viii) Contamination report
- (ix) Further assessment if previously unidentified contamination discovered
- (x) Fly management plan
- (xi) Hours of work for construction
- (xii) No livestock to be kept in buildings or within site between first week of April and last week of October save for:
 - transit between grazing sites;
 - periods of flooding;
 - treatment and recuperation from illness or injury; or,
 - calving and lambing.

8 Reason for recommendation

- 8.1 The proposal is considered to be acceptable in accordance with Policies CS1, CS7 and CS20 of the adopted Core Strategy (2007), Policies DP2, DP3, DP4, DP5, DP28 and DP29 the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

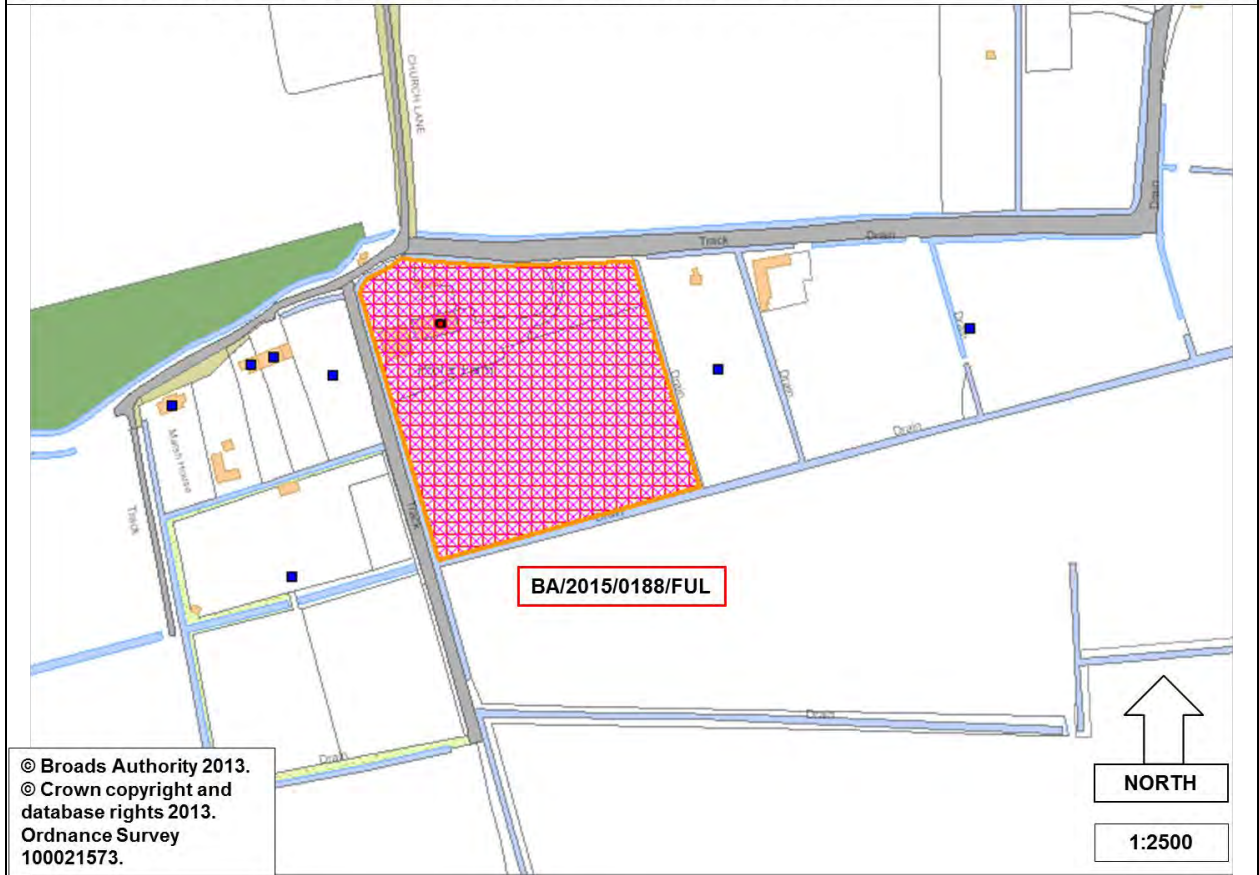
Background papers: Application File BA/2015/0188/FUL

Author: Maria Hammond
Date of Report: 26 August 2015

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2015/0188/FUL - Poplar Farm, Church Lane, Runham, Mautby, Norfolk, NR29 3EL- Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building.



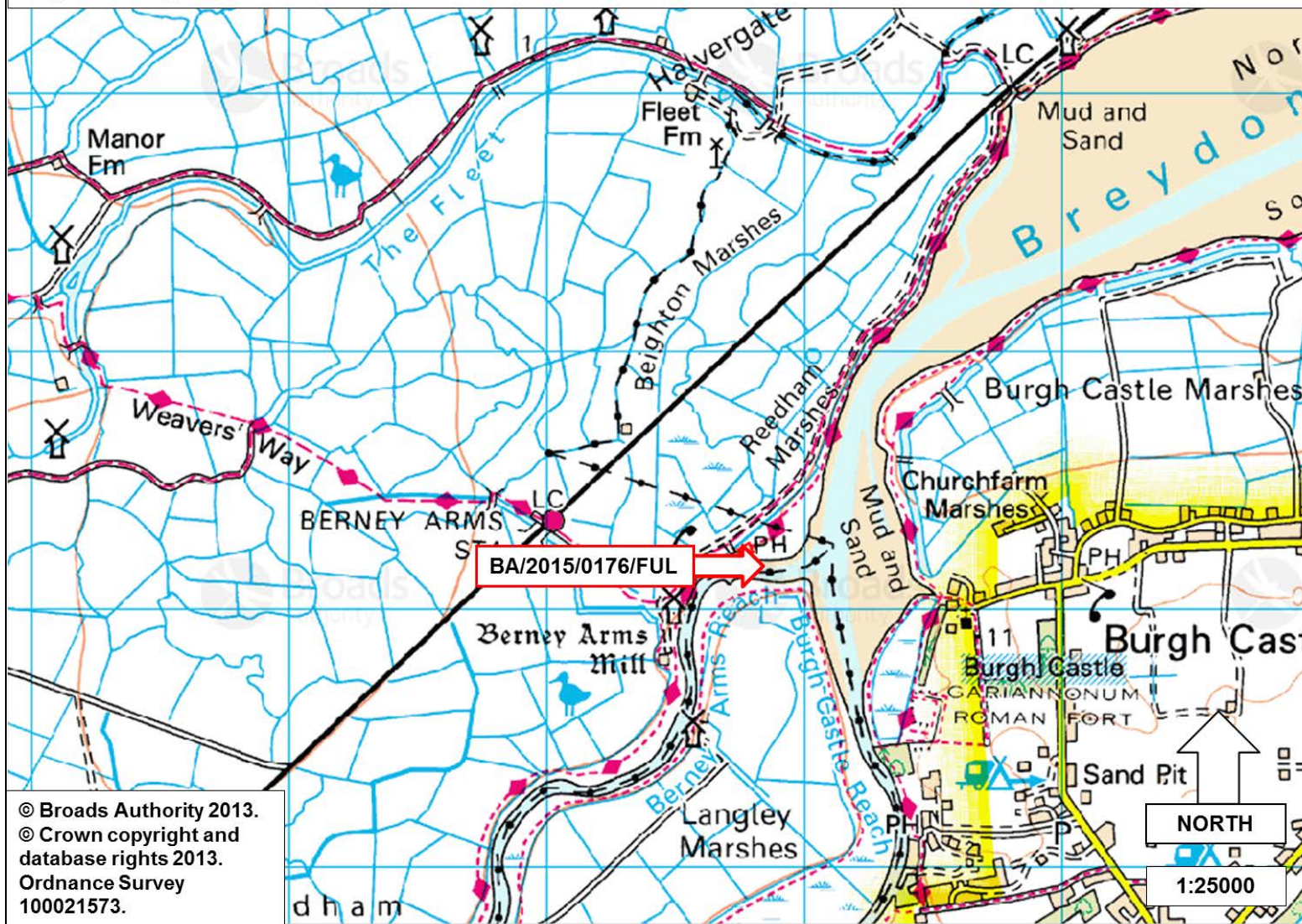
Reference

BA/2015/0176/FUL

Location

Berney Arms Inn, The Marshes, Reedham NR30 1SB

BA/2015/0176/FUL - Berney Arms Inn, The Marshes, Reedham, Norwich, NR30 1SB - Change of use of the Pub Building to a single dwelling.



Application for Determination

Parish	Reedham		
Reference	BA/2015/0176/FUL	Target date	10 September 2015
Location	Berney Arms Inn, The Marshes, Reedham, NR30 1SB		
Proposal	Change of use of the Pub Building to a single dwelling		
Applicant	Mr Raymond Hollocks		
Recommendation	Refusal		
Reason for referral to Committee	Director's discretion due to wider public interest		

1 Description of Site and Proposals

- 1.1 The Berney Arms Inn is a public house fronting onto the north bank of the River Yare on a section known as Berney Arms Reach, approximately 200m east of where the River Yare meets the River Waveney, a short distance to the southwest of Breydon Water. The public house sits within a plot of land covering a site area of 5.84 hectares.
- 1.2 The Berney Arms is accessible only from the river, by train, or by foot following the Weaver's Way and Wherryman's Way from Great Yarmouth. It is believed to be the only public house in England with public access via train but not via road. Whilst there is a road which serves the site, this is in private ownership, although the current pub owner asserts that access is allowed for the publican and for deliveries.
- 1.3 The site incorporates the public house, a shop which has ceased trading, a pair of chalets which have ceased to be used, a pair of static caravans only one of which is in use currently, and various outbuildings or storage areas which are mostly in a rundown state. There are 40m of moorings along the river frontage which are available for use by customers.
- 1.4 The site is located within the Berney Marshes, part of the Halvergate Marshes SSSI. This area and the majority of the surrounding marsh area are nationally designated, EU designated, and Internationally designated, along with being an RSPB nature reserve. It is also within a Conservation Area.
- 1.5 The application site itself comprises the public house and two small outbuildings, along with a small area of surrounding open land. This same

area also comprised the curtilage of the site which has been offered for sale through TW Gaze.

- 1.6 It is proposed to convert the public house (Use Class A4) to a single family dwellinghouse (Use Class C3). There is no proposal to alter the building externally or extend it in any way.

2 Site History

There have been no previous planning applications at the site.

3 Consultation

Reedham Parish Council – Objection. The majority of the Parish Council objected to the change of use. It was felt that every endeavour to keep it open should be pursued as it is an iconic building.

Halvergate Parish Council – Objection. The Parish Council would like to express their concern at the loss of this pub, being that it is such an iconic pub in the area and is well loved. Its isolated position and uniqueness are what attracts people to it. Boaters in the Summer months use it well, as do walkers and people using the request stop at the train station. It would be a great shame to see it become a dwelling and the points that CAMRA raise in their objections are also felt strongly by many on the Parish Council. We would urge that this is considered with great care before a decision is reached.

Broads Hire Boat Federation – Objection. Whilst we would regard closure of the public house an unfortunate further reduction in the level of services and facilities available on the Southern Broads, we accept that planning regulations cannot compel the applicant to keep it open if it is not financially viable. Furthermore, refusal of this application to change the use to a dwelling could result in the building becoming neglected or even derelict when what is really required is some dialogue to find a way that the site can be maintained and continue to provide facilities serving walkers, visitors to the RSPB reserve and boaters.

It is, however, the future of the extensive moorings at Berney Arms that concern us most as they are not only generally popular but vital to safe navigation on the system, providing the last location on the River Yare for boaters to wait for a favourable time or weather conditions to cross Breydon and proceed through Gt. Yarmouth on the River Bure. There appears to be nothing in the application papers providing detail on what is proposed for the moorings should the change of use be authorised. We believe that this should be clarified before the application is determined by the Planning Committee.

At the same time can we urge that the Broads Authority be prepared to discuss with the applicant the possibility of leasing the moorings as part of an overall plan for the site which, it should be remembered includes the famous and historically important mill.

We therefore object to the application as currently proposed.

Broads Tourism – Objection. The current planning application for a change of use for Berney Arms Inn, from a public house to a private dwelling, raises several questions.

This pub (albeit currently closed) sits at the western end of Breydon Water and has been, for many years, an important mooring facility for craft waiting for time and tide to cross Breydon safely. Does this application have any implication for these moorings in the future?

More importantly, and directly linked to this application, Berney Arms Inn sits on two long distance footpaths, the Wherryman's way and the Weavers' Way. The iconic and atmospheric inn has always been a welcome refuge to walkers both for food and drink and for toilets too. Without this facility it is very probable that fewer people will make use of these paths. Equally, the Berney Arms railway halt is the smallest station in England and a draw to a number of visitors to the Broads; hopefully this would not be threatened by the removal of the public house?

This site is hugely important to tourism in the Broads for walkers, naturalists, sailors and rail enthusiasts to name just a few. Is it too late to have constructive dialogue with the Inn's owner to see if there is any way forward to ensure this site's viability and vitality is protected for future generations? This application is so much more than just a straightforward change of use – the ramifications are huge for the Broads as a whole.

NSBA – Objection. The NSBA would regard closure of the Berney Arms public house as a highly regrettable further reduction in the facilities available on the Southern Rivers. It is for this reason that the NSBA considers that the case of economic unviability for the purposes of Policy DP 27 must be proved up to the hilt. The applicant says that the Berney Arms public house is closed and that he has been unable to sell the premises as a business because the business is not viable. In fact, the Berney Arms public house is currently open as a business. The NSBA understands that the person operating it hopes to buy it and operate it as a public house. Quite apart from this, the NSBA does not consider that it has yet been sufficiently demonstrated that the use of the premises as a public house is economically unviable. In this context, the NSBA has noticed a number of inaccuracies in the case put forward by the applicant. For example:

- There is a statement that Hoseasons only have 321 boats (ie cruisers) in their brochure – this is irrelevant as there are many other boats from yards that do not use Hoseasons as their letting agent. There are currently in excess of 800 boats in the hire fleets on the Broads.
- There is a statement that the majority of the hire fleet on the Northern Broads are too large to come through the bridges in Great Yarmouth. All but two boats in the Broads hire fleets (North and South) can pass through these bridges.

In addition, in the NSBA's view, if ultimately economic unviability of the public house is proved, there must be a dialogue involving relevant parties, bodies and stakeholders with a view to finding a solution whereby the building and associated land can continue to provide facilities serving boaters, walkers and visitors to the RSPB reserve.

Associated with the public house is a significant length of public moorings which are of great importance not just for those visiting the public house or the local area but also for the safety of navigation. The adjacent Breydon Water is the most daunting part of the Broads system. It is essential that there are moorings at which boaters can wait for the correct state of the tide, or favourable weather conditions, to cross Breydon and proceed to/past the Great Yarmouth Yacht Station. If the public house moorings became unavailable there would only be the very limited Broads Authority 24-hour moorings at Berney Arms Reach (38 metres in length: nb the Authority seems to work on the basis for mooring purposes of an overall mooring space of 10m per boat). These Broads Authority moorings could not cope with demands during the summer season. The nearest Broads Authority moorings upstream on the Yare from Berney Arms is two-and-a-half miles away at Polkeys Mill (only 72 metres in length) and there are no safe moorings in between. The NSBA considers that satisfactory arrangements must be made to continue the availability of the public house moorings in the event of a change of use of the public house to a single dwelling. To grant permission for a change of use without such arrangements would be inconsistent with policy CS 3 and with the statement about the Authority's policy about protecting existing moorings set out in para 4.27 of the text associated with DP 16.

Environment Agency – Objection. In the absence of a satisfactory flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

18 responses were received from members of the public citing the following:

- Unreasonable sale price
- Unreasonable rental price
- Unacceptable loss of another riverside pub
- Represents an important waiting place for safe passage across Breydon Water
- Provides respite having crossed Breydon Water
- Loss of unique landmark
- Loss of historic pub
- Important to overall economy of the Broads area
- An important place for boat hires, boat owners, people who work on the water, walkers, bird-spotters and more.
- May cause railway halt to close.
- The pub is currently open and is being used, an indication that this location is well liked and supported by all river users.
- Many Broads pubs can and do survive largely on trade during the summer season.

- Other proposals for the site should be considered sympathetically by the Broads Authority.
- Work should be done to find ways of maintaining the summer food & drinks license and allowing part conversion into 365 day holiday letting for walkers limited to 14 nights continuous stay.
- It hasn't been able to attract visitors in great numbers in recent years due to the lack of maintenance and general run-down air of the place.
- With the right management/owners, this can be a great asset, as it has been in the past.
- It is essential to retain the public moorings.
- The pub should be given protected status.
- The misunderstandings and errors in the application concerning boat numbers, access under bridges and proclivity of both hire and private boat owners from using riverside pub facilities indicate why the current ownership is failing to make the location viable as a pub.
- The lack of continuity and satisfactory levels of service quality, combined with unrealistic expectations of property/lease values have been its downfall hitherto.
- A historic riverside pub with only boat, rail and walking access; a RSPB reserve in a wonderful marshland setting; one of England's tallest windmills and a railway halt, also without road access, with the shortest platform in the country. Where else can you find such a unique combination of settings?
- This locality is part of a National Park and to quote from the Broads Authority's own website "The Broads Authority keeps it special for visitors and its community". Can the Authority really say that they are doing that if the opportunity to save this property as a public house is lost and they resign it to a fate of blandness?
- It may help the sale if the freeholder was to offer the entire plot for sale, rather than holding back parcels for a possible future development.

4 Representations

None received.

5 Policies

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

[Core Strategy \(2007\)](#)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Protection of Environmental and Cultural Assets

CS3 - The Navigation

CS5 - Protection of key buildings contributing to Broads character and distinctiveness

CS9 - Supporting tourism base

CS14 - Provision of moorings
CS23 - Maintaining a Network of Waterside Sites and Services

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

DP6 - Re-use of Historic Buildings
DP11 - Access on Land
DP27 - Visitor and Community Facilities and Services
DP29 - Development on Sites with a High Probability of Flooding

Site Specific Policies Local Plan (2014)
[Site-Specific-Policies-Local-Plan-11-July-2014](#)

XNS6 – Waterside Pubs Network

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

Core Strategy (2007)

CS18 - Sustainable development
CS20 - Development within the Environment Agency's flood risk zones

Development Management Plan DPD (2011)

DP18 - Protecting General Employment
DP21 - Conversion of Buildings in the Countryside

6 Assessment

- 6.1 The proposal is for the change of use of the public house to a dwellinghouse. The applicant advises in support of the application that the pub as a business has become unviable economically.
- 6.2 The main issues in the determination of this application are the principle of the development, viability and flood risk and the suitability of the site for a residential use.

Principle

- 6.3 Adopted development plan policies seek to protect facilities which contribute to the social infrastructure of the Broads. Public Houses, particularly, contribute significantly to the economy and cultural heritage of the Broads, offering a good facility for visiting tourists and an important social meeting place for residents in the surrounding area and help create a sense of identity for locals. Such a position is reflected in planning policy XNS6 'Waterside Pubs Network' which seeks to protect such sites due to their importance as key parts of a

network of facilities. XNS6 specifically identifies pubs which will be protected in their public house use and the Berney Arms is included within that list. The policy does not set out criteria against which any application for a change of use would be assessed, so there is a strong intrinsic presumption against any such development. In order for any proposal for a change of use to be acceptable, therefore, strong exceptional circumstances would need to be demonstrated such as to justify a departure from adopted policy.

- 6.4 The history of the Berney Arms is an interesting one, with the railway halt only existing at the insistence of the landowner Thomas Trench Berney when he sold the land for railway development. The history of the Berney Arms Inn is less clear, but the fact that the railway halt, nearby 'windmill', and the local area including the name of the reach of the River Yare at this section are named after the public house strongly emphasise the importance of the pub and the central nature of its existence to this area of the Broads. Indeed the history is such that the public house must be considered as a non-designated heritage asset, and significance under the National Planning Policy Framework (NPPF) is afforded to such a status, whereby any loss of or harm to such a heritage asset must be considered in relation to the scale of harm. It is also the case that the Conservation Area is a designated heritage asset and the strong functional linkages between this and the public house reinforce the need to consider the impact of the proposed change carefully.
- 6.5 Paragraph 132 of the NPPF effectively sets a two stage test in respect of development which will affect a heritage asset. Firstly, it requires an assessment to be made of whether the proposal would have an impact on the heritage asset as a whole and then, if it does, an assessment must be made of whether the harm to the significance of the heritage asset is substantial or less than substantial. If the harm is substantial the LPA should refuse consent unless (a) it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or (b) if the nature of the asset is such that its use or conservation is not reasonably possible; if the harm is less than substantial it must be outweighed by public benefits in order for the development to be acceptable.
- 6.6 In this case, it is considered that the proposed change would have an impact on both the significance of the public house as a non-designated heritage asset and the Conservation Area as a designated heritage asset. In respect of the former, the change of use to a residential dwelling would result in the historical use, character and importance of the pub being lost permanently. The loss of the pub would therefore adversely impact on the character of the Conservation Area – key features in the immediate area are named after the Berney Arms.
- 6.7 Having concluded then that there would be an impact, it is necessary to consider whether the level of harm – ie is it substantial or less than substantial. It is noted that the unique location of the pub allows for it to provide an essential service to a range of users. Breydon Water is subject to sizeable tidal surges and at times hazardous to navigate, at such times should Breydon Water prove impassable the pub is appropriately located and provides facilities

to the adjacent for waiting moorings and performs an important safety function in this regard. The comments of Broads Tourism are useful, in that they note that 'the iconic and atmospheric inn has always been a welcome refuge to walkers both for food and drink and for toilets too'. It is clear therefore that the pub is important to a number of visitor groups and the impact of its loss as part of a network of facilities across the Broads would be very significant.

- 6.8 Overall it is considered that the harm to the significance of both of the non-designated heritage asset - the Pub, and the designated heritage asset - the conservation area assets would be substantial and, indeed, fundamentally alter the relationship of the pub to the historic and cultural landscape. It is not considered that there would be any public benefits accruing from the change of use and, conversely, there would be a loss of an important facility. Any benefits would be private, accruing to the landowner. It is therefore concluded that the proposal is contrary to paragraph 132 of the NPPF.
- 6.9 It should also be noted that Policy DP6 of the Development Management Policies DPD justifies the retention of non-designated heritage assets which make a significant contribution to the special character of an area, recognising that the most effective way of protecting and preserving these buildings will be to retain them in their original use.

Viability

- 6.10 Notwithstanding the strong policy presumption against any change of use set out in XNS6, it is necessary to consider the arguments submitted with the application in order to consider whether there is any justification here for a departure from policy XNS6.
- 6.11 It is noted that Policy DP27 of the Development Management Policies DPD stipulates that applications for the change of use of an existing community, visitor or recreational facility or service that meets a local need or contributes to the network of facilities through the river valleys will only be permitted where it can be demonstrated through a viability assessment that the current use is economically unviable. The justification for this stance is tied to Policy CS9 of the Core Strategy which seeks to support, widen and strengthen this tourism base by encouraging a network of tourism and recreational facilities, protecting against the loss of existing services, describing facilities such as public houses as essential services. It further states that development proposals that would result in the loss of existing visitor facilities will be expected to robustly demonstrate that the business is no longer economically viable through the submission of relevant financial information.
- 6.12 The applicant has submitted a financial report which seeks to demonstrate that the business has become unviable. This is based on the premise, firstly that there has been a significant decline in the numbers of hire boats; secondly that the pub trade has declined significantly. The applicant has also sought to sell the freehold to the property since September 2014 through TW Gaze and on the Pub Trader website. The submitted financial report has been independently appraised

- 6.13 Before considering the financial report, attention must be paid to the foundation upon which the report is based, namely the declining trade and boat numbers. The first element is the declining numbers of hire boats. Within the submitted report the applicant asserts that the number of hire cruisers has declined to between 500 and 1000 hire boats. This may be correct if one looks only at hired motor cruisers, however the total hire fleet on the Broads amounts to around 1,500 vessels, when all forms of hire craft are counted. The statements made in support of the application have been directly contradicted in a number of consultee responses, citing for example 'the misunderstandings and errors in the application concerning boat numbers, access under bridges and proclivity of both hire and private boat owners from using riverside pub facilities'. Of particular value is the response from the Broads Authority Tourism Promotion Officer who states the following:
- 6.14 There are a number of figures included in the owner's statement of reasons for the change of use that are not supported by information held elsewhere by the Broads Authority. In particular his assertion that the number of hire cruisers fell as low as 500, is not wholly accurate. Whilst there certainly had been a steady decline since the 1980's, this bottomed out at the start of the new millennium. The lowest number recorded was 813 and indeed there has been a modest increase since then, with 862 motor cruisers available for hire in 2014. It is also true that the quality of the fleet has greatly improved and many boats today are very well-equipped. These craft appeal to a market sector, with more disposable income and stopping off at riverside pubs is a key attractions of a Broads boating holiday. It should also be noted that besides the 862 motor cruisers in 2014, there were also 47 auxiliary yachts and 110 sailing vessels available for hire that year.
- 6.15 Information held by the Broads Authority indicates that the total number of hire boats has remained at around 1,500 for the last ten years, covering the majority of the time that the applicant has been the owner of the application site. The fact that the number of hire boats has remained at the level stated directly contradicts the statement made by the applicant in this respect, it is noted that the applicant has not submitted any document to corroborate the numbers stated. It is therefore contended that this element of the applicant's assessment is not based on a realistic assessment of the actual situation with regard to hire boat numbers.
- 6.16 It is also the case that the applicant has provided no comment with regard to the number of private boats, but it is worth pointing out that the number of private motor cruisers has risen by 648 in the last ten years and there are 1,413 more than in 1997. In 2014, the total stood at 5,059, with the total number of private boats being 10,818. Together with hire boats, the total number of boats on the system has remained above 12,000 for the last ten years.
- 6.17 Considering the direction of river traffic, the owner's asserts that the majority of the hire fleet in the Northern Broads is too large to exit Great Yarmouth for the Southern Broads. This is not wholly accurate and one of the strategic

objectives of the Broads Tourism Strategy 2011, is to increase tourism performance across the whole of the Broads – and particularly in the Southern Broads. Broads Authority officers work closely with the boatyards and with the wider tourism industry, to encourage and assist them in giving out the correct information concerning the crossing of Breydon Water – the key point being that is straightforward, safe and – in particular – an excellent thing to do.

- 6.18 Once again this highlights a number of assertions made by the applicant which are not evidenced and have been underlined as incorrect. The number of boats on the Broads and rivers is considered to be not in decline, and there is no demonstrable constraint on boats accessing the Southern Broads.
- 6.19 The second element cited by the applicant in considering the decline in trade is the overall decline in the pub trade. Whilst it has been highlighted in the media that a number of pubs are closing it is clear that there is no demonstrable pattern to this. Some pubs are being forced to close whilst some are thriving, and there are numerous examples of pubs in the Broads area which are prospering. The applicant has provided no data to evidence the stated claims, citing only the rise in competition with larger chains. Given the remote location and unique access it is a questionable assertion that a large pub chain is having a detrimental impact on the trade at the application site, and again there is no evidence provided to support this assertion.
- 6.20 Taking into consideration the points made in paragraphs above, it is considered that the applicant has failed to demonstrate that there has been a significant decline in the numbers of hire boats, or that the pub trade has declined significantly in such a way as to directly affect the trading of the Berney Arms.
- 6.21 As the applicant has sought to sell the freehold to the property, or lease the property, since September 2014, the assertion is that the property is not considered a viable option as no buyer or lessee have come forward. The Broads Authority understands that there have been interested parties and that issues such as property value and property curtilage, as well as concern over the owners intentions for the remainder of the site outside the curtilage of the sale property have had an effect on the progress of negotiations. A number of consultees have highlighted the asking price and how realistic this is, and suggested that this in itself is obstructing any potential sale, as well as issues such as the land between the private mooring and the property curtilage being separated by a piece of land outside of the potential buyer's control. This further undermines the case put forward by the applicant.
- 6.22 It is further noted that there are inconsistencies in the data presented by the applicant. For example, in paragraph 5 of the applicant's submitted report on the reasons for the change of use, the 2013 sales revenue is stated as £120K. In the financial report, paragraph 5, the 2013 sales revenue is stated as £100K. This represents an obvious difference in revenue. The applicant states that £10K is a modest profit, so the figure of £20K must be considered as a significant amount for this business. Such inconsistencies undermine the reliability of the data, given that Policy DP27 of the Development Management

Policies DPD requires robust demonstration that the business is no longer economically viable. Finally, the report also sets out the turnover figures for the pub as following:

Year	Turnover (£)
1999	130,000
2000	140,000
2001	150,000
2002	150,000
2003	150,000
2004	14,000
2005	140,000
2006	140,000
2007	130,000
2008	120,000
2009	110,000
2010	110,000
2011	90,000
2012	80,000
2013	100,000 or 120,000
2014	60,000

- 6.23 It is noted that there is no obvious correlation with the alleged change in hire boat numbers, but what is clear is that for years such as 2014 and 2012 when the pub was either closed for part of the season or under sporadic management the turnover was affected; for the remaining years the turnover was broadly stable.
- 6.24 The viability report which was submitted in support of the application has been independently reviewed. This review notes at the outset that a fully reasoned case has not been submitted, rather a selection of assorted documents plus an indicative business plan identifying the 'break even' point. On the basis of the evidence that has been submitted, and taking into account the particular locational issues here (which have both advantages and disadvantages), the reviewer concludes that it is unlikely that a long term viable and sustainable pub/restaurant business could be operated without additional support. In coming to this conclusion, however, he does accept that the pub might be able to be run as a 'lifestyle business' and that part of the difficulty is around the historic lack of maintenance and repair, which means that substantial expenditure is required imminently and will delay any profitability. He also notes that "the restricted curtilage with dilapidated buildings adjoining in third party control [ie not included within the sale] limits the potential of the property to trade successfully". Thus, whilst the overall prospect of viability based on the existing operation or the unit as currently available for sale is poor, there are factors which contribute to this outlook.
- 6.25 In conclusion, whilst the independent assessment of the submitted viability assessment is a strong material consideration, there are other factors to be

mindful of when deciding how to balance this against the requirements of DP27 for a robust demonstration of non-viability and the policy presumption in XNS6. On balance, it is concluded the other factors are significant and that there is no justification at this point for a departure from policy.

Flood risk

- 6.26 The third issue to consider is flood risk and the suitability of the site for a residential dwelling. In relation to flood risk the following is considered. The pub building is sited less than 20 metres from the northern bank of the River Yare and as an optimistic appraisal based upon site observations has a ground floor level at roughly the same height as the mean water level. The site is located within flood zone 3. The standing advice from the Environment Agency (EA) is that a change of use application would require a Flood Risk Assessment (FRA). The applicant did not submit an FRA as part of the application, the EA response was as follows:
- 6.27 The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations, including changes of use. An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.
- 6.28 The comments from the EA were passed to the applicant who was encouraged to submit an FRA and in response produced his own report. The EA subsequently commented that the report was not actually a FRA, it contained for example no demonstration of site levels and no topographic survey, as such the initial comments made by the EA were still accurate and relevant. The proposed change of use is therefore considered to be contrary to Policy CS20 of the Core Strategy, Policy DP29 of the Development Plan Document, and the NPPF.

Other material considerations

- 6.29 In relation to the applicant's submitted report on the reasons for the change of use, specifically paragraphs 17 and 18 relating to options to make the business viable, a number of points require attention. The applicant states in paragraph 17 that there is no right of way to the only access road and there remains the risk that access could be denied at any time. It logically follows that access for residents cannot be assured and therefore cannot be considered to comprise part of the application proposal. A residential premises in this location would be expected to provide a reasonable level of accessibility which it is not able to provide currently. It is further noted that the existing parking area would appear to be outside of the development site and as such would not be within the ownership or control of future residents. The

proposed development is therefore contrary to Policy CS18 of the Core Strategy and DP21 of the Development Plan Document.

- 6.30 Considering paragraph 18 of the applicant's submitted report, the applicant states that they have explored 'all possible options' to retain the property as a public house by suggesting numerous options at the site for commercial enterprises to run alongside the pub. These have been the subject of pre-application advice. It is the case many of these were unrealistic – for example, the development of holiday lodges, or the establishment of a water sports centre - whilst other suggestions (typically the more low key ideas, although including the conversion of the former shop) could be cautiously supported. It is the case that there has been a long term and sustained lack of investment in the pub and its surroundings and whilst this has had an impact on the pub's trading recently, it is not considered that all options for reversing the pub's recent fortunes have been rigorously explored.
- 6.31 In relation to the numerous consultation responses which have highlighted concerns over the loss of moorings on the northern bank of the River Yare in this location. The moorings and the access to these moorings are outside of the development site and would not be affected by any decision on this planning application. The section of footpath which crosses the southern part of the development site is a public right of way and would not be affected by any decision on this planning application.

7 Conclusion

- 7.1 The proposed change of use of the public house to a dwellinghouse would fail to protect a locally important facility and would be contrary to Policy XNS6 of the adopted Site Specifics Local Plan (2014)
- 7.2 The proposed change of use of the public house to a dwellinghouse would result in the loss of a non-designated heritage asset, resulting in significant harm to the special character of the area, as well as being detrimental to the character and identity of the locale, contrary to Policy DP6 of the Development Plan Document and the NPPF.
- 7.3 The proposed change of use of the public house to a dwellinghouse would result in the substantial harm to the Conservation Area as well as being detrimental to the character and identity of the locale, contrary to Policy DP6 of the Development Plan Document and the NPPF.
- 7.4 The proposed change of use of the public house to a dwellinghouse would result in the loss of a vital visitor and community facility which provides an essential asset to the local area, tourists, boats coming to and from Breydon Water, and walkers along the Weaver's Way and Wherryman's Way. The applicant has failed to demonstrate that business is no longer economically viable and is therefore contrary to Policy CS9 of the Core Strategy and Policy DP27 of the Development Plan Document.

- 7.5 The proposed change of use to a dwellinghouse is not supported by a Flood Risk Assessment and is therefore considered to be contrary to Policy CS20 of the Core Strategy, Policy DP29 of the Development Plan Document, and the NPPF.
- 7.6 The road access to the site is outside of the applicant's control and not subject to a legal agreement, the use of the property as a dwellinghouse would be without assured road access and therefore the proposed development is contrary to Policy CS18 of the Core Strategy and DP21 of the Development Plan Document.

8 Recommendation

- 8.1 That planning permission be refused.

9 Reason for recommendation

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

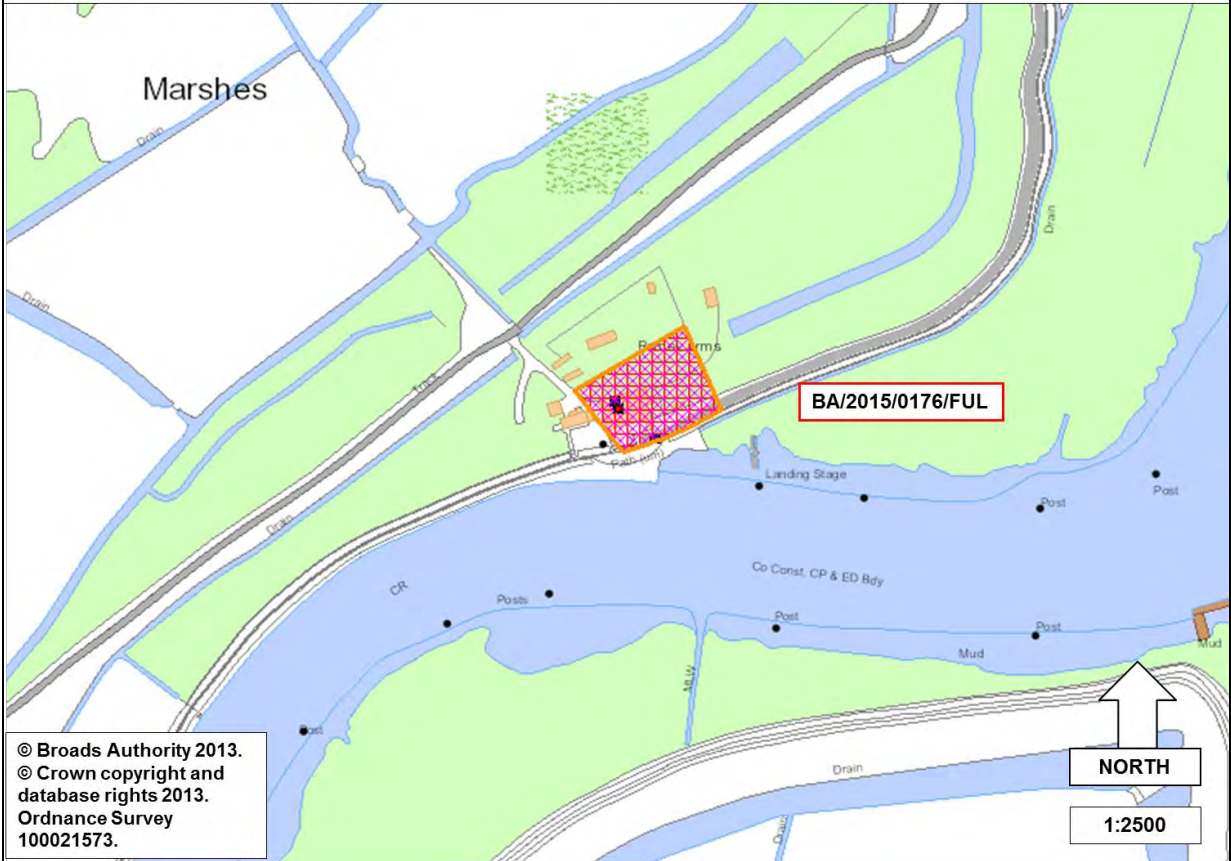
Background papers: Application File BA/2015/0176/FUL

Author: Nigel Catherall
Date of Report: 27 August 2015

List of Appendices: APPENDIX 1 - Location Plan
APPENDIX 2 - Viability Assessment

APPENDIX 1

BA/2015/0176/FUL - Berney Arms Inn, The Marshes, Reedham, Norwich, NR30 1SB - Change of use of the Pub Building to a single dwelling.



Nigel Catherall

From: Stuart Bizley <sb@steplecourt.co.uk>
Sent: 27 August 2015 13:42
To: Nigel Catherall
Subject: Berney Arms - 15/0176 - Private & Confidential
Attachments: Berney Arms.jpg; Plan - Berney Arms.pdf

Dear Nigel

Further to our site visit I have considered the information submitted in support of the application for change of use of the pub to residential seeking to justify that the business of the pub is not viable.

Information Provided

The applicant has not submitted a fully reasoned case and is relying upon a range of information including emails with the Authority, interested parties and the marketing agents which contain some detail of the marketing activity undertaken as well as the views of the estate agents on the sustainability of the business as a pub. In addition copies of marketing particulars have been provided as well as an indicative 'business plan' identifying the breakeven point for a business trading at the premises.

Notwithstanding the presentation by the applicant I have been able to consider the matter and reach a conclusion.

The Property

The property is in a remote location on the banks of the River Yare close to Breydon Water. There is no direct access to the public highway and we are advised that vehicular access via a part made and part unmade track crossing two rail lines is 'permissive' only, that is, no formal right of way exists.

The accommodation comprises an extensive trade area with main bar and servery, dining room (30 covers), darts bar and pool room and separate ladies and gents toilets. There is also a catering kitchen with wash up area and two freezer rooms and cellar. On the first floor there is living accommodation comprising 3 bedrooms (2 double and 1 single) lounge/diner with kitchen area and a bathroom. Externally there is patio area, one private mooring and parking.

The overall site is far more extensive but the area that has been marketed and the subject of this application excludes the adjoining outbuildings, former shop and chalet/staff living accommodation all immediately adjacent to the main pub premises as well as the remaining grounds and moorings in the ownership of the applicant. The attached plan shows the whole site edged in red with the area the subject of the application edged in blue.

The property is generally in a poor state of repair with little routine maintenance having been carried out in recent years

Viability

The property has been marketed through a reputable agent, T W Gaze, specialising in licensed premises at an asking price of £230,000 for the freehold or available to let at an annual rent of £15,000 per annum.

Whilst the property has generated interest from several parties none have been willing or able to proceed to date.

The agent states in advice to their client (the applicant) that 'with a maximum turnover of c£100-£120,000 pa this is never going to be a self sustaining business. It will need to be operated as a lifestyle business, supplemented by paid employment in the winter or substantial cash/pension resources'

The property is in a remote location relying almost entirely on seasonal trade from river borne clientele and can realistically open for business for around six to seven months a year at most. The property itself requires substantial expenditure both in terms of outstanding maintenance and repair as well as improving the internal fittings and appearance so as to maximise the chances of securing what trade exists. The restricted curtilage with dilapidated buildings adjoining in third party control also limits the potential of the property to trade successfully.

In my opinion the price and rent being sought are in excess of a realistic level that might attract a potential buyer/operator. However, even if more realistic terms were sought I am of the opinion that a long term viable and sustainable licensed pub/restaurant business in this location is very unlikely and in order for the property to continue to trade the any proprietor will have to be prepared to support the business from other resources. I therefore largely agree with the marketing agents advise as set out above

Conclusion

Whilst the applicant has not made a clear case having inspected the property and considered the information submitted I am of the opinion that it is very unlikely that a long term viable and sustainable pub/restaurant business can be operated from the property without additional support

Kind Regards

Stuart Bizley BSc MRICS
Director
SMB Property Consultancy Ltd
Email: sbizley@smbproperty.co.uk
Mobile: 07786 515289
Address: 16 Chestnut Road Scarning Dereham NR19 2TA
Company Number: 07779449



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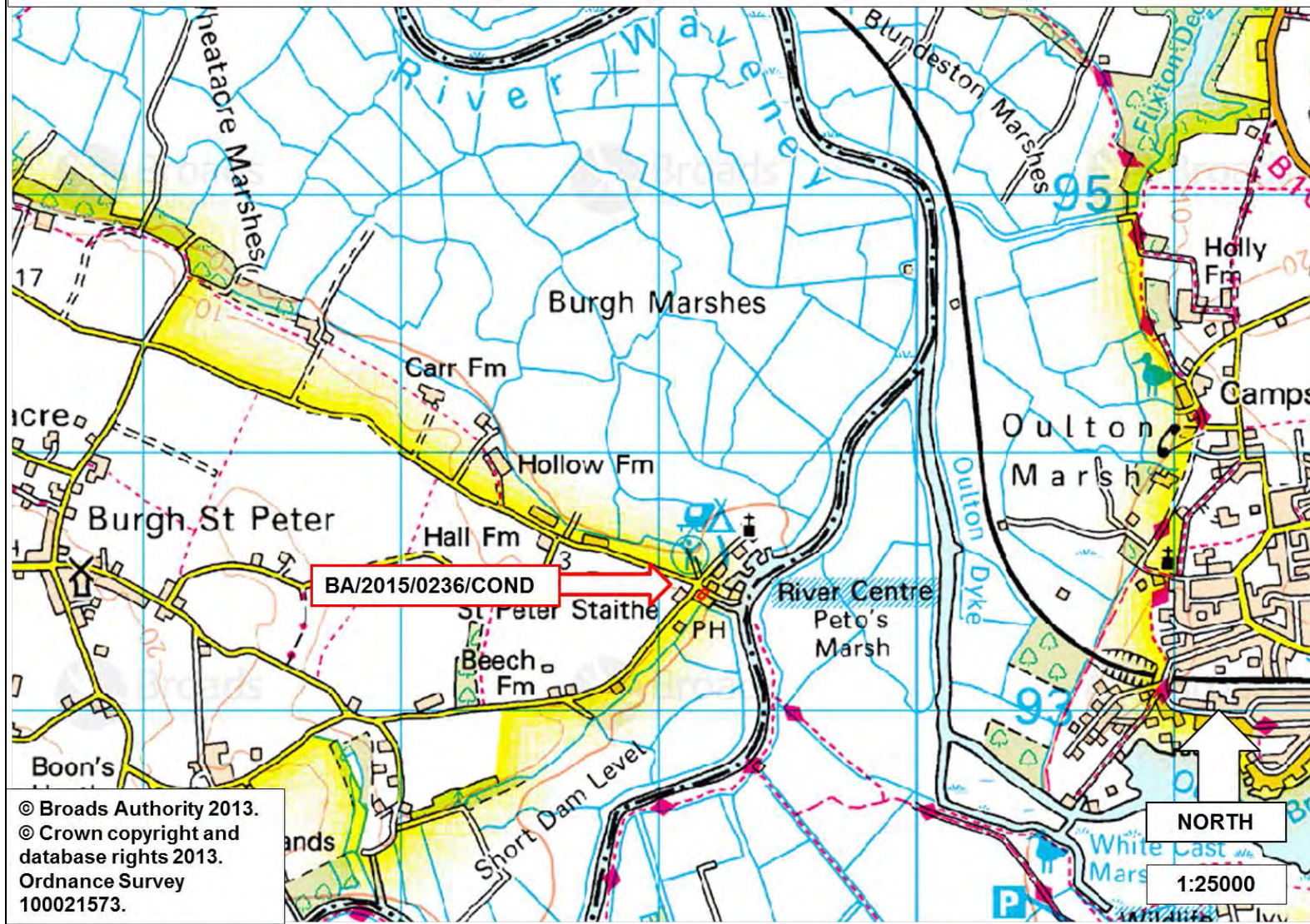
Reference

BA/2015/0236/COND

Location

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

BA/2015/0236/COND - Waveney Inn And River Centre, Staithe Road, Burgh St Peter, Norfolk, NR34 0BT - Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings - 'New entrances, external cladding and window alterations.



Application for Determination

Parish	Burgh St Peter/Wheatacre
Reference	BA/2015/0236/COND Target date 5 October 2015
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter
Proposal	Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings -New entrances, external cladding and window alterations.
Applicant	Waveney River Centre (2003) Ltd.
Recommendation	Approve subject to conditions
Reason for referral to Committee	Applicant is a member of the Authority

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143.
- 1.2 The site is located on the sloping valley side and extends down to the river's edge. The landscape surrounding the site is comprised mainly of traditionally managed grazing marsh, with the exception of land to the east, which is cultivated as arable farmland. There is a single residential property and the Parish Church to the north of the centre, a single residential property to the east and a cluster of dwellings to the south west.
- 1.3 Facilities within the site include a public house, convenience shop, swimming pool, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartment, lodges, workshop, and private and visitor moorings. The moorings are located on the riverfront, within two basins and on a dyke.
- 1.4 It is the public house building which is the subject of this application. It sits to the west of the site nearest Staithe Road, facing towards the river and moorings, with the holiday lodges to the immediate southwest. This building is formed of the original two storey public house, with later extensions. In December 2013 planning permission was granted for new entrances, external cladding and window alterations to this building (BA/2013/0329/FUL). This

was followed by a subsequent permission to relocate the shop into part of the public house, from another building elsewhere on site (BA/2013/0405/CU).

- 1.5 This 2013 permission for alterations has been implemented but there are some deviations from the approved plans and this application seeks to regularise these by substituting the approved plans listed in condition 2 with amended plans. The shop has also been relocated but the permission for this did not include any external alterations.
- 1.6 The northernmost part of the building is the original two storey pub. On the northeast elevation, which faces the access drive into the site, there were to be two first floor windows replacing existing ones and one window would be blocked up. On the ground floor, one window was to be blocked up and one new window added adjacent to a door. Instead, the application seeks to retain the arrangement with one original first floor window retained, one replaced and one opening altered into two. On the ground floor, the approved new window has been added, albeit in a different frame, but that which was to be blocked up has been retained and a further window has been added.
- 1.7 On the principle (southeast) elevation, one existing arched first floor window was to be blocked up and the central door retained. Instead, the first floor window has been retained and the door has been boarded over to display advertising material. The door remains behind this. All existing brickwork was to be rendered under the approval and although this has not yet been completed, it remains part of the proposal.
- 1.8 The building extends at single storey level to the southwest of the host building. A new covered entrance was approved in the 2013 application and this has been completed, with the addition of an access ramp along the front elevation. Two existing windows have also been retained here, rather than being replaced with slightly smaller windows. Further along this elevation, double doors with side glazing were to provide a further entrance to the bar area from a raised deck with a wide ramp to access it. The deck has been built in a different configuration with a narrower ramped access and the original single entrance door set back under the roof has been retained in place of the approved new entrance. Two approved rooflights have not been fitted.
- 1.9 The completed deck extends around to the southwest elevation where an approved new window has not been provided. All retained and new windows are in white PVC as approved and approved timber cladding to the lower extensions has been completed.
- 1.10 Outside the original part of the building, four new parking spaces were to be provided, but instead some areas of planting have been retained.
- 1.11 This application seeks to retain all amendments from the approved plans and the proposal effectively represents a combination of the approved alterations with retained existing openings and amendments. It should be noted that the amendments from the approved scheme are considered to be more

significant than those in application BA/2015/0243/NONMAT and to have a material effect on the appearance of the approved scheme. It was therefore considered necessary for the applicant to submit an application to substitute amended plans, rather than a non-material amendment application.

2 Site History

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

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

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

BA/2015/0243/NONMAT -Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved - Considered elsewhere on this agenda.

BA/2015/0251/FUL Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed 10% of total mooring capacity - Pending consideration, to be determined by Planning Committee in due course.

3 Consultation

Burgh St Peter/Wheatacre Parish Council – Response awaited.

Broads Society - Response awaited.

District Member - Response awaited.

Highways Authority - Response awaited.

4 Representations

None received at time of writing report.

5 Policies

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

[DEVELOPMENTPLANDOCUMENT
NPPF](#)

DP4 - Design

DP11 - Access

6 Assessment

- 6.1 In determining this application, the primary consideration is the design of the amendments and the effect they have on the overall appearance of the approved scheme.
- 6.2 The approved scheme to renovate the public house was considered to improve the visual appearance with a more contemporary treatment that was sensitive to the original host building. The proposed amendments include a combination of retained and approved features with some minor changes. The fenestration changes are considered broadly acceptable and maintain the improved, contemporary appearance that was approved.
- 6.3 The addition of an access ramp along the front elevation and changes to the approved decking are the more significant deviations from the approved plans. These have been completed in a design and materials appropriate to the altered building and do not detract from the building or surrounding area. Retention of the amendments is considered acceptable in accordance with Policy DP4.
- 6.4 The Highways Authority's response on the reduction in parking is awaited.

7 Conclusion

- 7.1 The proposed retention of amendments is considered acceptable with regard to design and the completed design has achieved the sensitive, contemporary renovation of the approved scheme in accordance with Policy DP4.
- 7.2 It is anticipated, if the Highways Authority have an objection to the reduction in approved parking spaces, that alternative provision could be agreed elsewhere on site and the proposal could be made acceptable in accordance with Policy DP11. However, their response is awaited and this recommendation is subject to the matter of parking provision being satisfactorily resolved.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Retain in accordance with 'as built' drawings
 - (ii) Retain car parking in accordance with plans

9 Reason for recommendation

- 9.1 Subject to the above, the proposal is considered to be acceptable in accordance with Policies DP4 and DP11 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

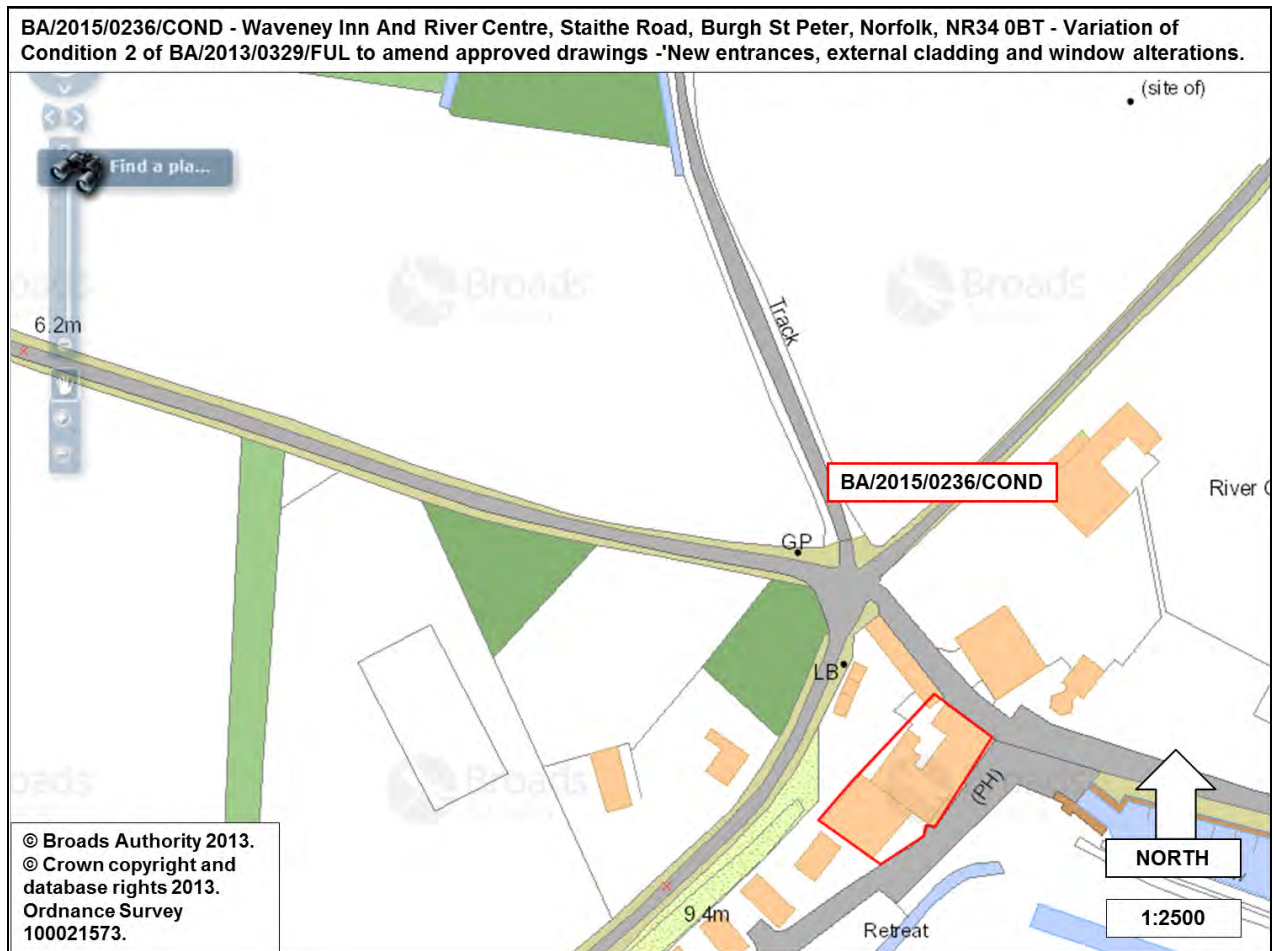
Background papers: Application File BA/2015/0236/COND

Author: Maria Hammond

Date of Report: 26 August 2015

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1



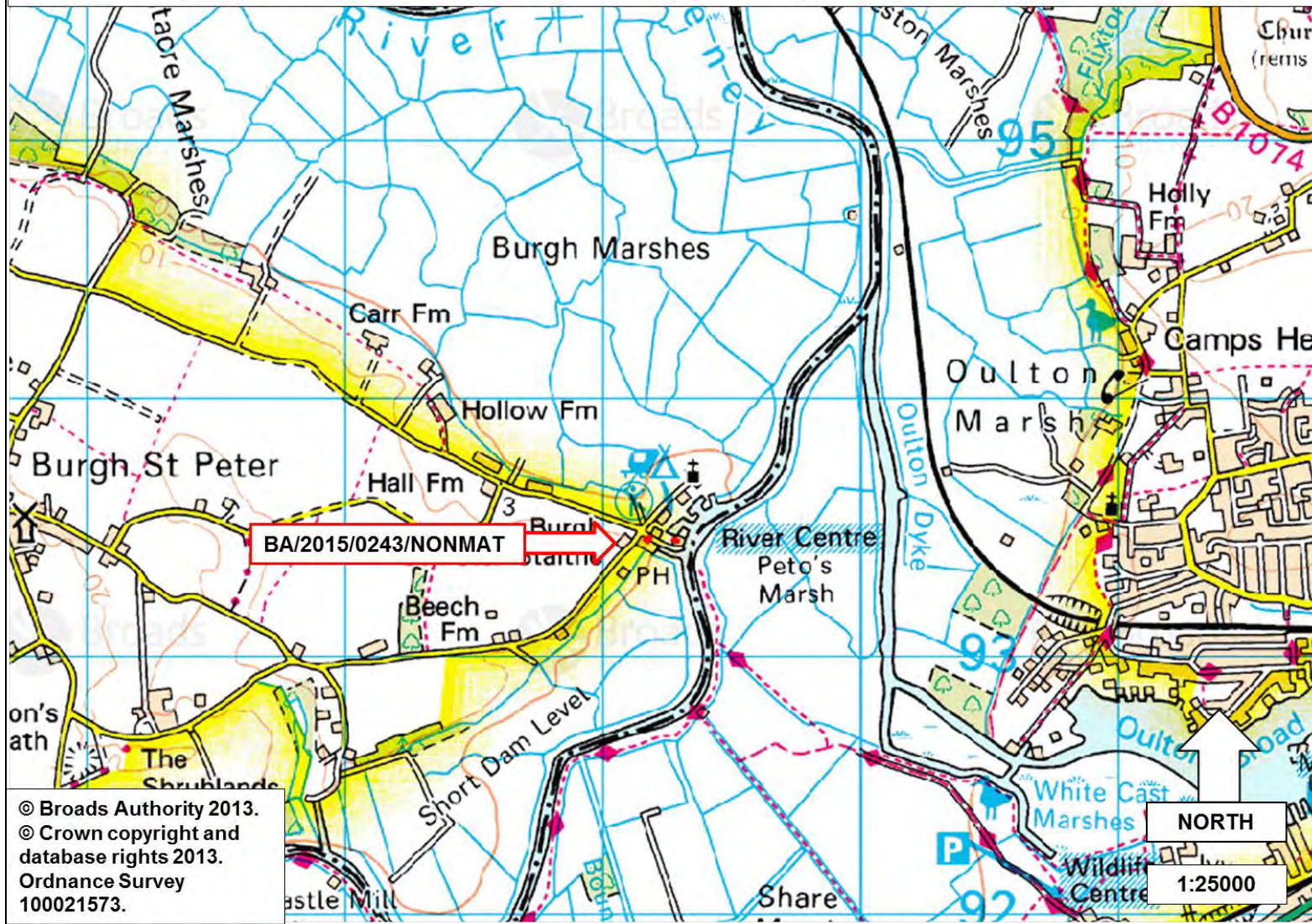
Reference

BA/2015/0243/NONMAT

Location

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

BA/2015/0243/NONMAT - Waveney Inn And River Centre, Staithe Road, Burgh St Peter, Norfolk, NR34 0BT - Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved.



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Ordnance Survey
100021573.

Application for Determination

Parish	Burgh St Peter/Wheatacre		
Reference	BA/2015/0243/NONMAT	Target date	7 September 2015
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter		
Proposal	Non material amendment to pp BA/2013/0405/CU for minor differences to the external appearance of the apartment building from that approved		
Applicant	Waveney River Centre (2003) Ltd.		
Recommendation	Approve		
Reason for referral to Committee	Applicant is a Member of the Authority		

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143.
- 1.2 The site is located on the sloping valley side and extends down to the river's edge. The landscape surrounding the site is comprised mainly of traditionally managed grazing marsh, with the exception of land to the east, which is cultivated as arable farmland. There is a single residential property and the Parish Church to the north of the centre, a single residential property to the east and a cluster of dwellings to the south west. The site is outside a development boundary and spans flood risk zones 1, 2 and 3.
- 1.3 Facilities within the site include a public house, convenience shop, swimming pool, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartment, lodges, workshop, and private and visitor moorings. The moorings are located on the riverfront, within two basins and on a dyke.
- 1.4 In March 2014, planning permission was granted for the conversion of an existing shop to a luxury apartment and the re-location of the shop to an unused part of the public house (BA/2013/0405/CU). This permission included

alterations to the fenestration on the ground floor elevations of the shop to facilitate this change of use.

- 1.5 This application seeks a non-material amendment to regularise changes which have been made during the implementation of that permission.
- 1.6 On the south elevation of the former shop building, two windows have been installed rather than sets of double doors and on the west elevation a window opening has been retained which was to be removed and clad over. A ramped access to the elevated ground floor level has also been added on this elevation.
- 1.7 On the east elevation, there were no approved changes to the fenestration, but one small window has been added to a single storey lean-to. A fenced area of private amenity space has also been added to the east elevation and stepped access to the raised veranda along the south elevation has been provided.
- 1.8 The north elevation has got a new window of slightly different proportions to the approved and access to an additional door on this elevation is from a re-configured area of raised decking which is accessed from the west, rather than north as approved.
- 1.9 The approved windows and doors were to be in black powder coated aluminium to match the existing, but all are now grey and the timber cladding, which was previously stained brown, has been painted in a lighter shade of grey.

2 Site History

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

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

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

BA/2015/0236/COND Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings -'New entrances, external cladding and window alterations' - Considered elsewhere on this agenda.

BA/2015/0251/FUL Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed 10% of total mooring capacity – Pending consideration, to be determined by Planning Committee in due course.

3 Consultation

Burgh St Peter/Wheatacre Parish Council – Response awaited.

Broads Society - Response awaited.

District Member - Response awaited.

4 Representations

None received at time of writing report.

5 Policies

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

[DEVELOPMENTPLANDOCUMENT
NPPF](#)

DP4 - Design

6 Assessment

- 6.1 When determining non-material amendment applications, it is necessary only to consider the effect of the proposed changes and in this case it is considered the relevant effects are those to the approved design.
- 6.2 The proposed amendments retain some of the original openings and re-use original window frames. As the approved scheme did not significantly change the appearance of the building, it is not considered these minor amendments have any adverse effect on the approved design. The change to the colour of the windows and doors is considered acceptable and complements the new colour of the cladding.
- 6.3 The changes to access and decking are all minor and have been completed to match the rest of the building. The addition of an amenity area encloses part of the adjoining land but this is small in scale and the reed panel fencing is not inappropriate here. It is not therefore considered to significantly detract from the building itself.
- 6.4 It is considered that the completed development is of an appropriate design and is acceptable in accordance with Policy DP4. It is not considered the changes have any other impacts above those of the approved scheme.

7 Conclusion

- 7.1 The proposed amendments are considered to be acceptable in terms of design in accordance with Policy DP4.

8 Recommendation

8.1 Approve.

9 Reason for recommendation

9.1 The proposal is considered to be acceptable in accordance with Policy DP4 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

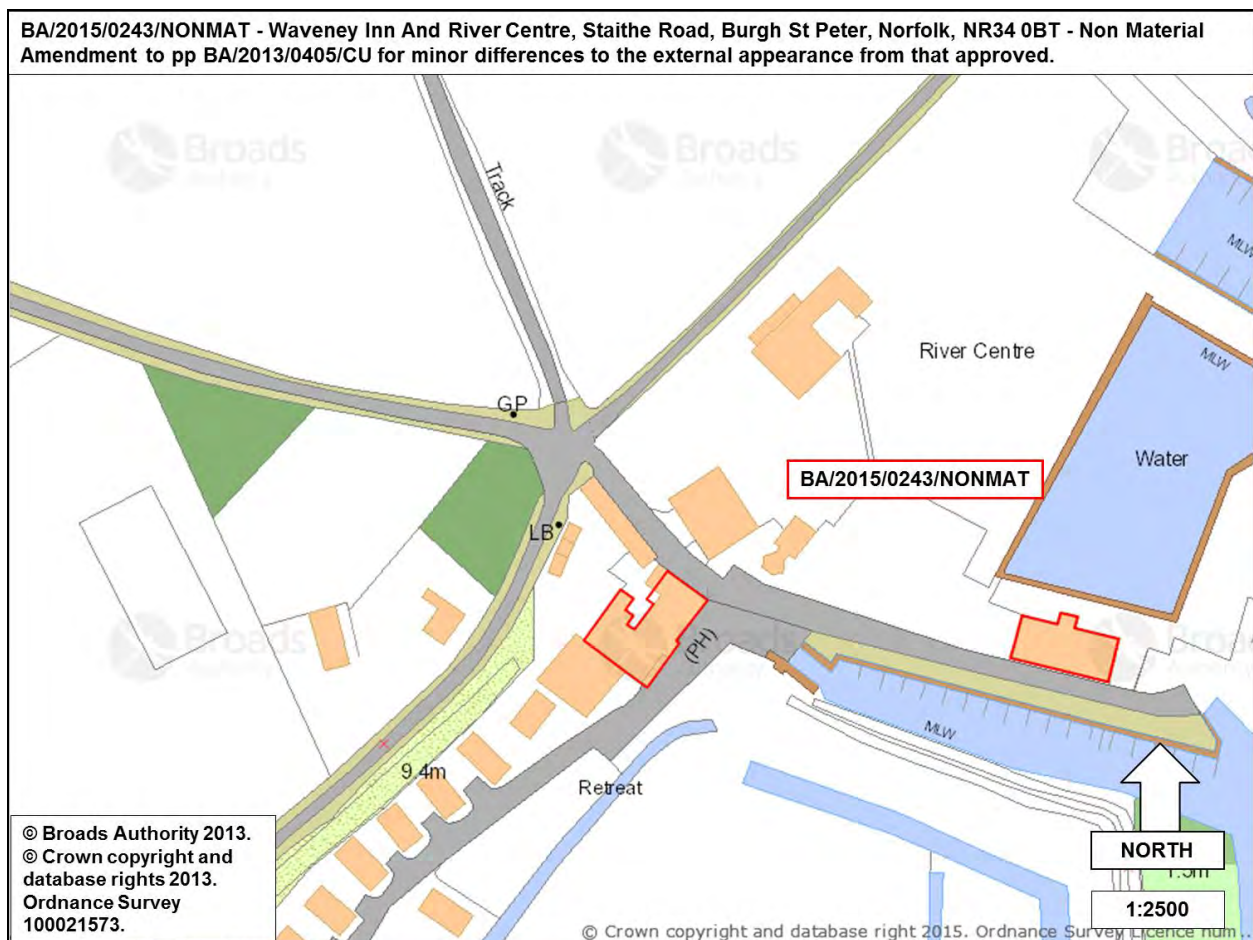
Background papers: Application File BA/2015/0243/NONMAT

Author: Maria Hammond

Date of Report: 26 August 2015

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1



Broads Local Plan: Issues and Options Update
Report by Planning Policy Officer

Summary: Consultation on the Issues and Options document as the first stage of the Broads Local Plan preparation is proposed in February 2016. This report updates members on progress.

Recommendation: That Members note the report.

1 Introduction

1.1 As the Issues and Options version of the Broads Local Plan nears its consultation stage (early February 2016), this report updates members on the progress to date as well as setting out what to expect as the document is finalised and progresses through the committee cycle.

2 Progress to Date

2.1 The **Statement of Community Involvement** was adopted by Planning Committee in November 2014¹. This sets out how the public will be involved in determining planning applications and in the production of the Local Plan and Broads Plan.

2.2 The **Sustainability Appraisal Scoping Report**² was the subject of consultation with the requisite bodies (namely Historic England, the Environment Agency and Natural England) in October/November 2014.

2.3 The **Local Development Scheme**³ was adopted by Planning Committee in July 2015. This sets out the timeline for the production of the Local Plan.

2.4 **Second and Holiday Home study work** is underway currently, in order to help understand the situation in the Broads Authority Executive Area and the immediate area around the Broads.

¹ http://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/576609/Final-Adopted-Statement-of-Community-Involvement-November-2014.pdf

² <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>

³ http://www.broads-authority.gov.uk/_data/assets/pdf_file/0004/608665/Broads-Local-Plan-LDS-July-2015.pdf

- 2.5 Work has been undertaken in **assessing settlements** and their access to services and facilities, to inform the way forward with development boundaries and a settlement hierarchy. This work is currently in draft form.
- 2.6 The **Mooring and Riverbank Stabilisation Guide** (draft at time of writing) have been the subject of consultation and will be recommended for adoption at Full Authority in due course.
- 2.7 The **Broads' Objectively Assessed Housing Need** is being produced as part of a joint working programme with Breckland, Broadland, Norwich, South Norfolk and North Norfolk Councils. This is due to be delivered by the end of September and will set out how many dwellings are required in the Broads Executive Area between 2012 and 2036.
- 2.8 The actual Issues and Options document is being drafted. Each chapter will discuss a particular theme, identify the issue and identify three broad options to address that issue. It is not for this stage of the production of the Local Plan to produce policy wording, but to explore the issues. Policy wording and alternative options will be produce in the Preferred Options stage.

3 The Next Stages

- 3.1 The **key dates** leading up to the consultation on the Issues and Options are as follows:
- Internal circulation prior to committees: November 2015
 - Navigation Committee: 10 December 2015
 - Planning Committee: 8 January 2016
 - Full Authority: 22 January 2016
- 3.2 Regular informal meetings will be held with the Chairman and Vice Chairman of the Planning Committee to keep them up to date with progress.
- 3.3 A report will be brought to the 8 January 2016 meeting of the Planning Committee setting out the draft Issues and Options document. Subject to Planning Committee approval, this will be referred to Full Authority to authorise for consultation.
- 3.4 It is likely that the consultation will begin at the start of February 2016 and last for 8 weeks. Regulations require 6 weeks consultation, but an extra two weeks enables the public more time to respond to this important stage of the Local Plan production. This consultation stage is aligned with the first consultation stage on the Broads Plan.

4 Financial Implications

- 4.1 As well as Officer time, the likely costs of producing the Local Plan were set out in section 5 of this report: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0008/584783/Financial-Performance-and-Direction-ba100715.pdf

5 Conclusion

- 5.1 The Broads Local Plan Issues and Options document is progressing well and is set for consultation in February 2015.

Background papers: None

Author: Natalie Beal
Date of report: 26 August 2015

Appendices: None

Generation Park: An Introduction to the Planning Application
Report by Planning Officer

Summary: A planning application has been submitted for the redevelopment of the Utilities Site. The development is known as Generation Park. This report sets out the details of the application, explains which matters have been applied for in Outline and in Full and identifies which aspects of the development the Broads Authority will be responsible for determining.

Recommendation: That the contents of this report be noted.

1 Introduction

- 1.1 Members will be aware that development proposals for the redevelopment of the Utilities site have been the subject of pre-application discussions. Members have had presentations from the developers at the Planning Committee Meetings on 6 March 2015 and 26 June 2015. The planning application for the redevelopment of the Utilities Site has now been received. The application is a Hybrid Application comprising a mixture of Detailed and Outline elements. The site falls broadly equally within the administrative areas of Norwich City Council and the Broads Authority Executive Area, with a small length of the proposed access road falling into South Norfolk Council's area.

2 The Site and its Location

- 2.1 The site itself is situated on the northern bank of the River Wensum, directly opposite its confluence with the River Yare and Whitlingham Country Park. The Norwich to Yarmouth railway line runs along the northern boundary of the site, with a small area of land to the north of the railway line, accessed off Cremorne Lane, also being included in the development site. The western end of the site is defined by the existing site entrance off Hardy Road. The eastern end of the site tapers off into an overgrown finger of land situated between the river and the railway line. Thorpe Hamlet is situated to the north of the site, the Deal Ground site is situated to the south of the site with Trowse beyond that and Carey's Meadow is to the northeast of the site.
- 2.2 The whole site covers an area of approximately 12 ha of brownfield land. The site is currently occupied by the UK Power Network (UKPN) substation and grid connection compound. A pair of 72.5m high pylons is situated on the site. Outside the UKPN compound remnants of industrial infrastructure remain

including large areas of hardstanding, single storey outbuildings, fencing and a redundant gasometer scheduled for demolition. Immediately to the north of the gasometer is a 26m high telecoms mast. There are also one and two storey buildings which house the Train Operating Company and National Grid operations. Two inlets, once used for cooling water for the power stations have been cut into the site. Both are sheet piled. The riverside frontage of the site is sheet piled for approximately three quarters of its length, with the eastern end of the site being replaced by a more natural bank where planting merges with the water.

3 Proposed Development.

- 3.1 The principal access to the site would be via a new access road, with full cycle and pedestrian provision, leading from 'The Street' in Trowse. The access road would route north through the May Gurney site before crossing the River Yare on a new clear span bridge. The access road would then continue north through the Deal Ground site before crossing the Wensum into the Generation Park site via a newly constructed bridge. The majority of this road, bar the most northerly section approaching the proposed Wensum bridge, already benefits from extant detailed planning permissions by virtue of the Deal Ground consents.
- 3.2 It is proposed to replace the existing vehicular bridge that links the Utilities site to Cremorne Lane with a cycle and pedestrian bridge. This access point into the site would be known as the Northern Gateway. The level crossing over the Norwich-Yarmouth rail line would not be affected by the proposal.
- 3.3 There would be no vehicular access to the Generation Park site from Hardy Road with the exception of emergency vehicles. Hardy Road would also provide access to the Train Operating Company depot.
- 3.4 The proposed development would be focused around a Community Energy Facility and would include the construction of residential and commercial units on the Utilities site as well as new educational and research facilities. The proposed development would also include areas of recreational and amenity open space and would include mooring provision along the northern bank of the River Wensum and River Yare.
- 3.5 The Community Energy Facility would include a biomass combined heat and power (CHP) plant that would generate renewable energy through the combustion of approximately 256,000 tonnes of straw pellets per annum. It would have an installed electricity generating capacity of 49.9 Megawatts (MW). It would also deliver 12.3MW of heat via a District Heating Network (DHN) to a range of local commercial, institutional and residential energy users. In addition, heat and power would be provided to all of the scheme components within the proposed development itself.
- 3.6 It is proposed that 'planning permission' for the DHN would be by way of a bespoke Local Development Order prepared by Norwich City Council. The proposed development would also include the provision of a substation

allowing grid connection from the Community Energy Centre to the local electricity distribution network

- 3.7 The table below lists the various components of the scheme, confirms the type of application submitted and identifies the Authority responsible for determining the application:

Element	Detail or Outline Application	Determining Authority
Community Energy Centre		
Renewable Energy Centre	Detail	Norwich City
Energy Research Centre	Detail	Norwich City
District Heating Network Centre	Detail	Norwich City
Straw Pellet Offloading Facility (including the new railway sidings)	Detail	Norwich City
Straw Pellet Storage Silos and associated conveyors	Detail	Norwich City
Residential Development		
Arrivals Square Student Accommodation (3 blocks 435 units)	Detail	Norwich City
Northern Gateway Student Accommodation (2 blocks 282 units)	Outline	Broads Authority
Market Residential (80 units)	Outline	Broads Authority
Affordable Residential (40 units)	Outline	Broads Authority
Educational and Community Facilities		
Research Centre	Outline	Norwich City
Education Centre	Outline	Broads Authority
Commercial Facilities		
Data Centre	Outline	Norwich City
Arrivals Square (including associated Neighbourhood Units)	Detail	Norwich City
Train Operating Company Office, Training Building and Car Park	Outline	Norwich City
Access and Car Parking Provision		
Vehicular Bridge over the River Wensum	Detail	Broads Authority
New Cremorne Lane pedestrian overbridge	Outline	Broads Authority
Car parking	Detail or Outline depending on the scheme element to be served	Norwich City and Broads Authority
Vehicular, cyclist and pedestrian road from the new Wensum bridge (linking to the Utilities site) through the May Gurney	Detail	South Norfolk and Norwich City Council

and Deal Ground sites, including a new bridge over the River Yare, and linking into The Street.		
Ancillary Infrastructure		
Britvic private wire and water supply linkages	Detail	Norwich City
Concept Landscape Design	Detail but with some substantial elements to be approved under condition	Norwich City and Broads Authority
Concept surface water drainage scheme	Detail but with some substantial elements to be approved under condition	Norwich City and Broads Authority
Boat moorings and associated river usage infrastructure	Zone 1 in Detail Zone 2 and 3 in Outline	Broads Authority

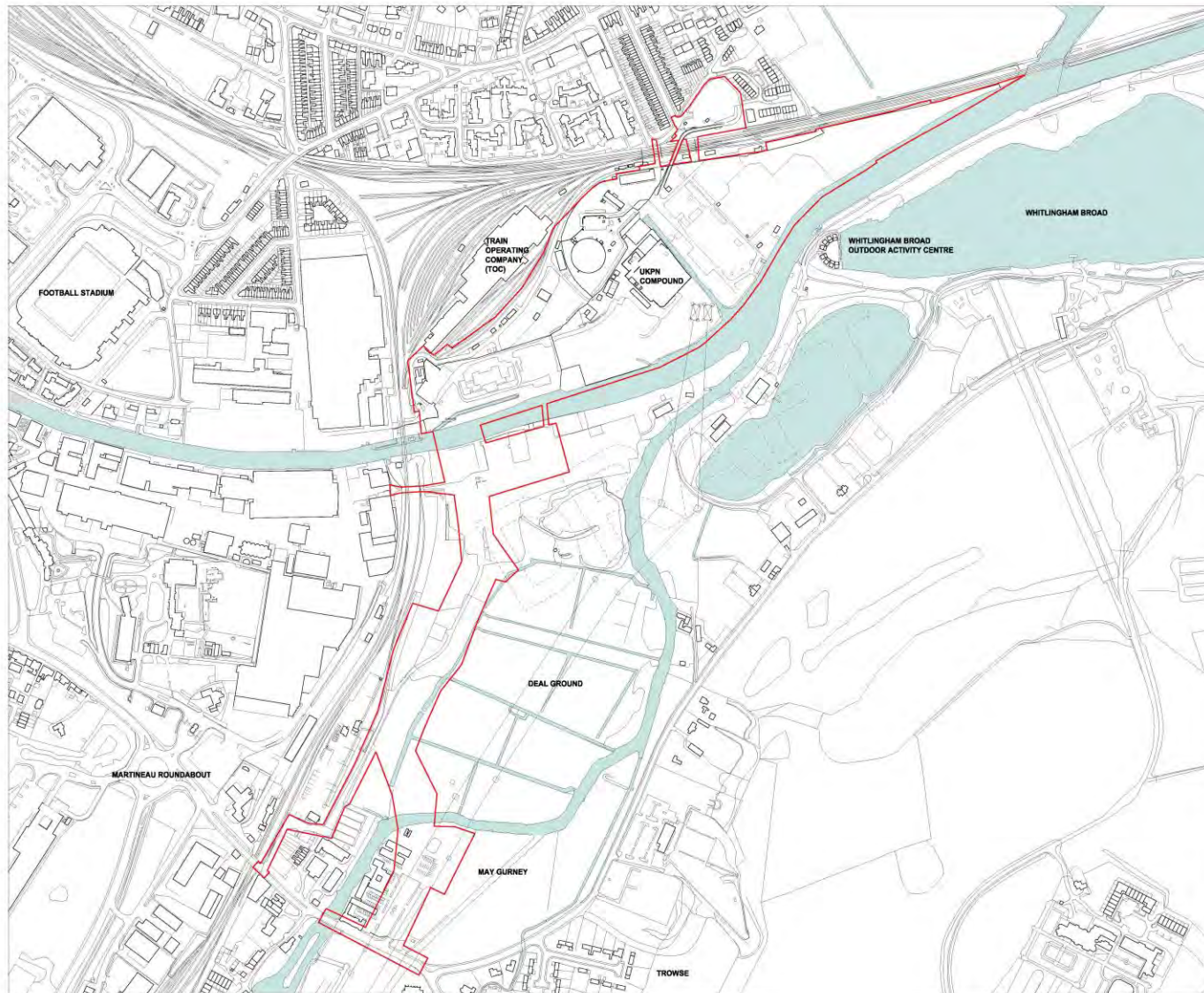
4 Conclusion

- 4.1 The above information hopefully provides Members with a broad overview of the proposed development, known as Generation Park, ahead of the Joint Site Visit with Norwich City Members on 2 October 2015.

Background papers: Application Files

Author: Alison Macnab
Date of Report: 26 August 2015

List of Appendices: APPENDIX 1 – Site Plan



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REV	DATE	FOR
1	08/03/16	INFORMATION
2	08/03/16	INFORMATION
3	08/03/16	INFORMATION

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 NPI LLP
 Norwich

PROJECT MANAGER
 FAITHFUL + GOULD
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PLANNING CONSULTANT
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REVISION
 3

Hickling Broad Enhancement Project Proposal
Report by Consultant Planning Officer on behalf of Broads Authority

Summary: This report sets out the details of emerging proposals and a master plan / vision for major enhancement works at Hickling Broad. It outlines the background and context to the project and explains the approach that will lead to a series of planning applications needing to be presented to Planning Committee over a number of years. The report is background information for Members and a full presentation on the project will be provided to Planning Committee by the Director of Operations.

Recommendation: That the report be noted.

1 Background

1.1 The Broads Authority has identified as a strategic objective for 2015/16 to:

‘Develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review. In the short term, progress development of a number of smaller projects to meet immediate concerns.’

1.2 To deliver this objective will take several years and from a planning perspective is will involve a number of planning applications that will need to be considered by Planning Committee. This is likely to involve a combination of proposals for bank restoration, spit and refuge creation works and is likely to include proposals using innovative techniques to deliver lake enhancements (previous examples of which include the creation of Duck Island at the entrance of Hickling Broad and elsewhere in the northern part of the Broads the land reclamation works at Salhouse Broad).

1.3 At this stage, detailed proposals are yet to emerge. However, in view of the importance of the work involved and the need for Planning Committee to approve future applications, it is useful for an overview of the project to be set out. This will enable Members to better appreciate the context of applications when presented.

1.4 The emerging vision has already been presented to the Broads Forum (30 July 2015) and to Navigation Committee (3 September 2015).

2 Project Development

- 2.1 To help inform project development, a workshop was held with the Upper Thurne Working Group (UTWG) in early June 2015 which reviewed the baseline data and also considered the opportunities and issues that a lake enhancement project could promote / raise.
- 2.2 This has informed the interim vision statement drafted (attached as Appendix 1). Members should note that the vision recognises planning policy context within which project proposals will be considered.

3 Project Plan and Timescales

- 3.1 A master plan for the lake enhancement is proposed to be considered by the Broads Authority later in September 2015 to endorse the principles.
- 3.2 As an early element of the vision, initial work to complete erosion protection at Hill Common and undertake some dredging at the north end of the navigation channel is planned to be carried out in November 2015, subject to Natural England consent (planning permission was granted in February 2015 - ref no BA2014/0411/FUL). It is considered that this will act as a useful local trial of the 'nicospan' technique proposed to provide bankside protection and stabilisation within the Broad.
- 3.3 It is proposed that other elements of the vision would be delivered in a phased approach, subject to funding availability and individual planning (and other) consents. At this stage, it is considered that to deliver the vision as a whole is likely to be a medium – long term commitment of up to 10 years.

4 Desirable Outcomes

- 4.1 In terms of the Broads Authority duties in respect of conserving and enhancing the natural beauty; promoting opportunities for enjoyment of the special qualities of the Broads; and protecting navigation interests; it is envisaged that the outcomes from the delivery of this project would include
 - improved waterway depths in the marked channel and improving access to the staithe and local clubs and businesses
 - improved aquatic environment in sheltered bays providing more reedbed areas, better water quality, water plants and higher numbers of water birds
 - beneficial reuse opportunities for dredged material;
 - improved understanding by local communities, visitors and partners of the requirement to, and importance of, undertaking integrated water management projects to enhance the special qualities of the Broads.

Background papers: None
Author: Andy Scales
Date of report: 19 August 2015
Background papers: APPENDIX 1 – Project proposal

Hickling Broad Enhancement project proposal

Background

The Broads Authority has identified the following strategic objective for 2015/16:

'Develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review. In the short term, progress development of a number of smaller projects to meet immediate concerns.'

The Lake Review included a dossier on Hickling Broad, which reviewed all known data through case history. This led to a number of conclusions:

- Hickling cannot be viewed in isolation and its water quality is highly responsive to the drainage and agricultural management within its general catchment, but especially of Horsey Mere
- External factors which cannot be controlled, such as weather and tidal conditions and bird numbers, influence the effectiveness of any management activities
- Water plants respond to, but also promote changes in environmental parameters, so underlying change mechanisms can prove hard to discern
- Although the mechanisms which originally switched the lake are well understood, the decline of Chara and other vegetation species in Hickling in the early 2000's cannot be explained with any certainty, and therefore the confidence in the effectiveness of any form of management is low.

Three connected management options were identified;

1. Changes in catchment management through reversion of arable land to grazing pasture at some locations and conversion to shallower drainage would lead to reductions in iron, phosphorous and salinity inputs to the benefit of Horsey Mere, Hickling Broad and the Upper Thurne
2. Source control, possibly accompanied by increased freshwater input from the Catfield catchment, would reduce phosphorous inputs and improve flushing and dilution,
3. Sediment removal – whilst the nutrient reduction potential of sediment removal is unlikely to be significant, it may create benefits of bed stabilisation, seed bank exposure, and habitat creation using dredged material.

The Broads Authority continues to work through both the Internal Drainage Board led Brograve Partnership and the wider Broadland River Catchment Partnership to adopt catchment measures aimed to improve the aquatic environment. An assessment of the rural diversification options for the Upper Thurne catchment is proposed as part of the proposed external funding bid. Although it is recognised that source control measures provide a more long term and sustainable solution and can deliver a wide

range of benefits beyond food production, they are voluntary. In addition any changes to water level and agricultural management need to be made with these long term benefits in mind as they are likely to be high cost. The Broads Authority is therefore promoting measures to enhance Hickling Broad in the shorter term, for the benefit of all interests.

Proposed Vision

In-lake enhancement measures have resulted in refuge areas in quiet bays and sheltered areas, which provide conditions for water plants to flourish and suitable habitat for fish and birds. These areas are managed for their habitat and wildlife conservation value. The marked channel is managed to maintain agreed depth and water plant cutting specifications, to allow boat users to access the staithe and local businesses, as well as to enable the local clubs to enjoy their recreational activities. Dredged material is deployed beneficially, with sediment used to restore eroded reed swamp, construct lakeside bank protection, and regularly top up bank restoration and island areas, as well as being spread to local arable land. Regular monitoring continues to build scientific understanding of the Broad and its management. Partnership research is continuing in order to gain an understanding of the ecological dynamics of *Prymnesium* and to run trials to reduce nutrient and salinity inputs from the catchment.

In Lake Enhancements

Appendix i lists a review of potential benefits for a sediment removal programme and its relevance to Hickling Broad, and reviews the benefits in the context of the Authority's statutory purposes.

To develop these proposals the Authority consulted the Upper Thurne Working Group at a workshop event on 9 June 2015, where the context of the Lake Review and current baseline data were presented. This Group includes representatives of key stakeholders, including statutory bodies (EA/NE/IDB), user groups (sailing/angling/windsurfing), RSPB, local parish council and business interests, landowners (NWT/NT/Mills Estate).

With the objective of seeking to develop a multiple benefit project that will deliver a range of enhancements in the short to medium term for Hickling Broad, the workshop considered opportunities and possible risks. A high level of consensus was achieved over the following projects:

- **Dredging of the navigation channel** – here the priority is the necessary dredging at the north end of the channel to maintain essential access to the staithe, businesses and facilities in the area. It was also agreed that the channel could be used as a silt trap to draw mobile sediment from the surrounding areas, and the effectiveness of this as a technique should be monitored.
- **Bank restoration works** – benefits were recognised to restore eroded banks around the perimeter of the broad, to reduce erosion and sediment input, to create new edge habitat and to increase shoreline complexity helping biodiversity.

- **Creation of refuge areas** – the creation of refuges was noted to be of benefit to allow water plants to recolonise in the sheltered areas, improve habitat and to provide refuges for fish as well as for birds. Specific areas suggested included Churchill’s Bay and to extend Pleasure Island. Additionally, a further suggestion was to trial the installation of a groyne or spit construction to act as a barrier to reduce the fetch and allow natural accretion of sediment to form an island feature.
- **Beneficial reuse of sediment** – it was agreed that material arising from dredging activities should be used beneficially where possible, either in the construction of bank restoration or for island features, or by land spreading to local agricultural land.
- **Research needs** – there is a need to carry out initial research as part of the feasibility phase, to include investigations into fish populations and usage and to confirm the presence of any spawning/ nursery areas in the proposed footprint of the dredging/ construction works. Cooperation with current and future Pymnesium research will also be required throughout the life of the project to include the sharing of all water quality data and field trials of a mobile toxicity test. Subject to the views of stakeholders it may also be appropriate to undertake small scale trials of sediment removal to determine any benefit to propagule germination or bio-manipulation in enclosure areas.

The following principles were also agreed;

- Works should be carried out in accordance with the agreed strategic vision, with strategic consents/ licences gained where possible to reduce the risk of individual project elements being refused/delayed throughout the project period
- Experimental works should proceed only following successful small scale trials
- A phased approach to the delivery of the vision should be adopted
- Robust and thorough monitoring will be required to collect data on the impacts and successes of the project delivery and inform subsequent phases
- In lake reconstruction works should largely follow the historic 1946 lines
- Precautionary approaches should be adopted – including agreed mitigation measures/ timings etc. so that there is no avoidable delay due to lack of full scientific certainty. Hence the purpose of well-monitored and phased research pilots leading to full scale experiments.

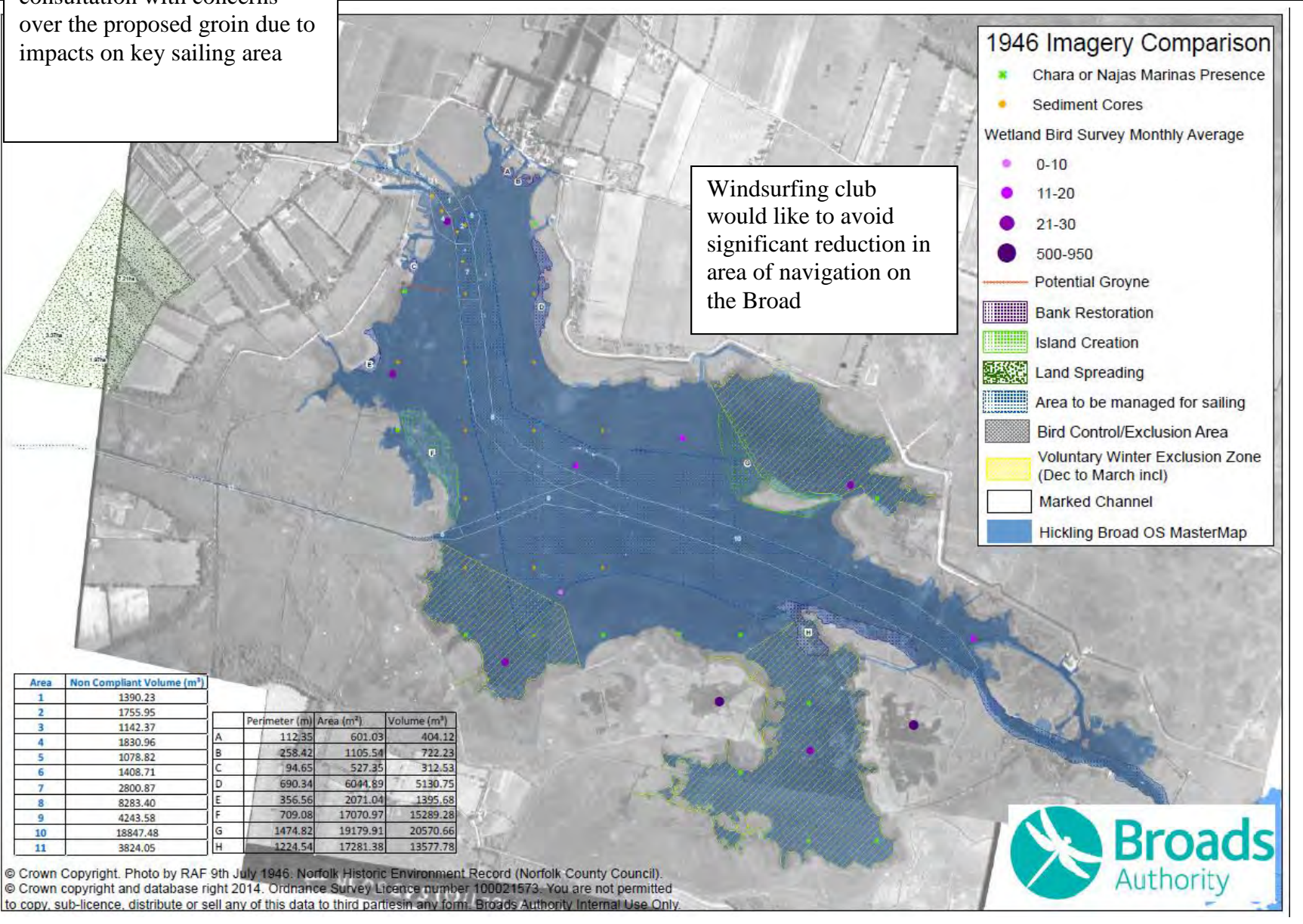
The delivery of each of these project areas will result in improved conditions for the environment, for navigation and for recreation. Local socio- economic benefits from the works will also be generated, as well as improved understanding of the ecological functioning of the lakes.

Figure 1 shows the proposal in a visual layout, and identifies the environmentally sensitive features of the site.

Windsurfing and Sailing club have responded to the consultation with concerns over the proposed groin due to impacts on key sailing area

Windsurfing club would like to avoid significant reduction in area of navigation on the Broad

Fig 1



Estimated Costs for the various elements within Hickling Broad

Section (see Fig 1)	Potential Solution	Approx. Installation Cost per M	Total Approx. cost inc. plant/labour	Length / Area	Approx. Construction Timings	Comments
A + B Hill Common Erosion Protection	Nicospan geotextile with timber poles	£30	£11,123.10	370.77m 1,706.57m ²	3 weeks	Installation of fabric surround, installing goose guard and planting. Back filling with dredge material would be a separate operation.
C + D	Nicospan geotextile with timber poles	£30	£23,549.70	784.99m 6,572.24m ²	6 weeks	Installation of fabric surround, installing goose guard and planting. Back filling with dredge material would be a separate operation
E	Nicospan geotextile with timber poles	£30	£10,966.80	356.56m 2071.04m ²	3 weeks	Installation of fabric surround, installing goose guard and planting. Back filling with dredge material would be a separate operation
F	Bagger-Buffer (geo-textile mini tube)	£40	£28,363.20	709.08m 17070.97m ²	8 weeks	Untried within the Broads although the Dutch have used this with great success.
G(a)	Gabion Baskets as per Duck Island	£60	£88,489.20	1474.82m 19179.91m ²	20 weeks	Using the same techniques as we employed at Duck Island. The 'croissant' could be built up in cells to give strength and allow for areas to be filled and planted.
G(b)	Geotube as per Salhouse project	£385	£567,490.00	1474.82m 19179.91m ²	40 weeks	Using the same techniques as we employed at Salhouse Broad. The 'croissant' could be built up in phases and filled to a higher level over a number of years
H	Nicospan geotextile with timber poles	£30	£36,736.20	1224.54m 17281.38m ²	10 weeks	Installation of fabric surround, installing goose guard and planting. Back filling with dredge material would be a separate operation.

Mud-pumping	To dredge channel and back filling of constructed areas/ land spreading	£20 per m3	£800,000.00	40,000m3 in channel, noted volumes may increase subject to levels of mobilisation in the Broad	60 weeks	Mud-pumping could be used for the soft, silty mud mainly found in the main navigation channel. Duration depends upon weather conditions and distant to pump, but estimated based on previous outputs achieved. Annual surveying required to monitor slumping/ mobilisation and repeat dredging requirements.
Grab Dredging	Dredge into barges and offloaded into constructed areas	£20 per m3	£140,000	7,000m3 in Channel	12 weeks	Grab dredging will be needed to remove the harder, consolidated sediments; these are generally located around the Pleasure Beach & sailing Club area.

Feasibility work in autumn 2015 is being carried out to determine ground conditions and appropriate engineering designs to inform the proposed priority phasing. This may include trial stages for differing techniques/materials/designs, as well as indicating the anticipated timescale for delivery. Examples of previous techniques used in the Broads are included in Appendix ii.

If the proposal are endorsed it is proposed that each element would be delivered individually and would therefore be subject to separate funding arrangements unless significant external funding can be won. Individual planning consents will also be required. These will include detailed design and methodology based on full consultation. It is anticipated that each element will be delivered as part of a phased approach to delivering the whole vision and to ensuring multiple benefits. An initial 'trial' to demonstrate that any innovative design will work successfully will be assessed before larger scale activity / works take place on a phased basis.

A robust evaluation and monitoring strategy has been developed to identify the parameters that will be evaluated and the schedule of data collection. The analysis of the data will help to inform both the design of each element as well as understanding the impact of the works during and after construction.

The Broads Authority's consultative committees (Broads Forum and Navigation Committee) have been involved to help shape the vision and broad support has been expressed to date. The views of the Planning Committee will also be sought on the master plan prior to seeking the endorsement of the Broads Authority.

Potential impacts

Key considerations for the proposal are likely to relate to hydrology, landscape impact, ecology and habitat considerations, and the impacts on water space and navigation (including in relation to use of dredgings). An initial assessment against these aspects and the relevant policy framework has been completed below;

Broads Core Strategy DPD

Policy CS1 – Landscape protection and enhancement – the project will help to restore landscape features such as islands which have been lost to erosion as identified in the 1946 aerial photographs. Bank protection measures will safeguard the site from further erosion, and recreate lost reed bed and open water mosaic habitat.

Policy CS3 – Navigable water space – the project will allow the navigation channel to be dredged so as to secure access to the staithe, as well as to reduce the long term need for dredging by reducing sediment input from bank erosion. Navigation hazards such as island remnants which currently need to be marked as a hazard will be removed by being restored using dredged sediment. This will also remove the need for visually intrusive marking. Monitoring will determine the benefit to the wider open water of dredging the navigation channel and using it as a silt trap to draw in mobile sediment from the surrounding area. Innovative solutions such as groyne/ palisade will be tested to measure their effectiveness as low cost, sustainable measures to help manage sediment. Successful schemes may be replicated elsewhere.

Policy CS4 – Creation of new resources. The proposed island restoration or creation would, as well as creating new reed bed, establish refuge areas where water plants, fish and birds would be able to flourish. This would be enhanced as a result of lower turbidity from reducing the fetch over the water which generates wind induced sediment disturbance, and also as a result of separation from boating activity. This should help to provide new areas for species, particularly those of conservation priority to extend their range in the Broad.

Policy CS15 – Use of dredging – the project has been designed to beneficially reuse sediment from the Broad. An assessment of engineering properties will be carried out. But it is proposed that very loose unconsolidated material will be pumped to adjacent, arable land for land spreading, or within lagooned areas, for bank reinstatement or island creation. Firmer material will be used directly within construction elements. This may also include the reuse of historic sediment from previous deposits on the lake banks. The design of the phasing will take account of the need to return to each area following consolidation of the dredged sediments, so that topping up can maximise the capacity in each area as well as ensuring that final levels are suitable for reed bed restoration.

Policy CS20 – Flood risk – as the new habitat features will be created at or below high water, and will be constructed from material dredged from the water body. There should be neutral impact on water levels, and hence no increased flood risk to adjacent communities. The developments are all located within the waterbody, so any future plans for flood risk mitigation measures would not be impaired.

Broads Development Management Policies DPD

Policy DP1 – Natural environment – the proposal will improve the mosaic of open water and reed bed and complexity to the lake edge which will result in greater number of niches for wetland species such as fish and quiet feeding area for bittern. Restoration of areas of reed bed will minimise further sediment input into the open water with added beneficial impact for the open water environment, as well as creating refuge areas for water birds and water plants by introducing shelter areas.

Policy DP13 – Bank protection – by including bank protection within the proposal on areas that have significantly eroded since 1946, further erosion will be arrested. This will help to protect the land and to benefit the water environment by removing a diffuse source of sediment input. Soft techniques will be adopted such as geotextiles or gabions, in preference to adopting a piled edge, and vegetation will be established. Appropriate temporary navigation marks will be included until the vegetation is fully established to provide a clear visual indicator of the new edge.

Policy DP29 – Development on sites with a high probability of flooding – the features created will be designed in such a manner as regularly to inundate designed floodable areas, to ensure that the desired vegetation is supported and to prevent the growth of scrub. As the development will be at or below high water, and will be constructed from material dredged from the water body, there should be a neutral impact on water levels and therefore no increased flood risk to adjacent areas.

This project is necessary to support the socio economic needs of the local community, by maintaining access to the village by boating visitors to the boatyard and local pubs, and also to ensure that the local recreation clubs such as sailing and windsurfing can continue to enjoy their activities. The Parish Council has recently invested in improvements to the staithe and slipway area. Numerous complaints have been received from local people about the current lack of maintenance dredging which is adversely affecting their activities.

Environmental report

An Environmental report has been prepared for submission to Natural England which details the proposed initial dredging and bank protection works, sets out the Habitats Risk Assessment screening and Appropriate Assessment and also includes the proposed detailed monitoring plan to be undertaken.

This is currently being reviewed by Natural England, and if agreed is intended to form the basis of a standard methodology, which can be replicated to each element and modified as required for the site specific conditions and design. It is intended that sharing the monitoring and mitigation plans with stakeholders and interested parties will help to provide reassurance that an appropriate precautionary approach is being adopted.

Consultation responses to date

The views of the Broads Forum have expressed that a 'do nothing' approach is not a viable option, given the poor environmental condition of the Broad, its failure to achieve either statutory targets or its potential, and the worsening position in respect of access and navigation through ongoing shallowing. Advice from the John Innes Institute has also indicated that the 'do nothing' option would also be inadvisable given the potential for boat disturbance of sediment to provide a contributory factor in prymnesium blooms, and that an increase in under keel clearance would be beneficial to prevent uncontrolled sediment disturbance.

Detailed comments have also been received in respect of the proposed groin structure, in respect of possible impacts on key sailing area as noted on Figure 1, as well as indicating a desire to minimise the loss of water space in the navigation area.

Following endorsement of the principles by the Broads Authority, further consultation is proposed with Hickling Broad Sailing Club, and a Parish Forum is proposed to be held in the area for members of the public and local residents.

Function	Comment	Benefit for dredging for			Other benefits
		conservation	navigation	promoting enjoyment	
Reduction of internal loading	Non-retentive sediment due to competitive binding of iron by sulphide. Therefore internal loading is naturally limited	Low	Low	Low	
Increased water depth	Hickling is shallow and turbid (unless dominated by plants). Deepening is unlikely to improve submerged light climate unless there is an accompanying equivalent reduction in turbidity. Current dominant species have rhizomes and independent of light regime but could be reduced unless dredging avoids existing beds.	Low	High	High	High benefit for tourism by improving access in navigation channel to local businesses and local community. Additional benefits also for angling, nature watching, tourism, landscape value by increased access through restoration of water depth in agreed areas and reduction of mechanical disturbance by boats in shallow water which has the potential to trigger prymnesium event through ongoing release of nutrient (unproven)
Bed stabilisation	Wind and boats stirring up the sediment is a source of turbidity. Increasing depth by removing fine sediment should increase clarity. Hickling sediment is, however, already comparatively cohesive and unlikely to limit water plants.	Mod	Low	Mod	Moderate benefit for angling, nature watching, tourism, landscape value by increased water clarity
Propagule bank exposure	Hickling historically dominated by water plants, some seeds may germinate after sediment removal.	Mod	Low	Mod	Moderate benefit for angling, nature watching, tourism, landscape value by increased water plants
Bank reclamation	Opportunity to reclaim and restore sections of eroded bank, especially in areas of reed dieback and goose grazing. Potential benefits to water plants through increased shoreline complexity and reduced wave reflection from steep eroded banks.	High	High	High	High benefit for navigation by lower bank erosion High potential benefit for angling dependant on location and design delivering improved fish habitat High benefit for nature watching, tourism and landscape value by increased reed edge High benefit for landowners to prevent loss of land/reed area
Contaminant removal	Opportunity to reduce the concentration of heavy metals (copper, tin).	Low	Low	Low	low benefit as tests indicate low levels of heavy metals
Creation of hydraulic refugia	Water plants are likely to colonise sheltered bays. Imaginative used of dredged material to create bunds or islands could significantly increase shelter and help water plants re-establish.	High	Mod	High	Navigation benefit dependant on location e.g. island over a navigation hazard may be high benefit. Islands obstructing sailing may be low benefit. Beneficial use of sediment in constructing refuges would be of high benefit to assist with navigation dredging High benefit for angling, nature watching, tourism by increased water plants, fish habitat and bird refuge areas Landscape benefit dependant on location and design

The Broads Authority have undertaken a variety of projects making use of dredged sediment on agricultural land or in projects to protect or restore eroded reed beds and river banks. A few examples of recent projects are outlined below.

1. Land Spreading

Where an agronomist can show there will be agricultural benefit sediment can be spread onto agricultural land as a soil conditioner. When intending to spread sediment onto land it is common practice to remove the sediment from the waterbody with a suction dredger. A cutter suction dredger typically pumps a 85% water / 15% sediment mix which needs de-watering before spreading. Settlement lagoons are an established method of de-watering and have been used many times on the Broads and a few examples are given below. Another method is to pump the sediment mix into geotextile bags which under pressure and over time allow water to drain and sediment to consolidate.

Example 1: Barton Broad

Between 1996 and 2001 sediment was dredged from Barton Broad de-watered and spread on adjacent agricultural land.

Sediment	Volume	Dredging technique	Dewatering technique	Cost
Soft organic silt	305,000m ³	Cutter suction dredger	Settlement lagoons	£10/m ³



Photo 1: Barton Broad settlement lagoons

Example 2: Ormesby Broad

In 2010 sediment removed from Ormesby Broad was pumped into dewatering lagoons and later spread on agricultural land on the same site.

Sediment	Volume	Dredging technique	Dewatering technique	Cost
Soft organic silt	15,000m ³	Small suction dredger	Settlement lagoons	£8/m ³

Example 3: Upton Little Broad

In 2011 highly organic silt was removed from an isolated broad and pumped into geotextile bags and later spread onto agricultural land, with the geotextile recycled in erosion protection works.

Sediment	Volume	Dredging technique	Dewatering technique	Cost
Highly organic silt and algal matter	4500m ³	Small suction dredger	Non-woven geotextile bags	£20/m ³



Photo 2: Geotextile bags starting to be filled at Upton

Example 4: River Bure, Coltishall Lock Channel

In 2015 soft sediment overlying a hard sand and gravel bed was removed and pumped into settlement lagoons on adjacent agricultural land. Given the granular nature of the sub soil the sediment dewatered rapidly and is awaiting spreading.

Sediment	Volume	Dredging technique	Dewatering technique	Cost
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Soft organic sandy silt	2000m ³	Small suction dredger	Settlement lagoons	£15/m ³
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Photo 3: Constructing settlement lagoons near Coltishall

2. In-line Erosion Protection

Where bank erosion is an issue structures can be installed to protect the bank and retain sediment backfill. Recently timber post and geotextile structures have been trialled in the Broads to restore and protect the original bank line and make use of sediment backfill. An example is given below.

Example 5: River Ant, Hall Fen

Principally an erosion protection project involving a simple geotextile retaining structure in front of an eroding bank. Due to the layout the capacity for sediment backfill was very limited however the structure proved a backfill depth of at least 0.6m could be successfully retained.

Sediment	Volume	Dredging technique	Retaining structure	Cost
Soft silt	100m ³	360 excavator	Nicospan with anchored timber posts	£65/m ³ (for 24m length)



Photo 4: Nicospan erosion protection structure planted with bur-reed.

3. Reed Swamp Reclamation

In some locations sediment can be beneficially used to reclaim areas of eroded or degraded reed swamp. In such areas forming a stable retaining structure on very soft ground can be difficult. Geotextile tubes and gabion baskets have recently been used as effective retaining structures as outlined below.

Example 6: Heigham Sound

In 2012 soft silts were dredged from Heigham Sound and pumped approximately 1800m to a former soke dyke on marshland. The landowner wanted to create a reedbed and the soke dyke effectively formed a ready-made settlement lagoon. This is a refinement of traditional bankside disposal.

Sediment	Volume	Dredging technique	Retaining structure	Cost
Soft organic silt	10,000m ³	Cutter suction dredger	Soke dyke as ready-made lagoon	£9/m ³



Photo 5: sediment pumped from Heigham Sound filling former soke dyke.

Example 7: Duck Broad

A bespoke gabion structure has been the solution to reform the perimeter of an eroded reed bed and retain dredged sediment. The steel cage baskets are linked together to form a mass gravity structure stable on the very soft bed material. The baskets were planted with reed and then sediment pumped into the internal lagoon area to recreate the reed bed land mass.

Sediment	Volume	Dredging technique	Retaining structure	Cost
Soft organic silt	14,000m ³	Cutter suction dredger	Bespoke gabions with geotextile liner and filled with dredged material	£25/m 3



Photo 6: Duck Broad Island recreation using gabion baskets



Photo 7: View of the perimeter baskets from the water with reed beginning to establish.

Example 8: Salhouse Broad

In 2012 sediment dredged from the River Bure was used to recreate an eroded reed swamp on the edge of Salhouse Broad. To form the reed swamp edge and retain the backfill an 8.5m diameter geotextile tube was used and pumped full of sediment in-situ using a concrete pump. The concrete pump was used as it could pump a much denser mix of sediment than a dredging pump which was necessary to form a stable mass retaining structure in the tube.

Sediment	Volume	Dredging technique	Retaining structure	Cost
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Soft silt	12,000m ³	360 excavator and piston concrete pump	Geotextile tube filled with sediment	£21/m ³
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Photo 8: Newly restored reed swamp area retained by geotextile tube at Salhouse Broad.



Photo 9: View of the restored reed swamp from the water.

Prymnesium and how the risk is mitigated against whilst carrying out works within the Hickling area.

- BA is not responsible for the fisheries aspect of the Broads –the EA has statutory responsibility for fisheries and is in receipt of rod licence income
- Prymnesium is a naturally occurring algae, it is found year round in the Upper Thurne. Prymnesium is only found in ‘brackish’ waters, it cannot survive in a Freshwater environment.

Broads Authority Prymnesium Measures

- Pre work monitoring starts 6 months before planned works – we monitor Prymnesium cells counts, water temperature, conductivity (saline values), nutrient levels, water level & rain fall.
- We work to minimise ‘suspended sediments’ by using silt curtains, moon pools and mud-pumping (to remove sediments) where appropriate.
- We work when water temperatures are 8 degrees and less. This means working between Nov- Feb when weather conditions on Hickling are at their worst.
- We continually monitor - Prymnesium cells counts, water temperature, conductivity (saline values), nutrient levels, water level & rain fall as we work.
- We set ourselves robust ‘Thresholds’ and developed a risk matrix and decision tree to ensure consistency is maintained with regards to the Environmental Operating standards.
- We have carried out extensive research in ‘Prymnesium Cysts’, alleged to be present in the sediments within Hickling (it has been alleged that these cysts are stirred up with the sediment aiding the growth of Prymnesium) and can find no evidence of such cysts.
- No scientific data or research has definitively linked a Prymnesium bloom to dredging.
- BA has invested thousands of pounds in research, sampling & testing to ensure we work following the latest environmental best practise.

Heritage Asset Review Group

Notes of Meeting held on Friday 21 August 2015 starting at 12.30 pm.

Present:

Jacquie Burgess
Murray Gray
Lana Hemsall

In attendance:

Ben Hogg – Historic Environment Manager
Simon Hooton – Head of Strategy and Projects
Prue Smith – Consultant on Cultural Heritage
Andrea Long – Director of Planning and Resources
Sandra Beckett – Administrative Officer

17/1 Apologies for absence and welcome

Apologies for absence were received from Mike Barnard and Sholeh Blane

17/2 Appointment of Chairman

The Director of Planning and Resources invited nominations for Chairman

Jacquie Burgess, seconded by Lana Hemsall, proposed Murray Gray as Chairman.

Murray Gray in the Chair

17/3 To receive the note of the sixteenth meeting held on 2 April 2015

The Note of the sixteenth meeting of HARG held on 2 April 2015 was received as a correct record.

17/4 Points of Information arising from the last meeting

Minute 16/6 The Local List – Waterside Chalets

It was confirmed that the Authority had adopted the Waterside Chalets for the Local List at its meeting on 10 July 2015.

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

17/5 Conservation Area Re-Appraisals

Progress was reported on the following Conservation Areas.

(1) **Oulton Broad Conservation Area Re-Appraisal**

The Group noted that the Oulton Broad Conservation Area re-appraisal had been to the Planning Committee meeting on 24 July 2015 and was due to be adopted by the full Authority on 25 September 2015.

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

The Group received the Draft Conservation Area Re-appraisal for the Stalham Staithe Conservation Area. As most of the area fell within the Broads Authority's LPA jurisdiction, the work and consultation was being carried out by the Broads Authority. It was intended to submit the Re-appraisal to the Planning Committee meeting for approval for consultation in October 2015.

The Group considered the proposed amendments to the boundary which included options for exclusions on the basis of the guidelines for designation of Conservation Areas. The two areas suggested for exclusion were:

- The open ground /allotment area which included development around this
- Exclusion of all the area west of Mill Road.

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

It was noted that even if these elements fell outside the Conservation Area boundary, the existence of the Conservation Area would still need to be taken into account in determining any planning applications.

The Group considered that for the benefit of the consultation, these elements should remain within the Conservation Area boundary. However, the text should be very clear that exclusion was an option, giving the reasons and the question asked within the consultation leaflet for views.

It was agreed that prior to submitting the text for consultation, comments should be invited from the local District members – Paul Rice and Nigel Dixon as well as Keith Bacon, Broads Forum and Broads Local Access Forum Chairman.

(3) **West Somerton Conservation Area Re-Appraisal**

The Group were advised that preliminary work had been undertaken on the Somerton Conservation Area Re-Appraisal. It was noted that there were two distinct areas with various satellites coming within the one conservation area of East and West Somerton. Both parts came under Somerton Parish Council. However, East Somerton came within Great Yarmouth's area and West Somerton within the Broads Authority's area. Ben Hogg and Andrea Long had been invited to the Parish Council meeting in September and this would provide an opportunity of discussing proposals with them.

It was noted that the whole of the East Somerton section was worthy of inclusion. However, there were certain parts of the West Somerton area where designation was questionable. The most obvious part worthy of designation was in the vicinity of the Staithe. Great Yarmouth Borough Council currently did not have the resources to carry out the full appraisal or that of the East Somerton section and would be happy for the Authority to carry this out on their behalf.

It was noted that the Somerton CA was one of the last Conservation Area Re-appraisals to be undertaken, Ludham and Horning being the other two.

It was agreed that progress on the Conservation Area Re-Appraisal for Somerton be held in abeyance until after the meeting with the parish council.

- (4) **South Walsham and Salhouse Conservation Area Re-Appraisals** had both been carried out but final adoption was awaiting various issues to be resolved by Broadland District Council.

17/5 Heritage at Risk

Buildings at Risk Schedule 2015

The Group received the updated Schedules relating to the Buildings At Risk Survey as well as the Schedule relating to current and potential Enforcement issues. The Historic Environment Manager also provided photographs of each of the properties on the schedule.

With reference to the Mills within the schedule some were within the same ownership and most came within the Landscape Partnership Scheme bid where match funding had been promised by owners should the LPS bid was successful.

It was noted that Bridge Farmhouse, Low Road, Mettingham, was the subject of a Section 106 Agreement, where planning permission for another property was dependent on repairs to the farmhouse. The Group were informed that the planning permission was due to expire. The owner wished to revisit the existing planning permission in order to reduce the size of the property for which he had permission.

Langley Abbey – the owner had indicated that he intended to carry out works on the former stable block as part of a comprehensive scheme for the site. The Group expressed concerns and considered that the building could be the subject of an Urgent Works Notice, which would require authorisation from the Planning Committee. It was agreed that the matter be discussed with the owner in the first instance.

It was noted that an Urgent works Notice might also be required on another property at Gillingham which would require Planning Committee

authorisation. Again the owner would be approached in the first instance.

The Group were pleased to note that the work on the Church of St Peter and St Paul in Burgh Castle had been successfully completed.

Enforcement

The Group welcomed the progress on the replacement of the windows and doors at Ashby with Oby Manor House, and noted that the owner had hoped that the next phase would be implemented shortly.

17/6 The Local List for the Broads

The Historic Environment Manager commented that he had been heartened by the positive response from the owners of the Waterside Chalet properties following letters being written confirming being included in the Local List. The text for these would be included on the website.

Proposals for the next group to be considered for inclusion on the Local List included Staithes and possible groups of buildings within Conservation Areas.

17/7 Water, Mills and Marshes: The Broads Landscape Partnership Bid

The Group noted that the bid for Heritage Lottery Funding (HLF) for the Broads Landscape Partnership titled: Water, Mills and Marshes had been submitted at the end of May. It was understood that the HLF would be meeting on 25/27 October 2015 and therefore a decision was expected soon afterwards. If successful, it would then take 18 months to prepare the Development Phase in order to submit a second round application. The Authority had received a visit from the Regional Director and Assessment Officer and Case Officer for HLF on 31 July 2015 when they had been taken by train to Great Yarmouth and also went out on to the Halvergate Marshes where they were met by landowners, representatives from Norfolk County Council and other partners. Officers were able to clarify a number of queries and the visit had felt positive.

17/8 Any Other Business

Jacque Burgess reported that the next meeting of the Norfolk Windmills Trust was due to take place on 1 September 2015.

17/9 Date of Next Meeting – 4 December 2015

It was noted that the next meeting of the Heritage Asset Review Group would take place on Friday **4 December 2015** following the Planning Committee meeting.

The meeting concluded at 14.00 pm

**Enforcement of Planning Control
Enforcement Item for Consideration:
No.1 & No.2 Manor Farm House, Oby**
Report by Planning Officer (Compliance and Implementation)

Summary: This report concerns unauthorised works to a Grade II Listed Building and offers an update on the on-going regularisation of the works.

Recommendation: That members note and endorse the contents of this report.

Location: Manor Farm House, Manor Farm Road, Ashby with Oby

1 Background

- 1.1 Manor Farm House at Ashby with Oby is a Grade II Listed Building. The list description includes “2 doorways. Door to right is within doorcase of pilasters supporting simple entablature. Rectangular overlight. Sash windows with glazing bars and gauged skewback arches”.
- 1.2 In 2010 unauthorised work comprising the replacement of the windows and doors of the property with uPVC units was identified in a survey of historic buildings. This was then followed by a prolonged period of negotiation regarding the replacement of the unauthorised and inappropriate replacements between the Authority and the owner, which were protracted due to the difficult personal circumstances of the owner.
- 1.3 A report on the 17 August 2012 was brought to the Planning Committee seeking authority to serve a Listed Building Enforcement Notice (LBEN) if voluntary compliance could not be achieved. The LBEN would seek the phased replacement of the windows and doors over a 10 year period. This was agreed by Members.
- 1.4 Following this resolution, voluntary compliance was sought from the owner. An agreement was entered into for a phased replacement for the windows and doors. On 1 May 2014 Listed Building Consent (LBC) was granted for the work (BA/2014/0076/LBC) and a period of 10 years was given for completion of the works.
- 1.5 Unfortunately little progress was made during the remainder of 2014 due to the owner’s financial situation and continued poor health.

- 1.6 In January 2015 the Authority was advised that a manufacturer for the windows had been identified and an order had been placed.
- 1.7 In March 2015 a site visit was undertaken and it was noted that three uPVC doors had been replaced with appropriate timber replacements. The owner advised that two replacement window frames had also been manufactured and they were currently waiting for a suitable weather window for them to be fitted. The Authority was advised that the work was expected to be completed in early April.
- 1.8 A report was taken to Planning Committee on 2 April 2015 advising of the above.

2 Update since 2 April 2015

- 2.1 In April 2015 the site was re-visited and it was confirmed that the 2 additional timber windows had been installed. In total 3 doors and 2 windows have been replaced.
- 2.2 On 21 August 2015 the agent advised that no further work had been undertaken since April 2015, but that the owner had been in contact with a hope to initiating more replacements shortly and this is welcomed.
- 2.3 It is acknowledged that the Listed Building Consent gave 10 years for compliance. Given that 5 of the 28 apertures that require replacing have been completed in year 1 (approximately 18%), officers welcome this progress and will continue to monitor the site.

3 Conclusion

- 3.1 The progress on this long standing case is welcomed.
- 3.2 Officers will continue to monitor the site and bring a report to Planning Committee at 6 monthly intervals.

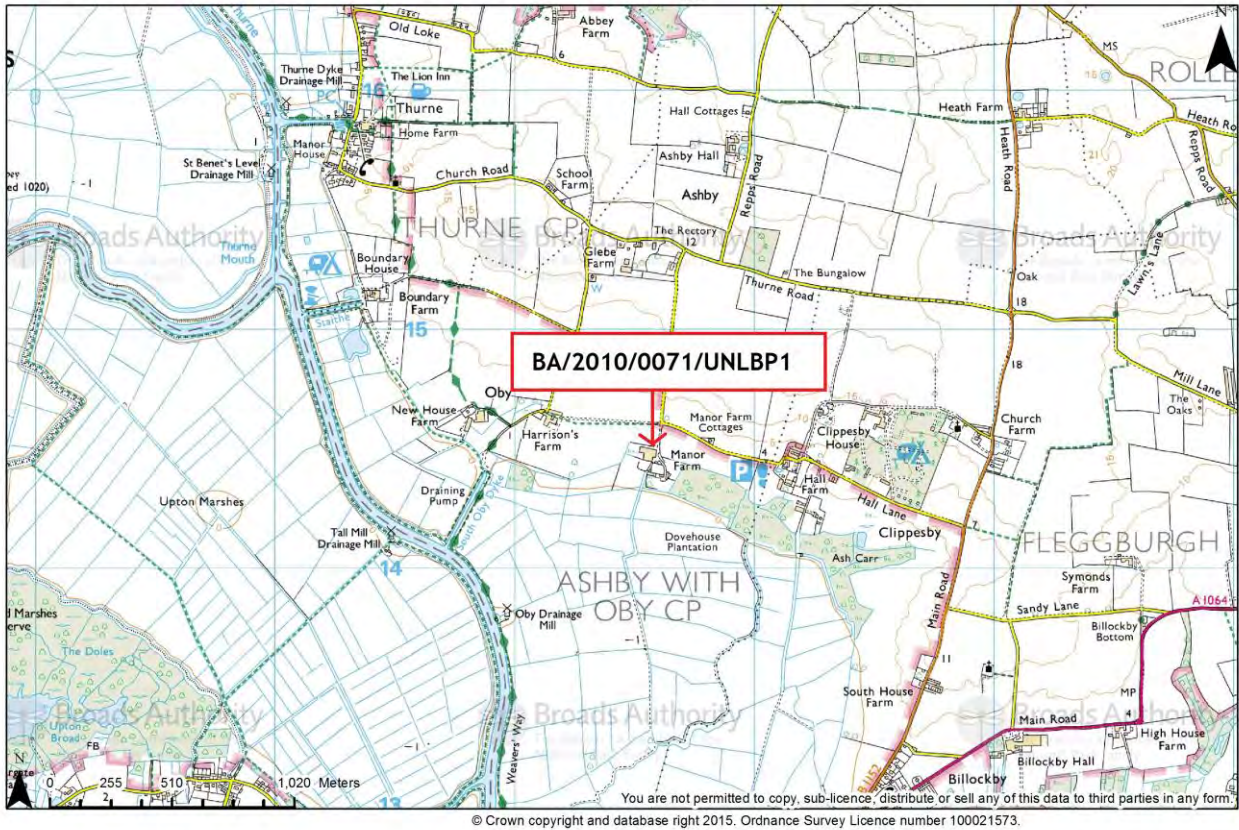
Background papers: Broads Authority DC Enforcement File BA/2010/0071/UNLBP1

Author: Kayleigh Wood
Date of report: 26 August 2015

Appendices: APPENDIX 1 - Site Map

**BA/2010/0071/UNLBP1 - Manor Farm House, Oby
Unauthorised work to Grade 2 Listed Building**

APPENDIX 1



Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

Committee Date	Location	Infringement	Action taken and current situation
21 August 2015			<ul style="list-style-type: none"> • Challenge to decision filed in High Court 12 July 2012 • High Court date 26 June 2013 • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order “has been lodged with the Courts by Inspectorate • Appeal to be reconsidered (see appeals update for latest) • Planning Inspector’s site visit 28 January 2014 • Hearing held on 8 July 2014 • Awaiting decision from Inspector • Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers) • Planning Contravention Notices issued to investigate outstanding breaches on site • Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge) • Acknowledgment of Service filed 16 December 2014. Court date awaited • Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate • Appeal submitted to PINS in respect of Section 73 Application for non-determination • Section 288 challenge submitted in February 2015 • Court date of 19 May 2015 • Awaiting High Court decision

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Decision received on 6th August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to legal advice • Challenge to High Court decision filed in Court of Appeal on 27 August 2015
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container	<ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013 • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway
8 November 2013	J B Boat Sales, 106 Lower Street, Horning	Unauthorised building of new office not in accordance with approved plans	<ul style="list-style-type: none"> • Authority for serving an Enforcement Notice in consultation with the solicitor requiring the removal of a prefabricated building and restoration of site, with a compliance period of three months. Authority to prosecute in the event of non-compliance • Enforcement Notice served 19 November 2013 • Compliance required by 6 April 2014 • Negotiations underway regarding planning application • Compliance not achieved and no application submitted • Solicitor instructed to commence Prosecution proceedings • Case to be heard in Norwich Magistrates Court on 28 January 2014 • Case adjourned to 25 February 2015 • Planning application received 13 February 2015 and adjournment to be requested for Hearing • Revised Scheme submitted and approved

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

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: 28 August 2015

Appendices: Nil

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

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

Recommendation: That the report be noted.

1 Introduction

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

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files.

Author: Sandra A Beckett
Date of report: 25 August 2015

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

APPENDIX 1

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

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

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

11 September 2015

Agenda Item No. 16

Summary:	This report sets out the delegated decisions made by officers on planning applications from 10 August 2015	to 01 September 2015
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Coltishall Parish Council				
BA/2015/0198/FUL	The Norfolk Mead Hotel Church Loke Coltishall Norwich Norfolk NR12 7DN	Mr James Holliday	Single storey extension and erection of 2 No. chalet style guest bedroom suites.	Approved Subject to Conditions
BA/2015/0199/LBC				Approved Subject to Conditions
Ditchingham Parish Council				
BA/2015/0211/FUL	Douglas House Falcon Lane Ditchingham Bungay Norfolk NR35 2JG	Mr Steve Cundy	Change of use of agricultural buildings to flexible commercial use (Class B1 & B8), extension to proposed building for flexible commercial use (Class B1 & B8) and retrospective application for drive to serve premises.	Approved Subject to Conditions
Fleggburgh Parish Council				
BA/2015/0216/HOUSEH	St Margarets Mill Main Road A1064 Billockby Fleggburgh NR13 3AX	Mr Mark Leathers	Extension to Outbuilding	Approved Subject to Conditions
Geldeston Parish Council				
BA/2015/0189/HOUSEH	Woodlands 21 Station Road Geldeston Beccles Norfolk NR34 0HS	Mr J Oxley	Replacement store building.	Approved Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Langley With Hardley Parish Council				
BA/2015/0237/FUL	Street Farm Langley Green Langley Norwich Norfolk NR14 6DG	Mr J Lutkin	Installation of clay lined lagoon for slurry and dirty water storage.	Approved Subject to Conditions
Oulton Broad				
BA/2015/0166/HOUSEH	59 Caldecott Road Lowestoft Suffolk NR32 3PH	Mr P Mitchell	Proposed removal of existing conservatory and garage, construction of new side extension of 1.5 storeys with front and rear cat slide dormers, and single storey extension to rear.	Approved Subject to Conditions
Sutton Parish Council				
BA/2015/0248/COND	J Withers Mooring Plots At Staithe Road Sutton Norfolk NR12 9QS	Mr Peter Withers	Variation to Condition 5 on pp BA/2014/0426/FUL	Approved Subject to Conditions
Wroxham Parish Council				
BA/2015/0200/COND	Bewilderwood Horning Road Hoveton Norfolk NR12 8JW	Mr Tom Blofeld	Variation of conditions 2, 3, 5, 11 and 24 of permission BA/2013/0050/FUL to allow phased implementation (amended description)	Approved Subject to Conditions