

# Planning Committee

## Agenda 29 April 2022

10.00am

Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY

John Packman, Chief Executive – Friday, 22 April 2022

Under the Openness of Local Government Bodies Regulations (2014), filming, photographing and making an audio recording of public meetings is permitted. These activities however, must not disrupt the meeting. Further details can be found on the [Filming, photography and recording of public meetings](#) page.

### Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 1 April 2022** (Pages 3-11)
4. To note whether any items have been proposed as matters of urgent business

### Matters for decision

5. Chairman's announcements and introduction to public speaking  
Please note that public speaking is in operation in accordance with the Authority's [Code of Practice for members of the Planning Committee and officers](#).
6. Request to defer applications include in this agenda and/or vary the order of the agenda
7. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
  - 7.1. BA/2021/0248/FUL - Halls Yard, Reedham (Pages 12-28)
8. **Governance - amendment to Scheme of Delegation to include enforcement matters**  
(Pages 29-30)  
Report by Head of Planning

### Enforcement

9. **Enforcement update** (Pages 31-35)  
Report by Head of Planning

## Policy

10. **Nutrient Neutrality** (Pages 36-40)  
Report by Planning Policy Officer
11. **Nature recovery green paper - protected sites and species** (Pages 41-48)  
Report by Planning Policy Officer
12. **Oulton Neighbourhood Plan - agreeing to consult - REG16** (Pages 49-50)  
Report by Planning Policy Officer
13. **Local Plan - Issues and Options Bite Size Pieces** (Pages 51-55)  
Report by Planning Policy Officer

## Matters for information

14. **Notes of the Heritage Asset Review Group meeting held on 25 March 2022** (Pages 56-59)
15. **Appeals to the Secretary of State update** (Pages 60-63)  
Report by Senior Planning Officer
16. **Decisions made by officers under delegated powers** (Pages 64-68)  
Report by Senior Planning Officer
17. **To note the date of the next meeting – Friday 27 May 2022 at 10.00am at Yare House, 62/64 Thorpe Road, Norwich**

# Planning Committee

## Minutes of the meeting held on 01 April 2022

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## Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson (items 1-8), Andrée Gee, Paul Hayden, Leslie Mogford, Michael Scott, Vic Thomson and Fran Whymark

## In attendance

Natalie Beal – Planning Policy Officer (items 9-11), Cheryl Peel – Senior Planning Officer, Calum Pollock – Planning Officer (item 7.2) , Callum Sculfor – Planning Assistant (item 7.1), Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Steven Bell (solicitor) of Birketts attended for items 1-8.

## Members of the public in attendance who spoke

None

## 1. Apologies and welcome

The Chair welcomed everyone to the meeting.

**Apologies** were received from Gail Harris, Tim Jickells and James Knight.

### Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. She added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

## 2. Declarations of interest and introductions

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

## 3. Minutes of last meeting

The minutes of the meeting held on 4 March 2022 were approved as a correct record and signed by the Chair, subject to the following amendment:

Item 7(2) – BA/2021/0490/FUL – former Bridge Hotel site, Potter Heigham

After the decision, add:

“A member requested that some clarity be sought from the policy planners on what exactly they thought was meant by the policy as written because he did not believe there had been any significant change in the flood zone classification since that plan was written and therefore, although he completely accepted that members had a plan in front of them and all that went with that, that was just as true when the plan was written and the Environment

Agency had the opportunity of being consulted on that plan, and he came back to the original question which was that, on today's meeting the policy is undeliverable and the policy actually ought more properly to be called "the site" or more properly to be called "everything inside that line except the Bridge Hotel site" because he felt that it had been said that this site cannot be developed."

#### 4. Matters of urgent business

There were no items of urgent business.

#### 5. Chair's announcements and introduction to public speaking

No members of the public had requested to speak.

#### 6. Requests to defer applications and/or vary agenda order

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

#### 7. Applications for planning permission

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

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

##### (1) BA/2021/0473/FUL – Plot 29 Bureside Estate, Crabbetts Marsh, Horning

###### **Replacement boathouse**

###### **Applicant: Mr Martin Chapman**

The Planning Assistant (PA) provided a detailed presentation on the application for the construction of a replacement boathouse at Plot 29 Bureside Estate at Crabbetts Marsh in Horning.

In assessing the application, the PA addressed the key issues of: the principle of the development; design of the proposed replacement boathouse and the impact the development would have on the neighbouring amenity and landscape.

It was noted that the positioning of the boathouse was similar to the existing, which would ensure there would be no direct overlooking, overshadowing or loss of privacy for existing neighbours; the design, whilst modern, used traditional materials; and the development would reinforce the linear pattern of development along the dyke and contribute to the traditional character. Accordingly, it was considered that the proposals were in accordance with Policies DM16, DM21, DM43 and DM50 of the Local Plan for the Broads 2019.

Bill Dickson moved, seconded by Harry Blathwayt and

**It was resolved unanimously to approve, subject to the following conditions:**

- Time limit
- In accordance with plans and documents
- Submission of exact materials and samples
- Details of hard and soft landscaping
- No overnight accommodation

**(2) BA/2022/0033/FUL – The Quay, The Street, Thurne**

**Change of use of decommissioned telephone box to a mini-visitor information hub**

**Applicant: Broads Authority**

The Planning Officer (PO) provided a detailed presentation on the application for the change of use of a decommissioned telephone kiosk to a mini visitor information hub on The Quay, The Street in Thurne. He advised that, if approved, the permission would be subject to the standard time limit condition, requiring commencement of development within three years of permission being granted.

In assessing the application, the PO addressed the key issues of: the principle of development; impact on historic environment and amenity of residential properties.

In response to questions on ongoing maintenance of the kiosk, both internally and externally, the PO advised that this would be the responsibility of the Broads Authority, as owner. Regarding potential vandalism, the PO referred members to the similar kiosk situated in South Walsham (shown in his presentation), owned by the parish council, which had been in situ for nearly 10 years, and this was not displaying any evidence of vandalism. He advised members that the kiosk subject of this application would display the Broads Authority logo and contact number for people to ring with any issues regarding the kiosk's condition.

Members noted that the change of use would provide a new community asset displaying educational information about the Broads, while maintaining and preserving the K6 telephone box kiosk, which was a local heritage asset. It was not considered there would be any adverse impacts on neighbouring amenity as a result of the change of use. Accordingly, it was considered that the proposed change of use was in accordance with Policies DM44, DM11, DM12 and DM21 of the Local Plan for the Broads 2019.

Leslie Mogford moved, seconded by Stephen Bolt and

**It was resolved unanimously to approve, subject to the standard time limit condition.**

## **8. Enforcement update**

Members received an update report from the Head of Planning on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

**land at The Beauchamp Arms PH:** the period for compliance had now expired in terms of the unauthorised residential use of the caravans and officers would be visiting the site next week to check that the caravans were unoccupied. Discussions with the local authority Council Tax team indicated the caravans were still being occupied. There was also evidence of two new caravans being brought onto the site in recent days. Members would be presented with the possible courses of action which could be taken, at the next meeting.

**Blackgate Farm, Cobholm:** two caravans had been removed from the site, two were authorised until August 2022 and of the three remaining, officers had been advised that two were unoccupied but this would be investigated further. Officers had been advised that the third caravan was being occupied by someone in a poor state of health and so documentary evidence had been requested in support of this. Depending on this evidence, there was the potential to extend the period of compliance for this particular caravan for a temporary period.

**Land at Thorpe next Haddiscoe:** the HoP advised that, as detailed in the report, some clearance of the site had been carried out in accordance with the Enforcement Notice (three month compliance starting from February 2021) but this had been very sporadic and had subsequently ceased, despite negotiations and an extended period for compliance being granted. Therefore, a decision needed to be taken on how to proceed.

The HoP provided a detailed presentation of the background to the case, including photographs of the site. In April 2018, the plot was simple countryside. However, later that year officers were notified that materials were arriving on site, such as sand and bricks etc as well as a water supply, and subsequently breezeblocks, wood, plant pots etc. Works also commenced on preparations for a footpath, with the installation of a membrane layer topped with gravel. Over a period of time fencing, decking, benches, a firepit, chairs and camping equipment were brought onto the site, resulting in the site changing from countryside to a leisure plot, which was unauthorised. Clearly this was changing the character of the countryside and so an Enforcement Notice was subsequently served in January 2021 requiring cessation of the change of use and to make good the land. The Enforcement Notice identified exactly what was required in terms of removal and reinstatement etc. Photographs taken in February 2021 showed that the decking and gazebo had been removed and the plastic membrane started to be removed, but nothing further. The owner was no longer visiting the site, since around October 2021, which meant that the leisure use was no longer taking place. However, the domestic planting was thriving and had subsequently become overgrown. As at January 2022, there was evidence that further material had been removed but some further work was required for full compliance.

There were three options available to the Local Planning Authority: (1) prosecution for failure to comply with the Enforcement Notice (in its entirety); (2) take direct action and (3) take no further action. The HoP advised that, whilst it would be valid to prosecute, there was currently no leisure use taking place on the site. Therefore, the consideration was whether it would be proportionate to prosecute for the remaining elements of non-compliance, also taking into account the high costs involved. In terms of direct action, the Authority (or an appointed

contractor) would remove the remaining structures, take out the hedging etc. This would not incur particularly high costs and the Authority could (if not recovered immediately) potentially also place a charge on the land so the costs could be recouped if/when the land was sold. Direct action would provide the Authority with certainty that the work would be completed. Furthermore, the threat of direct action might prompt the owner to do the work himself; particularly as some of the structures had a resale value to the landowner, such as the scrap metal. The final option, to take no further action, might be appropriate given there was currently no leisure use taking place and most of the main structures which facilitated the leisure use had been removed. Over a period of time, the site would naturalise. However, consideration should be given as to how this would be perceived as not all of the required works had been carried out. There was the option to issue a Section 215 Notice (“untidy land”) but officers were not convinced this would be an appropriate remedy, in this instance. In conclusion, the HoP advised Members that the recommended option was (2) – quotes could be obtained for clearing the site and once the landowner had been informed of the proposed action, this may well prompt him to carry out the works himself.

In response to a question on whether the difference in costs between a prosecution and direct action was known at this stage, the HoP advised that costs were always a consideration when looking at what action to take. Furthermore, a successful prosecution was just that; the planning breach would still remain. Reference was made to a site within the locality where direct action by the Authority had been successful, following non-compliance with an Enforcement Notice. Contractors had tidied the site (costing approx. £7,000-£8,000) and the landowner had paid the invoice within 30 days. The solicitor advised that the Enforcement Notice would remain until such time it was withdrawn by the Local Planning Authority which meant that if the landowner re-commenced the unauthorised use of the site, action could be taken.

Members concurred that direct action was the most appropriate and expedient way to secure full compliance with the Enforcement Notice.

**Leslie Mogford moved, seconded by Andrée Gee, and it was resolved unanimously to authorise the Head of Planning to investigate fully the costs of direct action to secure full compliance with the Enforcement Notice relating to the authorised change of use to a mixed use of leisure plot and storage on land to the east of North End, Thorpe next Haddiscoe and bring a full report with a recommendation back to members at a subsequent committee meeting.**

Bill Dickson and Steven Bell left the meeting.

## 9. Fleggburgh Neighbourhood Plan – proceeding to referendum

The Planning Policy Officer introduced the report, which sought approval for the Fleggburgh Neighbourhood Plan proceeding to referendum. The Plan had been subject to an independent examination and endorsed, with some changes, for referendum.

Stephen Bolt proposed, seconded by Harry Blathwayt and

**It was resolved unanimously to support the Examiner's report and support the Fleggburgh Neighbourhood Plan proceeding to referendum.**

## 10. Local Plan – bite-size pieces

The Planning Policy Officer (PPO) introduced the report, which provided members with some sections of the emerging draft Issues and Options stage of the Local Plan. These sections covered the topics of marketing and development boundaries, and the Development Boundary Topic Paper, which would form part of the evidence to support the Local Plan for the Broads, was also presented for Members' endorsement.

### Marketing

The PPO advised that the 12 month marketing period in the Marketing Guide had previously been queried by members but, as shown in the report, this was common amongst neighbouring planning authorities. The draft section of the Issues and Options as presented, simply included some other adopted/emerging policies that set timelines for marketing and asked what people thought.

### Development Boundaries

A member referred to the restrictions on further development in Horning, due to issues with water recycling. The PPO advised that surface and river water ended up in the drainage network and then the water recycling centre but the storm tanks were always full, even out of the storm season. Therefore, the issue was one of volume exceeding the permit, and not necessarily quality of the discharge. North Norfolk District Council (and the BA for that part which fell within the executive area) could not grant permission for development in Horning which added to the burden. This included residential moorings and holiday accommodation. Unfortunately, there was no simple solution but work was continuing on how to reduce the volume of water entering the system. There was regular dialogue between NNDC, the Broads Authority, Anglian Water and the Environment Agency and it was hoped that a resolution could be found which would enable some development in the future. It was worth pointing out that Anglian Water had already gone beyond what would reasonably be expected of them to find a solution.

Members' thoughts and comments on the draft sections were noted.

Leslie Mogford proposed, seconded by Andrée Gee and

**It was resolved unanimously to endorse the Development Boundary Topic Paper.**

## 11. Biodiversity Net Gain – consultation

The Planning Policy Officer (PPO) introduced the report, which provided a summary of the Government's consultation on the details of how the Biodiversity Net Gain (BNG) could work. The BNG was introduced in the Environment Act 2021, and was set to become mandatory in

November 2023. It would require developers to demonstrate how they would bring about a minimum 10% increase in biodiversity in order to obtain planning permission for their projects. National Parks England were coordinating a response to the consultation, which had been prepared by the National Parks Ecology Group. Officers were supportive of the response from NPE and, therefore, it was not proposed to provide a response from the Broads Authority but rely on the NPE response. The PPO reported that there were three recently adopted Neighbourhood Plans which brought in bio-diversity net gain early for their areas and so relevant officers would be meeting to discuss how to take that forward once relevant development happened in those areas (within the BA executive area), earlier than the 2023 deadline. Also, it was pleasing to see that Natural England had taken into consideration smaller sites, which was ideal for authorities like the Broads Authority, as if the focus was on larger sites, it was difficult to see how this could be realised for smaller sites.

A member referred to the purchase of biodiversity units and the similarities with carbon credits, and questioned if the potential for perverse incentives could apply to this scheme and also questioned how the credits would be converted into money and then spent in the Broads, eg habitat maintenance, peat preservation etc. The PPO responded that the preference was for on-site net gain but off-site gains could be purchased and delivered locally to the development site. She acknowledged that there was potential for developers to take advantage but it was hoped that there would be sufficient mechanisms in place to try and reduce this. The details had yet to be agreed but potentially a project would be proposed and developers would contribute with the appropriate number of credits. The Head of Planning added that the report referred to the practical, technical and philosophical issues to be addressed; there was concern that where the Broads Authority was to be a recipient site for some of the bio-diversity net gain, but the enhancements should be on site, whilst this would benefit the Broads, it created bio-diversity hotspots and deserts and the whole objective was to improve bio-diversity nationally.

Stephen Bolt proposed, seconded by Harry Blathwayt, and

**It was resolved unanimously to note the report and endorse the nature of the proposed response.**

## 12. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

A member advised that, in terms of the bakery in Ludham, the Business Development Officer at North Norfolk District Council was in contact with the applicant to help find more suitable premises in the area. The Senior Planning Officer added that, if the bakery decided to continue operating at its current site, the Local Planning Authority could take no further action, pending the outcome of the appeal.

### 13. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 21 February to 18 March 2022 and any Tree Preservation Orders confirmed within this period.

### 14. Date of next meeting

The next meeting of the Planning Committee would be on Friday 29 April 2022 at 10.00am.

The meeting ended at 11:34am

Signed by

Chair

## Appendix 1 – Declaration of interests Planning Committee, 01 April 2022

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all members	7.1	Applicant is an employee of the Broads Authority.
Melanie Vigo di Gallidoro on behalf of all members	7.2	Applicant is the Broads Authority.

# Planning Committee

29 April 2022

Agenda item number 7.1

## BA/2021/0248/FUL- Halls Yard, Reedham

Report by Planning Officer

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### Proposal

Redevelopment of the site to provide 3 new residential dwellings, ancillary car parking and landscaping

### Applicant

Broadland Pension Fund Trust

### Recommendation

Refusal

### Reason for referral to committee

Material considerations of significant weight raised by District Councillor

### Application target date

20 September 2021

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## 1. Description of site and proposals

- 1.1. The subject site is on the northern bank of the River Yare in the village of Reedham. Reedham is a small village located within the Broadland District Council area to the west of Great Yarmouth, to the south of Acle and to the north west of Loddon. The village is served by railway lines which run to Norwich, Great Yarmouth and Lowestoft. The road network links to the A47 to the north, and via a ferry across the River Yare to the A146 to the south.
- 1.2. The site is a broadly rectangular plot sited between the River Yare to the south and a road named Riverside to the north. The western side of the site abuts a residential property (No. 25 Riverside). To the east is boatyard known locally as Sandersons Marine Craft.
- 1.3. The road, Riverside, forms the vehicular access and pedestrian access to the site. There is no footway alongside the site boundary and the road is a single lane width with no central lane marking. There is a bus stop on this road in close proximity to the site. On the opposite side of the site (to the west) are residential properties which face towards the river on land which rises up away from the river, behind which are properties located on The Hills.
- 1.4. Historically the subject site, along with the Sandersons site to the east, was a single boatyard used in the construction and repair of wherries and then holiday boats. The

site was then divided into two boatyards referred to as Halls Yard and Sanderson Marine Craft. The Sanderson's Marine Craft business was functioning in the summer of 2021 but has since ceased operations.

- 1.5. Halls Yard is currently a vacant site with its most recent used being as a boatyard. All buildings have been removed due to concerns regarding their structural safety in close proximity to the EA flood wall. The dry dock and flood wall are still present, located to the west of the site in close proximity to the site boundary. Previously the dry dock had been covered by metal roofed boat sheds with ridge heights of 5.19m AOD and 4.96m AOD. This would have been of a similar height to that of the remaining timber building on the Sandersons Marine Craft site.
- 1.6. In 2020 planning permission was granted for development across the two sites comprising the replacement of the existing shed on the Sanderson's site with a larger timber clad building in a similar position, and the erection of 3 linked residential dwellings on the Halls Yard site and associated car parking and landscaping across the site with the replacement of the flood defences (BA/2018/0359/FUL). The residential development was presented as enabling development to fund the works necessary to sustain a modern boatyard business at the Sanderson's site and was granted planning permission on that basis. A planning condition was imposed requiring the submission and agreement of a phasing plan prior to the commencement of the development. The purpose of this was to ensure that the boatyard redevelopment was completed prior to completion and occupation of the houses – i.e. to ensure that the 'enabling development' did 'enable' the boatyard development.
- 1.7. Since the granting of that permission the Sanderson's site has been sold separately and this application relates solely to the Halls Yard site.
- 1.8. This application is for the 3no. dwellings, which were the subject of the 2020 permission. The proposed block of 3-bedroom terraced dwellings is orientated with a rear elevation facing south towards the river with a small first floor balconies, and a north road-facing elevation where the entrance is located. Parking for two vehicles is provided for all properties to the north elevation. The dwellings have a contemporary design and would be in an 'upside down' configuration with main living space on the first floor and bedrooms and bathrooms on the ground floor. To the rear of the property would be an area of decking facing the river.
- 1.9. The dwellings would have a ridge height of 9.1m AOD, which from the existing ground level would be approximately 7.8m tall, and eaves of approximately 4.4m above ground level. The materials would be mid red facing brick, clay pantiles, painted timber windows and zinc standing seam catslide dormers. Each dwelling would have a single catslide dormer and single rooflight in the front and rear roof plane, aside from the central dwelling which would feature an additional rooflight in the northern roof plan to provide light to the stairwell as well as the utility.

- 1.10. The proposal also includes the replacement of the flood defence along part of the application site.
- 1.11. This proposal differs from the 2020 permission in that the boatyard element has been removed and the 1.3m wide footway across the northern boundary of the site is no longer shown. The provision of this could be required by planning condition.

## 2. Site history

- 2.1. In 2020 planning permission was granted for the demolition of a boat shed, erection of a timber clad boat workshop, 3 residential dwellings, car park, flood defence wall and landscaping (BA/2018/0359/FUL).
- 2.2. In 1984, and subsequently in 1989 outline planning permission was granted for the erection of 6 no. houses across the whole of the application site (BA/1989/5020/HISTAP).

## 3. Consultations received

### Parish Council

- 3.1. The Council unanimously voted to object to the planning application for the following reasons:
  - it is outside the development boundary and therefore contrary to the Broads Authority policy DM35;
  - its location makes it susceptible to both pluvial and fluvial flooding;
  - now that the development of the site is no longer linked to the redevelopment of the adjacent Sanderson Marine site it does not fit the Broads Authority spatial strategy SP15;
  - the emerging local plan, GNLP, has identified and met the housing need for Reedham and therefore these dwellings are not required to fulfil Reedham's housing allocation.
  - The Council unanimously resolved to ask Cllr Nurden to request the application be considered by the Broads Authority Planning Committee.

### District Member

- 3.2. I attended the Parish Council meeting earlier this evening and request the following:

This application should only be determined by Broads Authority Planning Committee.

The planning policy/other material planning reasons/comments for requesting the application to be determined by the Broads Authority Planning Committee are as follows:

- it is outside the development boundary and therefore contrary to DM35;

- its location makes it susceptible to both pluvial and fluvial flooding;
- now that the development of the site is no longer linked to the redevelopment of the adjacent Sanderson Marine site it does not fit the BA spatial strategy SP15;
- the emerging local plan, GNLP, has identified and met the housing need for Reedham and therefore these dwellings are not required to fulfil Reedham's housing allocation.

### **Environment Agency**

- 3.3. Thank you for your re-consultation, dated 01 February 2022. We have reviewed the latest documents, as submitted, and have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We refer you to our previous letter, referenced AE/2021/126388/01 and dated 18 August 2021, to which our comments on flood risk remain valid. We have no further comments to make.

### **Norfolk County Council (NCC) Highways**

- 3.4. Thank your recent consultation with respect to the above and I am minded of a similar application (BA/2018/0359/FUL) and, whilst appreciating the earlier application encompassed the adjacent workshop site and that every application should be considered on its own merits, the housing element is fundamentally unchanged.
- 3.5. Accordingly, the proposals include a lack of footway provision to serve the development and link to existing provision: which was secured under that application. The Highway Authority's comments in respect of the footway link are a matter of record.
- 3.6. It is clearly acknowledged that the applicant does not control the same land as with the previous application and therefore the possibility to provide a continuous footway link east of the proposed development may not be possible, However, it has not been demonstrated whether or not even a minimum width footway could be provided. Whilst the LHA commented (on the earlier application) that the original footway proposed fronting the development was isolated, such provision is not even proposed under this application which in its own right is considered a retrograde step; it would at least provide some refuge for pedestrians.
- 3.7. Accordingly, I consider that the plans should be amended to include a footway across the front of the proposed development and that the applicant give further consideration be given to identify whether or not there is sufficient space within the highway corridor to provide a minimal width footway whilst retaining an acceptable carriageway width for two vehicles to pass, in accordance with Manual for Streets.

### **BDC Environmental Quality Team**

- 3.8. I write on behalf of the Environmental Quality Team in reply to your consultation regarding the above planning application. Having reviewed the application documentation, we do not wish to object to this planning application. However, we

would recommend that any approval of this application include the following conditions and notes:

- 3.9. The Phase One desk study or Preliminary Risk Assessment (PRA) is of a good quality and meets with industry best practice and current guidelines.
- 3.10. The report highlights the potential for significant contamination to be present and further investigation into the possibility of contamination and ground gas to be present is required.
- 3.11. As of the time of this response the Environment Agency (EA) have not commented on controlled waters risk from contamination. In the absence of a response, we would advise that any investigations should address the potential risk to both ground water and surface water.
- 3.12. Please note that asbestos containing materials (ACM) and asbestos fibres could also be present in near surface soils from the previous demolition activities that took place. Suitable precautions should be taken during any investigation activities.

#### **Broads Society**

- 3.13. The previous approval for the site (BA/2018/0359/FUL) granted permission for the redevelopment of both this site and the upgrading of the existing Sanderson's Boatyard resulting in new housing development and a modern boatyard facility on 8th April 2020. The previous approval granted by the Broads Authority clearly viewed the housing element of the site as 'enabling' development as demonstrated by the imposition of Condition No. 3 attached to the previous permission, so that improvements to the boatyard facility could be implemented. Although housing on the current application site was considered by the Broads Authority to comply with the policies of the Broads Local Plan, this has to be seen in the context that this was clearly justified as being an enabling tool to gain improvements to the adjacent boatyard site. The loss of the potential improvements to the adjacent boatyard is very regrettable.
- 3.14. The fact that this application now proposes a stand-alone housing development (with no guarantee that the adjacent site will remain as a boatyard or in waterside related employment use) must change the consideration of the residential element of the development. The site itself is clearly outside of any designated development boundary and there is no requirement upon the Broads Authority to provide housing in this location. The need for additional housing in Reedham has been satisfied by existing development and allocations in the adjacent Broadland District Local Plan (Site Allocations DPD - adopted May 2016).
- 3.15. If the Broads Authority agree with the applicant that this is a 'brownfield' site where the previous use has been abandoned and there is little or no chance of the site being used for employment or any community-based use, a preferable alternative would be for the site to provide some form of tourist accommodation. This would provide wider benefits to the local economy in terms of employment and year-round spend on a range of other local services and businesses which would comply with the economic

growth aspirations of the NPPF. This would also comply with Policies DM29 and DM30 of the Broads Local Plan.

- 3.16. For the reasons set out above, therefore, the Society objects to the current application.

### **Norfolk and Suffolk Boating Association**

- 3.17. Thank you for your letter of 28 July 2021 and for reconsulting the NSBA about this application.

- 3.18. The NSBA committee has discussed this revised application and is happy to advise no objection, there being no direct impact on the navigation.

- 3.19. However, The NSBA would like to express the view that it is to be hoped that at least one of the boatyards remaining in Reedham will provide reciprocal arrangements with other Broads boat hire yards and full boatyard facilities for all river users.

### **BA Rivers Engineer**

- 3.20. No information regarding whether there is work being carried out on quay heading. No information on flood wall construction. No information on sealing up boat housing gates.

### **BA Ecologist**

- 3.21. An ecological assessment is needed to identify the potential presence of protected species. The connectivity of the site to the river edge habitats means there is potential for reptiles to be present on this area of apparent waste ground, previously used for storage of boats/equipment/materials. An ecological assessment will need to include assessment for reptiles. If buildings are still present on site, then an assessment will need to be made for the potential for bats prior to demolition. In addition, an ecological assessment should include an assessment of breeding bird potential and potential for water voles behind old quay heading. Any development proposals would also need to include features with benefits for biodiversity. Considerations could include nest boxes for birds, bat boxes or bricks that could be built into the development. We would expect lighting, particularly external lighting or lighting cast towards the river to be kept to a minimum. Native species planting should be included within the design.

### **BA Historic Environment Manager**

- 3.22. The proposal is for three residential units of the same design as those previously granted permission under application no: BA/2018/0359/FUL. The application has removed the Sanderson's boat shed from the application following its sale.
- 3.23. I therefore have no objection to the proposal but would recommend that the conditions for materials previously suggested by my colleague Kayleigh Judson be attached to any permission.

## BA Planning Policy Officer

- 3.24. I believe that the dwellings were permitted as part of the comprehensive re-development of the site and to enable the ongoing survival of the boatyard which is a traditional Broads industry.
- 3.25. Is it the case that the site has been split and sold off? So, one can conclude that the boatyard element is actually viable without these dwellings as someone has bought it? It is not clear what the need for the dwellings is other than as a windfall site to be considered now as a stand-alone scheme. Indeed, the Broads Authority has met and exceeded its housing need.
- 3.26. This therefore seems to be a standalone scheme for 3 market dwellings. I do not see that the site is going to be an exceptions site, nor a rural enterprise dwelling. It does not seem to be holiday accommodation. As such this is contrary to policy as the sites is outside a development boundary (DM35) and does not meet any of the elements set out in SP15.
- 3.27. It is also important to note that whilst the previous scheme was permitted and that included 3 dwellings, it cannot be presumed that the three dwellings are acceptable. The Officer's report is quite clear in that the dwellings were deemed acceptable as part of this scheme as they were linked to improvements elsewhere on the site and rigorous policy tests were applied to enable the dwellings to be permitted. So, the dwellings were permitted as they were linked to the redevelopment and retention of the rest of the site in boatyard use. They are now standalone and do not result in any improvements to the rest of the site and therefore need to be taken on their own merit. There is therefore a policy objection as the scheme is contrary to DM35 and the spatial strategy as set out in SP15.
- 3.28. If the scheme is permitted, even though it is not supported in policy terms, I note that these policies did not form part of the original planning committee report. The requirements will need to be met if a scheme is permitted.

Policy DM2: Water quality and foul drainage - what is the foul water method?

Policy DM4: Water efficiency - dwellings designed to 110 l/h/d

Policy DM7: Open space on land, play space, sports fields and allotments - check Broadland's policy and standards for open space provision

Policy DM9: Climate-smart checklist

Policy DM13: Natural Environment - biodiversity enhancements

Policy DM14: Energy demand and performance - fabric first approach

Policy DM22: Light pollution and dark skies - the site is in dark sky zone 2 and lighting may be included as part of the scheme

Policy DM45: Designing places for healthy lives

## 4. Representations

4.1. Twenty-four responses were received, all objecting to the scheme, raising the following relevant points:

- Property being lived all year round despite it being a holiday (10/12 month) property
- If a boat shed is no longer part of the application then there can be no justification for allowing the housing against policy.
- Detrimental impact on riverside views
- Loss of historic, iconic riverside frontage
- Impact on moorings
- Development outside the designated development area
- Overdevelopment of site
- Would set precedent for overdevelopment
- Possible industrial contamination
- Poorly designed houses
- The modern design and construction do not match the majority of properties in the village
- Dangerous and narrow road with poor visibility
- Impact on pedestrian safety
- Inadequate off-road parking
- Will add to poor parking provision locally
- Historic boat yard should be retained
- Site at risk from flooding
- Alternative sites available in Reedham
- Homes will not be affordable, no benefit to local people
- Although described as 'family homes', built close to the fast-flowing tidal river, they have no gardens or play area.
- Loss of views and ambience for neighbouring residents
- Does not support retention of adjacent boatyard
- Contrary to a number of key Broads Authority planning policies
- Lack of adequate bin storage

- The heritage of boat building and the maintenance of Broads sailing craft will be lost forever.
- Site more beneficial in riverside use
- There is no evidence of any investment in the boatyard, and the site is being marketed for housing development, with very little reference to the commercial opportunity for a new boatshed.
- The village has more than sufficient current and proposed designated housing development areas in much more appropriate locations and there is absolutely no justifiable housing need for this development.
- The only change seems to be that the applicant has been unable to sell the whole site with the existing planning permission for a highly inflated price, which does not reflect the true value of such mixed-use land.
- There is a high risk any new housing will become holiday let's or second homes which doesn't have any benefits for local businesses or people.
- Sewerage in the village has always been troublesome and this would add to it.
- Piling having an effect on not only the properties adjacent to the site, but also affecting the vulnerable bank leading up to the Hills.

## 5. Policies

5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).

5.2. The following policies were used in the determination of the application:

- SP2 - Strategic Flood Risk Policy
- SP5 - Historic Environment
- SP7 - Landscape Character
- SP8 - Getting to the Broads
- SP9 - Rec. Access around the Broads
- SP10 - A prosperous local economy
- SP11 - Waterside sites
- SP15 - Residential development
- DM2 - Water quality and foul drainage - what is the foul water method?
- DM4 - Water efficiency
- DM5 - Development and Flood Risk

- DM6 - Surface water run-off
- DM11 - Heritage Assets
- DM13 - Natural Environment
- DM16 - Development and Landscape
- DM21 - Amenity
- DM23 - Transport, highways and access
- DM25 - New Employment Development
- DM26 - Protecting General Employment
- DM28 - Development on Waterside Sites
- DM33 - Moorings, mooring basins and marinas.
- DM35 - Residential Development within Defined Development Boundary
- DM43 - Design
- DM46 - Safety by the Water

5.3. Other material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Broads Authority - A guide on marketing and viability assessment requirements

## 6. Assessment

6.1. The proposal is for the redevelopment of the Halls boatyard site to provide 3 residential dwelling houses, with landscaping and car parking. The main issues in the determination of this application are the principle of development, in particular the loss of employment land at a waterside site and the fact that these dwellings lie outside of a defined settlement boundary. In addition, the proposal also needs to be considered in terms of the impact of amenity of neighbouring residential properties, design, impact upon the character and appearance of the village and landscape, flood risk, highway safety and the future amenity of residents of the 3 proposed dwellings.

### Principle of change of use

6.2. The principle of development relates to the loss of a boatyard use at a waterside location. The adopted Local Plan for the Broads has policies which seek to protect this type of land use in such locations as the number of waterside areas suitable for boatyard uses is finite. Furthermore, these uses form a part of a network of waterside boat related businesses which have a strong synergy throughout the Broads.

- 6.3. The application proposes a redevelopment of the site and a change of use to residential. Policy SP11 seeks to retain a network of waterside sites in employment and commercial use. Changes from an existing boatyard use are considered under Policies DM28 and DM26. Policy DM28, which applies when considering proposals for a redevelopment of a waterside site which will result in a comprehensive change to the use of the site, requires that it is demonstrated that the existing use is not viable. It states that the site must be marketed to confirm that there is no alternative tenant or purchaser of the site, or interest in the site from other operators and a 12-month marketing period is set as a minimum. Policy DM26 states the retention of the site in an employment use is sequentially preferable, and then community uses should be considered, and, only if these are not required or feasible in this locations, tourism and recreation must be considered. Only where these uses are demonstrated not to be viable, can alternative uses (such as residential development) be considered; these are also subject to meeting criteria (d), (e) and(f) of policy DM26 as well as other local plan policies, specifically housing, design, flood risk, landscape and highways policies in this case.
- 6.4. Marketing of the site has taken place in various forms since 2017, however it must be noted that this was always for the Sanderson Marine Craft and Halls Yard sites together. Most recently the land has been advertised as having planning permission for redevelopment for housing (BA/2018/0359/FUL). The submitted viability assessment reports a lack of interest in the two sites together, but does report that a sale has been agreed for the Sanderson's site as a boatyard business. This sale has since been completed.
- 6.5. Looking at the more recent marketing of the Halls Yard site as a separate site, it is considered that this has not been done as clearly, realistically, or thoroughly as the two sites had been marketed together. A number of points are worth highlighting.
- 6.6. The Halls Yard marketing has emphasised that planning permission has been granted for 3 residential units, however this does not accurately portray the situation as the planning permission is for the reprovision of a boat workshop at the Sanderson's site, with the residential element being enabling development to fund this. Now that Sanderson's site has been separated off (and separately sold), the existing permission on the Halls Yard part of the site could not be autonomously implemented by any landowner because it is reliant on the boatyard element (which is in separate ownership) being completed first. On this basis it is considered that the marketing that has been carried out cannot be considered for the purposes of DM26 or DM28.
- 6.7. It is also considered that the price of the land as marketed was not realistic. The original parcel of land combining Halls Yard and Sanderson's was for sale at £450,000. The Halls Yard alone was then put up for sale at £455,000. Considering that this latest sales proposal was for a significantly smaller site, and without an established ongoing business (at the time of marketing), the increase in price is surprising.

- 6.8. In August 2021 changes were made to the Use Classes Order and this included the creation of a new Class E which covers employment uses. Adopted policy DM26 refers to the categories in the previous Use Classes Order in relation to employment uses, but it is considered appropriate to use the new Class E in any assessment as this better reflects the current position. The uses within the new Class E – which are wider than in the previous employment classes – should be reflected in the marketing for the site.
- 6.9. The above concerns about the marketing were raised with agent and in February 2022 he advised that the site was being re-marketed in accordance with the requirement of Policy DM26, with reference to the BA guide on marketing and viability assessment requirements. The modified marketing approach as proposed is considered acceptable.
- 6.10. It is also noted that the value of the site has been revised downwards from £455,000 to £285,000, however whilst the new price is considered to be more realistic, there are still concerns about how it was calculated. It is noted that no explanation for the revised value has been provided.
- 6.11. At the time of the previous application the site had been offered for sale at a price of £165,000. This price was considered by an independent chartered surveyor as part of the previous scheme who commented that *'the asking price for freehold of £165,000 for this part of the site is in our opinion too high'*. Given that this is now valued at £285,000 it could not be considered as representing a reasonable asking price. It may be that the value has been raised by the potential for residential development, however the 2020 planning permission related to the two sites together and as a result of the separate sale of Sanderson's, the subject site must now be considered on its own merits. As explained at 6.6 above, the site does not benefit from an independent planning permission and the implementation of the residential element of the planning permission for the two sites is now dependent on the actions of a third party. With that in mind, it is considered that the value of £285,000 is not reasonable. The LPA requested that an independent valuation be obtained, and the agent for the application was asked to cover the costs of this, however he declined to cover this cost and as such the valuation is not considered to have been reasonably tested.
- 6.12. The marketing of the site is considered to have commenced on 25th February 2022 and is required to continue for a minimum of 12 months. At the time of writing this report the marketing has been ongoing for less than 2 months. It is therefore considered that the subject site has not been demonstrated as being unviable considering the range of possible uses and the marketing of the site in a way that accurately portrays the existing situation.
- 6.13. The application proposes residential development on employment land, with the employment land being in a waterside location with a boatyard use. For this change of use to be considered acceptable it must be robustly demonstrated that the site is no longer viable for an employment use. These kinds of assessments are fundamental in ensuring that sufficient employment land is retained where there exists demand for employment. The accepted measure for this is through the adequate marketing of a

site at a reasonable price. Without such evidence it is not reasonable to permit the loss of land which is in limited supply, particularly with a water fronting location. The proposed change of use of the boatyard site to residential is therefore considered to be contrary to Policies SP11, DM26 and DM28 of the Local Plan for the Broads, with regard to the Broads Authority guide on marketing and viability assessment requirements.

### **Principle of residential development**

- 6.14. Residential development within the Broads Authority area is assessed against Policy DM35 of the Local Plan for the Broads which states that '*new residential development will only be permitted within defined development boundaries.*' There is not a defined development boundary in Reedham and as such there would be an objection in principle to new residential development in Reedham.

### **Design, landscape, amenity of existing residential properties, and flood risk**

- 6.15. With regard to the proposed 3 residential dwelling houses, these are of the same size, design, and siting as the scheme considered under extant permission BA/2018/0359/FUL. These dwellings were assessed against the current Local Plan and there have been no changes to policy which are relevant to this application, the design of the dwellings, the impact on landscape, the impact on the amenity of neighbouring residents, and flood risk were all considered to be acceptable and in accordance with policy. The acceptability in terms of size, design, and siting of the dwellings, and in terms of the character and appearance of the village and landscape, the amenity of neighbouring residential properties, and flood risk both on and off site therefore remains as previously stated.

### **Amenity of prospective residential properties**

- 6.16. In assessing the previous application, the impact on existing residential amenity was considered acceptable as was the impact of the proposed development at the Sanderson's boatyard site on the proposed residential dwellings. However, whilst there are no changes to the design and siting of the proposed dwellings, and the boatyard business at the adjacent site is existing, the previous scheme afforded a measure of control over the quality of the replacement workshop building through the fact that the developments were linked and this would ensure that any impacts on residential amenity could be addressed.
- 6.17. The current proposal does not include the adjacent Sanderson's site, and therefore any potential impact on residential amenity cannot be reasonably controlled. The existing building is of lightweight construction, certainly not designed with residential neighbours in mind, and retains a reasonably sized outdoor area immediately adjacent to the subject site. Whilst arguments were put forward in the previous application that the building was in a poor state of repair and in need of replacement, there is nothing to ensure that a replacement would be forthcoming. A new site owner may simply choose to make do with the existing building, or provide a similar building without making improvements to how noise is controlled. The applicant has provided no information on the existing building so it is not possible to make a reasonable

assessment or to be satisfied that the proposed residential dwellings will not be adversely impacted by the existing boatyard in relation to noise from the operation of the boatyard, contrary to Policy DM21 of the Local Plan for the Broads and the NPPF.

### Highways and public rights of way

- 6.18. The previous proposal, in incorporating both the Halls Yard and the Sanderson's site, was able to provide a footpath at the northern end of the sites which provided an improvement in terms of highway safety as this section of Riverside does not currently have a footpath. Norfolk County Council (NCC) as Highways Authority have accepted that the current proposal no longer includes the Sanderson's site and as such a full length of footpath can no longer be provided, and the link to the existing footpath adjacent to the river is lost.
- 6.19. The Highways Authority has commented that *'the original footway proposed fronting the development was isolated, such provision is not even proposed under this application which in its own right is considered a retrograde step; it would at least provide some refuge for pedestrians'*. This has been raised with the agent for the application and the provision of the footpath to the north of the subject site is being considered. It is noted that sufficient space exists for the provision of the footpath as the proposed dwellings are in the same location as in the approved scheme. The agent has agreed that the footpath will be provided across the top of the site to the same width as the previously approved scheme and this could be reasonably secured by planning condition.

### Other issues

- 6.20. With regard to the change of use of the site from a boatyard use to a residential use the District Council's Pollution Control Officer has recommended that conditions are attached to a planning approval to require a site Contamination Survey and Assessment.
- 6.21. Reedham and the site is within the catchment for mains sewerage and the agent has confirmed that the development would be connected to the mains sewerage system. This overcomes the EA's concerns about this detail and is therefore in accordance with Policy DM2 (Foul Water and Drainage) of the Local Plan for the Broads.

## 7. Conclusion

- 7.1. The existing site has an employment use and in order for a change of use to be acceptable it is necessary to submit de a viability assessment. The marketing of the site has not been sufficiently robust or thorough as to satisfy the Local Planning Authority that there is no demand for the existing use, or an alternative industrial or commercial use and that the site is unviable. The proposal is therefore contrary to Policies SP11, DM26 and DM28 of the Local Plan for the Broads, with regard to the Broads Authority guide on marketing and viability assessment requirements.

- 7.2. The proposed development would provide residential housing adjacent to an existing boatyard site, but no assessment of the existing workshop building at that site has been provided and the application therefore fails to reasonably demonstrate that the proposed residential dwellings will not be adversely impacted by the existing boatyard in relation to noise from the operation of the boatyard, contrary to Policy DM21 of the Local Plan for the Broads and the NPPF.

## **8. Recommendation**

- 8.1. That planning permission be refused.

## **9. Reason for recommendation**

- 9.1. The proposal is considered to be contrary Policies SP11, DM21, DM26, and DM28 of the Local Plan for the Broads and the National Planning Policy Framework (2021) which is a material consideration in the determination of this application.

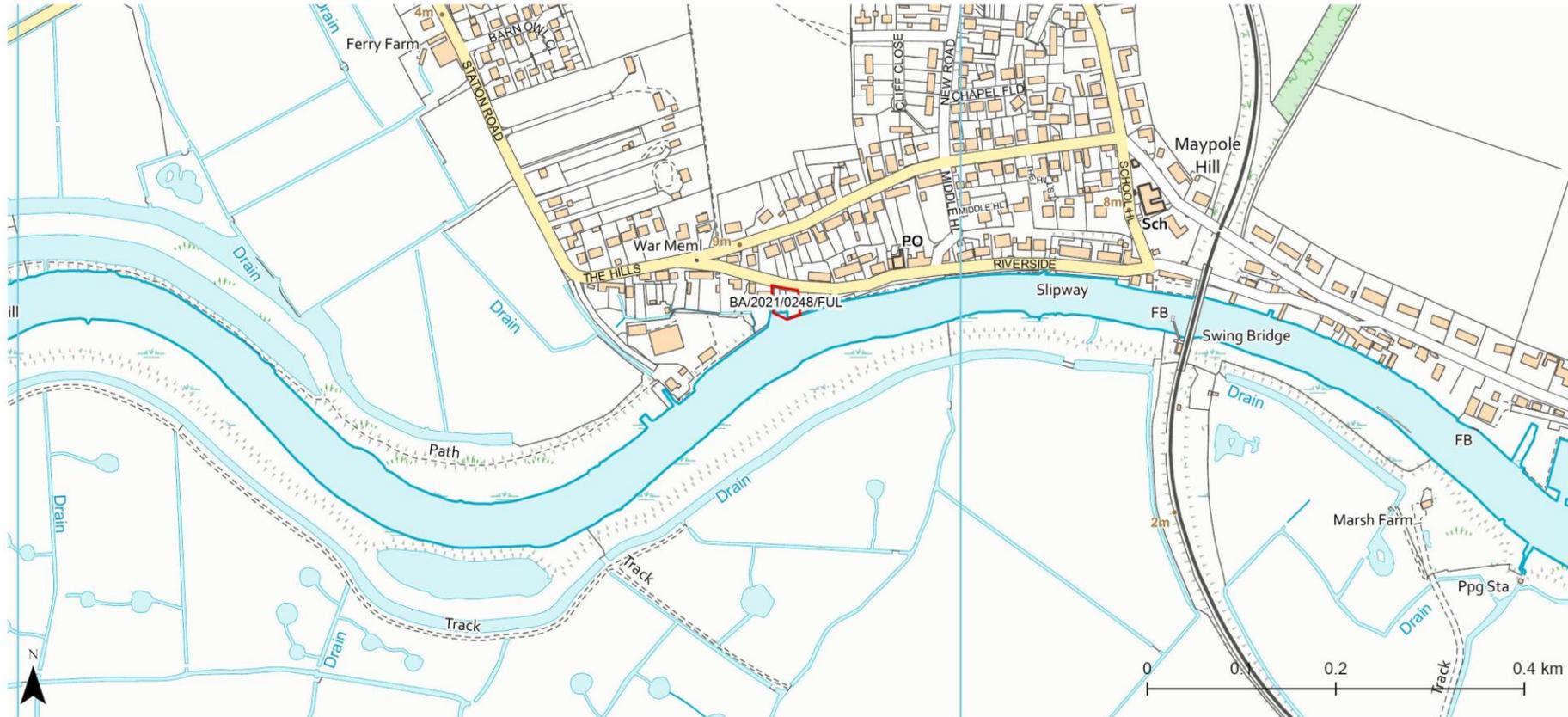
Author: Nigel Catherall

Date of report: 13 April 2022

Background papers: BA/2021/0248/FUL

Appendix 1 – Location map

## Appendix 1 – Location map



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# Planning Committee

29 April 2022

Agenda item number 8

## Governance- amendment to Scheme of Delegation to include enforcement matters

Report by Head of Planning

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### Summary

The need to clarify the position regarding the handling of enforcement matters has come to light. An amendment to the Scheme of Delegated Powers is proposed to address this.

### Recommendation

To endorse the draft changes to the planning section of the Scheme of Delegated Powers and recommend it to the Broads Authority for approval.

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## 1. Introduction

- 1.1. In 2021 the Broads Authority reviewed its scheme of powers delegated to officers as a [document](#) entitled “Scheme of Powers delegated to Chief Executive and other authorised officers”. This was approved at full Authority on 19 March 2021.
- 1.2. The revised scheme has been implemented following its adoption.

## 2. Proposed change in the scheme of delegation

- 2.1. There is a provision in section (37)(ix) of the scheme of delegation, common to many Local Planning Authorities, to require that where any Authority member or Authority officer is involved in a planning application then that application must be determined at Planning Committee. The purpose of this provision is to ensure transparency and probity of decision-taking.
- 2.2. It has become apparent that there is no equivalent provision relating to enforcement matters where either a member of the Authority or officer is involved. This omission could result in there being a perception of favourable treatment being shown, either around the process followed, or the decision taken, particularly where an enforcement matter is not pursued. The former can be addressed by strict adherence to the processes in the adopted Enforcement Plan, however the latter is harder to explain as enforcement cases are typically not publicised (in the way a planning application would be) and the files are kept confidential. There is therefore no ready mechanism by which a third party can see how any decision was reached.

- 2.3. It would be beneficial to address this omission and the following wording is considered to be appropriate:

*“The determination of enforcement cases is considered to fall within the delegation scheme and will be undertaken by officers, unless any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in the case.”*

- 2.4. It is proposed to include this new section at paragraph 46, and re-number the following sections of the document accordingly.

### **3. Risk implications**

- 3.1. There is a risk that without this amendment there may be a perception of impropriety and the consequent reputational damage. It is in the public interest for the Broads Authority as a local planning authority to have effective delegation arrangements in place.

Author: Cally Smith

Date of report: 13 April 2022

# Planning Committee

29 April 2022

Agenda item number 9

## Enforcement update

Report by Head of Planning

### Summary

This table shows the monthly updates on enforcement matters. The financial implications of pursuing individual cases are reported on a site by site basis.

### Recommendation

To note the report.

Committee date	Location	Infringement	Action taken and current situation
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> <li>• Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so.</li> <li>• Site being monitored. October 2018 to February 2019.</li> <li>• Planning Contravention Notices served 1 March 2019.</li> <li>• Site being monitored 14 August 2019.</li> <li>• Further caravan on-site 16 September 2019.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Site being monitored 3 July 2020.</li> <li>• Complaints received. Site to be visited on 29 October 2020.</li> <li>• Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020.</li> <li>• Incomplete response to PCN received on 10 December. Landowner to be given additional response period.</li> <li>• Authority given to commence prosecution proceedings 5 February 2021.</li> <li>• Solicitor instructed 17 February 2021.</li> <li>• Hearing date in Norwich Magistrates Court 12 May 2021.</li> <li>• Summons issued 29 April 2021.</li> <li>• Adjournment requested by landowner on 4 May and refused by Court on 11 May.</li> <li>• Adjournment granted at Hearing on 12 May.</li> <li>• Revised Hearing date of 9 June 2021.</li> <li>• Operator pleaded 'not guilty' at Hearing on 9 June. Trial scheduled for 20 September at Great Yarmouth Magistrates Court.</li> <li>• Legal advice received in respect of new information. Prosecution withdrawn and new PCNs served on 7 September 2021.</li> <li>• Further information requested following scant PCN response and confirmation subsequently received that caravans 1 and 3 occupied on Assured Shorthold Tenancies. 27 October 2021</li> <li>• Verbal update to be provided on 3 December 2021</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Enforcement Notices served 30 November, with date of effect of 29 December 2021. Compliance period of 3 months for cessation of unauthorised residential use and 4 months to clear the site. 16 December 2021</li> <li>• Site to be visited after 29 March to check compliance – 23 March 2022</li> <li>• <b>Site visited 4 April and caravans appear to be occupied. Further PCNs served on 8 April to obtain clarification. There is a further caravan on site. 11 April 2022</b></li> </ul>
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers’ site.	<ul style="list-style-type: none"> <li>• Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action.</li> <li>• Correspondence with solicitor on behalf of landowner 20 November 2019.</li> <li>• Correspondence with planning agent 3 December 2019.</li> <li>• Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020.</li> <li>• Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020.</li> <li>• Appeal start date 17 August 2020.</li> <li>• Hearing scheduled 9 February 2021.</li> <li>• Hearing cancelled. Rescheduled to 20 July 2021.</li> <li>• Hearing completed 20 July and Inspector’s decision awaited.</li> <li>• Appeal dismissed with minor variations to Enforcement Notice. Deadline for cessation of caravan use of 12 February 2022 and 12 August 2022 for</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<p>non-traveller and traveller units respectively, plus 12 October 2022 to clear site of units and hardstanding. 12 Aug 21</p> <ul style="list-style-type: none"> <li>• Retrospective application submitted on 6 December 2021.</li> <li>• Application turned away. 16 December 2021</li> <li>• Site visited 7 March 2022. Of non-traveller caravans, 2 have been removed off site, and occupancy status unclear of 3 remaining so investigations underway.</li> <li>• Further retrospective application submitted and turned away 17 March 2022</li> <li>• <b>Further information on occupation requested. 11 April 2022</b></li> </ul>
4 December 2020	Land to east of North End, Thorpe next Haddiscoe	Unauthorised change of use to mixed use of a leisure plot and storage.	<ul style="list-style-type: none"> <li>• Authority given for the service of Enforcement Notices.</li> <li>• Section 330 Notices served 8 December 2020.</li> <li>• Enforcement Notice served 12 January 2021 with compliance date 12 February 2021.</li> <li>• March 2021 - Some clearance commenced. Three month compliance period.</li> <li>• Site to be checked for progress. April 2021</li> <li>• Progress being monitored. May 2021</li> <li>• Site not cleared by deadline. Operator given a further period. June 2021</li> <li>• Negotiations underway. July 2021</li> <li>• Further clearance, but incomplete. 25 August 2021</li> <li>• Further clearance. Inspection needed. 22 September 2021</li> <li>• Landowner given to end of year to complete clearance. 22 October 2021</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Further material removed, but some work required for compliance. Correspondence with landowner. 17 January 2022</li> <li>• File review underway. 7 February 2022</li> <li>• Verbal update and recommendation to be provided at meeting.</li> <li>• <b>Direct action authorised. 1 April 2022.</b></li> <li>• <b>Discussions with contractors underway. 11 April 2022</b></li> </ul>
8 January 2021	Land east of Brograve Mill, Coast Road, Waxham	Unauthorised excavation of scrape	<ul style="list-style-type: none"> <li>• Authority given for the service of Enforcement Notices.</li> <li>• Enforcement Notice served 29 January 2021.</li> <li>• Appeal against Enforcement Notice received 18 February 2021.</li> <li>• Documents submitted and Inspector's decision awaited. September 2021</li> </ul>

Author: Cally Smith

Date of report: 13 April 2022

# Planning Committee

29 April 2022

Agenda item number 10

## Nutrient Neutrality

Report by Planning Policy Officer

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### Summary

Part of the Broads has been identified as having issues relating to pollution from phosphates and nitrates. Natural England wrote to us (and the other affected Local Planning Authorities) advising of this issue and providing guidance. The issue relates to new overnight accommodation and therefore any such schemes within the catchment affected cannot be permitted currently. We are working with Norfolk Local Planning Authorities to fully understand the way forward with this issue.

### Recommendation

That the report be noted.

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## 1. Introduction

- 1.1. On 16 March 2022 the Broads Authority and around 40 other Local Planning Authorities in England, received a [letter from Natural England](#) on the issue of Nutrient Neutrality. This letter set out Natural England's advice for development proposals that have the potential to affect water quality in such a way that adverse nutrient impacts on designated habitats sites cannot be ruled out. This letter provided advice on the assessment of new plans and projects under Regulation 63 of the Habitats Regulations.

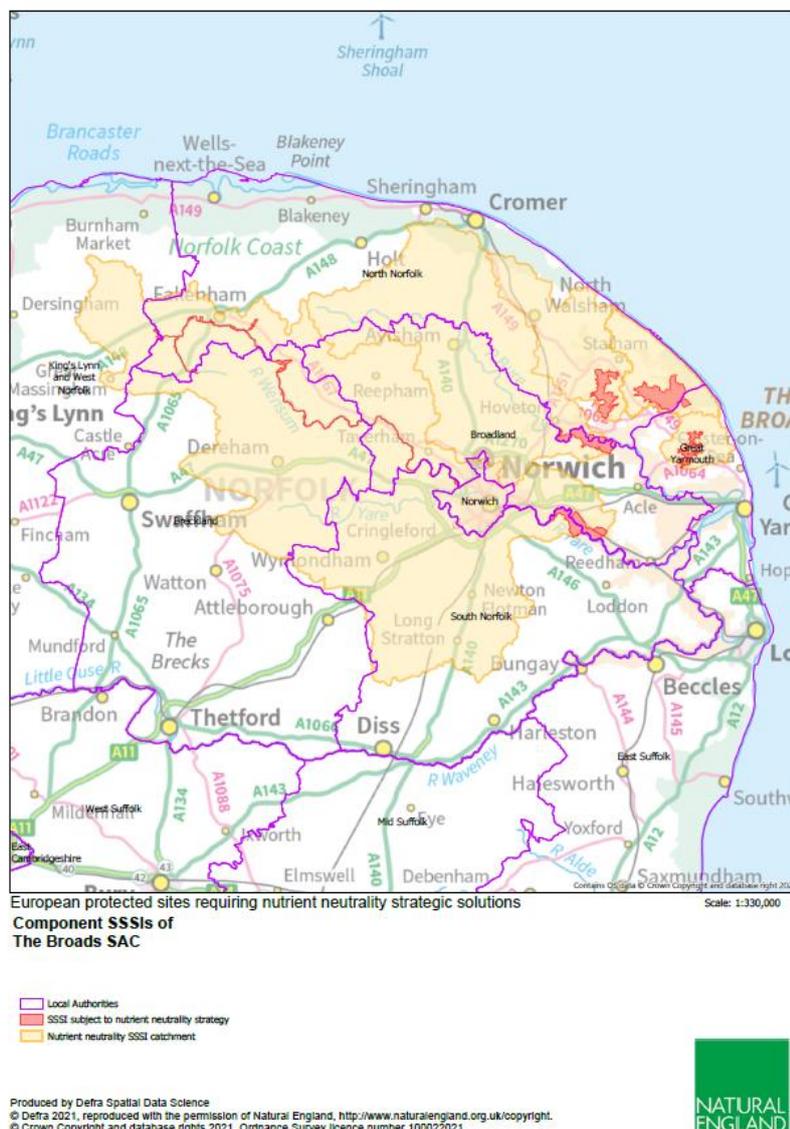
The purpose of that assessment is to avoid adverse effects occurring on habitats sites as a result of the nutrients released by those plans and projects.

## 2. What is the issue?

- 2.1. In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being assessed as being in ‘unfavourable condition’.

## 3. What area does this apply to?

- 3.1. The area relevant to the Broads and to which this advice applies is shown on the map below. We are working with Natural England to thoroughly understand whether there are also areas/sites outside of the catchment where Nutrient Neutrality is an issue.



## 4. What is nutrient neutrality?

- 4.1. To achieve improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are in an unfavourable condition due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm.
- 4.2. Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify the mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.
- 4.3. Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites.
- 4.4. It covers all types of overnight accommodation including new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted development (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.5. The Nutrient Neutrality Methodology is a generic methodology which is applied nationally and can be used for all affected catchments and sites. The methodology can be used for both phosphorus and nitrogen. It provides a framework and a set of agreed “input values” to enable a nutrient budget to be determined for any development draining into a habitats site. These values are based on updated information and evidence; Natural England considers that they are suitably precautionary and will address impacts in perpetuity to remove risks to site integrity beyond reasonable scientific doubt. The nutrient budget calculated should form part of the Appropriate Assessment (AA) of any HRA produced to address nutrient impacts on affected habitats sites.

## 5. Nutrient neutrality elsewhere, prior to this letter

- 5.1. The main area where nutrient neutrality was originally found to be a solution to an issue was in the Solent. The mitigation here involves developers buying land from farmers and using it to ‘offset’ the nutrients arising from their proposed development.
- 5.2. Along with schemes brought forward by the Hampshire and Isle of Wight Wildlife Trust, there are also several other schemes available to mitigate the impact of nutrients for development. A list of potential mitigation schemes can be found [here](#).
- 5.3. In addition to securing funding to facilitate the availability of suitable mitigation sites, PfSH (Partnership for South Hampshire) have also employed a Strategic Environmental Planning Officer (SEPO) whose primary objective is to provide a strategic response to the issue of nutrient neutrality across the impacted areas of the Solent. As well as

providing a single point of contact to the development industry and landowners who may be able to offer mitigation solutions, the SEPO also monitors the supply and demand relating to nutrient neutrality mitigation and engages with stakeholders to facilitate mitigation schemes coming forward to satisfy demand. A key part of the current work of the SEPO is to promote consistency between local planning authorities regarding the legal process required to secure mitigation through the Planning Process.

- 5.4. A case study providing more information on development of both a wetland scheme and woodland planting scheme can be found here. [Nutrient Neutrality Case Study \(Meon Valley\)](#)
- 5.5. Related links with more information:
  - [Nutrient Mitigation - Partnership for South Hampshire \(push.gov.uk\)](#)
  - [Potential mitigation schemes available to developers - Partnership for South Hampshire \(push.gov.uk\)](#)
  - [A route to nitrate neutrality for the Solent | Hampshire and Isle of Wight Wildlife Trust \(hiwwt.org.uk\)](#)

## 6. What are we doing about this?

- 6.1. Planning permission for the development types set out in 4.4, that are within the catchment shown at Section 3, cannot be granted.
- 6.2. Since receipt of the Natural England letter the Local Planning Authorities in Norfolk have been meeting regularly to discuss this and these meetings have taken place at officer and member level. All Norfolk Local Planning Authorities are working together well on this and there is liaison with Natural England.
- 6.3. At the Broads Authority we have been researching how the LPAs in the Solent area have been addressing this issue. Two National Parks are already undertaking Nutrient Neutrality (South Downs and New Forest) and they have provided advice and thoughts to us and other National Parks affected. This information has been shared locally.
- 6.4. We have placed text on the [planning pages of the website](#), like the other Norfolk Local Planning Authorities, explaining the situation.
- 6.5. One of the areas where better information is needed relates to whether sites or areas outside of the catchment need to apply nutrient neutrality because the wastewater from those sites or areas goes to a Water Recycling Centre within the catchment. The reverse may also apply in that there may be some sites or areas within the catchment where nutrient neutrality does not apply because their waste water goes to a Water Recycling Centre outside of the catchment.
- 6.6. There is funding available from Government to appoint a specialist officer to research and advise on the requirements and the Norfolk Local Planning Authorities are pursuing

this, as well as preparing a Brief for specialist support on the development of a mitigation strategy.

- 6.7. The Planning Advisory Service is providing training sessions on this issue for affected Local Planning Authorities.

## **7. Financial implications**

- 7.1. The Government has allocated £100,000 to each catchment area affected. There are two catchments in Norfolk and these are the River Wensum and parts of the Broads; the Norfolk Local Planning Authorities have requested £200,000. This money will be used to employ specialist staff to research, advise and assist with implementing nutrient neutrality.
- 7.2. In terms of impact on development, using the Solent example set out in this report, there will be a cost born by developers who are likely to need to buy credits to mitigate the impact of the development that they propose.

Author: Natalie Beal

Date of report: 13 April 2022

# Planning Committee

29 April 2022

Agenda item number 11

## Nature recovery Green Paper: protected sites and species

Report by Planning Policy Officer

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### Summary

The Nature Recovery Green Paper outlines some key remaining areas where change is required to meet the Government's nature recovery ambition. In particular, it seeks to do this by proposing changes to EU derived domestic legislation to ensure that the new framework works as intended.

### Recommendation

Report for information only.

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### 1. Introduction

- 1.1. Following our departure from the EU, the UK Government has set out a new framework of environmental targets under the [Environment Act 2021](#) (the Environment Act). This includes an ambitious target on species abundance, with the objective to halt the decline in nature by 2030.
- 1.2. Two further Acts of Parliament create the powers to help deliver these ambitions. The [Fisheries Act 2020](#) created a new system of sustainability objectives and the powers to manage our marine resources. The [Agriculture Act 2020](#) creates the powers needed to change the way we support farmers and enhance the farmed landscape.

- 1.3. The [Sustainable Farming Incentive](#) will incentivise interventions that promote soil health and biodiversity, sensitive hedgerow management and Integrated Pest Management.
- 1.4. [Local Nature Recovery](#) will support interventions that make space for nature within the farmed landscape creating species rich grassland, planting trees around field boundaries, creating ponds and other water features and other habitats. And [Landscape Recovery](#) will support more ambitious projects leading to land use change, such as new woodland creation and peatland restoration.
- 1.5. The Nature Recovery Green Paper outlines some key remaining areas where change is required to meet the Government's nature recovery ambition. In particular, it seeks to do this by proposing changes to EU derived domestic legislation to ensure that the new framework we have established works as intended.
- 1.6. The Green Paper can be found here: [Nature Recovery Green Paper Consultation Protected Sites and Species.pdf \(defra.gov.uk\)](#)
- 1.7. The consultation period for this Green Paper runs for 8 weeks from 16 March until 11 May 2022.

## 2. What the Green Paper says

- 2.1. A Green Paper usually presents a range of ideas and is meant to invite interested individuals or organisations to contribute views and information. It may be followed by a White Paper, which is an official set of proposals which it is proposed to develop into legislation.
- 2.2. The main chapters of the Green Paper are:
  - chapter 3: 'Protecting wildlife sites - on land and at sea' considers whether there are effective designations and systems of management and protection in place to deliver nature recovery and address the drivers of nature decline;
  - chapter 4: 'Delivering 30 by 30' sets out how it is intended to achieve the commitment to protect 30% of land and sea by 2030 and ensure it delivers for nature recovery;
  - chapter 5: 'Protecting Species' sets out proposals to modernise wildlife legislation to support more effective protection and recovery of England's wildlife;
  - chapter 6: 'Delivering nature recovery' considers key elements of delivery necessary to achieve the nature recovery ambitions, including financing and a review into how to bring coherence to the functions of nature regulators.

2.3. The following is taken from the Green Paper, to provide a very brief summary.

2.3.1. A new consolidated approach

- a) Terrestrial sites: considering the concept of ‘highly protected’ and ‘protected’ terrestrial sites. These new designations could replace existing SSSIs, SACs and SPAs, and ensure we meet or go further than our international obligations require, such as, for Ramsar sites.
- b) Marine sites: the range of marine designation types can cause confusion. As with the terrestrial network, there may be benefits to consolidating designations and we want to explore this.
- c) How we designate sites: The intention is to have one consistent decision-making process as part of a rationalised site protection system
- d) Nature recovery sites: taking forward the implementation of a Nature Recovery Network with willing landowners using a range of public and private financial incentives including the Landscape Recovery and Local Nature Recovery Schemes, Biodiversity Net Gain (BNG), and the Nature for Climate Fund.
- e) Recognising alternative forms of nature recovery on land: Providing renewed flexibility in what areas could be designated in the system, and in the prescriptive requirements once designated, could help further protections for areas that have particularly significant value for nature recovery.

2.3.2. Site management and protection – promoting scientific judgement

- a) The old EU directives such as the Habitats Directive had good intentions, but their interpretation has often led to high levels of legal uncertainty which can be corrosive to good governance.
- b) The lack of certainty for decision makers about the level and type of evidence required, as well as the precise meaning of some generic terms such as ‘plans’ and ‘projects’, has led to those concerns. This, in turn, has led to a risk averse situation where decision makers and statutory nature conservation bodies are preoccupied with litigation risks on activities which are subject to the full Habitats Regulations Assessment (HRA) process.
- c) Therefore, the UK Government wants to fundamentally change the way the assessments under Habitats Regulations work to create clearer expectations of the required evidence base at an early stage, for example, building on the concept of a site improvement plan. 16 of 42 The approach should focus on the threats and pressures both on and off the site that, when addressed, will make the greatest difference to the site and help drive nature recovery whilst enabling truly sustainable development – addressing challenging issues such as nutrient neutrality and marine development.

### 2.3.3. Assessment and consents

- a) In 2021, the Secretary of State appointed a working group, chaired by Lord Benyon, to explore options to improve the HRA whilst maintaining or enhancing the level of protection.
- b) The group has concluded some key areas for further exploration:
  - i. a single reformed assessment process which complements proposals for simplified designations.
  - ii. a reformed decision-making framework aimed at making the process clearer and more certain.
  - iii. a more strategic approach to mitigation of existing and new pressures on protected sites.
- c) The summary can be found here: [Background Doc 1 HRA Review Working Group Summary of Findings.pdf \(defra.gov.uk\)](#)

### 2.3.4. Addressing the legacy impact of dormant SSSI consents

- a) One particular issue with the existing system for regulating non-conservation activities is that many SSSI consents issued in the past by Natural England's predecessor bodies permitting certain land management activities might, if exercised, cause damage or deterioration to some protected sites.

### 2.3.5. Management of protected sites

- a) The current purpose of the HRA and SSSI consenting process is to stop protected sites deteriorating as a result of the impact of new activities. We want a future protection process which can also support the management of the site and nature recovery.

### 2.3.6. The Habitats Regulations: the power to amend the general duties

- a) The Environment Act confers on the Secretary of State a regulation making power to amend the 'general duty' under Regulation 9 to better deliver our domestic and international biodiversity goals within the framework of the Environment Act including the UK Government's ambitious targets for nature. It allows for the refocusing of Regulation 9 duties towards our domestic framework supporting delivery of our biodiversity priorities, without reducing the level of environmental protection provided.

### 2.3.7. Management at sea

- a) This legislation together manages development in MPAs, ensuring effects on MPAs are considered prior to authorising them. We are interested in exploring whether these processes can deliver improved outcomes for the MPA network and better support our objective of protecting important marine habitats and species, while

supporting Government objectives to deliver the infrastructure necessary to reach Net Zero.

#### 2.3.8. Environmental Impact Assessments (EIA)

- a) the Government is committed to reforming both Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes. This will require primary legislation, and the development of a new framework of regulations across the many existing Government EIA regimes that ensures environmental considerations are embedded effectively in decision making at the earliest possible stage.

#### 2.3.9. Establishing priority areas for woodland creation

- a) One option, to ease this administrative burden for those wishing to undertake afforestation projects, is for the Forestry Commission to undertake an Afforestation Strategic Assessment – a landscape scale scoping project that assesses the relevant features likely to be affected by afforestation in order to establish preferred low risk areas for afforestation.

#### 2.3.10. Delivering 30 by 30

- a) The UK Government committed to protect 30% of land and sea in the UK by 2030 (30 by 30), ahead of signing the international Leader's Pledge for Nature in 2020
- b) Areas contributing to 30 by 30 must:
  - i. have a clear purpose of conserving biodiversity (although this may not be their primary purpose)
  - ii. have long-term protection and/or management in place that works against adverse pressures on the area's biodiversity objectives, or actively results in improved outcomes for biodiversity
  - iii. deliver the appropriate and necessary biodiversity outcomes. These will be measurable, monitored and can be used to assess the ongoing improvement in these areas.

#### 2.3.11. Other Effective Area-Based Conservation Measures

- a) We also want to explore how land that is delivering for biodiversity outside of our designated protected areas can play a role in contributing to our 30 by 30 target, where they meet our framework criteria.

#### 2.3.12. Preserving the nation's public forests for biodiversity

- a) We are proposing to strengthen our commitment to ensure no net loss in the size of the nation's forests to secure these valuable habitats for future generations.

#### 2.3.13. Protecting species

- a) We have the opportunity to support nature recovery through producing modern and cohesive legislation on protected sites and species, tailored to British biodiversity. We want to make wildlife protection and management clearer, less complex, and more responsive to new evidence and environmental change.

#### 2.3.14. Consolidation and rationalisation

- a) Species are protected by overlapping pieces of legislation, which in some cases offer different level of protection.
- b) Simplifying and improving consistency in licensing will help ensure that species protection legislation works for people as well as wildlife.
- c) rationalise and simplify the enforcement tools available to the police or inspectors to investigate wildlife crime.
- d) Minimum penalties should be harmonised across all wildlife provisions to ensure the protection of all species and should be comparable to those recently introduced for animal welfare offences.

#### 2.3.15. Tiered approach to species protection

- a) A tiered approach to protecting wild animal species would provide clarity and bring a coherence with protected sites reform.
- b) Our proposed framework for protection has 3 categories: Tier 1 - Minimum management standards. Protections that we may offer in this category are welfare protection for wild animals. Tier 2 – Protected Tier. This would be similar to the protections in the Wildlife and Countryside Act 1981. Tier 3 - Highly protected. This would be similar to the protections provided for in Part 3 of the Habitats Regulations (Protection of species).

#### 2.3.16. Delivering nature recovery

- a) The importance of accountability
- b) The best way to deliver for our environment is to have a legal framework of long-term statutory targets and then a government that has the powers needed to deliver those targets, freed from the distractions that have held back progress in recent decades.

#### 2.3.17. The right bodies to support our ambitions

- a) We want to develop an operating model that delivers our outcomes, applies consistent and clear regulation, is simple for customers to navigate, and where bodies work together to take integrated approaches to tackle environmental challenges.

### 2.3.18. Cost recovery for public bodies

#### a) Options we are considering include:

- i. a 'fee for intervention' similar to that used by the Health & Safety Executive, so that where someone is in material breach of environmental law, they would have to pay for the time it takes the regulators to identify and remediate the breach;
- ii. reviewing the environmental permitting regulations and the marine licensing framework to ensure scope and cost remain fit for purpose;
- iii. simpler and more regular reviews of charging schemes to ensure fees are appropriate and up to date, ensuring all environmental regulators and public bodies are able to recover their costs for providing advice on permit / licence determinations.

### 2.3.19. Financing nature recovery

- a) Government has set an ambitious new target to raise at least £500 million in private finance to support nature's recovery every year by 2027 in England, rising to more than £1 billion by 2030. Government is committed to building clear, long-term policy frameworks to help stimulate and guide these investments.

## 3. Commentary

- 3.1. The Green Paper proposes further ways of tackling impacts on biodiversity. Many of these proposals are relevant to the Broads Authority as a whole. Some specific proposals are particularly relevant to planning.
- 3.2. The proposals to consolidate sites and the proposals to alter the HRA process will be of great relevance to the Local Plan and indeed determining planning applications. When commissioning the consultants to undertake the HRA of the Local Plan for the Broads, the potential for changes to the HRA process were part of the tender. Officers at the Broads and indeed the consultants commissioned to undertake the HRA for the Local Plan will keep informed of the changes. Considering the Local Plan will take a few years to produce, it may be that earlier versions are assessed under the existing regime, with later stages assessed under any new regime.
- 3.3. Similarly, the reference to changes to Environmental Impact Assessments (needed by some projects) and Strategic Environmental Assessments (needed for Neighbourhood Plans and Local Plans (through Sustainability Appraisals)) will be of relevance to many parts of the planning process. Again, we will keep informed of these changes and implement as required.

## 4. Consultation response

- 4.1. Similar to the consultation on Biodiversity Net Gain consultation, there is no proposed Broads Authority response. Instead, National Parks England are drafting a response, led by the Ecology Group (which has Ecologists from all the National Parks and The Broads).

Author: Natalie Beal

Date of report: 13 April 2022

# Planning Committee

29 April 2022

Agenda item number 12

## Oulton Neighbourhood Plan- Agreeing to Consult- REG16

Report by Planning Policy Officer

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### Summary

This report introduces the Oulton Neighbourhood Plan REG16 version.

### Recommendation

To endorse the REG16 Oulton Neighbourhood Plan for consultation.

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## 1. Introduction

- 1.1. The Oulton Neighbourhood Plan is ready for consultation. The Plan says: ‘The Neighbourhood Plan will be a document that sets out planning policies for the Parish and these will be used, alongside those two local plans, to decide whether planning applications are approved or not. It’s a community document, that’s written by local people who know and love the area.’
- 1.2. This report seeks agreement for public consultation to go ahead. It should be noted that the Broads Authority is a key stakeholder and is able to comment on the Plan. It is likely that a report with these comments will come to the next Planning Committee for endorsement.
- 1.3. Please note that we are waiting on a map of Local Green Spaces from East Suffolk Council. To meet report deadlines, the current documents have been uploaded for this Planning Committee. The documents that are put out for consultation will have the map in.

## 2. Consultation process

- 2.1. East Suffolk Council will write to or email those on their contact database about the consultation. The Broads Authority will also notify other stakeholders who may not be on the Council’s consultee list. The final details for consultation are to be clarified, but the document will be out for consultation for at least 6 weeks.

### 3. Next steps

- 3.1. Once the consultation ends, comments will be collated and the Parish Council may wish to submit the Plan for assessment. The Parish Council, with the assistance of East Suffolk Council and the Broads Authority, will choose an Examiner. Examination tends to be by written representations. The Examiner may require changes to the Plan.
- 3.2. As and when the assessment stage is finished, a referendum is required to give local approval to the Plan.

Author: Natalie Beal

Date of report: 14 April 2022

The following appendices are available to view on the [Broads Authority website](#)

Appendix 1: Oulton NP Submission Version

Appendix 2: Oulton NP Design Codes

Appendix 3: Oulton NP Consultation Statement

Appendix 4: Oulton NP Heritage Assessment

Appendix 5: Oulton NP Local Green Space Assessment

Appendix 6: Oulton NP Statement of Basic Conditions

Appendix 7: Oulton NP Views Assessment

# Planning Committee

29 April 2022

Agenda item number 13

## Local Plan- Issues and Options Bite Size Pieces- April

Report by Planning Policy Officer

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### Summary

The review of the Local Plan for the Broads is underway. This report introduces some sections of the emerging draft Issues and Options stage of the Local Plan. These sections cover the topics of Nitrate Neutrality, Biodiversity Net Gain and Recreation Avoidance Mitigation Strategy.

### Recommendation

Members' thoughts and comments on the draft sections are requested.

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## 1. Introduction

- 1.1. The review of the Local Plan for the Broads is underway. The first document produced as part of the review of the Local Plan will be an Issues and Options consultation. As well as advertising that we are reviewing the Local Plan, this stage identifies some issues and related options and seeks comments. Responses will inform the subsequent stages of the Local Plan.
- 1.2. This report introduces bite size pieces of the Issues and Options. Members will of course be presented with the final draft version of the Issues and Options to endorse it for consultation at a later Planning Committee.
- 1.3. The bite size pieces are attached as appendices to this report. Members' views on these reports/draft sections of the Issues and Options are welcomed.

Author: Natalie Beal

Date of report: 01 April 2022

Appendix 1: Nitrate Neutrality, Biodiversity Net Gain and Recreation Avoidance Mitigation Strategy – section of the Issues and Options.



## Local Plan for the Broads - Review

### Issues and options bitesize pieces

April 2022

#### **Biodiversity Net Gain, Nitrate Neutrality and Recreation Avoidance Mitigation Strategy**

The following is one of the draft sections of the Issues and Options. It relates to Biodiversity Net Gain, Nitrate Neutrality and Recreation Avoidance Mitigation Strategy. Members' thoughts are welcomed as we finalise this section of the Issues and Options.

#### **1. Introduction**

Over the last few months, three issues/schemes/requirements have been introduced. The three schemes relate to habitats and biodiversity. The three schemes are discussed below.

#### **2. Biodiversity Net Gain (BNG)**

##### 2.1. About BNG

The BNG requirement was introduced in the [Environment Act](#), which was passed November 2021, and is set to become mandatory in November 2023.

This is a requirement that is set nationally.

It will require developers to demonstrate how they will bring about a minimum 10% increase in biodiversity in order to obtain planning permission for their projects. Under the Act, the necessary habitat enhancement will be paid for by the developer and must be guaranteed to endure for 30 years.

During the start of 2022, there was a [public consultation](#), run by the Government, on the details of how BNG can work, as well as any exemptions.

We will keep informed of progress on BNG as the process becomes more formalised. In the meantime, some Neighbourhood Plans introduce a requirement for BNG for their Neighbourhood Area, and the Authority will work on implementing the policy requirement

### **3. Recreation Avoidance Mitigation Strategy (RAMS)**

#### 3.1. About RAMS

New development can impact on protected wildlife sites in many ways. One such way is through the impact of recreational activities. Evidence indicates that new development in Norfolk is likely to affect the integrity of protected sites in Norfolk. In parts of Suffolk, evidence also indicates that development is likely to affect the integrity of protected sites on the Suffolk Coast. The payment of a tariff by applicants would enable the funding of measures to help mitigate impacts of recreational activities arising from development.

#### 3.2. Suffolk RAMS

The requirements of Suffolk Coast RAMS apply to all new residential developments where there is a net increase in dwelling numbers. This includes, for example, the conversion of houses into smaller flats, or the change of use of other buildings to dwellings. It also includes new tourist accommodation. It excludes replacement dwellings and extensions to existing dwellings (where there is no net gain in dwelling numbers). The tariff, at the time of writing, for the area in which the Broads falls is £321.22. Much more background information can be found here: <https://www.eastsuffolk.gov.uk/planning/developer-contributions/rams/>

#### 3.3. Norfolk RAMS

The following schemes in Norfolk are part of the Norfolk RAMS scheme and will need to pay the tariff:

- new dwellings of 1+ units (but excludes replacement dwellings and extensions),
- Housing in multiple Occupancy (HMO),
- student accommodation,
- residential care homes and residential institutions,
- tourist accommodation including caravan sites, camping and glamping, and
- Gypsies, travellers and travelling show people plots.

Residential moorings are also included, as well as tourist accommodation on recommended rate of 'per six bed-space ratio' of the tariff.

The tariff, at the time of writing, is around £185. This will be index linked and increase with inflation.

## **4. Nitrate Neutrality**

### **4.1. The issue**

In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being in 'unfavourable condition'. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm.

In light of this serious nutrient issue, Natural England has recently reviewed its advice on the impact of nutrients on habitats sites which are already in unfavourable condition. Natural England is now advising that there is a risk of significant effects in more cases where habitats sites are in unfavourable condition due to exceeded nutrient thresholds. More plans and projects are therefore likely to proceed to appropriate assessment.

### **4.2. Nitrate Neutrality**

Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.

Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites and we have provided guidance and tools to enable you to do this.

The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system.

### **4.3. What development does this relate to?**

It covers all types of overnight accommodation including new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted

development8 (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 20159.

We are working with other Norfolk Local Planning Authorities on how to address this issue.

**Do you have any comments or thoughts on these three issues/schemes/requirements?**

# Heritage Asset Review Group

## Notes of the meeting held on 25 March 2022

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4.	Any other business	4
5.	Date of next meeting	4

### Present

Chair - Harry Blathwayt, Andrée Gee, and Melanie Vigo di Gallidoro

### In attendance

Andrew Farrell – Programme Manager Water Mills and Marshes, Kayleigh Judson – Heritage Planning Officer, Kate Knights – Historic Environment Manager, Sarah Mullarney – Governance Officer

## 1. Notes of HARG meeting held on 17 December 2021

The notes of the meeting held on 17 December 2021 were received. These had been submitted to the Planning Committee on 4 February 2022.

## 2. Water Mills and Marshes update

The Water Mills and Marshes (WMM) Programme Manager gave an update presentation to the group on the activities.

Working with Norfolk County Council, day schools had restarted. This included sessions on reading historic churches in the Broads with Tim Holt-Wilson, which had been well attended. There had also been a series of walks in Norwich City centre, led by local historian and geologist Matt Williams. The focus of the walks was on historic flooding in the city, specifically

the 1912 flood. More activities are to be arranged this year to coincide with the anniversary of the flood.

Work on landscape history was completed last autumn with Masters and PhD students from the UEA. It was also reported that volunteers had been able to meet for the aerial perspectives project. Further events have been held with the community archaeological training programme. Volunteers have been trained on using total station, dumpy level and lining level drawing techniques.

The Aerial Perspectives Broads Hidden Heritage project has commenced with 6 training events. Volunteers were issued with a 1km square map of the Broads to mark up the features; these will be digitised and added to the heritage GIS system.

Historic tide maps are being digitised as part of the Understanding Marshes project, and uploaded to the Historic Environment Record (HER) for Norfolk County Council (NCC). The Understanding Marshes project also included work with Tom Williamson on updating the general history of the Broads.

The Programme Manager discussed the WMM partnership work with the Royal National Institute of Blind People (RNIB), to increase accessible information in the Broads for visually impaired people. A fully tactile map has been installed at Whitlingham. Vision Norfolk, a Norfolk based charity, have been supporting groups of people visiting the area for the first time. It was also reported that a grant had been awarded from the Tarmac Landfill Community Fund to repave the area.

A grant from NCC's EXPERIENCE project will fund work for the Broads Mill trail. This includes interactive digital material, and the installation of furniture along the access trail. WMM is also working with Greater Anglia Community Rail to encourage more people to visit the local heritage landscape and the Wherry Line stations, using the Rangers and Rovers tickets.

WMM are sponsoring the From Sails to Blades exhibition at the Museum of the Broads, which explores how wind power has shaped the Broads landscape. WMM, in collaboration with the University of Nottingham, have provided an interactive 3D augmented reality map of Halvergate for the exhibition. The exhibition is expected to open in April until October 2022.

The group suggested the next Heritage Asset Review Group be held at the Museum of the Broads for all members to view the exhibition. **Arrangements for the next meeting to be confirmed. Officers to inform members.**

**The Chair thanked the WMM Programme Manager for the presentation and the update was noted.**

Andrew Farrell left the meeting.

### 3. Historic Environment Team progress report – December 2021 to March 2022

The Historic Environment Manager and the Heritage Planning Officer presented the report providing an update on progress with key items of work by the Historic Environment Team between the end of 17 December 2021 and 25 March 2022.

#### Conservation Area review

It was reported that the Bungay Conservation Area appraisal was adopted at the 4 March Planning Committee meeting. The Historic Environment Manager and Heritage Planning Officer are currently working on the Halvergate and Tunstall Conservation Area review; public consultation is expected to commence in the autumn.

#### Heritage skills

City College students have been back on site with bricklaying and decorating students working at Muttons Mills twice a week. The group were updated on a visit to the international Boatbuilding Training College in Lowestoft. The college had diversified into mill work and recently built a cap for a mill in Cambridgeshire. The Historic Environment Manager and Heritage Planning Officer plan to visit the mill as the owner intends to generate electricity from the mill.

#### Land of the windmills

The Water Mills and Marshes team were pleased to be nominated for the National Constructing Excellence awards and to have the programme work recognised.

Work at Muttons Mill is ongoing and progressing well, including replacement of eroded brickwork as a result of close contact with the working scoop wheel. It was reported that the trainee joiner had injured his leg and would be unable to work for a month. The team were reviewing the impact this had on the programme.

#### Clippesby Mill

The Heritage Planning Officer discussed the application for Clippesby Mill, a grade 2 listed mill, that had been determined under delegated powers. The group were shown pictures of the exterior and interior of the mill and pumphouse. The proposal intended to extend the pumphouse significantly with a two-storey extension, containing a dwelling. Machinery has been retained in the pumphouse, and it is intended to open this as an exhibition space to visitors with displays of the history and restoration of the site. The mill will become an annex to the pumphouse dwelling and restored externally, including the installation of the sails, fan cradle, fan tail and scoop wheel. It was concluded that the application was approved subject to conditions under section 106, which prevents the mill from being sold separate to the pumphouse, and secures the overall restoration work.

The group welcomed the restoration and praised the proposed public access to the mill.

**The report was noted.**

#### 4. Any other business

None

#### 5. Date of next meeting

The next HARG meeting would be held on **Friday 17 June 2022, at 10am.**

The meeting ended at 10:50am

Signed by

Chair

# Planning Committee

29 April 2022

Agenda item number 15

## Appeals to the Secretary of State update

Report by Senior Planning Officer

### Summary

This report sets out the position regarding appeals against the Authority.

### Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
<b>APP/E9505/C/21/3269284</b> BA/2017/0035/UNAUP3	Mr Henry Harvey	Appeal received by BA on 18 February 2021  Start date 26 April 2021	Land East Of Brograve Mill Coast Road Waxham	Appeal against Enforcement Notice	Committee Decision 8 January 2021  LPA Statement submitted 7 June 2021

<b>Application reference number</b>	<b>Applicant</b>	<b>Start date of appeal</b>	<b>Location</b>	<b>Nature of appeal/ description of development</b>	<b>Decision and dates</b>
<b>APP/E9505/C/21/3276150</b> BA/2020/0453/FUL	Mr & Mrs Thompson	Appeal received by BA on 31 May 2021  Start date 25 October 2021	Ye Olde Saddlery The Street Neatishead	Appeal against refusal of planning permission: Change of use of outbuilding to cafe (Class E(b)) & pizza takeaway (Sui Generis)	Appeal Allowed 31 March 2022
<b>APP/E9505/W/22/3291736</b> BA/2021/0244/FUL	Messrs T.A. Graham	Appeal received by BA on 31 January 2022	The Shrublands, Grays Road, Burgh St Peter	Appeal against refusal of planning permission: Proposed retention of timber tepee structure and use as glamping accommodation as farm diversification scheme.	Awaiting start date
<b>APP/E9505/W/22/3291822</b>	Mr P Young	Appeal received by BA on 1 February 2022	Marshmans Cottage Main Road A1064 Billockby Fleggburgh	Appeal against refusal of planning permission: Revised width of building and change use of loft space, variation of conditions 2 and 7 of permission BA/2020/0083/HOUSEH	Awaiting start date

<b>Application reference number</b>	<b>Applicant</b>	<b>Start date of appeal</b>	<b>Location</b>	<b>Nature of appeal/ description of development</b>	<b>Decision and dates</b>
<b>APP/E9505/W/22/3292073</b> BA/2021/0263/OUT	Mr M Gladwell & Mr R Remblance	Appeal received by the BA on 3 February 2022	Land Adjacent To And To The North West Of The Cottage Low Road, Shipmeadow, Suffolk	Appeal against refusal of planning permission: Outline Planning Application for 1no. dwelling including means of access.	Awaiting start date
<b>APP/E9505/W/22/3292450</b> BA/2021/0239/FUL	Mr Gavin Church	Appeal received by the BA on 9 February 2022	Priory Cottage St. Marys Road, Aldeby	Appeal against the refusal of planning permission: Use of land for siting 4 No. Bell Tents and 4 No. wash sheds with compostable toilets (retrospective)	Awaiting start date
<b>APP/E9505/W/22/3294205</b> BA/2021/0211/FUL	Mr Alan Gepp	Appeal received by the BA on 8 March 2022	Broadgate, Horsefen Road, Ludham	Appeal against the refusal of planning permission: Change of use to dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension.	Awaiting start date.

<b>Application reference number</b>	<b>Applicant</b>	<b>Start date of appeal</b>	<b>Location</b>	<b>Nature of appeal/ description of development</b>	<b>Decision and dates</b>
<b>APP/E9505/W/22/3295628</b> BA/2022/0022/FUL	Mr Matthew Hales	Appeal received by the BA 28 March 2022	Clean & Coat Ltd, 54B Yarmouth Road Thorpe St Andrew	Appeal against Condition 4, imposed on planning permission BA/2022/0022/FUL	Awaiting start date

Author: Cheryl Peel

Date of report: 13 April 2022

Background papers: BA appeal and application files

# Planning Committee

29 April 2022

Agenda item number 16

## Decisions made by officers under delegated powers

Report by Senior Planning Officer

### Summary

This report sets out the delegated decisions made by officers on planning applications from 21 March 2022 to 15 April 2022 and Tree Preservation Orders confirmed within this period.

### Recommendation

To note the report.

Parish	Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council	BA/2022/0030/HOUSEH	Shoals Cottage The Shoal Irstead NR12 8XS	Mr & Mrs B Parks	House extension	Approve Subject to Conditions
Beccles Town Council	BA/2022/0014/HOUSEH	The Moorings Northgate Beccles NR34 9AS	Mr Ian Chater	Attached timber cart lodge	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Beccles Town Council	BA/2021/0295/FUL	Morrisons George Westwood Way Beccles Suffolk NR34 9EJ	Trilogy (Leamington Spa) Ltd	Coffee Shop with Drive Thru Facility	Refuse
Belaugh Parish Meeting	BA/2022/0065/HOUSEH	8 Hill Piece Belaugh Norwich Norfolk NR12 8UZ	Mr & Mrs Johnson	Replacement Rear Extension	Approve Subject to Conditions
Bungay Town Council	BA/2021/0495/HOUSEH	40 Bridge Street Bungay Suffolk NR35 1HD	Ms Charlott Brown	Single storey rear extension	Approve Subject to Conditions
Bungay Town Council	BA/2021/0499/LBC	40 Bridge Street Bungay Suffolk NR35 1HD	Ms Charlott Brown	Single storey rear extension	Approve Subject to Conditions
Burgh Castle Parish Council	BA/2022/0004/FUL	Crows Farm High Road Burgh Castle NR31 9QN	Mrs Greiner	Conversion of existing building to residential dwelling for farm worker accommodation	Refuse
Dilham Parish Council	BA/2022/0090/NONMAT	Marshfield 1 The Street Dilham Norfolk NR28 9PS	Mr Chris Elmes	Change the garage opening infill element from facing brickwork to render panel to match existing render panel, non-material amendment to permission BA/2021/0323/HOUSEH	Approve

Parish	Application	Site	Applicant	Proposal	Decision
Ditchingham Parish Council	BA/2022/0049/APPCON	8 Alma Cottages Pirnow Street Ditchingham Norfolk NR35 2RT	Mr & Mrs Paul Forder	Details of Conditions 3: external materials, and 4: access of permission BA/2021/0195/FUL	Approve
Filby Parish Council	BA/2022/0087/HOUSEH	The Hollies Thrigby Road Filby Norfolk NR29 3HJ	Mrs Jessica Coker	Proposed ground floor extension with new first floor bedroom extension. New dormer window to front elevation	Approve Subject to Conditions
Geldeston Parish Council	BA/2022/0061/HOUSEH	The Hollies 26 Station Road Geldeston Norfolk NR34 0HS	Mr Mark Turner	First floor extension over existing single-storey element and further two-storey extension to the side	Approve Subject to Conditions
Mettingham Parish Council	BA/2022/0036/FUL	Green Valley Farm Low Road Mettingham NR35 1TP	Mr Raven	Erection of lean-to off existing store	Approve Subject to Conditions
Norton Subcourse Parish Council	BA/2021/0160/FUL	The Farmery Low Road Norton Subcourse Norfolk NR14 6SD	Ms & Mr M & D Rose & Coulson	Conversion of barn and outbuildings to annex accommodation.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Norwich	BA/2022/0080/APPCON	District Heating Boiler House Barnards Yard Norwich Norfolk	Mr K Cox	Details of Condition 3: Archaeological scheme of investigation of permission BA/2021/0343/FUL	Approve
Oulton Broad Parish Council	BA/2022/0078/COND	Broadview Caravan Park Marsh Road Lowestoft Suffolk NR33 9JY	Mr Paul Spriggins	Allow year-round holiday use, variation of condition 3 and removal of condition 4 of permission BA/2017/0185/FUL	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2022/0070/ADV	The Commodore 15 Commodore Road Lowestoft Suffolk NR32 3NE	Mr Jack Robson	Replacement signs	Approve Subject to Conditions
Reedham Parish Council	BA/2022/0048/FUL	Nelsons Cottage 38B Riverside Reedham Norwich NR13 3TE	c/o Agent	Retrospective Change of Use to domestic curtilage and erection of a close boarded timber 6ft boundary fence.	Approve Subject to Conditions
Somerton Parish Council	BA/2022/0024/HOUSEH	Home Farm House Horsey Road West Somerton Somerton NR29 4DW	Mr Roy Durrant	Replacement septic tank	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Thorpe St Andrew Town Council	BA/2021/0505/LBC	The River Garden 36 Yarmouth Road Thorpe St Andrew Norwich NR7 0EQ	Mr Andy Beetham	Erection of illuminated and non-illuminated signs to the exterior of the building	Approve Subject to Conditions
Thorpe St Andrew Town Council	BA/2022/0022/FUL	Clean & Coat Ltd 54B Yarmouth Road Thorpe St Andrew Norwich NR7 0HE	Mr Matthew Hales	Retention of buildings, canopy and hardstanding for use in association with car wash and conservatory sales and use of buildings for offices available to rent (10 desks).	Approve Subject to Conditions
Thorpe St Andrew Town Council	BA/2022/0074/APPCON	39 Thorpe Hall Close Thorpe St Andrew Norwich Norfolk NR7 0TH	Mr Shah	Details of Conditions 4: cycle parking , and 5: enclosed bin store of permission BA/2021/0255/FUL	Approve
Thorpe St Andrew Town Council	BA/2021/0507/ADV	The River Garden 36 Yarmouth Road Thorpe St Andrew Norwich NR7 0EQ	Mr Andy Beetham	Erection of illuminated and non-illuminated signs to the exterior of the building.	Approve Subject to Conditions

Author: Cheryl Peel

Date of report: 19 April 2022