

Planning Committee

AGENDA

Friday 22 July 2016

10.00am

- | | Page |
|--|--------|
| 1. Appointment of Chairman and Vice-Chairman | |
| 2. To receive apologies for absence and introductions | |
| 3. To receive declarations of interest | |
| 4. To receive and confirm the minutes of the previous meeting held on 24 June 2016 (herewith) | 4 – 15 |
| 5. Points of information arising from the minutes | |
| 6. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

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

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9. To consider applications for planning permission including matters for consideration of enforcement of planning control:	
BA/2016/0176/FUL Land north of East End Farm, East End Lane, Aldeby	16 – 25
BA/2016/0213/FUL The Bridge Restaurant, Norwich Road, Wroxham	26 – 37
BA/2016/0170/COND Heron Cottage, Ferry Road, Horning	38 – 44
10. Enforcement of Planning Control: Enforcement Items for Consideration: Burgh St Peter: Waveney Inn and River Centre Report by Head of Planning (herewith)	45 – 73
11. Planning Committee Procedures – Protocol for the Submission of Additional Information for Consideration by Members and Officers Report by Director of Planning and Resources (herewith)	74 – 77
12. Broads Local Plan (July) Bite Size Pieces Report by Planning Policy Officer (herewith) <i>Including:</i> <i>Appendix A: Draft Vision for the Broads</i> <i>Appendix B: Boat Wash Down facilities</i> <i>Appendix C: Excavated Material</i> <i>Appendix D: Utilities Infrastructure</i> <i>Appendix E: Sports Venues</i> <i>Appendix F: Residential Annexes</i> <i>Appendix G: Visitor and Community facilities and services and Stalham Staithe</i> <i>Appendix H: Local Infrastructure report 2016</i>	78 – 114
13. Consultation Documents Update and Proposed Responses Report by Planning Policy Officer (herewith)	115 – 118
MATTERS FOR INFORMATION	
14. Enforcement Update Report by Head of Planning (herewith)	119 – 125
15. Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	126 – 127
16. Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	128 – 131

17. **Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications**
Report by Head of Planning (herewith)
18. **To note the date of the next meeting – Friday 19 August 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich**

Broads Authority

Planning Committee

Minutes of the meeting held on 24 June 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard
Prof J Burgess
Mr N Dixon
Ms G Harris

Mrs L Hempsall
Mr P Rice
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 13/10 – 13/11)
Mr S Bell – for the Solicitor
Mrs S A Beckett – Administrative Officer (Governance)
Mr David Harris – Solicitor and Monitoring Officer
Mr G Papworth – Planning Assistant (Minute 13/1 – 13/8)
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0176/FUL Land north of East End Farm, Aldeby

Mr Tim Wright	Chairman Aldeby Parish Council
Mr Ben Watts	Objector
Ms Jenny Bailey	Applicant

13/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

He welcomed and introduced Mr Haydn Thirtle who had been newly appointed to the Broads Authority by Great Yarmouth Borough Council as well as Mr Bill Dickson as a new Secretary of State appointee.

No Apologies were received.

13/2 Declarations of Interest

The Chairman declared an interest on behalf of all members in relation to Agenda item 9 concerning Waveney River Centre as the owner was a member of the Authority's Navigation Committee.

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. They explained that they had received a number of emails in relation to the applications and the

enforcement matters on the agenda. Given the late arrival of some of these, not all members had been able to give them due attention.

13/3 Minutes: 27 May 2016

The minutes of the meeting held on 27 May 2016 were agreed as a correct record and signed by the Chairman.

13/4 Points of Information Arising from the Minutes

No further points of information were reported.

13/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

13/6 Chairman's Announcements and Introduction to Public Speaking

- (1) A member of the public indicated that he intended to record the proceedings.
- (2) **RTPI Planning Conference for Councillors** – to be held in Suffolk Coastal District Council Offices in Woodbridge, Suffolk on Friday 15 July 2016 entitled "Current Planning Issues and Good Practice" This would be useful for all members of the Planning Committee. Anyone interested, and available, was asked to inform the Administrative officer as soon as possible. It was clarified that there was a fee for this conference. Unfortunately the Waste Disposal Workshop was in the morning of the same day.
- (3) **Site Visit for Application BA/2016/0191/FUL Hickling Enhancements**
The Chairman stated that the Planning Committee site visit date to view the proposals for enhancements to Hickling Broad was now confirmed as 18 August 2016 at 2.00pm prior to the application being considered by the Planning Committee on 19 August 2016. The site visit was to apprise members of the area and the issues involved, particularly as it was the Authority's own application.
- (4) **Public Speaking**
The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

13/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received. The Chairman stated at this point that, in respect of item 13/9(1) Ferry Inn, Ferry Inn,

Horning, the Authority had received a planning application for the Ferry Inn at Horning which was capable of validation and therefore officers had requested that the item be deferred as it would not be expedient to take further action with a decision on a planning application pending. He was intending to agree this and defer the item.

A member commented that an email had been received regarding Waveney River Centre with a request that the matter be deferred and therefore should this not be considered as an urgent item? The Chairman commented that he did not consider it required to be treated as urgent, as the item was on the agenda and could be dealt with in the usual way.

The Chairman stated that he intended to vary the order of business to take all Enforcement items first including Item 13 Enforcement Update, which included Thorpe Island, before dealing with planning applications and the Broads Local Plan.

The Enforcement items 13/9 and 13/13 were considered at this point

13/8 Applications for Planning Permission

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

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

- (1) **BA/2016/0176/FUL Land north of East End Farm, East End Lane, Aldeby**
Change of use of land to equestrian. New Stables, feed shed, dog run, ménage, fencing and landscaping.
Applicant: Miss Jennifer Bailey

The Planning Assistant explained that the application was before the Committee as it had been called in by the District Member due to the potential landscape impact of the development, in particular the cumulative effects of such developments both in and adjacent to the Broads Authority area.

The Planning Assistant provided a detailed presentation of the application for the change of use of agricultural land to equestrian involving the location of new stables in the south west part of the site along the southern boundary, with the feed shed and dog run to the west and east elevations of the stable block, and a ménage to the east of the stable block. The application also included fencing and landscaping. He addressed the main issues in the determination of the

application concerning design, impact on landscape, ecology, highways and amenity.

The Planning Assistant concluded that the proposed development was of an appropriate design which would not have any detrimental impact on the local highway network. The proposed landscaping scheme was considered to provide a buffer to the site and ensure that the proposed development would not have a detrimental impact on, or result in the loss of, significant landscape heritage with views from the river protected. The proposed biodiversity enhancements would protect the biodiversity value of the land. It was acknowledged that the nature of the development was likely to result in a marginal increase in traffic movements to the site but the proposal took account of highways advice and would be in accordance with it. With regard to amenity and concerns over noise, it was proposed that the generator to back up the solar powered source of electricity would be housed in a soundproof box within one of the outbuildings and, given that the distance to the nearest neighbour was over 100 metres, it was considered that there would not be any adverse impact on adjacent properties. Therefore the application was recommended for approval subject to conditions including permission being for personal use only as well as those suggested by Highways and additional conditions to those stated within the report relating to materials to be agreed by the Planning Authority, hours of operation of the generator and details on lighting.

It was noted that since the report had been written, further comments had been received from a neighbour Mr Ben Watts, details of which had been circulated to Members.

Mr Tim Wright on behalf of Aldeby Parish Council commented that the application raised several concerns which he outlined. Being in a remote location there was concern that by its very nature the proposed use would cause nuisance and inconvenience. He explained that the gravel tip cited on the plans displayed was now a rich flower meadow and the waste tip site would soon be closing to return the area to being quiet and tranquil. There was considerable concern about the impact on the landscape, the lighting from the ménage, particularly in the winter months before any landscaping scheme was established; Highway access, delivery lorries turning; noise from the site especially that made by the generator and also from the use of the dog run; and pollution from animals and flies from faeces', especially with no running water available on site. It was considered that the proposed plans were ill considered for the protected area of the Broads National Park and could set a precedent for the entire area with no regard to the ESA and Ramsar site nearby.

Mr Ben Watts referred to the correspondence and information he had requested to be circulated to members. This included an email from the previous Planning Officer, Mr Fergus Bootman, in 2014 which referred to the potential detrimental landscape impacts that could be associated

with such a change of use from agriculture to equestrian use and that without the introduction of further landscaping, such an application would not be supported. Mr Watts considered that there had been no changes within the last 2 years which might alter this view. He considered the application was erroneous as the field for the proposed use was in a protected landscape of the Broads National Park. Noise and lighting was of particular concern, permission could set a precedent and construction of a ménage was out of line with policy. If planning permission was given he expressed the fear that another three or four sites would be developed for such purposes in this part of the valley. He considered that the Authority should value the land as a buffer and if encroached upon it would be lost forever.

Members acknowledged the concerns raised by the parish council and local residents relating to the impacts on the landscape, potential noise and impact on amenity, potential light pollution as well as concern about the potential siting of the generator and whether it would be fully sound proofed. They needed to be satisfied that the landscape impact had been properly considered. They did not feel they had sufficient understanding of the site to assess the concerns or the impact of the use on the landscape and therefore determine the application at this stage. Members considered that a site visit would be beneficial.

Nigel Dixon proposed, seconded by Paul Rice and it was

RESOLVED unanimously

that the application be deferred for a site visit on a date to be determined in order to assess the potential landscape impacts of the proposal.

13/9 Enforcement Items for consideration

(1) Ferry Inn, Ferry Inn, Horning

The Authority had received a planning application for the Ferry Inn at Horning which was capable of validation and therefore officers had requested that the item be deferred as it would not be expedient to take further action with a decision on a planning application pending.

RESOLVED

that this item be deferred.

(2) Waveney Inn and River Centre

A letter had been received from Mr James Knight's solicitor requesting that the report before Members be withdrawn or deferred on the basis that there appeared to be inconsistencies and inaccuracies within the

report that required addressing and for the Head of Planning to address these. The Chairman stated that the advice from the Authority's solicitor was that the Committee should be in a position to exercise its own judgement and the points could be addressed by the officer verbally. The matter was before the Committee as the landowner was a member of the Navigation Committee and the issues would still need to be considered by the Committee at some stage. It was not an application but related to enforcement matters.

A member expressed concern that as there were two legal views before the Committee, which appeared to provide differing interpretations, he was not comfortable with making a decision without all aspects of Mr Knight's Solicitor's letter being considered and answered fully.

In light of the fact that the emails and letter from Mr Knight's solicitor had come at such a late stage and some members had stated that they had not been able to give them full consideration, Mrs Hempsall proposed that the item be deferred. This was seconded by Mr Rice.

On being put to the vote,

RESOLVED by 6 votes in favour and 2 against

that the report on the Enforcement items for Consideration relating to the Waveney River Centre be deferred to enable officers to advise members in respect of the concerns expressed in the letter from the landowner's solicitor and to enable Members to be fully apprised of all the information.

(3) **Eagles Nest, Ferry Road, Horning: Unauthorised use of boathouse as holiday accommodation**

In order to be consistent with the decision on the previous item, particularly concerning the late arrival of correspondence received from the landowner, it was

RESOLVED by 7 votes to 1

that consideration of the report concerning potential breaches of planning control be deferred.

(4) **No1 and 2, Manor Farm House, Manor Road , Ashby with Oby**

The Committee received a report concerning unauthorised works to a Grade II listed Building that had been the subject of a listed building enforcement. Members noted the report.

RESOLVED

that the report be noted ,including the proposed action of continuing discussions with the applicant to maintain momentum with agreed programme of work.

13/8 and 9 General Procedures and Protocol on receipt of information prior to Committee

Members noted that there were procedures in place concerning receipt of additional information in relation to planning applications in accordance with the Code of Conduct and these needed to be adhered to if members are to have sufficient time to consider all relevant information. Members agreed that this should be expanded to include Enforcement matters to ensure that no additional papers or information was provided after a cut off day eg: three days before the Meeting when the item was to be considered. In addition, any correspondence sent to Members of the Authority must be copied to officers in order that professional advice could be provided. A failure to follow this procedure may result in items in the future either being deferred or for late information to be discounted.

RESOLVED

that protocols for dealing with information provided to the Committee in the week before the meeting be reviewed and tightened.

The Application for Planning Permission Item 13/8 was dealt with at this point

13/10 Broads Local Plan – (June) Bite Size Pieces

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

- Appendix A – Amenity
- Appendix B – Open Space at Ditchingham Maltings
- Appendix C – Horning Private Open Space
- Appendix D – Rail Stations
- Appendix E – Future Recreation routes and Recreation Car Parking Areas
- Appendix F – Proposed Amendments to first tranche of Site specifics policies

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

With regard to the Open Spaces, Members were concerned that the management arrangements for these needed to be very clear especially where there were uncertainties over policies for open spaces and community assets currently being adopted by the Local Planning Authorities. The Head of

Planning explained that the arrangements for the open space for Ditchingham Maltings were very detailed within the Section 106 Agreement relating to the original planning permission, which involved the setting up of a management company to take on the responsibility once the developer had passed this on.

Members welcomed the specific policies being developed. The proposed changes within the Site Specific Policies indicated as track changes were also welcomed.

It was noted that none of the proposed amendments would be in place until the Local Plan was adopted. Therefore any planning applications would be judged against the adopted 2014 Site Specifics Local Plan and not the amended policies until the new policies were adopted.

The Authority was waiting for the regulations in association with the Housing and Planning Act 2016 to be published before it could assess how it would affect the Authority's policies. Once received, Officers would review the policies accordingly.

RESOLVED

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

13/11 Sustainability Appraisal Objectives: Focussed Consultation Responses

The Committee received a report on the consultation feedback received on the Sustainability Appraisal.

RESOLVED

that the following amended Sustainability Appraisal Objectives are adopted and used:

- ENV10: To achieve the highest quality of design that is innovative, imaginative, and sustainable and reflects local distinctiveness.
- SOC6a: To improve the quality, range and accessibility of community services and facilities
- SOC6b: To ensure new development is sustainably located with good access by means other than a private car to a range of community services and facilities.

13/12 Consultation Documents Update and Proposed Responses

The Committee received a report on the Consultation Documents recently received together with the Authority's proposed responses for:

Waveney District Council Local Plan: Issues and Options

Members welcomed the Waveney document, considering it to be well presented. They were pleased to endorse the comments set out as the proposed response, particularly the reference to dark skies and considering the management of adjacent areas to the Broads area as buffer zones. It would also be useful to make reference to green infrastructure and examine the Habitats Directives within the response and ask for Waveney's policy on this.

Salhouse Neighbourhood Plan (Pre-Submission consultation Draft)

Members welcomed the proposed response. It was noted that Salhouse Parish Council was attempting to prepare its own neighbourhood plan themselves, which was to be commended. However, it was important that the document and policies were clear and justifiable before they could be adopted in order that they could be interpreted and implemented by planning officers when dealing with planning applications.

RESOLVED

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to the relevant Authority – Waveney District Council and Salhouse Parish Council.

13/13 Enforcement Update

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

Thorpe Island

The Authority's Solicitor reported that at the High Court Hearing on 17 June the Authority had been successful in obtaining a substantive injunction concerning Thorpe Island. The Authority was also awarded two thirds of its costs in relation to the application for the Injunction. There was a great deal of scrutiny of the Authority's procedures especially those of the Planning Committee but far from being open to criticism the Judge commented that the Authority had conducted itself 'meticulously and impeccably'. The details of the injunction were that:

- No more than 21 vessels to be moored in the basin
- No vessels should be used for permanent residential occupation
- Mr Roger Wood was required to submit a planning application within three months.
- The application was required to be consistent with the decision by the Planning Inspector dated 20 October 2014. (This included 25 boats)
- If Mr Wood failed to do so within that time scale he was required to remove all boats and pontoons from the basin and cease the use of the basin for mooring

- The green container to be removed within four months unless a planning application had been made in accordance with the Planning Inspector's decision and in the event that such an application was made, remove it within one month following the final determination of the planning application.

It was noted that the judgement could not be clearer. If Mr Wood did not comply, the consequences were clear.

The Authority's Solicitor confirmed that Mr Wood had been represented in Court by his Barrister and was accompanied by a planning agent and adviser and he had been advised accordingly. The Director of Planning and Resources confirmed that Mr Wood had been advised of what he was required to do and was being given every opportunity to do it correctly. She confirmed that a submission from Mr Wood had been received prior to the Hearing but this was not capable of validation. No application had been submitted since the Injunction.

Grey's Ices and Confectionary

The owner had submitted an application which had been validated.

Hall Common Farm, Hall Common Ludham.

Since the serving of the Enforcement Notice, the Owner had indicated he would appeal against it, and formal notification of the appeal from the Planning Inspectorate was awaited.

RESOLVED

that the report be noted.

Norfolk Mead Hotel

Members referred to recent correspondence sent to them concerning the Norfolk Mead Hotel. It was noted that this was the subject of monitoring to ensure that development was in accordance with the planning permission as well as the subject of current investigations by Environmental Health in response to some complaints.

The Head of Planning expressed disappointment as the site had been the subject of considerable negotiations and mediation in 2015, following which it was understood there had been a satisfactory resolution. She was investigating the matters raised and working with colleagues at Broadland District Council. It was agreed that a holding response be provided as investigations were ongoing rather than having piecemeal responses.

13/14 Appeals to Secretary of State Update

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

RESOLVED

that the report be noted.

13/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 13 May to 6 June 2016.

RESOLVED

that the report be noted.

13/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 22 July 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 11.45am.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 24 June 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Jacquie Burgess		Toll Payer
Paul Rice	13/9	Involved in mediation for Ferry Inn Horning Trustee of Broads Society NSBA Member, Lobbied by Ferry Inn, Eagles Nest and Waveney River Centre.
Peter Dixon	13/6(3)	BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application)

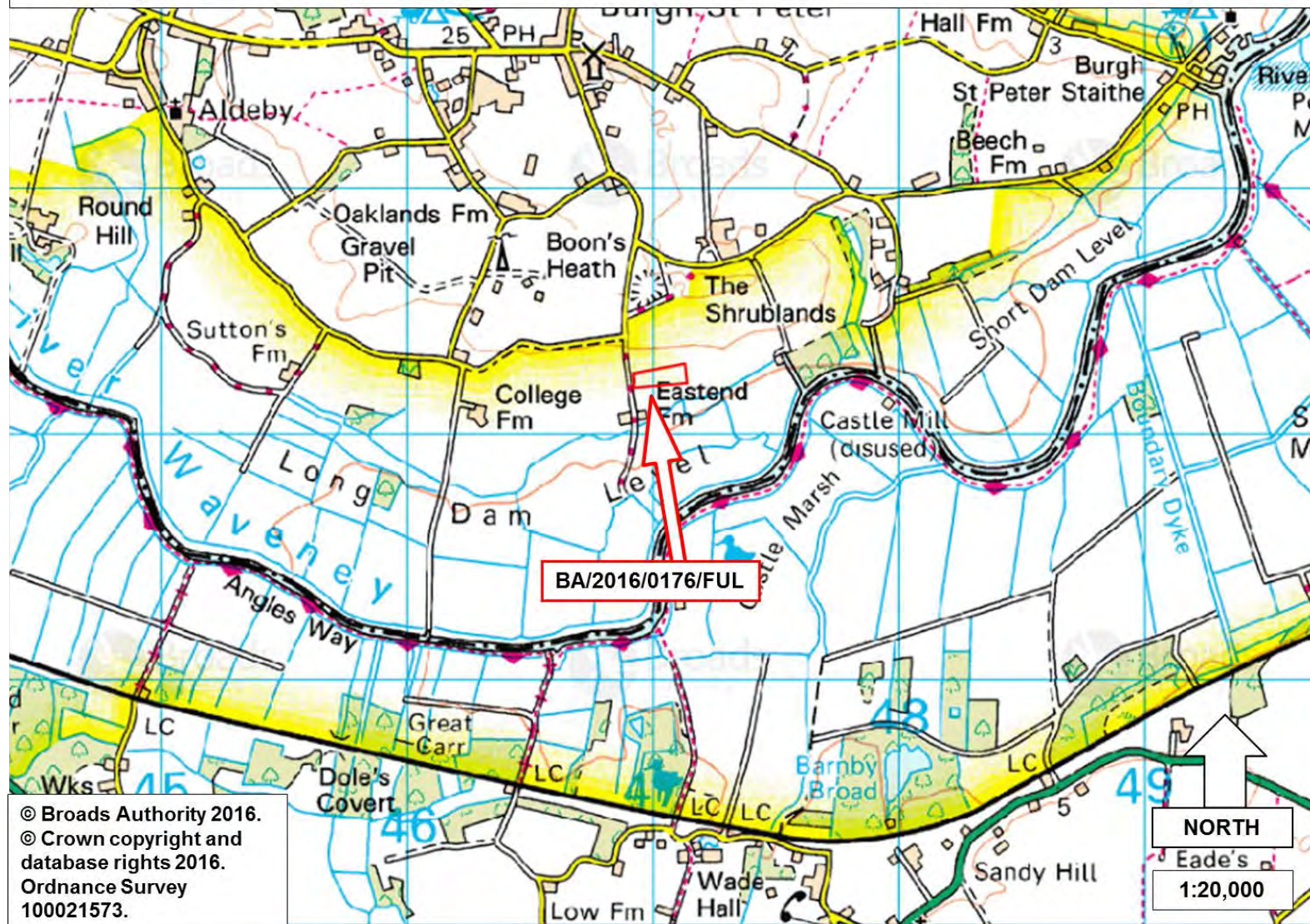
Reference:

BA/2016/0176/FUL

Location

Land north of East End Farm, East End Lane,
Aldeby

BA/2016/0176/FUL: Change of use of land to equestrian. New stables, feed shed, dog run, menage, fencing and landscaping.



Application for Determination

Parish	Aldeby Parish Council
Reference	BA/2016/0176/FUL Target date 01.08.2016
Location	Land north of East End Farm, East End Lane, Aldeby
Proposal	Change of use of land to equestrian. New stables, feed shed, dog run, menage, fencing and landscaping.
Applicant	Miss Jennifer Bailey
Recommendation	Approve subject to conditions
Reason for referral to Committee	Called-in by District Member due to the potential landscape impact of the development, in particular the cumulative effects of such developments both in and adjacent to the Broads Authority Area

1 Background

- 1.1 A report was prepared for the 24 June 2016 meeting of the Planning Committee, recommending approval subject to conditions. The full report is attached as Appendix A to this report.
- 1.2 Members resolved to defer determining the application until a site visit had been undertaken. The site visit is scheduled for 2.30pm on Friday 15 July 2016.
- 1.3 The draft Minutes record the reason for the site visit as follows:

“ ...They needed to be satisfied that the landscape impact had been properly considered. They did not feel they had sufficient understanding of the site to assess the concerns or the impact of the use on the landscape and therefore determine the application at this stage. Members considered that a site visit would be beneficial.”
- 1.4 The notes of the site visit will be reported verbally at the Planning Committee on 22 July 2016.

2 Update

- 2.1 Since the 24 June meeting of the Planning Committee, no further information has been provided from the applicant.

- 2.2 Further representations have been received from a local objector, raising additional concerns around ecology and the accuracy of information provided. Officers are satisfied that the information provided by the applicant is sufficient and satisfactory and has advised the objector of this.

3 Conclusion and Recommendation

- 3.1 There has been no change in circumstances since the previous report was prepared, nor has the further information submitted materially affected the officer recommendation for approval.

- 3.2 Approve subject to the following conditions:

- (i) Time limit
- (ii) In accordance with submitted plans
- (iii) Details of materials
- (iv) Landscaping Scheme
- (v) Should any new plant die within five years it shall be replaced
- (vi) Biodiversity enhancements
- (vii) Prior to the first use of the development hereby permitted the vehicular access shall be provided in accordance with the highway specification
- (viii) No gate shall open outwards over the highway.
- (ix) Prior to the commencement of the use hereby permitted the proposed access, on-site car parking and turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- (x) The development shall be for personal use only
- (xi) Hours of operation for the generator
- (xii) Lighting details to be agreed prior to commencement.

4 Reason for Recommendation

- 4.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP1, DP2, DP4, DP11 and DP28.

Background papers: Planning file BA/2016/0176/FUL

Author: George Papworth
Date of Report: 8 July 2016

List of Appendices: APPENDIX A – Report to Planning Committee on 24 June 2016

Application for Determination

Parish	Aldeby Parish Council
Reference	BA/2016/0176/FUL Target date 01/07/2016
Location	Land north of East End Farm, East End Lane, Aldeby
Proposal	Change of use of land to equestrian. New stables, feed shed, dog run, menage, fencing and landscaping.
Applicant	Miss Jennifer Bailey
Recommendation	Approve subject to conditions
Reason for referral to Committee	Called-in by District Member due to the potential landscape impact of the development, in particular the cumulative effects of such developments both in and adjacent to the Broads Authority Area

1 Description of Site and Proposals

- 1.1 The application site is an agricultural field in a remote location lying to the south of the villages of Aldeby and Burgh St Peter. The site is accessed via East End Lane, a cul-de-sac which runs from St Marys Road down to a small group of three properties. The site covers 1.3 hectares.
- 1.2 The surrounding land use is predominately agricultural with a large sand and gravel pit located to the north-west, adjacent to the Boon's Heath Conservation Area which is approximately 200 metres north of the site. The River Waveney is approximately 500 metres to the south of the site.
- 1.3 The proposal seeks consent for the change of use of the land from agricultural to equestrian. The proposal includes the provision of a stable block, feed shed, dog run, menage and associated landscaping and boundary treatments. The proposed developments would be located in the south west corner of the site, in a linear block running along the southern boundary. The proposed stable block would measure 21.6 metres by 4.8 metres with a maximum height of 3 metres. The feed shed and dog run would be situated to the west and east elevations, respectively, of the proposed stable block. The menage would measure 41 metres by 21 metres and would be located to the east of the stable block.

2 Site History

None

3 Consultation

Landscape Architect – The application site lies on arable land on the rising valley side of the north of River Waveney. The site lies uphill from an intermittent belt of tree and shrub vegetation on the adjacent property boundaries. This acts as a visual buffer in views northwards from the river and grazing marshes. The proposed buildings are just over 3 metres in height and would not be particularly obvious in longer distance views. In the short term I would recommend that the timber construction is left in its pressure treated state to silver. Treating them in a black stain will make them more obvious in the landscape as the backdrop in views is either going to be sky or grazing land. Lighting is an area of concern which has the potential to cause an impact locally. The applicant has proposed low level lighting around the ménage of a metre in height and downward facing. In the short term, this may be obvious in views from neighbouring properties; however these impacts will ultimately be mitigated by the proposed hedgerow.

In relation to the proposed landscape scheme the introduction of an additional hedge to the southern boundary of native plants is welcomed. This would supplement the hedges already planted to the other boundaries. The introduction of the hedging helps to enhance the site's biodiversity value. I have suggested some changes to the location and species of the tree planting proposed. The introduction of these trees should assist in providing a backdrop to the development in the longer term. The applicant needs to make certain that the new planting is kept free of weeds whilst it becomes established. This is not currently the case. If the stock is lost they must be made aware that replacement planting will be required.

BA Ecologist – No objection - I support the comments of the landscape architect which include the planting of a native hedgerow along the boundaries of the field, to join the existing hedgerow. The hedgerow should consist of at least five native species to ensure it is beneficial to wildlife. Hedgerow plants should be replaced if planting fails. Install a spiral rabbit guard on each plant if rabbits are a known problem in the area.

A protected species survey is not required.

Highways - Whilst in principle I have no objection to the development, I am minded that the nature of the development is likely to give rise to a marginal increase in traffic movements to the site.

It is noted that the applicant has included a hard standing area for vehicles, etc., which is welcome but has not included any provision for improving the access to the site across the present grass verge, which will only deteriorate

over time and lead to discharge of mud and debris on to the public highway. Accordingly the access should be improved in accordance with the Highway Authority's specification.

In light of the above, subject to the proposals being for personal use only and there being no permitted livery or commercial use I have no objection to the proposals subject to conditions.

Parish Council – Object on grounds of impact on landscape, highways, noise pollution and waste water.

District Member – this application should only be determined by Broads Authority Planning Committee due to the potential landscape impact of this development in particular the cumulative effects of such developments both in and adjacent to the Broads Authority Area.

Broads Society – no objections.

4 Representations

4.1 Five representations were received objecting to the application for the following reasons:

- Impact on the landscape
- Ecology
- Noise Pollution
- Highways
- Light Pollution
- Design
- Amenity

5 Policies

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

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

DP1 – Natural Environment
DP2 – Landscape and Trees
DP4 – Design
DP11 – Access on Land

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

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the design, impact on landscape, ecology, highways and amenity.

Landscape and Ecology

- 6.2 In terms of landscape, there were a number of concerns raised in the representations regarding the potential impact on the surrounding landscape given the sites location within the Waveney Valley. These concerns are acknowledged, however it is the case that the site is located on a plateau on the northern slope of the Waveney Valley. There are existing visual buffers in the form of intermittent belts of tree and shrub vegetation to the site and these would be strengthened by the proposed new hedging and trees. Furthermore, the location of the buildings and the natural weathering is designed to further minimise any visual impact.
- 6.3 The applicant has proposed low level lighting around the ménage of a metre in height. The lights would be 10w LED spotlights that would be positioned to face down and across the ménage. In the short term, there may be views from neighbouring properties; however these impacts will be mitigated following the planting of the proposed hedgerow in the next available growing season.
- 6.4 In relation to the proposed landscaping scheme the introduction of an additional hedge and trees to the southern boundary of native plants is welcomed. This would supplement the hedges already planted to the other boundaries and the introduction of these trees should assist in providing a backdrop to the development in the longer term. Overall there is no objection in landscape terms.
- 6.5 In addition the introduction of the hedging helps to enhance the site's biodiversity value. Further biodiversity enhancements proposed include the introduction of a wildlife pond and bird boxes which are welcome additions to the site.

Highways

- 6.6 In terms of access on land, it is acknowledged that the nature of the development is likely to give rise to a marginal increase in traffic movements to the site. However, the inclusion of an area of hard standing for vehicles is welcomed and the proposal follows Highways advice by improving the current grass verge access. The improvements to the access would be in accordance with the Highways Authority's specification (TRAD5) by improving the existing grass verge to a bound material with measures to avoid any surface water or material discharging onto the highway.

- 6.7 In light of the above, subject to the proposals be for personal use only and there being no permitted livery or commercial use there are no objections to the proposed development.

Amenity

- 6.8 In terms of amenity, concerns were raised over the proposed lighting and noise from the site. Any potential impact from the proposed lighting has been addressed above, with no objections raised with regards to the lighting.
- 6.9 The predominant source of electricity would be from solar power, backed up by a run silent generator when additional electricity is required. The lights and therefore the generator would be required for approximately two hours per day, mainly during the winter months when additional lighting is required. The run silent generator would be housed in a soundproof box, within one on the outbuildings. The distance to the nearest neighbour is over 100 metres. Taking into account the low level personal use, soundproofing and distance to neighbouring properties, it is considered that the proposed development would not result in any adverse impacts on neighbouring properties.

Design

- 6.10 In terms of design, the proposed stable block with unstained timber cladding and an onduline profiled sheet roof is considered appropriate for the agricultural setting. Representations received suggested the materials should match the existing buildings to the south, which have black stained weatherboarding and red pantile roofs. These materials are considered suitable for domestic buildings and their outbuildings, but would be wholly inappropriate for an agricultural building.

7 Conclusion

- 7.1 In summary, the proposed development is considered an appropriate design which would not have any detrimental impact on the local highway network. The landscaping scheme ensures that the proposed development would not have a detrimental impact on, or result in the loss of, significant landscape heritage with views from the river protected. The proposed biodiversity enhancements protect the biodiversity value of the land.
- 7.2 The proposed development is therefore considered to be in full accordance with Policies, DP1, DP2, DP4, DP11 and DP28 of the Development Management Policies, adopted 2011.

8 Recommendation

- 8.1 Approve subject to the following conditions:

- (i) Time limit
- (ii) In accordance with submitted plans
- (iii) Landscaping Scheme
- (iv) Should any new plant die within five years it shall be replaced
- (v) Biodiversity enhancements

- (vi) Prior to the first use of the development hereby permitted the vehicular access shall be provided in accordance with the highway specification
- (vii) No gate shall open outwards over the highway.
- (viii) Prior to the commencement of the use hereby permitted the proposed access, on-site car parking and turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- (ix) The development shall be for personal use only

9 Reason for recommendation

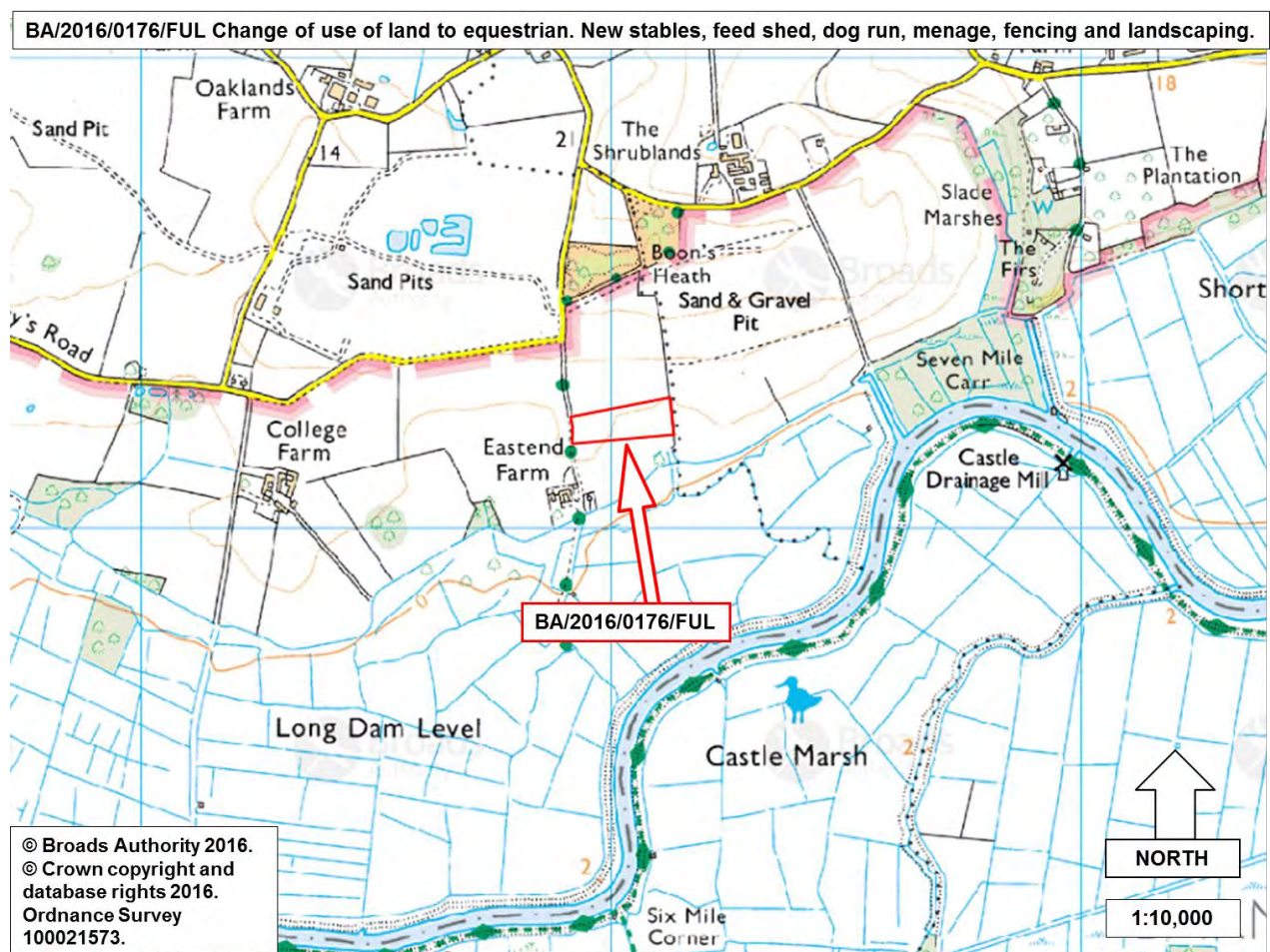
9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP1, DP2, DP4, DP11 and DP28.

Background papers: Application File BA/2016/0176/FUL

Author: George Papworth
Date of Report: 6 June 2016

List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1



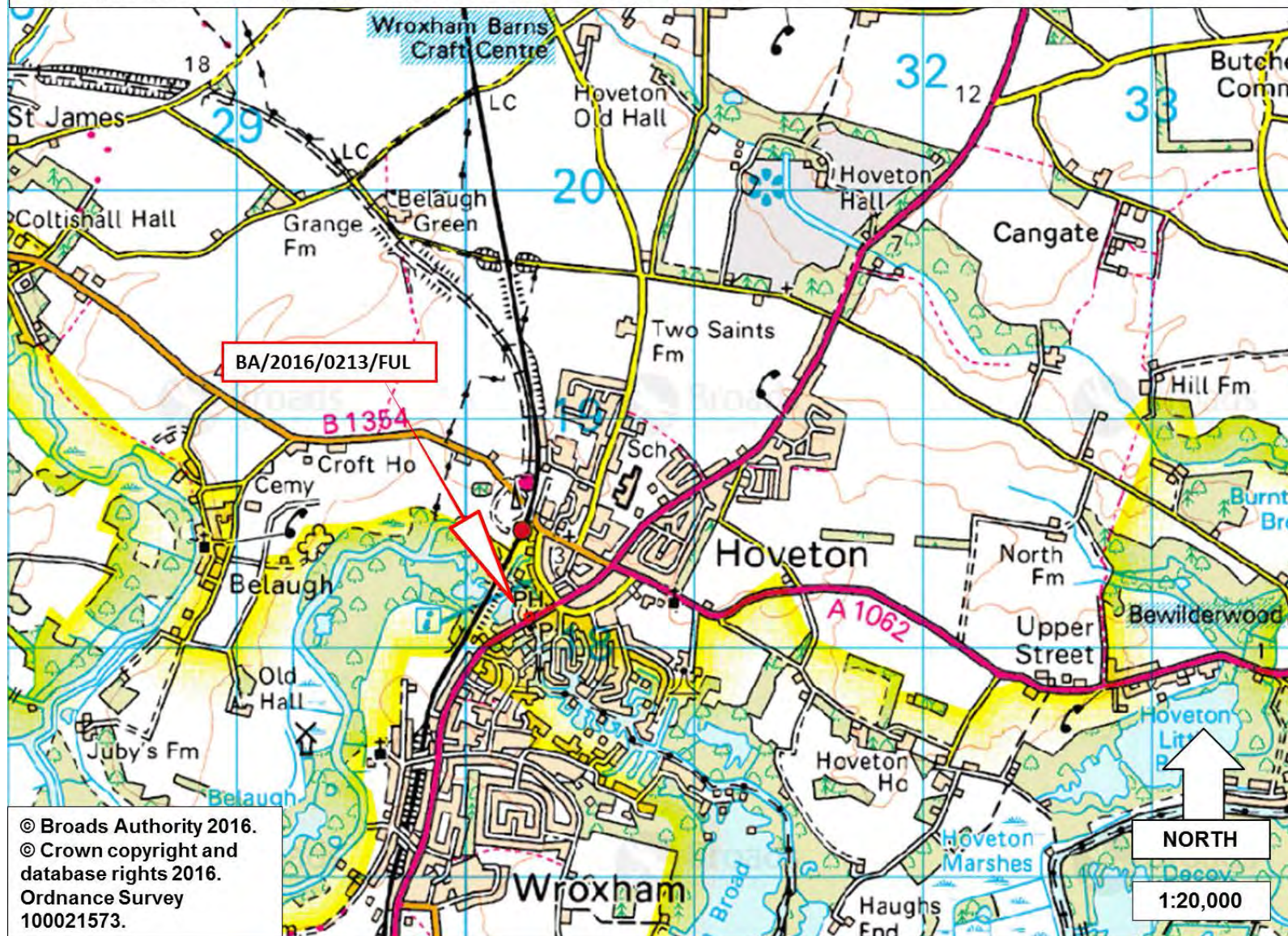
Reference:

BA/2016/0213/FUL

Location

The Bridge Restaurant, Norwich Road, Wroxham

BA/2016/0213/FUL - The Bridge Restaurant, Norwich Road, Wroxham, NR12 8RX



Application for Determination

Parish	Wroxham		
Reference	BA/2016/0213/FUL	Target date	25 July 2016
Location	The Bridge Restaurant, Norwich Road, Wroxham		
Proposal	Replacement restaurant		
Applicant	Wroxham Bridge Developments Ltd.		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Objections received.		

1 Description of Site and Proposals

- 1.1 The site is located immediately next to Wroxham Bridge, on the upstream side and western (Wroxham) bank. It is accessed from Bure Close off the A1151 Norwich Road. A restaurant has existed on this site for many years within single storey timber buildings that extend off a brick lean-to building attached to the bridge itself. The timber parts are in poor condition. The building is concentrated in the southern part of the site, with car parking to the north and external seating along the river frontage. An oak tree grows out of an opening within the building.
- 1.2 To the west of the site across Bure Close there is a storey and half timber building occupied by a recreation business and laundrette. Beyond these buildings, Bure Close turns into a private residential close of 15 two storey dwellings arranged in parallel terraces along the riverfront and road. The application site is in flood zone 3 and Wroxham Bridge is a Scheduled Monument.
- 1.3 The application proposes demolition of all but the brick section of the existing restaurant and replacement with a new predominantly two storey building which would also trade as a restaurant. This would have a footprint of approximately 290 square metres, approximately 60 square metres larger than the existing. It would be laid out with gable ends facing the river and Bure Close, with a small wing at 90 degrees facing the bridge and a single storey section on the northern side, the roof of which would cover stepped and ramped access and cycle parking. The main ridge would be at 8.7m AOD, this compares to the nearest dwellings at Bure Close which have a ridge height of

9.42m AOD, the recreation/laundrette building at 7.83m AOD and Broads Tours on the opposite side of Norwich Road at 10.29m AOD.

- 1.4 The river elevation would be largely glazed with a narrow balcony at first floor level and the gable to the bridge would also be glazed, adjacent to this there would be a first floor fire exit leading to external stairs. There would be no first floor windows on the north elevation and windows only to an office/store on the west elevation. The walls would have cedar cladding, the roof would have dark grey profiled steel sheeting and the windows and doors would be dark grey aluminium.
- 1.5 The retained brick part of the building would be re-roofed and an existing window on the river elevation would be replaced with a shallower window. The applicant has also made an application for Scheduled Monument consent to Historic England.
- 1.6 The new building would have a seating capacity of 80-100 covers internally with further seating on the riverside frontage which would have a new decking surface. The existing informal car park can accommodate up to eight cars and it is proposed to lay this out more formally with three designated disabled spaces. Five cycle spaces are proposed. The oak tree would be removed and improvements are proposed to the existing small areas of planting. A bin storage area is proposed in the northwest corner and safety chains and a ladder are proposed on the existing quayheading where moorings for visiting customers would be retained.

2 Site History

No previous applications.

3 Consultation

Broads Society – No response.

Wroxham Parish Council - Wroxham Parish Council held a site meeting attended by six councillors. They had strong objections as follows: site not suitable for a two storey building, it would destroy the visual impact of the iconic bridge; metal roof not in keeping with surrounding area; car parking provision not acceptable; site will require water safety measures for customers; impact on neighbouring properties in residential area; and, tree, part of bridge vista.

Hoveton Parish Council - No objection.

District Member – No response.

Historic England - Wroxham Bridge is a Scheduled Monument. Historic England do not object in principle to the redevelopment of the site but at a pre-application site meeting did recommend some design changes to increase permeability across the site and reduce the overall impact on the bridge,

particularly in key views from the eastern side of the river. We appreciate that a number of amendments have been made. We have concluded that although we continue to have a concern that the impact of the development would be harmful to the significance of the monument, we consider this to be less than substantial. We therefore recommend that the application be considered under paragraph 134 of the National Planning Policy Framework and with reference to the Authority's own policies. If the Authority is minded to grant permission the quality and use of materials will be key to the success of the project and consider that conditions should be used. The scheme will need to be subject to Scheduled Monument Consent and we recommend that acquiring this formal consent be made a planning condition. We also recommend that the current building is recorded prior to its demolition and the County's Historic Environment Service be consulted to ensure that non-designated heritage assets are also considered.

Highways Authority - Whilst parking provision is restricted on the site, there is ample public car parking nearby such that it is unlikely there would be a detrimental effect on the public highway. It is noted cycle stands are proposed and this is welcomed in order to encourage alternative and sustainable modes of transport. No objection but recommend condition.

Environmental Health Officer - Recommend conditioning kitchen extraction (noise levels and odour filtration).

Environment Agency - No objection providing you are satisfied the development would be safe for its lifetime and you assess the acceptability of the issues within your remit. The site is in fluvial and tidal flood zone 3 and the proposal is for a replacement restaurant which is classified as a 'less vulnerable' use. It is therefore necessary for the application to pass the Sequential Test and be supported by a Flood Risk Assessment which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall'.

We are satisfied the Flood Risk Assessment provides you with the information necessary to make an informed decision. The proposal will only meet the requirements of the National Planning Policy Framework if a condition is applied requiring it to be carried out in accordance with the submitted Flood Risk Assessment, ground floor levels are no lower than 1.26 metres AOD and the mitigation measures are implemented prior to occupation.

4 Representations

- 4.1 Six residents of Bure Close submitted a joint representation raising concerns in respect of: lack of parking spaces on site which will result in access to the private close being blocked by customers and customers trying to park in the close; noise nuisance, including from the balcony; lack of privacy to riverside gardens in Bure Close due to views from the balcony and upper storey; the tree will be removed removing the only greenery on site; and, welcome the idea of new premises replacing the existing and improving the visual aspect of

Wroxham to Hoveton from the bridge but the size is out of proportion to the site size.

- 4.2 One representation based on EDP story, not submitted plans and documents, commenting that the increased seating and less parking will make parking overspill onto the road worse and that another iconic Broads building would be destroyed.

5 Policies

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

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

CS1 - Landscape protection and enhancement
CS5 - Historic and Cultural Environments
CS9 - Sustainable Tourism
CS23 – Economy

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

DP1 – Natural Environment
DP2 - Landscape and Trees
DP4 - Design
DP11 - Access on Land
DP27 - Visitor and Community Facilities and Services
DP29 - Development on Sites with a High Probability of Flooding

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

CS7 - Environmental Protection
CS20 - Rural Sustainability

DP5 - Historic Environment
DP20 - Development on Waterside Sites in Commercial use, including Boatyards
DP28 - Amenity

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

HOV4 - Village Retail Core

6 Assessment

- 6.1 The retention of a restaurant on this site within a replacement building is acceptable in principle in accordance with Policies CS9, CS23 and DP27 which seek to retain visitor and community facilities. With regard to DP20, the proposal would retain the existing commercial use and the site would remain as one unit and it is not a boatyard, therefore criteria (a) to (c) can be satisfied and the proposal is acceptable in this regard. The Site Specific Policy HOV4 supports the redevelopment of sites and buildings where it provides tourist facilities and enhances the appearance of the area.
- 6.2 As the proposal is acceptable in principle, the key considerations are the design and impact on heritage assets, flood risk, highways, amenity, ecology and trees.

Design and Heritage Assets

- 6.3 This is a prominent, well known and sensitive site. It is open to views on the approach to Wroxham Bridge, from the vehicular bridge itself, from the river, from the Hoveton bank, in clear views as you travel downstream towards the bridge and in glimpsed views beyond the bridge from downstream of it. The site is immediately adjacent to the Scheduled Monument and any new development must conserve the significance of this heritage asset. The earliest parts of the bridge structure date from the 16th century and this was subsequently altered. A new pedestrian bridge was added on the downstream side in the mid-twentieth century and consequently the upstream side has the best views of the road bridge. The brick part of the existing building which is to be retained and is attached to the bridge is thought to be 19th century; it is not covered by the Schedule.
- 6.4 The retention of the brick part of the building is welcomed but the existing timber structure which was later added to this is in poor condition and not considered to be worthy or reasonably capable of retention. The replacement of the existing single storey building with a largely two storey structure on a slightly bigger footprint requires careful consideration in terms of its impact on the significance of the Scheduled Monument and the surrounding area.
- 6.5 The form of the proposed building is relatively traditional with a strong gable to the river and lean-to at the side which references traditional boatyard buildings characteristic of this area. It would not be as tall as the dwellings to the north of Broads Tours building to the south, downstream of the bridge, and in any case the mass is broken by the break in rooflines, whilst the lean-to element anchors the building into the site. The design has been amended following pre-application discussions with officers and Historic England, including ensuring space is maintained around the building to protect the historic connect of the site by lessening the impact on the bridge. It is not considered the scale of the proposal would dominate the bridge or surrounding area and, whilst taking account of the concerns

of the Parish Council and neighbouring residents, it is considered that the scale of the building is appropriate to the site.

- 6.6 Whilst the form is relatively traditional, the detailed design is more contemporary which is not considered inappropriate here. The materials indicated are considered appropriate to the context, including the profiled sheet steel roof which is common on boatyard buildings along Norwich Road and elsewhere along this section of river. The comments of Historic England in respect of the quality of materials being key here are supported and it would be necessary to agree details by condition.
- 6.7 In respect of the impact on the bridge, the open feeling around it would be maintained by the compact footprint of the new building. Views from upstream on the river itself and the public open space on the Hoveton bank would be retained and these factors help mitigate the impact on the significance of the bridge. The National Planning Policy Framework sets out a hierarchy of the impact of development on the significance of heritage assets, ranging from substantial harm (which should be allowed only wholly exceptionally in respect of scheduled monuments) to less than substantial harm, which can be allowed in certain circumstances. Historic England considers the proposal would result in less than substantial harm to the significance of the bridge. In accordance with paragraph 134 of the Framework, where it is considered there would be less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 6.8 The proposal would result in the redevelopment and enhancement of this prominent site and retain it as a tourist and community facility. It is likely to have positive economic impacts and continue to attract visitors to this popular area. Furthermore, the design would provide enhanced opportunities for customers to enjoy views of the bridge and its setting, including taking in views up and downstream from the balcony, and existing off-site views of the bridge would be maintained. This scheme has been carefully designed to take account of the impact on the bridge and it is considered the public benefits do outweigh the less than substantial harm in accordance with paragraph 134.
- 6.9 Subject to conditions on material samples, details of the work to the retained brick lean-to, a photographic survey, signage and external lighting, the proposal is considered acceptable in terms of design and the impact on heritage assets in accordance with Policies CS5, DP4, DP5, HOV4 criterion (ii) and the National Planning Policy Framework.

Flood Risk

- 6.10 The submitted Flood Risk Assessment and Environment Agency response confirm the site can be considered as flood zone 3a. As the proposal is for the replacement of an existing building and use, it is not considered appropriate to consider alternative sites and the Sequential Test can be passed. The new building would have a floor level approximately 300mm

higher than the existing, a void is proposed under the increased footprint and deck and flood resilient construction measures are proposed up to the 1 in 100 plus climate change flood level. By extending the footprint, there would be a negligible loss of floodplain storage, however there are flood risk and safety benefits to the proposal compared to the existing building. Subject to conditions on the floor level, retaining voids beneath the building, flood resilience measures and a flood response plan, the proposal is considered acceptable in respect of flood risk in accordance with Policies CS20, DP29 and the National Planning Policy Framework.

Highways

- 6.11 The existing restaurant has insufficient parking on site to serve the development and this proposal would increase the capacity of the restaurant without increasing the number of spaces, thereby increasing the parking deficit. It would, however, secure the provision of dedicated disabled spaces. On street parking does occur on Bure Close and the concerns regarding parking within or blocking of access to the private residential part are appreciated. However, the residential close is clearly marked as private and any on-street parking cannot be directly attributed to the restaurant. There is ample public parking in Wroxham and Hoveton, including a large pay and display car park opposite the site, accessed by a pedestrian crossing. Furthermore it is very well served in terms of public transport and cyclists would be encouraged by the on-site covered cycle parking. The site is also accessible by river with moorings available for customers and other visitor moorings available nearby. There is no objection to the proposal from the Highways Authority subject to a condition on provision of the parking and turning prior to the first use. Whilst local concerns about parking availability are appreciated, the Highways Authority do not consider the proposal unacceptable and it can be considered acceptable in accordance with Policies DP11 and HOV4 criterion (ii).

Amenity

- 6.12 The northern boundary of the site separates it from the end dwelling of a terrace of four riverfront dwellings with small gardens at the waters edge. The closest dwelling has only one small window on the elevation nearest the site; the dwellings on the opposite side of the road have windows with views of the site. There would be no first floor windows on the north elevation facing the neighbouring dwellings and the west elevation office/store windows would only give views at an oblique angle to those dwellings on the west side of Bure Close, over 30 metres away. It is therefore not considered any windows would directly or unacceptably overlook the neighbouring dwellings.
- 6.13 On the river elevation, the first floor balcony would give customers views towards the waterfront gardens. These gardens are currently open to views from the river, bridge and opposite bank so enjoy little privacy. The balcony would be 1 metre deep and it is not proposed to be used for seating. It

would offer customers an opportunity to stand out and appreciate the view of the river and bridge and this is considered to be a benefit in terms of the enjoyment and understanding of the bridge and its context. Given the existing lack of privacy to the gardens, it is not considered this would result in any unacceptable levels of overlooking or loss of privacy which would justify a refusal of planning permission. Whilst it is not proposed to have seating on the balcony, it is not considered reasonable or appropriate to condition this and any views from a seated position may in fact be less than those obtained when standing.

- 6.14 In terms of noise and odours, the Environmental Health Officer has recommended a condition requiring agreement on kitchen extraction equipment and this is considered appropriate and necessary to protect amenity and the environment. It is noted the riverfront decking would create a degree of noise and activity which may disturb occupiers of the adjacent dwellings, however this area has historically been used for external seating to the restaurant. The decking would be approximately 2 metres deeper than the existing seating area but given the context of the site, adjacent to the busy road bridge and on one of the busiest sections of river, it is not considered this additional seating area would give rise to any additional unacceptable impacts on amenity. The opening hours are proposed to be 08:00 to 23:30 seven days a week and it is considered necessary to condition this. Subject to conditions, the proposal is considered acceptable in accordance with Policies DP28 and HOV4 criterion (ii).

Ecology and Trees

- 6.15 The existing building is considered to have low potential to be used by protected species but the demolition should be overseen by an ecologist and the oak tree, which is considered to have higher potential, should be surveyed prior to removal. this can and should be improved by incorporating bBiodiversity enhancements should be included in the new building and, . sSubject to appropriate conditions, the proposal is considered acceptable in accordance with Policy DP1.
- 6.16 An existing oak tree which grows out of an opening within the building footprint is proposed to be removed. The Parish Council consider this tree to be part of the Bridge vista and whilst this is the case, particularly when approaching downstream by river or on the road from Norwich, the tree is in poor health, compromised by its position within the building. Requiring its retention is not considered viable or reasonable and the development would benefit from some new soft landscaping in the available areas and this should include a replacement tree. Subject to this, the proposal is considered acceptable in accordance with Policy DP2.

Other matters

- 6.17 In response to the Parish Council's identification of the site requiring water safety measures, safety chains and a ladder are proposed. This is welcomed

as a safety feature for users of the site and the public on the river. The details of these should be agreed by condition to ensure they are appropriate and retained for the lifetime of the development.

7 Conclusion

- 7.1 Policy HOV4 supports the redevelopment of sites in the Wroxham/Hoveton village core to provide tourist facilities and where they would enhance the appearance of the area. It is considered this proposal would achieve both these objectives. The significance of the Scheduled Monument would not be substantially harmed and there are public benefits to the proposal which weigh in its favour.
- 7.2 There is concern locally about the scale of the development and its visual impact. The proposed building would be larger in scale than the existing and thus have more impact, however it is not considered this impact would be detrimental and the design is considered to be of an appropriately high quality in accordance with DP4. With regard to amenity, it is not considered the replacement restaurant would have any greater impacts on neighbouring amenity than the existing restaurant that would be unacceptable in terms of Policy DP28.
- 7.3 Given the location in the centre of Wroxham and Hoveton, it is not considered customers would be reliant on private car to access the site and there is sufficient parking available locally to serve the development. The proposal is also considered acceptable in respect of flood risk, ecology and trees.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) Submitted plans
 - (iii) Photographic survey
 - (iv) Bat survey of tree
 - (v) Ecologist on site during demolition
 - (vi) Samples of materials
 - (vii) Details of refurbishment of brick lean-to
 - (viii) External lighting
 - (ix) Signage
 - (x) Landscaping scheme (to include replacement tree)
 - (xi) Biodiversity enhancements
 - (xii) Flood resilience measures
 - (xiii) Flood response plan
 - (xiv) Kitchen extraction details
 - (xv) Water safety features
 - (xvi) Parking and turning
 - (xvii) Minimum ground floor finished floor level of 1.26m AOD
 - (xviii) Retain voids under building
 - (xix) Opening hours 08:00 to 23:30, seven days a week

9 Reason for recommendation

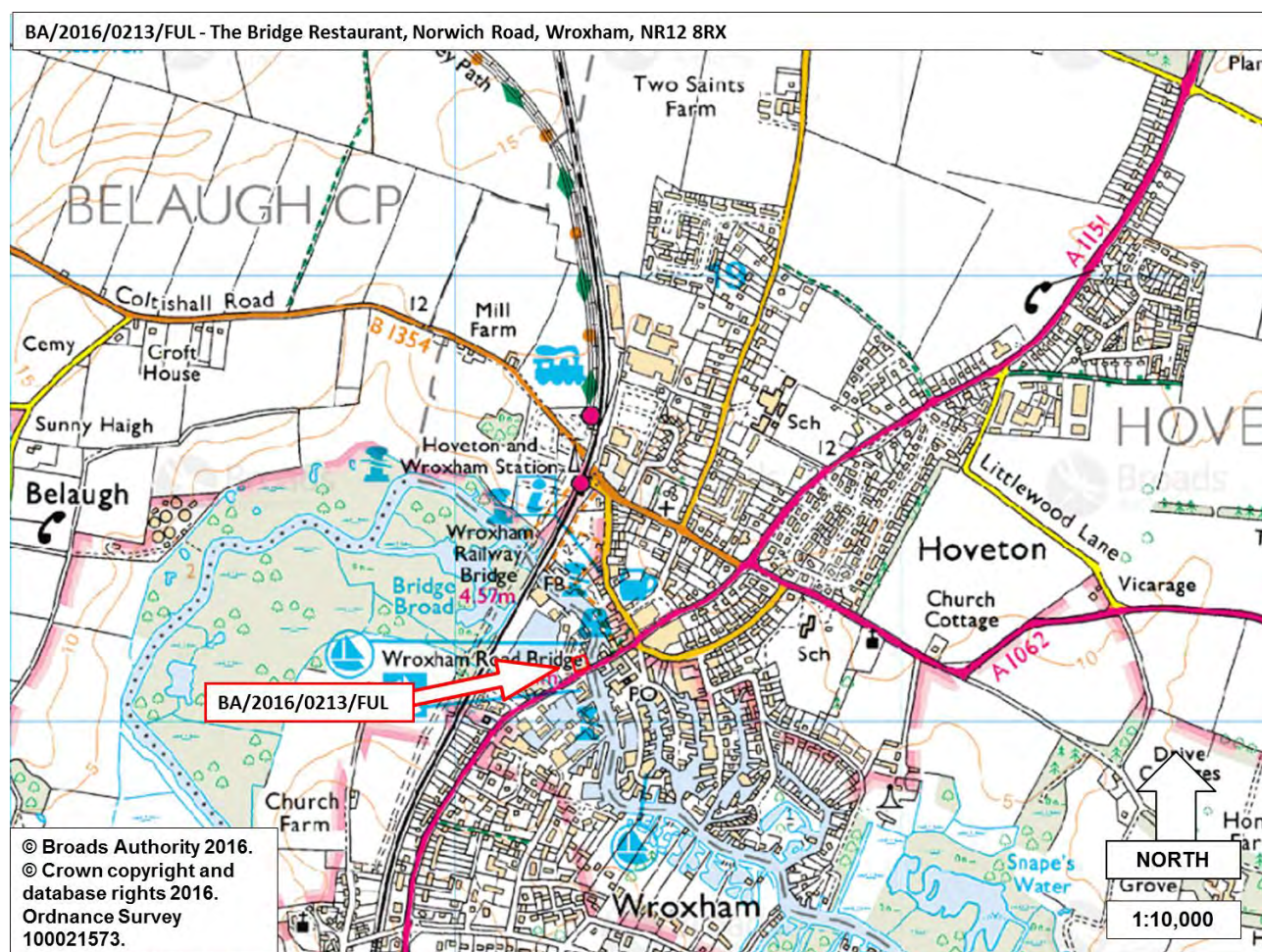
- 9.1 The proposal is considered to be acceptable in accordance with Policies CS1, CS5, CS7, CS9, CS20 and CS23 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4, DP5, DP11, DP20, DP27, DP28 and DP29 of the adopted Development Management Policies (2011), Policy HOV4 of the Site Specifics Policies (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: BA/2016/0213/FUL

Author: Maria Hammond
Date of Report: 11 July 2016

List of Appendices: APPENDIX 1 - Site Plan

APPENDIX 1



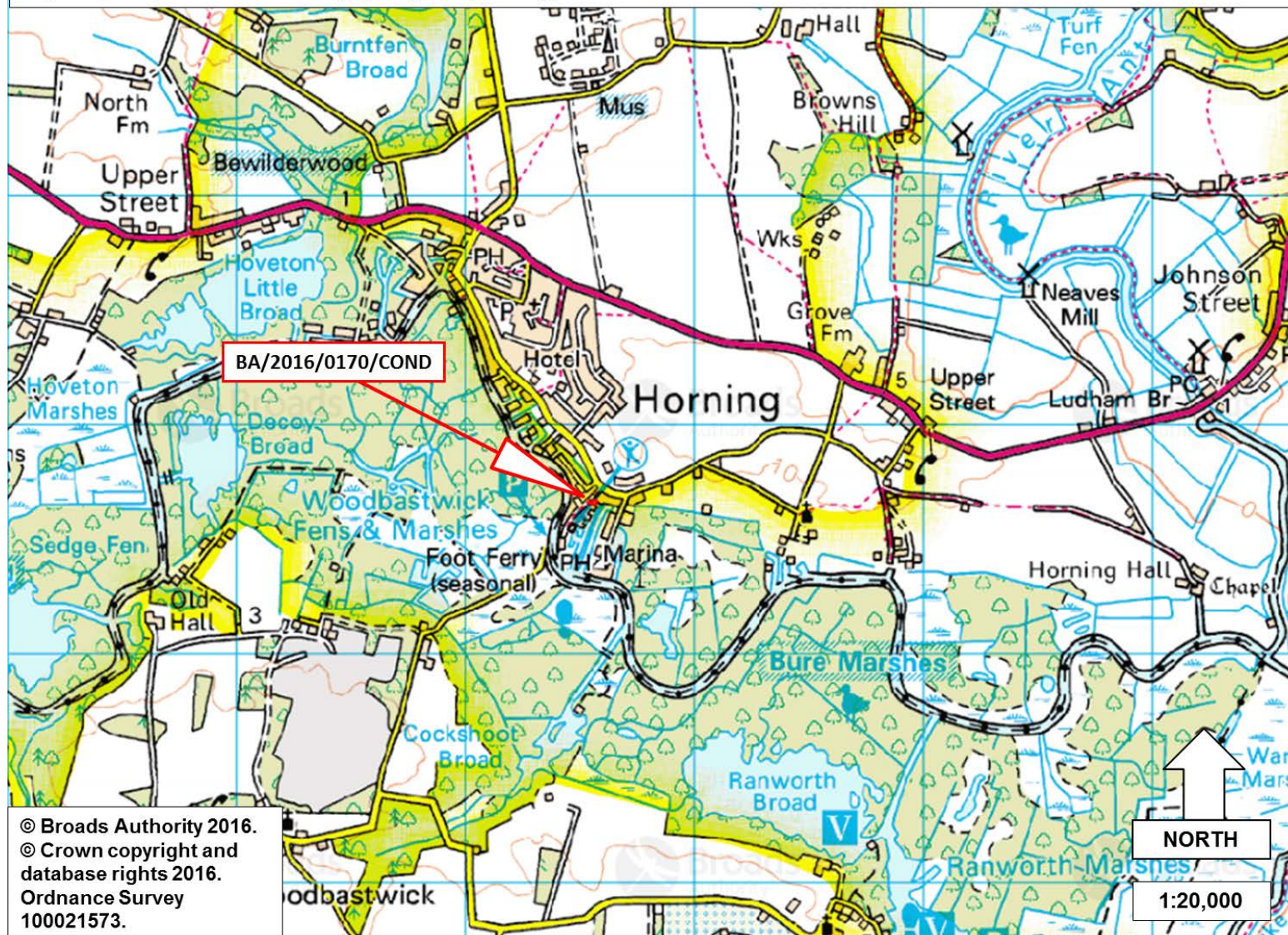
Reference:

BA/2016/0170/COND

Location

Heron Cottage, Ferry Road, Horning

BA/2016/0170/COND - Heron Cottage, Ferry Road, Horning, NR12 8PS



Application for Determination

Parish	Horning		
Reference	BA/2016/0170/COND	Target date	17 June 2016
Location	Heron Cottage, Ferry Road, Horning		
Proposal	Variation of condition 2 of permission BA/2014/0228/CU		
Applicant	Ferry Marina Ltd.		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Member of Navigation Committee and former Member of the Authority is a Director of the company making the application.		

1 Description of Site and Proposals

- 1.1 The application site is a holiday let which forms the northern end of a terrace of holiday dwellings on Ferry Road at the eastern end of the village of Horning. The two storey brick built building was formerly used as a boat sales office and hairdressing salon and in 2014 planning permission was granted for a change of use to a short-term holiday let (BA/2014/0228/CU).
- 1.2 The approval for the change of use included modest alterations to the external appearance: the closing up of an entrance on the north elevation with brickwork and a timber panel; introduction of two new ground floor windows on the north elevation; and enlargement of two first floor windows on the east elevation and provision of Juliet balconies. All new windows were to be timber. No alterations to the external space were included, this space includes hardstanding to the north and by a mooring basin to the east.
- 1.3 Condition 2 of the permission for the change of use lists the approved drawings and it is proposed to vary this condition to apply to amended drawings to reflect what has been built.
- 1.4 The amendments which this application seeks to retain are: the provision of a larger panel on the north elevation; use of glass balustrades to the Juliet balconies; installation of one full height window and one door on the east elevation at ground floor level; use of wood effect UPVC windows for all new windows and doors; advertising sign on the north elevation; and, provision of enclosed decking to the east.

- 1.5 The larger panel on the north elevation has been completed in a composite material with an imitation timber finish. The application proposes removing this and replacing it with timber to match that existing on the first floor.
- 1.6 The advertising sign has been erected on the existing timber cladding beneath a first floor window and measures 1.2 metres by 1.5 metres. It has a white background with blue and orange text welcoming customers to Ferry Marina and directing them to the main reception further south along Ferry Road.
- 1.7 The discrepancies between what was permitted and what has been constructed were picked up in a routine condition monitoring visit.

2 Site History

BA/2014/0228/CU Proposed conversion of existing ground floor offices with hairdressing salon over into a single holiday residential let. Approved subject to conditions.

3 Consultation

Parish Council - No response.

Broads Society - No objections.

District Member - No response.

4 Representations

- 4.1 None received.

5 Policies

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

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

DP4 – Design
DP10 - Advertisements and Signs

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

DP28 - Amenity

6 Assessment

- 6.1 The key considerations in the determination of this application are the appearance and impact of the amendments to the approved drawings.
- 6.2 The larger ground floor openings on the east elevation match the size of those approved directly above on the first floor and are therefore considered appropriate in appearance. The larger panel on the north elevation fills the original opening and covers an area which was to be brickwork and in design terms this is considered acceptable.
- 6.3 With regard to materials, the glass balustrades are a contemporary feature which is not out of keeping with other balustrades in the surrounding area and not considered inappropriate for this development. The use of UPVC windows and doors in place of the approved timber is regrettable as the approved timber was considered an appropriately high quality and sustainable material in accordance with Policy DP4. However, it is noted that the windows and doors which have been used match those retained in original openings. Whilst it has been suggested that the windows be replaced in the approved timber, the applicant does not wish to propose this and given that those used match the other existing windows, the retention of these is not considered unacceptable.
- 6.4 The imitation wood effect product which has been used on the panel on the north elevation has a greater visual impact than the windows, being one large expanse of this material. The imitation wood grain pattern, uniform finish and mid-brown colour appears to be poor quality and incongruous, particularly in the context of the darker timber boarding on the first floor above. The proposal to replace this with timber boarding is therefore welcomed and a condition requiring this to be replaced within six months of a decision is considered necessary. Timber decking and fencing has been used on the external area to the east and overall the materials are considered to be acceptable in accordance with DP4.
- 6.5 The advertising sign, whilst large, is not considered to adversely affect amenity or public safety and is considered acceptable in accordance with Policy DP10.
- 6.6 The full height ground floor east elevation openings are not considered to result in any additional adverse impacts on amenity. The decking area is immediately adjacent to that of the neighbouring holiday dwelling and completes a row of holiday dwellings with decking overlooking the mooring basin. A fence separates it and screens views to and from the neighbouring areas and it is not considered this decking has any unacceptable impacts on the amenity of adjoining occupiers in accordance with Policy DP28.

7 Conclusion

- 7.1 The application seeks to retain amendments to an approved scheme which facilitated the change of use to holiday let. Whilst it is regrettable these alterations have been made at variance to the approved scheme and that the approved timber windows have not been used, the alterations are acceptable in accordance with Policies DP4, DP10 and DP28 subject to securing replacement of the timber panel.
- 7.2 As this application seeks to vary a condition of an extant permission, it is appropriate to re-state conditions of the original permission not affected by the proposed variation. These include a pre-occupation condition requiring the agreement and subsequent display of flood warning notices which has not been complied with.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) In accordance with submitted plans
 - (iii) Panel to be replaced with timber within six months of this decision
 - (iv) Short-term holiday occupancy
 - (v) Finished floor level no lower than 1.70m AOD
 - (vi) Flood warning notices

9 Reason for Recommendation

- 9.1 The proposal is considered to be in accordance with Policies DP4, DP10 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

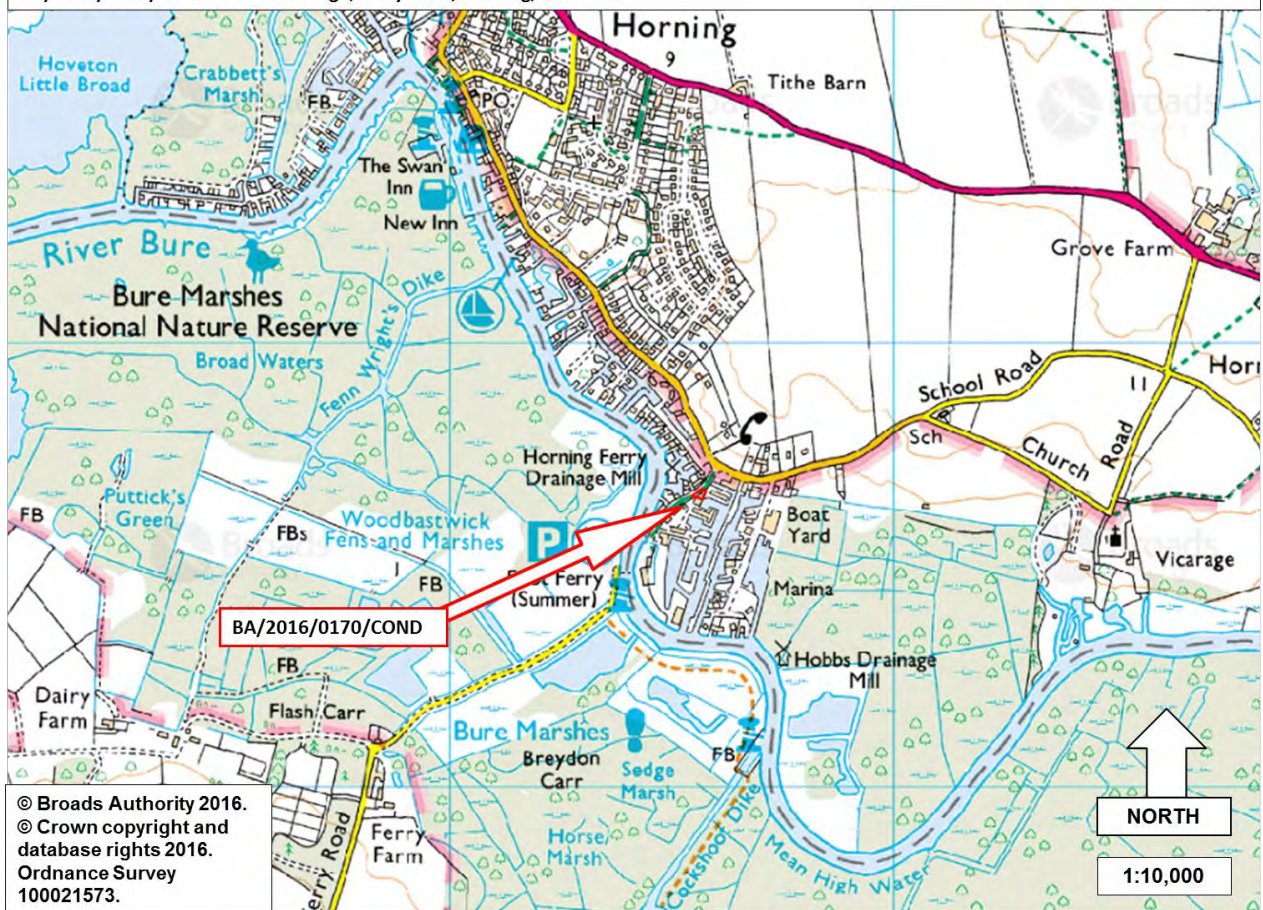
Background papers: BA/2016/0170/COND

Author: Maria Hammond
Date of Report: 6 July 2016

List of Appendices: APPENDIX 1 –Site Plan

APPENDIX 1

BA/2016/0170/COND - Heron Cottage, Ferry Road, Horning, NR12 8PS



**Enforcement of Planning Control
Enforcement Item for Consideration:
Burgh St Peter: Waveney Inn and River Centre**
Report by Head of Planning

Summary:	This report concerns unauthorised development at the Waveney Inn and River Centre, Burgh St Peter. It provides an update for Members following the submission of a solicitor's letter prior to Members' consideration of the matter at the 24 June 2016 meeting.
Recommendation:	That no action be taken in respect of breaches identified at 3.2 and that information and actions are required in respect of the remaining matters.

1 Background

- 1.1 A report was prepared for the 24 June 2016 meeting of the Planning Committee, setting out a number of planning infringements at the Waveney River Centre. The report recommended that no further action be taken with respect to some of them, whilst Members' views were sought on the remainder. The matter was brought before Planning Committee because the site operator is a member of the Navigation Committee and the matter could not therefore be dealt with under delegated powers. A copy of the report is attached at Appendix 1.
- 1.2 On 23 June 2016 a letter was received from a solicitor on behalf of the site operator. The letter, and accompanying email, alleged factual errors in the report and that the report referred to breaches which were in fact permitted development. The letter requested the report be withdrawn and the accompanying email, sent at 15.18, asked for confirmation of this by the end of the day. A copy of the letter and email are attached at Appendices 2 and 3 respectively.
- 1.3 The letter was reviewed by Nplaw on behalf of the Authority, who advised that there were no grounds submitted which would justify a withdrawal of the report as the issues could be addressed verbally by the Officer. At the meeting, however, Members indicated that they wished to see a full response to the points made in the letter prior to considering the report, so the matter was deferred.

- 1.4 On 12 July 2016 a further email on the matter was received from a solicitor on behalf of the site operator. The email raised similar matters to those in the first letter. A copy of the email is attached at Appendix 5.

2 Response to the Solicitor's letter

- 2.1 This report sets out the points made in the solicitor's letter and provides a response to them, as requested by Members. For ease of reference, it follows the headings and numbering of the points made in the letter. It also references the points made in the email.

Background

- 2.2 At numbered point 2 the letter refers to the long established use of the Waveney River Centre for commercial activities, and notes that the assertion in the report at 2.1 that "much of the early development taking place around 2000" is incorrect. In response, there is absolutely no dispute that there has been commercial activity on this site for many years, however there was a period of redevelopment from the late 1990s and after following the acquisition of the site by its current owners, including the development of holiday caravans and lodges (planning permission was granted in 2006) and the development of the shop and it was the commencement of this intensification and expansion of use (which has continued to date) to which the report referred. The comments are noted and the long established use here acknowledged.

The Report

- 2.3 At numbered point 5 the letter considers the planning history of the site, as set out in the report. This point is also covered in the second substantive paragraph of the email of 12 July 2016. Paragraph 2.4 of the report states "In November 2013 planning permission was granted, partly retrospectively, for six camping pods (BA/2013/0310/FUL)" The letter states that this application was not retrospective as either no development was carried out until the planning permission was granted or only one pod to replace one caravan was installed before the permission was issued; the letter also states that in any case no permission is required for the installation of the pods as they are treated the same as caravans for planning purposes. In response, the Authority's records indicate that one pod was trialled before the planning application was submitted, and a further one installed before permission was granted. The application was submitted on 20 September 2013, validated on 30 September 2013 and the decision to approve issued on 11 November 2013. Photographs taken on 2 October 2013 clearly show 2 pods on site. It is also noted that that report to Planning Committee at the time described the application as part retrospective and this was not disputed. It is concluded that the report is accurate. It should also be noted that prior to the application being submitted, there was extensive discussion and advice and it was concluded that planning permission was needed, hence the submission of the application.

- 2.4 The letter then notes that paragraph 2.4 of the report states “In January 2016 planning permission was granted for the change of use of marina from leisure to mixed leisure and residential, with up to 10 residential units. This application was part retrospective (BA/2015/0251/FUL)”. The letter comments that this application has not previously been described as retrospective and asked for the report to be revised to reflect this. This point is also covered in the second substantive paragraph of the email of 12 July 2016. In response, it is the case that there is at least one vessel in the basin which has been used for residential purposes for some considerable time and this is definitively known by the Authority because the vessel has been the subject of other legal processes around tolls. Further, at numbered point 7.10 of the letter it is stated “... there is only one permanent residential mooring in this location and this mooring has been occupied in this manner for more than 11 years ...”. The application was submitted on 17 July 2015, validated on 10 August 2015 and the decision issued on 22 January 2016. If one boat has been on the site for 11 years then clearly the application is retrospective. On this basis, it is concluded that the report is accurate.
- 2.5 The letter then notes that paragraph 2.12 of the report, which covers a March 2016 application to make changes to an extant consent, refers to this application as retrospective, but it states that this application was not retrospective and says that the solicitor at the meeting agreed this. This point is also covered in the second substantive paragraph of the email of 12 July 2016. In response, there is disagreement between the parties as to whether or not this application could properly be described as retrospective. The application was submitted on 4 March 2016, validated on 7 March 2016 and the decision issued on 29 April 2016. Photographs taken on 11 April 2016 clearly show the building at an advanced stage of construction (ie blockwork completed, roof cladding and velux windows installed, wiring underway) and the construction is in accordance with the amended plans which were the subject of the application under consideration at the time, rather than the plans approved under the previous permission. On this basis it is considered that certainly the works were underway before permission was granted, and they may or may not have started before 4 March 2016. The minutes to the Planning Committee do not record any debate on this matter, however given that it has been approved, it is in any case a wholly technical argument.

The Planning Breaches

- 2.6 At numbered point 7 the comment is made that the writer is “pleased” that a pragmatic view has been taken to the listed breaches of planning control (set out at paragraph 3.3 of the report). This is an important point and it should be remembered that the report considers the listed breaches to be technical rather than substantial and recommends that no further action is taken as it is not expedient. The letter, however, then goes on to dispute much of the content of this section. These points are also reiterated in the first substantive paragraph of the email of 12 July 2016, where the writer requests that the Local Planning Authority consider the points made at paragraphs 7.2 – 7.6 of the letter; this is covered below.

- 2.7 The letter notes that paragraph 3.3(a) of the report describes works which were approved under revised plans as retrospective, but disputes this. In response, this is the same point as at 2.5 above and the same response applies.
- 2.8 Numbered point 7.3 refers to a concrete pad which has been constructed (and the standing thereon of 3 gas bottles), which the Local Planning Authority considers to be development requiring planning permission and the site operator disagrees. In response, there has been correspondence between the parties on this matter and, seeking a pragmatic resolution, the Local Planning Authority agreed to treat it as de minimus.
- 2.9 Numbered point 7.4 refers to the construction of a retaining wall, covered at paragraph 3.3(d) of the report, which the Local Planning Authority considers to be development requiring planning permission and the site operator considers to be permitted development. In response, it is likely that were an application to be submitted then planning permission would be granted and on this basis it is not considered expedient to pursue this.
- 2.10 Numbered point 7.5 refers to the 1.3m high posts which have been erected, apparently as support for the new hedge. The letter advises that the hedge and supporting posts were required in order to comply with an earlier permission (BA/2015/0360/F). In response, firstly the conditioned requirement around the hedge does not relate to this part of the site, but to a length further west where the site operator is required to retain the existing hedge or, if that is not possible, then to replace it with a new hedge to be agreed. Further, it was understood initially that the posts were to support a fence on this part of the site, and the Local Planning Authority considers this to be development requiring planning permission due to its height; the site operator considers it to be permitted development. The report advises that it would not be expedient or proportionate to take formal action in respect of these posts.
- 2.11 Numbered point 7.6 refers to paragraph 3.6 of the report, which explains that in a letter of 12 April 2016 the landowner was advised to submit a retrospective application to address the listed breaches, or a Certificate of Lawful Development (Proposed) application to establish formally whether planning permission is needed. The letter of 12 April was attached to the solicitor's letter. In response, it is the case that the solicitor's letter is correct, in that this request was not set out in that April letter, but was later in an email of 9 May 2016. A copy of this email is attached at Appendix 4. This is an error in the report and this is acknowledged.
- 2.12 Numbered point 7.7 refers to the landscaping scheme required by condition on the planning permission for the camping pods. No landscaping scheme has been submitted and the letter does not argue otherwise; it does, however, note that no objections have been raised to its absence and it effectively recommends that no action should be taken as this is a technical or trivial breach which it would not be expedient to pursue. The email of 12 July 2016 asks that the Local Planning Authority take into account the comments made in the letter in coming to a view on what approach to take to this matter. In

response, the report to the 24 June 2016 Planning Committee sought the views of Members on the resolution of this matter. It should be noted that when the application for the camping pods was considered in 2013, the report advised that:

“The pods would be seen against the existing boundary hedge along Church Lane, which is approximately 2.5 - 3 metres high, and individually they would assimilate into this background more easily than the existing touring caravans. It is, however, considered necessary for a landscaping scheme to be provided in order to reinforce the existing backdrop of the hedge and to provide some segregation to the pods in views from the river. Subject to a condition requiring agreement of a landscaping scheme, the proposal is considered acceptable in this respect.”

There has been no change in the circumstances of the site since, and it is considered that there remains a requirement here for landscaping.

- 2.13 Numbered point 7.8 refers to the requirement under planning permissions BA/2013/0239/FUL and BA/2015/0236/COND to demarcate parking spaces outside the Waveney Inn; this condition was required by the Highways Authority in order to ensure the permanent availability of the parking area, in the interests of highway safety. The letter explains that the site operator is willing to demarcate the spaces, as required, although he would prefer not to as he considers that this would impact adversely on safety. The email of 12 July 2016 asks that the Local Planning Authority take into account the comments made in the letter in coming to a view on what approach to take to this matter. In response, the report to the 24 June 2016 Planning Committee also sought the views of Members on the resolution of this matter. Given that the Highways Authority have consistently sought to impose this requirement, and the site owner is prepared to comply with it, it is considered appropriate to press for the provision of the demarcated parking.
- 2.14 Numbered point 7.9 refers to the requirement for signage on the Waveney Inn building to be agreed, pursuant to an earlier planning permission for the conversion of the former shop to holiday accommodation, at which point the shop moved into the Waveney Inn building. The letter appears to be arguing on the one hand that the site operator would be happy to provide photographs of the signs, but is unsure of what is required; it also appears to be arguing on the other hand that the condition is neither relevant to the development permitted nor precise and does not therefore meet the statutory tests and should, in effect, be disregarded. It is noted that no appeal was submitted against this condition when the permission was granted in 2013 or varied in 2015, and the time period for appeal has now expired. The email of 12 July 2016 asks that the Local Planning Authority take into account the comments made in the letter in coming to a view on what approach to take to this matter. In response and taking a pragmatic approach, the obvious solution here is for the site operator to submit details of the signage to the Local Planning Authority, as the letter says he prepared to do. Indeed, he was provided in December 2015 with details of what was required, so it would be useful to resend that information.

- 2.15 At numbered point 7.10 the letter covers the issue of the use of basin for residential moorings, arguing that insufficient information has been provided to Members to demonstrate a breach of planning control (through the failure to comply with planning conditions), and therefore it would not be appropriate for Members to agree formal action. The email of 12 July 2016 asks that the Local Planning Authority take into account the comments made in the letter in coming to a view on what approach to take to this matter. In response, it is the case that there is some uncertainty around the number of vessels being used for residential purposes – it is known that there is at least one, and the solicitor confirms in the letter, however in discussions with the Local Planning Authority in June 2015 the site operator advised that he had 3 or 4 residential moorings on the site and that, in fact, there had always been that number of residential moorings at the Waveney River Centre. The Local Planning Authority has not been told that any of these vessels have either moved on, or the residential use ceased, and on this basis it is understood that there is residential use of vessels taking place on the site.

3 Commentary and Proposed Actions

- 3.1 The solicitor's letter alleges that the report to the 24 June 2016 meeting of the Planning Committee contains inconsistencies and inaccuracies and, effectively, that these undermine its credibility. This is reiterated in effect by the email of 12 July 2016 which directs the reader back to the letter. Whilst it is acknowledged that there are disagreements between the Local Planning Authority and the site operator around issues including the planning history and the need for planning permission, given that the report recommended that no further action be taken in respect of many of the elements then in practical terms the argument, for example, as to whether or not planning permission is required is a broadly technical one
- 3.2 Members are reminded that the report recommended no further action be taken in respect of:
- a) commencement of works to the restaurant extension, where the revised scheme has now been agreed; and
 - b) The demolition of stables; and
 - c) the works to the concrete base, which can be treated as de minimus; and
 - d) construction of a retaining wall to the rear of the gas bottle storage area; and
 - e) the erection of fence posts.

There have been no change in circumstances since the June report was prepared, so it is again proposed that no further action be taken in respect of the above breaches.

- 3.3 If Members support this approach, they are then advised that if it is not considered expedient to take enforcement action on these breaches, it is

similarly not expedient (in a general sense) to use limited resources to argue the points as this will have no effect on the outcome.

- 3.4 On this basis, and in respect of these breaches, it is proposed to respond to the solicitor's letter advising that the differences in interpretation (&c.) are noted, but given the absence of any practical effect in terms of the Local Planning Authority's action, the Authority does not intend to respond further.
- 3.5 This does, however, leave the second set of matters, which are those around the compliance with planning conditions, namely:
- f) The provision of a landscaping scheme, associated with the camping pods (BA/2013/0310/FUL); and
 - g) The provision of demarcated parking spaces (BA/2015/0236/COND); and
 - h) The details of new signage on the Waveney Inn building (BA/2013/0405/CU); and
 - i) The provision of information in respect of the ten residential moorings (BA/2015/0251/FUL or BA/216/0064/COND).
- 3.6 There has been discussion of these matters above, and it is recommended that the following actions be taken:
- The provision of a landscaping scheme is requested from the site operator; and
 - The provision of demarcated parking spaces are required of the site operator, as he has indicated he is prepared to do; and
 - The details of the signage are requested from the site operator, as he has indicated he is prepared to do; and
 - The site operator is asked formally to confirm the number of vessels using the site for residential moorings so that an assessment can be made of whether the trigger for the conditions on BA/2015/0251/FUL or BA/216/0064/COND has been met.
- 3.7 If this approach is agreed by Members, it will be necessary to communicate this to the site operator
- 3.8 Should the site operator fail to undertake the required actions, or provide the necessary information, the matter will be brought back before the Planning Committee in order that they may either authorise enforcement action or agree no further action.
- 3.9 With regard to the latter action, it is noted that the landowner has indicated that he intends to submit an appeal against a number of the conditions imposed on the permission for residential moorings, but currently no appeal has been received.

4 Financial Implications

- 4.1 There are currently no known legal costs associated directly with this course of action.

5 Recommendation

- 5.1 That no further action be taken in respect of breaches identified at 3.2 above.
- 5.2 That the actions identified at 3.6 above are taken in respect of the remaining matters.

Background papers: Previous planning applications

Author: Cally Smith
Date of report: 13 July 2016

Appendices: APPENDIX 1 – Report to Planning Committee 24 June 2016
APPENDIX 2 – Letter dated 23 June 2016
APPENDIX 3 – Email dated 23 June 2016
APPENDIX 4 – Email dated 9 May 2016
APPENDIX 5 – Email dated 12 July 2016

**Broads Authority
Planning Committee**
24 June 2016
Agenda Item No 9(iii)

**Enforcement of Planning Control
Enforcement Item for Consideration
Waveney Inn and River Centre, Burgh St Peter**
Report by Head of Planning

Summary:	This report concerns unauthorised development at the Waveney Inn and River Centre, Burgh St Peter.
Recommendation:	That no further action be taken in respect of breaches 3.3 (a) – (e) and the Committee’s view is sought in respect of breaches 3.7 (a) – (d).

Location: Waveney Inn and River Centre, Staithe Road, Burgh St Peter, Beccles

1 Site and Location

- 1.1 The Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services.
- 1.2 The holiday complex consists of a boatyard, holiday accommodation and a camping and caravan park. Facilities within the site include a public house with restaurant, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings. Holiday-hire boats and private boats moor up at the centre as well as day boats and the site operates a hire fleet. The site also has planning permission for 10 residential moorings.

2 Planning History

- 2.1 The holiday complex at the Waveney Inn and River Centre has been established for some time, with much of the early development taking place around 2000. There has been a programme of expansion and updating in the last few years, with a number of planning applications submitted as detailed below.
- 2.2 In March 2011 planning permission was granted for the demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation. This permission was not implemented (BA/2010/0392/FUL).

- 2.3 In December 2012 planning permission was granted for new entrances, external cladding and window alterations to the Waveney Inn PH on the site (BA/2013/0329/FUL).
- 2.4 In November 2013 planning permission was granted, partly retrospectively, for six camping pods (BA/2013/0310/FUL).
- 2.5 In March 2014 planning permission was granted for the conversion of the existing shop to luxury apartment with re-location of shop to unused part of pub (BA/2013/0405/CU).
- 2.6 In September 2015, after a site visit at which it was found that development which had taken place in respect of the works to the Waveney Inn was not in accordance with the approved plans, retrospective planning permission was granted for a variation of condition 2 of BA/2013/0329/FUL to amend the approved drawings (BA/2015/0236/COND).
- 2.7 In September 2015, after a site visit at which it was found that development which had taken place in respect of the works to convert the former shop to holiday accommodation above was not in accordance with the approved plans, retrospective planning permission was granted for a non-material amendment to BA/2013/0405/CU for minor differences to the external appearance (BA/2015/0243/NONMAT).
- 2.8 In January 2016 planning permission was granted for the change of use of marina from leisure to mixed leisure and residential, with up to ten residential units. This application was part retrospective (BA/2015/0251/FUL).
- 2.9 In January 2016 planning permission was granted for an extension to the restaurant (BA/2015/0360/FUL).
- 2.10 In January 2016 planning permission was granted to replace a barn with an administration centre (BA/2015/0371/FUL).
- 2.11 In February 2016 a planning application was submitted to make changes to the development permitted under BA/2015/0251/FUL to remove six of the ten conditions applied (BA/2016/0064/COND). The proposal to remove condition 10 was approved but all other conditions were retained.
- 2.12 In March 2016 a planning application was submitted to make changes to the development permitted under BA/2015/0360/FUL. This covered amendments to the fenestration, variation of condition 2 covering the addition of an external patio and the removal of conditions 4 and 7 covering highways mitigation and specifying the use of the extension. This application was part retrospective and the variation of condition 2 and removal of condition 7 were approved, but the requirement for highways mitigation was retained (BA/2016/0088/COND).

3 The Planning Breaches

- 3.1 Site visits in connection with the most recent planning applications and permissions have shown that some development which has recently taken place has not been in accordance with the planning permissions granted.
- 3.2 It has also been found that a number of pre-commencement conditions – these are planning conditions which need to be discharged formally before development commences – have not been discharged. It is the case that in some circumstances if a pre-commencement condition is not formally discharged prior to the commencement of works the development in its entirety will be unauthorised.
- 3.3 The works which have taken place are as follows:
- (a) Commencement of works to the restaurant extension (BA/2015/0360/FUL), with the development being constructed in accordance with amended plans which had not been approved at the time that works were taking place (BA/2016/0088/COND).
 - (b) The demolition of stables without the required prior approval being granted.
 - (c) Works to a concrete base, comprising raising and extending it, in order to accommodate the standing of two gas bottles, plus the standing of one further gas bottle.
 - (d) Construction of a retaining wall to the rear of the gas bottle storage area.
 - (e) The erection of fence posts of 1.3m tall on an elevation facing the public highway, where permitted development rights allow a height of 1m only.
- 3.4 It is considered that the works which have taken place constitute development for which planning permission is required.
- 3.5 There has been some correspondence with the landowner on the above matters. He does not agree that there have been breaches of planning control arguing, respectively
- (a) An application to vary the condition was submitted before the works started;
 - (b) This is accepted;
 - (c) This does not constitute development;
 - (d) This constitutes permitted development;

- (e) The fence posts are 'temporary' and will not be seen when the hedge grows up.
- 3.6 In a letter of 12 April 2016 the landowner was advised to submit a retrospective application to address the breaches, or a Certificate of Lawful Development (Proposed) application to establish formally whether planning permission is needed, but currently nothing has been received.
- 3.7 In addition to the above, which were the subject of the letter of 12 April 2016, the following matters should be noted which are in breach of planning conditions:
- (a) The permission for the camping pods was subject to a condition requiring a landscaping scheme to be agreed prior to commencement and for it to be completed either within one year of the installation of all six approved pods or two years from the date of the permission (11 November 2013), whichever is earlier (condition 4 of BA/2013/0310/FUL). No landscaping scheme has been submitted or implemented and both relevant timescales have passed. This development is therefore in breach of condition 3 of BA/2013/0310/FUL).
 - (b) The original permission for the new entrance and alterations to the reception and public house (BA/2013/0329/FUL) and the subsequent amended permission to regularise this (BA/2015/0236/COND) required the provision of demarcated parking spaces. The spaces have not all been demarcated as required by the permission and the development is being occupied in breach of condition 3 of BA/2015/0236/COND.
 - (c) The planning permission for the change of use of the shop to holiday accommodation had condition requiring agreement of details of any new signage to be provided on the Waveney Inn building prior to the first occupation of the new holiday accommodation (condition 4 of BA/2013/0405/CU). The accommodation has been occupied since at least summer 2015 and details of the signage have been requested, but not received. This development is being occupied in breach of condition 4 of BA/2013/0405/CU.
 - (d) The permissions granted in January and April 2016 (BA/2015/0251/FUL and BA/2016/0064/COND) for ten residential moorings both required certain details to be agreed either prior to the first use any residential mooring or within two months of the date of the permission, whichever is earlier. These timescales were considered appropriate as it is known there are existing moorings occupied by residential vessels. Either of these permissions could be implemented and no application has been submitted to discharge the relevant conditions. Therefore, if moorings are being occupied by residential vessels and this is believed to be the case, then the relevant conditions are being breached (conditions 5, 6, 9 and 10 of BA/2015/0251/FUL or conditions 5, 6 and 9 of BA/216/0064/COND).

- 3.8 The landowner has indicated that he intends to submit an appeal against a number of the conditions imposed on the permission for residential moorings, but currently no appeal has been received.

4 Action Proposed

- 4.1 The Government recognises the importance of effective planning enforcement. National policy around planning is set out in the National Planning Policy Framework (2012) and in respect of planning enforcement is clear in paragraph 207 that:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”

- 4.2 Further to this, the Broads Authority has recently prepared a local Enforcement Plan, which sets out its approach to planning enforcement. It outlines the four main principles it will be guided by when looking at unauthorised development – expediency, proportionality, consistency and negotiation. These will be used when deciding whether or not to take any action in respect of a planning breach. It should be noted that enforcement action is not mandatory, but is at the discretion of the LPA and the LPA must decide whether or not it is expedient to take such action, having regard to the provisions of the development plan and to any other material considerations. In determining expediency, an LPA needs to be mindful of the harm that is being caused by the breach and the acceptability in planning terms of what is being undertaken.
- 4.3 In this case, the planning breaches which have occurred and are listed at 3.3 (a) – (e) above are minor and the unauthorised developments which have taken place are not intrinsically unacceptable, nor are they in conflict with development plan policies. There are no material considerations which override the above policy provisions and were an application to be submitted it is likely that planning permission would be granted. As can be seen from the planning history above, retrospective permissions have previously been granted on this site and it is regrettable that the landowner has declined to take this approach this time.
- 4.4 There are no over-riding issues of public interest which indicate that action should be taken to remedy the breach.

- 4.5 In summary, it is therefore considered there are no grounds on which to argue that enforcement action is currently expedient in respect of breaches (a) – (e). It is recommended that no further action is taken.
- 4.6 With respect to breaches 3.7 (a) – (d), these are all matters which need to be resolved in order to make the developments which have taken place acceptable. The view of the Planning Committee is sought on what approach to take.
- 4.7 It should be noted that the reason this matter is referred to Planning Committee is because the landowner is a member of the Navigation Committee and that usually these judgements would be made at officer level.

5 Financial Implications

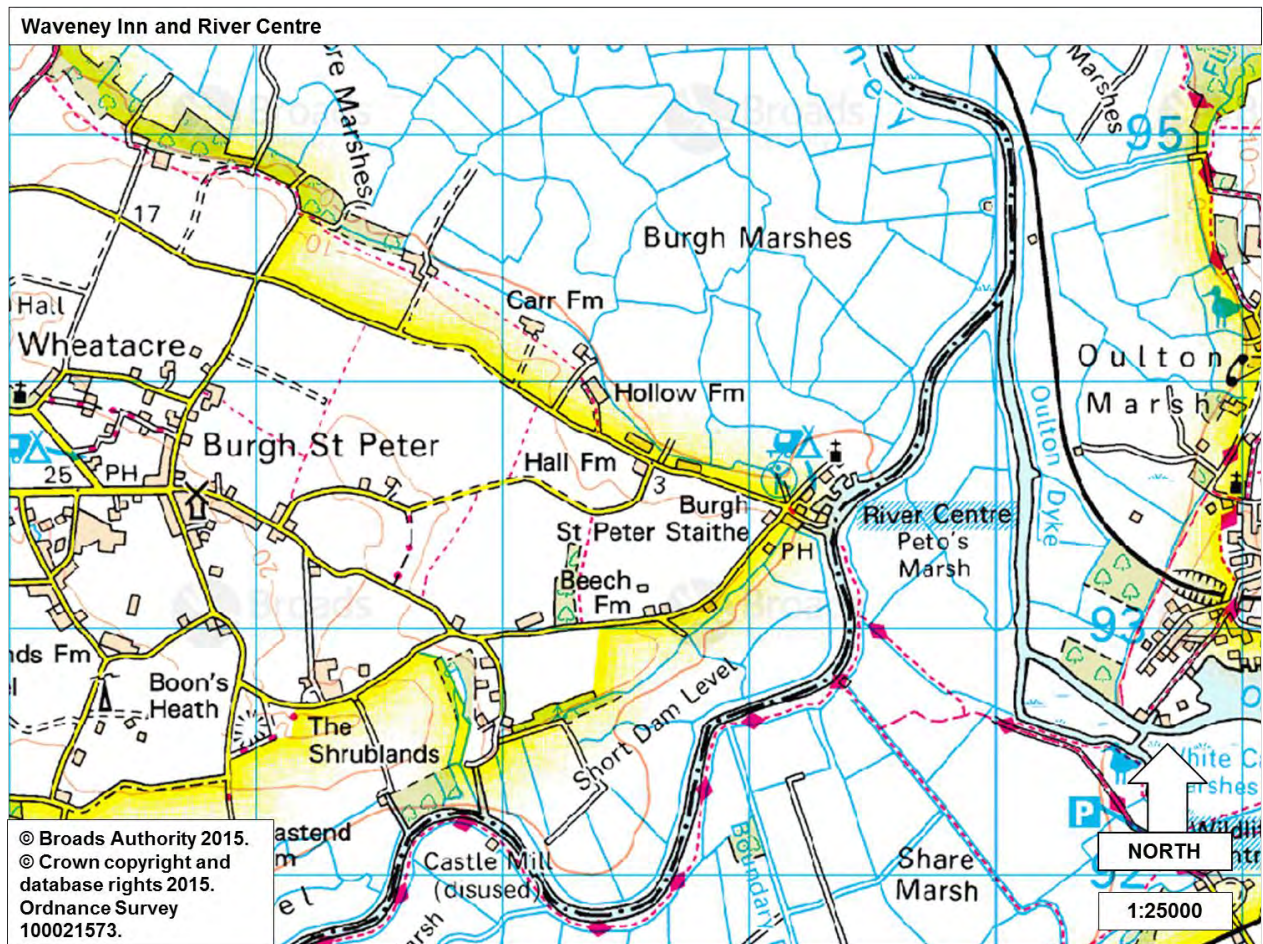
- 5.1 There are currently no known legal costs associated directly with this course of action.

Background papers: Previous planning applications

Author: Cally Smith
Date of report: 10 June 2016

Appendices: APPENDIX 1 - Site plan

APPENDIX 1





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Telephone 01603 762103

James Knight
Waveney River Centre
Burgh St Peter
Norfolk
NR34 0BT

By Email only to james@waveneyrivercentre.co.uk

Our Ref : JZC/
Your Ref :
Date : 23 June 2016

Dear James

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

You have asked me to review the report prepared by Cally Smith ("the Head of Planning") on 10 June 2016 for the Broads Authority's ("the Authority") Planning Committee meeting on 24 June 2016 ("the Report") and advise you on this. I write to confirm my advice in this regard.

Background

- 1 I understand that Waveney Inn and River Centre ("the Centre") is a successful award-winning family-owned park which employs a staff of up to 65 persons at its site in Burgh St Peter.
- 2 The expansion of the Broads holiday industry in the 1960s led to the first phase of the Centre's development as a visitor destination, and by the 1980s the business included a much expanded pub, additional marina and an indoor heated pool. However, I understand that the complex itself has been established for many decades, with a ferry, moorings and pub having been established for well in excess of 150 years. This is contrary to the incorrect assertion at paragraph 2.1 of the Report that the early development at the Centre took place around 2000.
- 3 I understand that the Centre is open all year round and features luxury holiday lodges, 5-star camping and boat hire, as well as a ferry link to Carlton Marshes.

The Report

- 4 As instructed, I have reviewed the Report in detail. I am concerned that there appear to be a number of factual errors in the Report and I am afraid that I do not agree with a number of the conclusions that have been drawn.

Section 2

- 5 I address the issues with section 2 of the Report as follows:



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- 5.1 Paragraph 2.4 – Following our discussions, I do not understand why the Report states that this application was granted “*partly retrospectively*”. This application was to replace 3 caravans with 6 pods and the development was not carried out until the planning permission was granted. You have informed me that you replaced 1 of the caravans with 1 pod before the planning permission was issued but planning permission is not required for the location of the pods as they fall within the statutory definition of a caravan in the Caravan Sites and Control of Development Act 1960 (as amended) and the Caravan Sites Act 1968 and the siting of these is therefore not a material change of use of this part of the Centre. I understand that the pods can be easily and quickly relocated, are not physically attached to the land and required no material works to install so the siting of these does not amount to operational development. I therefore expect the Head of Planning to amend the report to reflect this.
- 5.2 Paragraph 2.8 – I understand that this application has never previously been described as “*part retrospective*” and the report to the planning committee on this did not mention this. As above, I expect the Head of Planning to revise the report to reflect this.
- 5.3 Paragraph 2.12 – You have informed me that the Authority’s solicitor at the planning committee for this application confirmed that this application was not “*part retrospective*”. Further, I understand that the variation had not commenced before the planning application was made. To be considered a retrospective planning application under section 73A of the Town and Country Planning Act 1990 (“the Act”) the development must have been carried out before the date of the application. I expect the Head of Planning to revise the report to reflect this.

Section 3

- 6 Section 3 of the Report deals with issues which the Head of Planning considers may be breaches of planning control. However, I have a number of concerns with this section and I set these out below.
- 7 I am pleased that the Head of Planning has taken a pragmatic view regarding the developments in paragraph 3.3 (a) – (e). However, for the reasons I set out below, I do not understand why the majority of these have been included in the Report.
 - 7.1 Paragraph 3.3 (a) – The revised plans have been approved by the Authority and you have confirmed to me that this development is continuing in complete compliance with the revised plans. The Head of Planning asserts that this application was “*part retrospective*” but, for the reasons set out in paragraph 5.3 above, I do not consider this is an accurate descriptive of this application and expect the Report to be revised accordingly.
 - 7.2 Paragraph 3.3 (b) – You have informed me that you did consult the relevant legislation but you misinterpreted the exclusion for demolition of buildings with a volume not exceeding 50 cubic metres as 50 square metres. However, you have advised me that the demolition was required in the interests of health and safety as your consulting engineer confirmed the instability of the structure was putting the stability of a nearby highway at risk. You admitted your error to officers as soon as you realised, and apologised.
 - 7.3 Paragraph 3.3 (c) – You have informed me that the concrete base has not been extended. A new pad has been added on top of the existing damaged concrete pad

and the change has resulted in an increase in the height of the pad by 150mm, although the surface area of the pad remains the same. I understand that the pad appears to stand higher out of the ground at present as a slope has been excavated to facilitate access to the construction area for the restaurant extension. You have informed me that this area shall be backfilled when the work to the restaurant extension is complete.

- 7.4 Paragraph 3.3 (d) – I understand that this wall has been erected directly in front of the former collapsing wall as a means for retaining the adjacent bank and enclosing Centre. The case of Prengate Properties Ltd v Secretary of State for the Environment and Others (1973) 25 P & C R 311 confirms that a retaining wall and a means of enclosure are not necessarily two different things. In this case the wall functions as a means of enclosure to the Centre and as a retaining wall for the adjacent bank.

As mentioned in Chadwick v Greenwich LBC [2007] EWHC 2776 (Admin) this permitted development right would not make sense if it did not relate to part of a means of enclosure, as the wall is for the Centre in this case.

Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") permits the erection of a gate, fence, wall or other means of enclosure subject to certain conditions. I understand that the wall is constructed near but not adjacent to a highway used by vehicular traffic but that in any event the wall is not more than 1 metre above ground level and it is not built within the curtilage of a listed building. It is clear that this is not a freestanding wall and it is permitted under permitted development rights. Therefore, this development falls squarely within permitted development rights and should not be included in this Report as a result.

- 7.5 Paragraph 3.3 (e) – You have informed me that the posts are required as supports for a new hedge which are needed to protect it whilst it establishes. The height of the hedge and supporting posts were selected by you to comply with condition 8 of BA/2015/0360/FUL which requires a minimum hedge height of 1.2 metres. I understand the posts shall be fully integrated within the developing hedge within 2 years.

These posts are therefore temporary structures required in connection with the duration of operations being carried out on the land (and required by planning condition) and this therefore falls within Class A of Schedule 2 Part 4 of the GPDO. The posts themselves do not form a means of enclosure for the Centre, they are merely to support the hedge that has been planted.

Following the establishment of the hedge these posts may be removed, although I appreciate that such works have the potential to damage the hedge and therefore it may be more rational to allow these posts to remain. I do note that when the hedge is fully established these posts shall not be visible and therefore I would not expect the Authority to take enforcement action against this issue.

- 7.6 Paragraph 3.6 – This paragraph asserts that you were advised in writing to submit a retrospective application or certificate of lawfulness application. However, I have seen this letter (a copy is enclosed with this letter for ease of reference) and the letter does not do this. I am surprised at this clearly incorrect statement and I expect the Head of Planning to revise this section of the Report.

- 7.7 Paragraph 3.7 (a) – You have provided me with a copy of an email to you from the Head of Planning dated 8 June 2015 in which it is confirmed to you that the design and location of this development was in accordance with the approved plans. I am disappointed that the Head of Planning did not raise this issue at that stage and has not discussed this with you before placing it in the Report.

As set out in the Report, enforcement should be in accordance with Paragraph 207 of the National Planning Policy Framework and therefore local authorities should act “proportionately”. The Authority’s own Enforcement Plan sets out that the Authority will be guided by expediency, proportionality, consistency and negotiation when considering a planning breach. Further, Paragraph: 003 Reference ID: 17b-003-20140306 of the National Planning Practice Guidance (“NPPG”) confirms that the Authority have discretion to take enforcement action when they consider it is expedient to do so having regard to the development plan and other material considerations.

In this instance, the landscaping of this part of the Centre (to which this condition relates) has not been complained about by any visitor to the park or member of the public to your knowledge. Paragraph: 011 Reference ID: 17b-011-20140306 of the NPPG sets out that the Authority should avoid taking formal enforcement action where “*there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area*”. In light of this I do not consider that it is expedient for the Authority to take any action on this issue.

- 7.8 Paragraph 3.7 (b) – I consider that this is a “trivial” breach which for the reasons set out above by reference to the NPPG does not merit formal enforcement action. Further, you have confirmed to me that while you are willing to demark the spaces as required by the condition you are reluctant to do so for safety reasons. I understand that the demarcation of these spaces may cause additional parking in this area and reduce visibility for drivers of vehicles. In any event, you have informed me that there is a great deal of car parking space elsewhere at the Centre, including a 70 space car park immediately adjacent to the building.
- 7.9 Paragraph 3.7 (c) – I understand that this planning permission relates to the development of the former shop but the condition seeks to affect the Waveney Inn building. You have informed me that you are willing to provide photographs of the signage to be erected at the Waveney Inn building but you are not sure what details are required here.

Planning conditions need to comply with the six tests set out at paragraph 206 of the NPPF. Two of these tests are that a condition must be “relevant to the development to be permitted” and be “precise”. In this case the Waveney Inn building may have a number of signs on it which do not relate to the relocation of the shop. This condition appears to seek approval of any new signage on this building and not just those related to the shop and as a result I fear it may not be precise enough to satisfy these tests. In light of this, I do not consider that the Authority should resolve to take any action against this issue, although I appreciate that you are willing to provide details if the Authority confirm what is required here.

- 7.10 Paragraph 3.7 (d) – I am particularly surprised that this issue is being placed before the Authority’s planning committee as it is clear that the Head of Planning is not clear whether the moorings are being occupied by residential vessels and in turn whether conditions are being breached. I do not consider that the planning committee have

enough information to come to a rational decision on this point and assuming a breach of condition at this stage is entirely inappropriate.

In fact, you have confirmed to me that there is only one permanent residential mooring in this location and this mooring has been occupied in this manner for more than 11 years. I also understand that there has been no intensification or material change of use of the moorings since the planning permissions in question were obtained.

More importantly, I understand that you have no intention of implementing either of these planning permissions at this stage as you consider that their temporary nature and restrictive conditions mean that they are wholly unviable.

The Report

- 8 In light of the inconsistencies and inaccuracies in the Report which I have highlighted above, I consider that the Head of Planning should withdraw the Report from consideration by the Authority's planning committee to address these issues. At the very least I would expect the Head of Planning to prepare an addendum to address the concerns I have set out above.
- 9 I am also surprised that the Report is being placed before the Authority's planning committee without the Head of Planning fully engaging with you on these issues. Following my review of the planning history for the Centre it is clear that you take potential breaches of planning control seriously and have submitted amendments to planning permissions on those few occasions in which such changes have been required. In view of this, I am confident that you can continue to work constructively with the Head of Planning without the need for the Authority's planning committee to formally consider the Report.
- 10 If the Head of Planning does not agree to withdraw the Report I consider that the only rational response from the Authority's planning committee would be to defer any decision over these matters until the concerns that I have raised above have been fully addressed by the Head of Planning. None of the purported "breaches" of planning control highlighted in the Report are causing serious harm and I consider that in the case of those which may be considered breaches these are of a trivial or technical nature which should not attract enforcement action.
- 11 I understand that you remain willing to fully engage with the Authority over these issues to avoid such misunderstandings in the future and to ensure that there remain no breaches of planning control at the Centre.

Yours sincerely



Jamie Childs
For and on behalf of Howes Percival LLP

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Mr J Knight
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Staithe Road
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Norfolk
NR34 0BT

Date 12 April 2016

BA/2016/0088/COND

Page 1 of 1

Dear Mr Knight

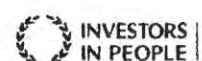
Development at Waveney River Centre

I write further to a recent routine monitoring visit to check for commencement of development and compliance with the conditions of the recently approved planning permissions.

Application BA/2016/0088/COND is currently being considered and proposes amendments to the approved plans of the permission for the restaurant extension (BA/2015/0360/FUL). On visiting the site it was observed that this development is well advanced and that the amendment to the northeast elevation proposed in the current application has been completed. This part of the application shall therefore have to be considered retrospectively.

You will recall that it was necessary to include the re-siting of the two existing gas tanks on the application for the restaurant extension. It is noted that a new raised concrete platform has been erected with a retaining wall to the rear, in place of a stable building that has been demolished, and three gas tanks have been sited on this. This is not covered by the existing permission and it is necessary to either add this development to the current application, or make a separate application to regularise this. We intend to take the current application to the next available Planning Committee meeting on Friday 29 April, you will appreciate amending it at this stage is likely to delay that and we would be grateful if you could confirm how you wish to address this additional development by the end of this week (Friday 15 April).

It was also observed that the majority of the roof tiles have been removed from the barn building subject to permission BA/2015/0371/FUL. The pre-commencement conditions of this permission have not yet been discharged and you will be aware condition 5 requires agreement of the method of demolition. Furthermore, condition 6 requires that any demolition which takes place during the active bat season (1st March to 31st October inclusive) is only undertaken following a survey for roosting bats and written agreement from the Local Planning Authority of the results of that survey. I would be grateful if you could confirm the date when these tiles were removed. Any further material removal or demolition



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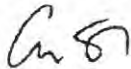
should cease until all pre-commencement conditions are discharged and should only proceed in accordance with the provisions of condition 6.

A new hedge has been planted along the Staithe Road boundary where the former stable building has been demolished. It is appreciated that it is necessary to support and protect this while it establishes, however it is noted the timber posts measure 1.3 metres above ground level and as such do not benefit from permitted development rights for means of enclosure adjacent to a highway. I would recommend you reduce these posts to 1 metre to comply with the permitted development rights.

I trust the storage container on site is temporary in connection with the development currently being undertaken and shall be removed on completion of that development. The Authority shall continue to monitor the development and compliance with the conditions of the permissions.

I look forward to receiving answers to the points above and confirmation of how you wish to proceed with the current application by the end of this week.

Yours sincerely



Cally Smith
Head of Planning

Cally Smith

From: James Knight <james@waveneyrivercentre.co.uk>
Sent: 23 June 2016 15:18
To: Cally Smith
Cc: Andrea Long; John Packman
Subject: Development at Waveney River Centre
Attachments: 2016-06-23 - Letter to Mr James Knight.pdf

Categories: Purple Category

Dear Cally

I received your email last week and have read the subsequent report to Members. I was surprised and disappointed that the report contained so many factual errors and not only continued to allege breaches which are in fact permitted development, but that it raised other matters which we have either not discussed or are utterly trivial.

I am disappointed also that the report continues to attempt to paint me in a particular light by describing applications as retrospective when they are not.

As a result of the report, I've been forced to consult my planning consultant and lawyers (resulting in further expense), and their advice is enclosed. Their conclusion is that the report should be withdrawn from consideration tomorrow, to allow you to visit the site and then prepare a revised report which reflects both the facts at hand and the provisions of the law.

In the interests of fostering a better relationship for the future, I would like to propose a site meeting with yourself and our planning consultant, Mike Haslam, aimed at resolving the outstanding issues in the light of our legal advice.

Please can you confirm to me before close of play today whether you will be withdrawing the report.

Kind regards

James

James Knight
 Waveney River Centre

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Cally Smith

From: Cally Smith
Sent: 09 May 2016 11:10
To: James Knight
Subject: RE: BA/2016/0088/COND

Dear James

Development at Waveney River Centre

Further to the earlier email correspondence on the above matters, the following sets out the current position in respect of the issues under discussion.

1. Application BA/2016/0088/COND

This application was submitted in order to amend the plans as approved under planning permission BA/2015/0360. The works to construct the building started before the planning permission was granted and the scheme under construction was as shown in the amended plans. The planning application was determined on Friday 29 April. As the works started before the planning permission was issued the Broads Authority considers the application to be retrospective – ie it seeks to regularise a variation from an approved plan.

You do not agree that it is a retrospective application, as the application was made before the development in accordance with the amended plans commenced.

There is no definition in the 1990 Act of 'retrospective', which means that it takes its ordinary dictionary meaning, which relates to something that is operative in the past. I am of the view that the application can be reasonably referred as retrospective.

Whether or not the application can or cannot be described as retrospective did not affect the planning decision. I do not intend to spend any more time debating with you over what is, in this case, a purely academic point.

2. Demolition of stables and re-location of gas tanks

The demolition of the stables was works which required prior approval, however this was not sought. You have been advised that we do not intend to pursue this matter as it would not in my opinion be expedient to do so.

You have been advised that it is necessary to regularise the work to the concrete base, the erection of the retaining wall and the siting of the three gas tanks, however you do not agree with this. You argue that the concrete base was already present, although you have raised it and altered the dimensions. You argue that the retaining wall is permitted development and that the gas bottles have been moved 10m and no development has taken place.

I am prepared to treat the changes to the concrete base as de minimus, however I do not agree that the retaining wall is part of a means of enclosure and therefore benefits from permitted development rights – I am of the view that it is development requiring planning permission. This notwithstanding, were you to fail to submit an application it is in my opinion unlikely that the Broads Authority would pursue the matter as it is unlikely to be expedient. Finally, I note that as well as moving the gas bottles you have also added one, so now there are 3.

As at (1), I do not intend to spend any more time debating this with you. The Broads Authority is of the view that this is development which requires planning permission and you disagree. If you do not apply for planning permission the development will remain unauthorised, in the view of the Broads Authority. If you wish to pursue this matter formally I suggest that you apply for a Certificate of Lawfulness and you will get a formal opinion and you can then appeal if you disagree with the decision. Given that in my opinion the Broads Authority is unlikely to

consider enforcement action expedient, any appeal would be a purely academic exercise, but this might be what you want to do so that you have certainty.

3. Former cow shed

I note that you found the delay in discharging the condition on this permission unreasonable. You quote an excerpt from the PPG setting out the need for an LPA to be timely around this. I do note that the excerpt also states "Where the views of a third party such as a statutory consultee are required to discharge a condition, every effort should be made to ensure that the 21 day requirement can be met". In this case, the case officer chased the consultee daily – I fail to see what more she could reasonably have been expected to have done. I also note that unlike for other types of conditions, there is no provision for a deemed discharge for an archaeological condition – on this basis it cannot be discharged until approval is given from the statutory consultee and the Broads Authority did all that it could to expedite this process.

If you wish to make a complaint about this, please let me know and I will provide the appropriate contact details of the Historic Environment Service and you can raise it with them.

4. Hedge

There are permitted development rights for fences of up to 1m in height where the fence fronts a public highway. The fence posts that have been erected to support the hedge measure 1.3m so exceed the permitted development limits. We have asked you about your plans for the posts, which is not unreasonable given that they are prominent. You told us that they were temporary, but when you were asked about the timescales for their removal you explained that actually they are not temporary at all but won't be seen when the hedge has grown up. This is not the same as temporary. You have also indicated that you do not intend to remove the posts.

The fence posts are development which requires planning permission. If you do not apply for planning permission the development will remain unauthorised. In my opinion the Broads Authority is unlikely to consider enforcement action expedient. I hope the above is clear and I would note that I do not intend to spend any more time debating this with you.

I hope the above is helpful and will give you the information you need in order to decide how to proceed. If you do not apply for planning permission for the various developments, in my opinion, the Broads Authority is unlikely to consider it expedient to take enforcement action. The decision on expediency is usually made at an officer-level, however as you are a member of the Navigation Committee it would be appropriate to put the matter before Planning Committee in the interests of transparency.

Regards

Cally Smith
Head of Planning
Broads Authority
01603 756029

From: James Knight [mailto:james@waveneyrivercentre.co.uk]
Sent: 14 April 2016 21:03
To: Cally Smith
Subject: BA/2016/0088/COND

Dear Cally

Thank you for your letter dated 12th April.

You've raised a number of points and I will deal with them in turn.

1. Application BA/2016/0088/COND, currently under consideration

The new hedge is a continuation of the hedge referred to at condition 8 of permission BA/2015/0360/FUL, which is required to be kept at a minimum height of 1.2m. A 1.5m hedge was therefore selected in order to ensure compliance with this condition along the whole boundary. A 1m tall post cannot sensibly support a 1.5m hedge, and it would be impossible at this stage to reduce the height of the posts without damaging the hedge. These posts are clearly a temporary means of supporting the hedge, rather than a fence or means of enclosure in their own right, and I would be surprised if you took a different view.

5. Storage container

I can confirm that this is a temporary site hut for the builders whilst the restaurant extension and administration building are under construction.

I think that this covers everything and I will look forward to hearing from you as soon as possible.

Kind regards

James Knight
Waveney River Centre

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Although this development is now well advanced, the works requiring a variation to plans had not commenced at the date of application (3rd March). Retrospective applications are covered by S73A of the 1990 Act, which refers to "development carried out before the date of the application". Therefore, I don't believe that the application can be considered to be retrospective and I would be grateful for your confirmation of this.

2. Demolition of stables and re-location of gas tanks

It appears that I have made a mistake in respect of the demolition and for this I apologise unreservedly. I was under the impression that the demolition of a building measuring less than 50 sq.m was not development, but I see from re-reading the regulations that the correct figure is in fact 50 cu.m. Therefore the demolition was development, although it is permitted development under the GPDO. However, I can see that I should have sent a Prior Notification Notice to inform the Authority of our intention to exercise our demolition rights under PD, and I didn't do that. I apologise for this.

Some context might help you in deciding how to deal with this. Our intention was, as you know, to move the gas tanks adjacent to the disused stable building. However, when surveying the land and the stables, it turned out not only that the roof was in danger of collapsing, but that the western gable end was unsafe and that the northern retaining wall - which supports the highway - was bulging alarmingly. It was necessary to construct a reinforced concrete retaining wall as a matter of urgency to support the bank and the most expedient way of doing this was to demolish the whole building. This was all done in a bit of a rush just before Christmas, but the operation did present us with the opportunity of moving the gas tanks slightly further away from the new restaurant.

The 'raised pad' to which you refer is actually simply laid on top of the original concrete floor pad of the stable. It appears to rise out of the ground on the left because we have excavated a temporary slope down to the construction area. When complete, this will be back filled again to the original level so that it doesn't appear to rise vertically out of the ground.

I'm happy to modify the drawing on BA/2016/0088/COND to show the new location of the gas tanks, and to modify the description to include these changes, if you are content that this is the proper way of dealing with it. This will however delay the determination of this application, as you have mentioned.

Before I do this, please can I ask you consider whether the Authority might consider taking the view that, since the demolition was permitted development, the breach is only a technical one in that we failed to issue a Prior Notification Notice or a letter explaining why emergency demolition was required. Furthermore, the concrete pad is not development because it is only marginally different to the original concrete base, and the moving of gas tanks by a few metres is not material.

I will await your response on this point.

3. Removal of tiles from cow shed

You will probably recall that the roof of the northern end of the derelict cowshed was actually collapsing and so we removed the tiles from most of the upper tier in order to prevent a dangerous situation. A few more tiles were removed at the end of February. I note from your letter that the conditions have not yet been discharged, but it is now over 6 weeks since we lodged our condition discharge application (dated 29th February). I believe that the guidelines provide for such applications to be discharged within 21 days - should I submit a deemed discharge notice?

4. Hedge

From: [Jay Mehta](#)
To: ["Bell, Steven"](#)
Cc: [Cally Smith](#); [Jamie Childs](#)
Subject: Development at Waveney River Centre
Date: 12 July 2016 18:13:06
Attachments: [imageb085bd.PNG](#)
[imagefef818.PNG](#)
[image832869.PNG](#)
[image6be2be.PNG](#)
[imagefa149d.PNG](#)
[image294eac.PNG](#)
[image32715e.PNG](#)
[2016-06-23 - Letter to Mr James Knight.pdf](#)
[Burgh St Peter, BA Enforcement Report, June 16.pdf](#)

Dear Steven

Thank you for your time on the telephone earlier today.

I have now taken instructions from my client on the matter we discussed relating to Waveney River Centre. I attach, for ease of reference:

1. Our letter of 23 June 2016; and
2. A copy of the original committee report – the paragraph references of which I refer to below where indicated and in our letter.

As discussed, we endorse the view of the planning officer in recommending that no enforcement action should be taken regarding items 3.3 (a) – (e) of the attached committee report. However, we request if possible that the planning officer considers the points highlighted at paragraphs 7.2, 7.3, 7.4, 7.5 and 7.6 of our letter, i.e. the reason that no enforcement action should be taken is that these matters are not a breach of planning control for the reasons set out in these paragraphs of our letter and, in the case of demolition addressed at paragraph 7.2 of our letter, that it is not expedient to take enforcement action for the reasons set out in that paragraph.

In addition, we would also be grateful if the report was updated to take into account paragraphs 5.1, 5.2, 5.3 and 7.1 of our letter regarding the alleged retrospective nature of these applications, i.e. make it clear that planning applications were made before works were undertaken and these applications were not retrospective.

I understand that the planning officer is seeking planning committee's view on points 3.7 (a) – (d) of the report. Please could you ask the planning officer to consider and address the comments made at paragraphs 7.7 to 7.10 of our letter, i.e. that it is not expedient to take enforcement action in respect of the alleged breaches raised in 3.7 (a) to (c) of the report, and that it is understood that the use explained at paragraph 3.7 (d) of the report is lawful due to passage of time and/or do not warrant enforcement action. If the planning officer does not wish to incorporate this into the report, I request that the planning committee are directed to this section of our letter before considering this matter and reaching a decision.

As indicated in his email to the Head of Planning on 23 June, my client remains willing to meet with your client prior to the committee report being finalised and/or consideration of this matter at committee to discuss these matters.

Please do not hesitate to contact me or Jamie Childs should you wish to discuss further.

With kind regards

Jay

Jay Mehta

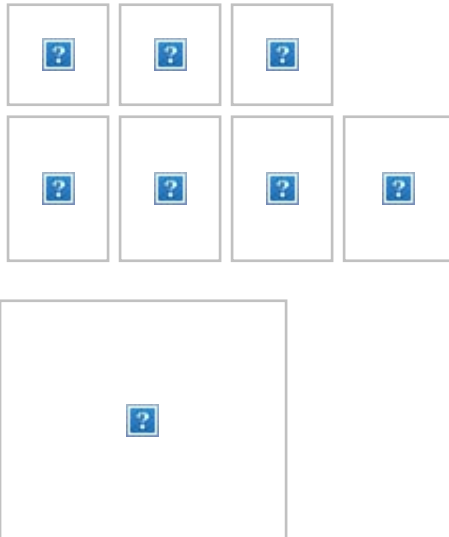
Associate Solicitor

Norwich

For and on behalf of Howes Percival LLP

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**Planning Committee Procedures – Protocol for the Submission of
Additional Information for Consideration by Members and Officers**
Report by Director of Planning and Resources

Summary:	At the last Planning Committee, Members asked Officers to prepare a protocol that covers the procedure for the submission of additional information (post agenda publication) from relevant parties including landowners, applicants, and third parties. This paper considers a draft protocol for Members' consideration that will form an additional section within the Code of Conduct for Planning Committee Members and Officers, between Section 10 (Lobbying of and by Members) and Section 11 (Public Speaking at Planning Committee). It is also proposed that relevant changes are made to the "Speaking at Planning Committee Leaflet".
Recommendation	Members' Views on the proposed Protocol in Section 3 are requested.

1 Background

- 1.1 At the last Planning Committee, members asked officers to prepare a protocol that covers the procedure for the submission of information (post agenda publication) from landowners, applicant and third parties This followed from a situation where additional information relating to applications and enforcement items had been sent to members for their consideration, (some less than 24 hours before the Committee and some that had not been made available to officers). Members were concerned that they had not had enough time to read it properly let alone receive any advice from officers. This paper introduces a draft protocol for Members' consideration.

- 1.2 Draft minute 13/8 and 9 refers:

"Members noted that there were procedures in place concerning receipt of additional information in relation to planning applications in accordance with the Code of Conduct and, these needed to be adhered to if members are to have sufficient time to consider all relevant information. Members agreed that this should be expanded to include Enforcement matters to ensure that no additional papers or information was provided after a cut off day eg: three days before the Meeting when the item was to be considered. In addition, any correspondence sent to Members of the Authority must be copied to officers in order that professional advice could be provided. A failure to follow this

procedure may result in items in the future either being deferred or for late information to be discounted.”

RESOLVED

that protocols for dealing with information provided to the Committee in the week before the meeting be reviewed and tightened.

2 Current Position

- 2.1 The Broads Authority publishes on the website a leaflet that sets out the procedures for public speaking at Planning Committee. This can be found here: [Planning Committee](#). The guidance specifically states that new information should be received a minimum of three days in advance of the committee meeting, to enable information to be circulated to members and for officers to provide a considered response. Whilst this procedure is clearly laid out, the timescales have not always been adhered to and because this is only guidance there has been some debate around its implementation and the Chairman's discretion has been employed a number of times. The submission of late information, depending on who it has been submitted by can disadvantage many parties e.g. applicants, objectors, members and officers and can offend rules of natural justice if there is no proper opportunity for response.
- 2.2 In addition, this timescale only refers to the consideration of applications and not enforcement items. It should be noted that at the last Committee two Enforcement items were deferred specifically because information had been circulated to members at a late stage and members felt that they needed to have longer to consider the information and for officers to have the opportunity to advise.
- 2.3 It has also been noted that there has been an increase in occasions where information is being sent straight to Planning Committee Members via email and not to officers, often the evening before a meeting. Officers therefore in some instances have been unaware that additional information or lobbying requests have been made until shortly before the Committee meeting and therefore have not always had the time to address issues raised as fully as they might like. In some cases objectors have tabled information on the day as part of their 5 minutes public speaking that neither members, officers nor the applicant have previously seen. The public speaking leaflet also states the following:

“if new evidence is brought to the Committee which could significantly influence a decision, the application will be deferred to the next meeting for officers/members to make a full assessment of the case”.
- 2.4 To date very few applications have been deferred for this reason and officers have generally managed to make a quick assessment about the significance and/or relevance of late information. However this does impact upon the smooth running of the Committee and is a situation that should be avoided.

3 Way Forward

- 3.1 In looking at this issue, the constituent District Councils have been contacted about their existing arrangements. Whilst inevitably they all have slightly different arrangements, the three days' notice for the submission of additional information is consistent with the approach taken by the majority. In respect of applications it is worth noting that a number of the Districts are taking a tough stance on the enforcement of their respective time limits as they are aware that objectors to controversial schemes can take the opportunity of deliberately sending in late information in order to force an application to be deferred so that the LPA does not risk a legal challenge. Whilst many do not have a specific cut-off date for enforcement items they can see that there is a benefit to using the same as that employed for applications– this would again help to mitigate against landowners being tempted to submit late information as a tactic for having a report that may potentially be recommending enforcement action against them deferred.
- 3.2 All District Councils contacted specifically mentioned the frustration caused by late information being sent to members and not to officers and the additional work related to that if officers are required to consider the significance of something at short notice, sometimes immediately before a committee meeting. There is also additional work required if a matter is deferred, as a further revised report must be prepared for the next meeting.
- 3.3 As a public body the Broads Authority is required to publish Committee information at least five working days in advance of that meeting date. Planning Committee agendas and reports are published usually the Thursday or Friday in the week before the meeting date. Officers notify applicants and objectors when an application is likely to be considered by Committee so the meeting date may well be known some time in advance of the publication of the agenda although clearly the precise report's content is not available until that time.
- 3.4 In the case of Enforcement items, the fact that an item is to be considered by Committee invariably means that attempts to resolve the matter have already been taken (in line with the Enforcement Plan) and that formal action is seen as the next stage in seeking to resolve the matter. In these cases the landowner will clearly be aware that the Authority's officers consider there to be a breach of planning control and that negotiations or other solutions have either failed or broken down. In such cases officers will advise the landowner that a report to Committee members is the proposed course of action, in advance of beginning to write a report and will also notify them again in the week that the agenda is published so that whilst they may not know the specific detailed words of the report they will be aware of the recommendation.
- 3.5 Therefore, having considered the above, the following draft protocol is recommended, which in turn requires an additional section to be inserted in the Code of Conduct for Planning Committee Members (Appendix 1) and

Officers and also for relevant amendments to be made to the “Speaking at Planning Committee” leaflet:

Protocol on Submission of Additional Information for Consideration by Members and Officers

Once a Planning Committee agenda has been published, all interested parties will be able to ascertain the recommended course of action for that item – this includes planning applications and also enforcement reports. Interested parties such as applicants, objectors, supporters, Ward members, Parish Councils and additionally in the case of reports on enforcement matters, landowners may wish to submit additional information to support their view or explain their position.

- This information should be sent to officers a minimum of three days before the relevant Committee date
- Officers will arrange for this information to be circulated to Committee members
- The three days cut off period applies to all interested parties e.g. applicants and/or their agents, landowners, objectors, supporters, Parish Councils, Ward members. The “Speaking at Planning Committee” leaflet will make this clear. In addition there is also the opportunity under the public speaking arrangements for third parties and applicants to address the Committee directly as the application is being considered.
- If parties lobby members directly they should also send the information to relevant officers. The public speaking leaflet will be amended to make this clear.
- The three day cut off period for the submission of additional information also relates to Enforcement Items and relevant landowners will be made aware of this prior to the publication of the Agenda. The reference to Enforcement matters in the relevant Committee leaflet will be amended to make this clear.
- The responsibility for enforcing compliance with this protocol rests with the Chairman, Members of the Committee and relevant officers.

Background papers: None

Author: Andrea Long
Date of report: 4 July 2016

Appendices: [APPENDIX 1 – Code of Conduct for Planning Committee Members and Officers](#)

Broads Local Plan (July) Bite Size Pieces

Report by Planning Policy Officer

Summary: This report introduces the following topics of the Preferred Options Local Plan: Vision and Objectives, Boat Wash Down, Excavated Material, Utilities Infrastructure, Sports Venues, Residential Annexes, and some refreshed and rolled forward policies currently in place.

Recommendation: Members' views are requested.

1 Introduction

- 1.1 This bite-size piece of the Preferred Options discusses vision and objectives, boat wash down, excavated material, utilities infrastructure, sports venues, residential annexes, and some refreshed and rolled forward policies currently in place.
- 1.2 Members' views are requested to inform the draft policy approach in the Preferred Options.
- 1.3 It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the time the final version is presented to Planning Committee in November 2016.

2 Vision and Objectives

- 2.1 It is proposed that the vision for the Broads Local Plan is the same as the vision for the Broads Plan (which is the management plan for the Broads). The objectives are linked to elements of the vision (see Appendix A).

3 Boat Wash Down

- 3.1 A new policy which seeks to address the issue of biosecurity as well as anti-fouling paint (see Appendix B).

4 Excavated Material

- 4.1 A new policy which raises the importance of how to dispose of or use material excavated from implementing development proposals (see Appendix C).

5 Utilities Infrastructure

- 5.1 Effectively rolling forward policy DP9 but amending it to reflect all types of utilities (see Appendix D).

6 Sports Venues

- 6.1 There are two important sports venues in the Broads. The site specific policies relate to Broadland Sports Club (a new policy) and Malting Meadows venue (refreshing DIT2 of the Sites Specifics Local Plan) (see Appendix E).

7 Residential Annexes

- 7.1 Effectively re-introducing a 1997 Local Plan policy with some amendments to address residential annexes (see Appendix F).

8 Refreshed and rolled forward policies currently in place.

- 8.1 DP27 – Visitor and Community Facilities
STA1 - Richardson's Boatyard in Stalham

See Appendix G.

9 Local Infrastructure Study

- 9.1 This study brings together elements of other studies as well as parts of the Issues and Options to address the infrastructure types raised in the NPPF, at a local level (see Appendix H).

10 Financial Implications

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

Background papers: None

Author: Natalie Beal
Date of report: 6 July 2016

Appendices: Appendix A: Draft Vision for the Broads
Appendix B: Boat Wash Down facilities
Appendix C: Excavated Material
Appendix D: Utilities Infrastructure
Appendix E: Sports Venues
Appendix F: Residential Annexes
Appendix G: Visitor and Community facilities and Stalham Staithe
Appendix H: Local Infrastructure Report June 2016

Draft Vision for the Broads

The draft Vision for the Broads below is taken from the revised draft Broads Plan 2017. The Broads Plan, the key strategic management plan for the Broads, sets out a vision, aims and objectives for the Broads and coordinates and integrates a wide range of strategies, plans and policies relevant to the area with the purposes and duties set out in the Broads Acts. It is currently under review and a new plan will be adopted in April 2017. It is proposed that the Broads Local Plan uses the Vision for the Broads as set out in the Broads Plan.

By 2036 the Broads National Park will be a place where...

Our Vision for the Broads National Park is that...

The natural environment and the beneficial goods, services and cultural values it provides, from food and energy to landscape character and recreation, are in good condition, are used fairly and sustainably, and are valued by society. In particular, the precious nature of clean, fresh water as a fundamental resource is understood and respected by all.

The past and present importance of the waterways for navigation, biodiversity and recreation is recognised and cherished, and the asset is protected, maintained and enhanced. Wildlife flourishes and habitats are maintained, restored, expanded and linked effectively to other ecological networks. Land and water are managed in an integrated way, with local and landscape scale management creating resilience and enabling flexible approaches to meet changing ecological, economic and social needs.

The living, working, 'big skies' landscape is notable for its natural beauty, distinctive local character and historic significance. People of all ages, abilities and circumstances experience and enjoy it as a place of escape, adventure, enjoyment, learning and tranquillity, and as a source of national pride and identity. Sustainable living can be seen in action and there is a buoyant rural economy. Local communities are taking an active part in decisions about their future and are known for having been pivotal in the transformation to a low carbon, 'climate-smart' society.

And finally, the Broads National Park is forever recognised as fundamental to our prosperity, health and wellbeing, and forever treasured as a special place that provides a "breathing space for the cure of souls".

Q: Do you have any thoughts on the Management Plan and Local Plan having a shared vision?

Draft Broads Local Plan Objectives (2012 to 2036)

The following draft objectives reflect the Vision for the Broads and the special qualities and assets of the area.

- OBJ1. The Broads remains a key national and international asset and a special place to live, work and visit.
- OBJ2. There are areas of true tranquillity and wildness, giving a real sense of remoteness.
- OBJ3. The Broads is a unique, highly valued and attractive environment where the landscape character and setting is protected, maintained and enhanced.

- OBJ4. The rich and varied habitats and wildlife are conserved, maintained, enhanced and sustainably managed.
- OBJ5. The coastal section of the Broads is used and managed in a balanced way for people and wildlife.
- OBJ6. Water quality is improved and water is managed to increase capture and efficiency, prevent pollution and reduce nutrients. Flood risk to people, property and landscapes is managed effectively.
- OBJ7. 'Climate-smart thinking' minimises future adverse impacts and makes use of opportunities in an area vulnerable to a changing climate and sea level rise.
- OBJ8. The area's historic environment and cultural heritage are protected, maintained and enhanced. Local cultural traditions and skills are kept alive.
- OBJ9. The housing needs of the community are met.
- OBJ10. Development and change are managed to protect and enhance the special qualities of the Broads as well as the needs of those who live in, work in and visit the area. The Broads Authority maintains close cooperation with the Local Planning Authorities adjoining its executive area. .
- OBJ11. The Broads offers communities and visitors opportunities for a healthy and active lifestyle and a 'breathing space for the cure of souls'.
- OBJ12. There is a buoyant and successful rural economy.
- OBJ13. The Broads is renowned for sustainable tourism and supports a prosperous tourism industry.
- OBJ14. People enjoy the special qualities of the Broads on land and on water. Access and recreation is managed in ways that maximise opportunities for enjoyment without degrading the natural, heritage or cultural resource. Navigation is protected, maintained and appropriately enhanced, and people enjoy the waterways safely.
- OBJ15. The Broads continues to be important for the function, identity and recreation of the local community as well as over a wider area.
- OBJ16. Waste is managed effectively so there is no detriment to the environment.

Q: Do you have any thoughts on the draft Objectives for the Broads Local Plan?

Policy x – boat wash down facilities

Where development is proposed for recreational boating club facilities (new, rebuild or extensions) that increase the use of the club, there will be a requirement to designate and sign a suitable area for wash-down of vessels as part of good biosecurity practice.

Where development is proposed (new, rebuild or extensions) that increases the use of existing boatyards, marinas and mooring basins or is related to maintaining or washing down boats, there will be a requirement to designate a suitable area with adequate facilities to enable the filtration of waste water from the washing of boat hulls with the ultimate aim of preventing anti fouling paint residues (including paint flakes) entering the water.

Reasoned Justification

When vessels are removed from the water, they tend to be washed down as part of the maintenance regime. Wash-down of vessels is also important to stop the spread of invasive aquatic species such as the killer shrimp. The equipment used to wash the boats down ranges from a pressure hose to a closed loop wash down system that filters contaminants.

Biosecurity means taking steps to make sure that good hygiene practices are in place to reduce and minimise the risk of spreading invasive non-native species. Non-native species (such as Killer Shrimp, Zebra Mussel and Signal Crayfish) can devastate populations of native species and change whole ecosystems, for example, by competing with and displacing native species, spreading disease, altering the local ecology and physically clogging waterways. A good biosecurity routine is always essential, even if invasive non-native species are not always apparent.



Recreational boating club users (for example sailing, rowing, wind surfing, water-skiing) tend to remove boats/vessels from the water when they are not in use, or to transport them to other water bodies for competitions, for example. Users should be aware of the good practice of 'check, clean and dry' to help stop the spread of invasive aquatic species. The policy seeks the designation of areas which are signed and equipped to help in this biosecurity process. The Authority considers that requiring boating clubs to provide these facilities is not onerous.

Contaminants could be antifouling paint which could then run off into the nearby waterbody. Antifouling paints are applied to boat hulls to prevent growth of organisms, such as algae and mussels. Antifouling paints work by creating a toxic barrier, which prevents organisms attaching to the hull. Fouling increases the resistance of the hull to its movement through the water, which slows

the boat and reduces its energy efficiency and manoeuvrability. Recent research shows that past use of antifouling paints, such as TBT (tributyl tin) based products, had a severe impact on wildlife in the Broads. Although today's antifouling products are less persistent, they are still potentially harmful to aquatic life. For example increased copper levels are now being found in the sediment, which can have harmful effects on water snails.

The policy requires commercial operations to have the facilities in place to prevent anti-fouling paint from entering the watercourse. The Green Blue Guide to Boat Wash Down¹ provides more information and gives detailed advice and guidance on wash down systems. Applicants are required, as part of the Planning Statement to support their application, to address the issue of boat-wash down and justify the chosen system. The Authority acknowledges that such a system can add to the cost of a particular scheme. If this requirement could affect the viability of an operation, evidence is required to be produced that proves installing a wash down facility could make an operation unviable.

Alternative Options

Comments received as part of the Issues and Options:

The **Environment Agency** supports the inclusion of more detail within the Plan.

IWA agree a separate improved policy to address the issue is needed, within the context of a need to maintain a thriving local economy.

RSPB agree the use of anti-fouling paint needs to be managed in a way that ensures that it does not cause damage to the ecosystem.

RBA support the use of filtration systems to reduce the contamination from washing down of vessels.

Sustainability Appraisal Summary

Evidence used to inform this section

<http://www.nonnativespecies.org/checkcleandry/documents/species-guide.pdf>

http://thegreenblue.org.uk/~media/TheGreenBlue/Files-and-Documents/Leaflets/The_Green_Guide_to_Boat_Washdown_Systems.ashx

Monitoring Indicators

¹ http://thegreenblue.org.uk/~media/TheGreenBlue/Files-and-Documents/Leaflets/The_Green_Guide_to_Boat_Washdown_Systems.ashx

Policy x – Excavated material

All proposals are required to ensure excavated material arising as a result of a scheme is disposed of according to the following hierarchy. Justification for the approach adopted is required.

- Firstly, schemes are required to reduce to a minimum the volume of material that needs to be disposed of.
- Left over material is then required to be put to a productive use with the preference being used on site. Off-site productive use could be acceptable.
- Any remaining material is required to be disposed of in a considerate and acceptable manner, subject to the Environment Agency's licencing requirements.

Reasoned Justification

Typically, as a result of most types of development, there is excavated material left over which needs to be disposed of. This could result from buildings and their foundations but also in the Broads there are scrapes (for nature conservation and wild fowling), wildfowling lakes, fishing lakes (for recreation), dykes (for drainage), mooring cuts or mooring basins (to moor boats).

These developments can lead to materials which need to be accommodated somewhere on site or taken off site. The disposal of spoil/material is often an oversight by developers or on occasion there are presumptions of how to dispose of this material which may not be acceptable for the area. On occasions the material is left on site which can result in the establishment of vegetation which is not the norm for the area.

The Authority will require information from the applicant relating to the volume of likely excavated material and the plan for disposal and what other options have been considered. If the material is to be kept on site, detailed plans are required.

This policy will ensure that disposal is considered early in the scheme design process and could be incorporated positively. It could result in improved disposal of material with landscape character and habitat benefits.

When disposing of material, the Environment Agency¹ need to be contacted as a licence may be required.

Of importance to disposal of material is the section on peat, the section on archaeology as well as the guides referred to earlier in this section. The land raising policy is of relevance.

Alternative OptionsComments received as part of the Issues and Options:

IWA: Policy addresses the potential for diverting the material to a more 'green' solution, and identifies the importance of making effective disposal arrangements.

Norfolk County Council: The requirement of detailed information concerned with excavated material will help to inform other aspects of any given proposed development and may give rise to

¹ Go here for more information: <https://www.gov.uk/topic/environmental-management/waste>

opportunities for landscape character and habitat enhancements, contributing to a more holistic approach.

RSPB emphasise importance of protected sites

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

DRAFT

Policy x Utilities Infrastructure Development

Planning Committee please note that this is an amended version of DP9.

The provision of essential ~~infrastructure for telecommunications~~utilities infrastructure will only be supported where it is of a scale and design appropriate to the Broads and would not have an unacceptable impact on the special landscape setting and character of the Broads.

In particular, proposals for the erection of ~~telecommunications masts, equipment~~utilities infrastructure and associated development will only be permitted where:

- a) The proposal has an essential role in the provision of a regional and national network;
- b) There is no opportunity for undergrounding or no suitable alternative locations outside the Broads protected landscape;
- c) There is no unacceptable impact on the character of the locality, the wider landscape and the amenity of neighbours;
- d) Full consideration has been given to the opportunities for sharing a site, mast, pole or facility with existing ~~telecommunications~~utilities infrastructure already in the area and the least environmentally intrusive option has been selected;
- e) The proposal is in conformity with the latest national guidelines on radiation protection; and
- f) It would not adversely affect protected species or habitats.

The operator will also be required to remove any ~~telecommunications~~utilities equipment when it is redundant.

Reasoned Justification

The Authority understands the importance of ~~modern telecommunications~~utilities infrastructure for local communities and the economy, including rural broadband coverage. However, by its nature, ~~telecommunications development~~utilities infrastructure and its associated equipment has the potential to have a significant impact on the landscape, built environment and wildlife of the Broads. In particular, the open and low-lying character of the area increases the likelihood of installations forming visually prominent features that detract from the special character of the Broads.

~~Government guidance in PPG8 advocates that local authorities should respond positively to telecommunications development proposals but recognises that in National Parks and the Broads proposals must demonstrate that there are no suitable alternative locations capable of accommodating the proposed installation.~~

For the purposes of this policy, utilities infrastructure could include telecommunications, electricity, gas and water.

Planning applications for ~~mast and antennae~~utilities infrastructure development must be accompanied by supplementary information on the area of search, details of any consultation undertaken, details of the proposed structure and measures to minimise its visual impact, photomontages, and technical justification for the proposed development, as appropriate. Measures to reduce the visual impact of a proposal will be secured by planning condition where necessary. To

avoid the proliferation and visual impact of new ~~telecommunications-utility~~ installations, preference will be to accommodate new installations on existing masts and/or within existing ~~telecommunication-utility~~ apparatus sites where this represents the least environmentally intrusive option. Applicants who choose not to mast or site share where there is an opportunity to do so should submit a statement setting out the extent of the area of search and fully justifying their reasons for discounting this option.

~~The impact of telecommunications equipment on health is a source of public concern. It is the Government's firm view that the planning system is not the place to determine health safeguards.~~

The Authority will ~~nevertheless~~ require all telecommunications operators to demonstrate that their proposed installation would be in conformity with the latest national guidelines on radiation protection. To this end, the submission of information to certify compliance with the International Commission of Non-Ionizing Radiation Protection (ICNIRP¹) standards will be sufficient to demonstrate that a proposed development would not have an unacceptable impact on people's health.

Because of the rapid pace of change in technology, permissions ~~will normally~~could be temporary so that ~~masts-utilities infrastructure~~ are required to be removed when they are no longer necessary to meet the requirements of the operator.

The setting of the Broads will be an important consideration for our constituent districts when they determine planning applications for utilities infrastructure. The Authority will refer to the Landscape Sensitivity Study in the first instance. Whilst this study considered solar farms and wind turbines, some utilities structures are similar in scale and bulk as wind turbines especially.

Alternative Options

Comments received as part of the Issues and Options:

South Norfolk Council would support reducing the impact of overhead lines/cables on the Broads area. South Norfolk support a similar initiative in the Waveney Valley.

IWA: Given the fact of existing Permitted Development Rights, working to implement a protocol seems more sensible. For example, effectively banning improvements in broadband type services will significantly affect business and domestic quality of life in the area, so some compromise is needed.

Norfolk County Council: Overhead lines can be seen as a detractor on the Broads landscape. With regard to landscape, a positive move toward reducing and preventing further implementation of overhead lines, particularly in the more sensitive areas of the Broads, would be favourable. It is noted that some development is covered by permitted development rights, and so a policy would not necessarily safeguard all areas.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

¹ <http://www.icnirp.org/>

Policy x: Maltings Meadow Sports Ground, Ditchingham

Inset Map 5

The continued use of the area for sports facilities will be supported.

~~Development will, however, only be acceptable where it retains the general openness of the area, and avoids adverse impacts on neighbouring occupiers (including future residential or business occupiers of the adjacent Maltings site).~~

~~Particular care will be taken to consider the landscape impacts of fencing and other structures, and to minimise light pollution.~~

Proposals to improve existing and and provide new facilities will be supported if:

- (i) It retains the general character of the openness of the area
- (ii) It avoids adverse impacts on neighbouring occupiers
- (iii) Particular care is taken to consider the landscape impacts of fencing, lighting columns and other structures
- (iv) They are of high standards of design, materials and landscaping
- (v) Steps are taken to reduce light pollution where possible
- (vi) New lighting installations do not contribute to light pollution
- (vii) Proposals manage flood risk on the site and do not increase flood risk elsewhere
- (viii) Any demand for additional car parking is addressed.

Before any further development is permitted here, whether it would generate additional traffic or maintain existing levels, the operators of the Sports Ground will be required to produce and implement a robust travel plan for the entire site.

Any 'assembly and leisure' uses which are otherwise acceptable under this policy will be restricted to those parts of the site demonstrated to have a lower than 1 in 20 year return flood risk.

The site lies on a safeguarded mineral resource (sand and gravel) and any development proposals will need to address this (see Norfolk County Council's Core Strategy Policy CS16 - Safeguarding mineral and waste sites and mineral resources).

CONSTRAINTS & FEATURES

Risk of flooding (almost wholly zone 3 by EA mapping; zones 1, 2, 3a & 3b by SFRA 2007 mapping).
Minerals (sand and gravel) safeguarding area.

SUSTAINABILITY APPRAISAL CONCLUSION

To follow

PLANNING SUMMARY ASSESSMENT

The site provides valuable sports and recreation facilities for a wider area. The policy is intended to facilitate the continuation of this, while ensuring the interests of the landscape, neighbour amenity and flood risk are appropriately addressed.

This policy is intended to provide clarity and consistency in the approach to future development of the area, and in particular to stress the importance of the landscape sensitivity of this area of floodplain and grazing marshes, and potential impacts on neighbours' amenity.

The Authority is aware of the management committee's aspirations for the venue to improve the layout of the venue and provide further sport and recreation facilities, both indoors and outdoors. This policy generally supports appropriate improvements to the facility that would benefit the health and wellbeing of the community as well as appropriate amendments to enable greater and improved social use of the site.

On the issue of transport and access to the venue, the requirement of the policy for a robust travel plan that is deliverable will assist the venue in accommodating demand for parking, especially at peak times. Such a travel plan needs to address the usage of the entire site. The aim being to seek modal shift away from single occupancy car use thus reducing the demand for car parking spaces.

The Bungay and Ditchingham area is one of the darkest areas of the Broads with readings typically over 20.5 Arc Magnitudes per Second. As part of any proposals there could be opportunities to address current external lighting. New lighting proposals should be line with Policy x on light pollution.

The restriction of the location of any 'assembly and leisure' uses is made on the advice of the Environment Agency and in furtherance of national policy on flood risk, recognising that these are not appropriate in those parts of the site at a higher degree of risk where outdoor sports and recreation, and essential facilities such as changing rooms may be.

MONITORING INDICATORS

To follow

Policy x - Broadland Sports Club

The continued use of the area for sports facilities will be supported.

Proposals to improve and provide new facilities will be supported if:

- (i) They are of high standards of design, materials and landscaping;
- (ii) Steps are taken to reduce light pollution where possible
- (iii) New lighting installations do not contribute to light pollution
- (iv) Proposals manage flood risk on the site and do not increase flood risk elsewhere;
- (v) Proposals avoid adversely impacting designated nature sites; and
- (vi) Any demand for additional car parking is addressed.

Before any further development is permitted here, whether it would generate additional traffic or maintain existing levels, the operators of the Broadland Sports Club will be required to produce and implement a robust travel plan for the entire site.

CONSTRAINTS

Part in flood zone 2 and 3 (EA mapping)

Adjacent to the Trinity Broad SSSI and the Broadland SAC

Reasoned Justification

The Authority supports the continued use of the Sports Club to reflect the benefits it provides to health and wellbeing of the community.

The Authority is aware of the aspirations of the Club to improve the venue and raise the standard of the facilities it offers so as to be a regionally important area for racquet sports as well as improve the swimming pool provision and storage to expand the exercise offer.

The venue is however subject to some constraints such as flood risk and proximity to a Site of Special Scientific Interest. Broadland Sports Club is also fairly remote from significant areas of population and attracts people from as far away as Winterton on Sea. These will be particularly important considerations for future proposals.

On the issue of transport and access to the venue, the requirement of the policy for a robust travel plan that is deliverable will assist the venue in accommodating demand for parking, especially at peak times. Such a travel plan needs to address the usage of the entire site. The aim being to seek modal shift away from single occupancy car use thus reducing the demand for car parking spaces.

The Trinity Broad area is one of the darkest areas of the Broadlands with readings typically over 20.5 Arc Magnitudes per Second. As part of any proposals there could be opportunities to address current external lighting. New lighting proposals should be in line with Policy x on light pollution.

Policy x - Residential Annexes

Any residential annexe is required to remain integral to the dwelling with which it is associated. The Authority will prevent its use as a separate dwelling by means of a planning obligation or condition.

In the countryside residential annexes will only be permitted where they are either an extension to the existing dwelling or through the conversion of an existing outbuilding. They will be subject to detailed design considerations as set out in other Local Plan policies. New detached buildings for use as annexes will be treated as new dwellings and will not be permitted.

Reasoned Justification

The creation of residential annexes to an existing dwelling can create a useful facility for the support and care of family members. With an increasingly elderly population and rising life expectancy in the area, there are an increasing number of people who, although capable of living relatively independently, would benefit from living close to relatives or carers who they can rely on for help and support. This need can often be met through the purchase of a nearby property. However, on some occasions it may be important for the carer or relative to be closer at hand to provide care and support at short notice. Residential annexes can offer a way of addressing this more immediate need.

Fundamentally, an annexe needs to be designed so that it will continue to be used as part of (integral to) the main dwelling, without creating an independent dwelling unit. This should include the option of absorbing the annexe back into the main dwelling accommodation if necessary, by the same or future occupiers.

There are two ways in which the Authority considers a residential annexe to be integral to the main property. Firstly, an annexe can be physically integral which means it is attached to the existing building and also shares facilities (such as kitchen and bathroom) with the existing building. Secondly, an annexe can be functionally integral which means that only a bathroom or kitchen is provided within the annexe and not both, with the existing building providing the other facility. If the annexe is physically attached to the main building then independent facilities (ie kitchen and bathroom) could be acceptable subject to a link being maintained between main dwelling house and annexe to ensure that they are not occupied as two separate, unrelated dwellings. In either case, it is acceptable for a residential annexe to have a separate entrance.

The provision of annexes in the countryside could lead to detrimental impacts on the environment and landscape. Unduly large or detached annexes can prove an economic and practical liability when vacated or when the property changes hands and this leads to pressure for the annexes to be separated off and occupied separately from the main dwelling. This can create sub-standard dwellings with inadequate standards of access, amenity and space and could result in pressure in the

future to permit the annexe to be let or sold as an independent unit contrary to the objectives of sustainable development and contrary to other policies in the Local Plan.

As such it is usually preferable for annexes in rural areas to be in the form of extensions to existing dwellings, which are capable of serving the needs of the dependents, but which are easily integrated into the existing dwelling when no longer required.

Detached annexes in the countryside are more likely to be visually prominent and are often set in larger plots, thereby being more likely to be capable of being let or sold independently in the future. The conversion of existing outbuildings (such as garages) to annexes can be preferable to a new annexe being built. The conversion of a building is less likely to be visually intrusive and it is likely that a converted building can be returned to its original use when no longer required. However in some circumstances the conversion of existing buildings may still be undesirable, particularly if it would lead to the requirement for new outbuildings to be built or for the converted building to be substantially altered. An additional consideration will be the proximity of the outbuilding which it is proposed to convert to the main dwelling. The greater the distance between the two, the less the functional integration.

Any residential annexe will have planning conditions or obligations attached to the permission which could relate to the occupier(s) of the annexe or prevent use as an independent separate dwelling.

Alternative Options:

No policy xxx

Comments received as part of the Issues and Options:

None as issue not included.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x — Visitor and Community Facilities and Services

Applications for the change of use or redevelopment of an existing community, visitor or recreational facility or service that meets a local need or contributes to the network of facilities through the ~~river-valleys~~Broads will only be permitted where:

- a) There is an equivalent facility available ~~in the locality~~ or one is made available prior to the commencement of redevelopment, to serve the same need in an equally accessible and convenient location; or
- b) It can be demonstrated through a viability assessment that the current use is economically unviable.

Development of new buildings, the extension of existing buildings or the use of land to meet a need for local community uses and facilities will be permitted provided that:

- c) An assessment can demonstrate a need for the facility and that it will support the social viability of a community;
- d) Locating the facility within ~~Location within~~ the Broads can be justified; ~~and that it would not conflict with other policies of the Development Plan;~~
- e) It would not adversely affect protected species or habitat, nor have an unacceptable impact on landscape character; and
- f) The facility is in a sustainable location, accessible by a choice of transport modes.

In addition to the above, new village halls or community centres will be permitted provided that:

- g) It is designed in a way so as to keep running and maintenance costs (including appropriate water and energy efficiency measures) to a minimum; and
- h) A long term funding (minimum 10 years), maintenance and management plan is produced to identify how the facility will generate sufficient income to ensure self-financing to assure the Broads Authority of the proposed facility's financial sustainability. This could include an appropriate permanent usage for part of the facility (e.g. health or social care).

Facilities which are educational in nature or relate to the promotion of the conservation of the Broads environment will be supported.

Reasoned Justification

The economy of the Broads is underpinned by tourism. Policy x seeks to support, widen and strengthen this tourism base by encouraging a network of tourism and recreational facilities, protecting against the loss of existing services and supporting the diversification of tourism where economically and environmentally sustainable. Development proposals that would result in the loss of existing visitor facilities will therefore be expected to robustly demonstrate that the business is no longer economically viable through the submission of relevant financial information.

Community facilities such as shops, post offices, libraries, public houses and primary schools provide essential services that contribute to the sustainability of communities. The loss of such facilities would result in people having to travel further to meet their everyday needs, which can have a

particularly adverse impact on those who do not have the ability to travel easily, such as the elderly. Serving both residents and visitors, they can contribute significantly to the quality of experience. Furthermore, many of the employment generating businesses within the Broads serve the visitor as well as the resident market, for example shops and pubs, and their loss can have a wider than local impact. In order to maintain a level of local servicing, the Authority will therefore seek to protect existing community facilities and services and will only approve proposals which would lead to their loss where it can be robustly demonstrated that the facility is no longer suitable or viable for its community use. only then will alternative uses be permitted, again subject to demonstrating that the existing uses would be unviable. Applications should be accompanied by a statement completed by an independent chartered surveyor which demonstrates that current uses are not viable. This statement should provide an assessment of the current and likely future market demand for the site or property, attempts to market it during the previous 12 months and its value. The level of detail and type of evidence and analysis presented should be proportionate to the scale and nature of the site and/or property in question. Of Particular relevance is policy x relating to pubs in the Broads.

5.57 — Core Strategy Policy CS25 The policy supports new community facilities provided there can be an operational and locational justification. The quality of the natural environment is an important resource which is also vitally important to the wellbeing of the tourism industry and, by extension, the economy of the Broads. It is therefore essential that proposals for new community facilities do not impinge on the natural beauty, ecological value and local distinctiveness of the Broads or other people's enjoyment of it. Core Strategy Policy CS19 The policy therefore requires proposals for new facilities that are likely to attract large numbers of people to be located where they are accessible by a choice of means of transport. ~~Design and Access Statements should be used, where these are required, Applicants are required~~ to justify the sustainability of the location for the proposed development. Development proposals will also be expected to be accompanied by a needs assessment that demonstrates the demand for the proposed facility and why an alternative site outside the Broads could not accommodate the development.

The ongoing maintenance and management that ensures the longevity of community centres or village halls is an important early consideration. The primary purpose of these buildings is to provide a community meeting space. However there should be the scope to accommodate appropriate ancillary uses, some of which may be permanent. Some examples of acceptable permanent uses include a café, outreach health and social care or a community enterprise. Applicants are required to provide information that explains how the village hall or centre will be used and how its longevity can be assured.

It should be borne in mind that the Authority boundary is drawn tightly around the settlements and much of the built development within a village, and the land potentially available for development is outside the Authority boundary. In order to achieve the provision of facilities that is beyond the Authority area but that would benefit whole communities, it would be necessary to work in close co-operation with the adjoining Districts.

To aid in the interpretation of this policy, the Authority considers these to be examples of the facilities referred to:

- Community facility – for example post office, cemeteries, pubs (see policy x), libraries, village halls, sports facilities (also see policies x and x)
- Visitor facility – car parks, visitor moorings, bike stands, slipways.

Please note that proposals relating to play areas, sports fields, open space and allotments are addressed in policy x.

In terms of the location of any development, the Authority acknowledges that this will vary depending on the facility being replaced and the location, but accessibility by a variety of modes of transport will be an important factor.

If a proposal is considered ~~in the context of Policy DP27~~ to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Localism act and community rights

The Localism Act (2011) aims to facilitate the devolution of decision-making powers from central government control to individuals and communities. Of particular relevance to this policy is the Community Right to Bid where community groups have the opportunity to nominate land or buildings (assets) in their area which they think are of 'community value' to be included on a list held by the Council.

Adding an Asset of Community Value on to the list triggers a stand still period to allow community groups to plan and assemble funds which would allow them to bid for the asset should it be placed on the market for sale by their owners - assets can be owned by a council or have private owners.

Assets of Community Value can include buildings or land which promotes the social interests or wellbeing of the area (e.g. cultural, recreational, shopping or sporting) or which have had such a use in the recent past - for example: libraries, community centres, pubs and shops.

The power to list an asset does not mean the owner must sell to the community group.

Please note that the Broads Authority does not hold or maintain a list as it is a function that our constituent districts undertake. Please contact them directly for further information or to find out how to nominate an asset.

Here are some links that provide extra information:

<http://mycommunity.org.uk/>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

Alternative Options:

Comments received as part of the Issues and Options:

South Norfolk Council: There should be a generic criteria based policy relating to indoor sports facilities to safeguard their continued use, guide future development and to provide a policy for which changes of use could be considered. In addition the Local Plan could also include site specific policies for key sports facilities in the Broads area where there are particular aspirations, constraints or specifications for the site which could not be covered by a more generic policy.

Sport England: Sport England would support the option to include site specific policies relating to existing sport and recreational facilities within the Broads area, as this will give more detailed policy guidance, and will be based on an up to date evidence base (The Greater Norwich Indoor Sports Strategy). However, we also believe that a generic policy should be included to cover any applications received for new sports facilities or changes of use relating to sports activities within the Broads. Whilst the NPPF gives general policy guidance on this subject, the unique nature of the Broads and therefore the sport and recreational activities that take place within it, requires a more detailed approach to policies relating to the protection, provision and enhancement of sports facilities within the Broads area.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Site Specifics Policy for Stalham Staithe

One area which was being considered for having a development boundary was Stalham Staithe. This area generally scored well in the Settlement Study. This scoring however relies on the ability to cross the A149 using the pedestrian refuge as many facilities and services are fairly close to the Staithe area once the A149 is crossed. Regarding the pedestrian refuge, the following organisations were contacted:

- *Local businesses operating in the staithe: Consider the route important for visitors to the staithe area to visit the town. The refuge could be improved. The time taken to get to the town centre could be around 12 minutes or so.*
- *Norfolk County Council Highways initial opinion: refuge appears to be well used and there have been no reports incidents at the refuge in the last five years (although the absence of such accidents does not necessarily indicate a route is safe). Whilst Staithe road is suitable for two way traffic in peak tourist season, the pressure for tourist parking could restrict its width. The other roads are all primarily single track lanes with little or no passing provision and not ideally suited to any material increase in traffic movements.*
- *Parish Council – The pedestrian routes between the refuge and the staithe and to the town are both very well used particularly in the summer months with more visitors to the Broads. Consider that the routes need to be improved to make more obvious to drivers on the A149 and to pedestrians who could use it.*

Another consideration is the impact of development in the area on the character of the staithe. The Conservation Area Re-Appraisal is to be adopted by the end of the summer. Reflecting the work undertaken in relation to the re-appraisal:

- *It is not clear where new development would go as the staithe area has seen much infill development*
- *The mixed land uses are part of the character.*
- *Community consider the area is at capacity and there is likely to be opposition to a development boundary in the area.*

On balance, whilst the services and facilities in Stalham can be accessed by pedestrians using the pedestrian refuge, further development in the area has the potential to negatively impact the character of the area and also the highway network. As such, a development boundary for the Stalham Staithe area is not proposed to be taken forward.

Policy STA 1: Land at Stalham Staithe (Richardson's Boatyard)

Inset Map 14

The land identified on the Adopted Policies Map will be subject to policies DPx (General Employment) and DPx (Boatyards), and for the purposes of DPx (New Residential Moorings) will be treated as if adjacent to the development boundary.

The peninsula of land between the river and the mooring basins should be kept clear of buildings and large structures, and landscape planting should be provided on this peninsula to protect and enhance views from the river. The type of planting will need to ~~have regard to the desirability of avoiding wind shadow on the river because of its impact on sailing–~~ avoid the creation of additional wind shadowing of the river affecting its sailing value

Measures to control any risk of water pollution arising from new development will be required.

An archaeological assessment is likely to be required as part of any application for any operational development.

CONSTRAINTS & FEATURES

Adjacent to Stalham Staithe Conservation Area (re-appraised in 2016).

Part of site within Barton & Sutton Broad Archaeological area.

Close upstream of SAC, SPA, Ramsar, SSSI.

Flood risk (zones 1, 2 & 3 by EA ~~2012~~ mapping).

SUSTAINABILITY APPRAISAL CONCLUSION

To follow

PLANNING SUMMARY ASSESSMENT

Richardson's Boatyard is one of the largest in the Broads. Development Management Local Plan -Policy DP25-xx provides the potential for residential moorings in boatyards adjacent to development boundaries. Although there is no development boundary immediately adjacent to the boatyard, it is close to a significant range of facilities available in Stalham. The availability of these facilities, together with the scale of the boatyard, is considered to meet the intention of Policy DP25-xx despite the absence of an adjacent development boundary. This Policy therefore explicitly applies that policy to the area.

It also confirms the application of the general employment and boatyard development policies of the Development Management Local Plan Policies (DP18-xx and DP20-xx), and steers built development away from the part of the boatyard that forms a prominent river bank in the river approach to Stalham, and seeks to encourage trees and other planting in this area.

The EA also highlights the need to address the risks of water pollution for waterside sites in industrial/boatyard use.

MONITORING INDICATORS

To follow



Broads Local Plan
Local Infrastructure Report
June 2016

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1. Introduction

The NPPF, at paragraph 162, says:

Local planning authorities should work with other authorities and providers to:

- *assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands*

This report seeks to summarise the needs and approaches to provision of local infrastructure.

2. The Authority's constituent districts and their infrastructure studies

To support their proposals in current Local Development Frameworks and to support future proposals in future Local Plans, our District Council's assess the infrastructure requirements of this proposed development. The Broads' housing need is included within our Districts' total housing need and the infrastructure needs of that total number of housing for the entire district will be assessed through these studies. The Authority works closely with its constituent districts as Local Plans are produced.

3. Norfolk Strategic Framework

As part of the Norfolk Strategic Framework (NSF) work is ongoing at a Norfolk-wide level to address the same issues as listed in the NPPF, but from a more strategic view point. The Norfolk Strategic Infrastructure Group is investigating strategic infrastructure issues. Whilst the NSF looks at strategic infrastructure this report summarises infrastructure at a local level.

4. The housing need for the Broads

Whilst the housing need for the Broads Authority Executive Area as a whole, as calculated through the Central Norfolk Strategic Market Housing Assessment¹, is 320 for the period 2012 and 2036, by 2016 a greater number of houses had already been either permitted or allocated..

However, the Broads is part of three different Housing Market Areas – Central Norfolk Housing Market Area (HMA) Great Yarmouth HMA and Waveney HMA. Looking at provision and allocations in each HMA shows that the housing need is overprovided in two, but there is a residual amount outstanding in one HMA. There is a residual need of around 40 dwellings in the Great Yarmouth Borough Council part of the Broads.

Whilst there is a separate Topic Paper on meeting housing need in the Broads, it is the residual 40 dwellings that this Local Infrastructure Report assesses. It is presumed that all other completions, permissions and allocations (from the 2014 Site Specifics Local Plan) do not result in any extra infrastructure requirements relevant to the Local Plan other than any issues raised at the Planning Application stage, which have been dealt with as part of that process.

5. Transport

The NPPG Paragraph 17 says that planning should

- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*

The NPPF at paragraph 29 recognises the difference between rural and urban areas:

¹ <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>

- *the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.*

An important transport consideration is the potential dualling of the Acle Straight². Whilst on one hand this is local to the Broads, it is also of strategic importance as the road is a Trunk Road. The A47 is the main strategic route linking Norfolk to the midlands and the north (westbound) and central/northern Europe (eastbound) The Authority is considering a policy relating to this in the new Local Plan.

New allocations could have local highway network impacts of varying scales. The Authority will work with the relevant Local Highways Authority. Individual allocations will be considered by the Highways Authority. Indeed the Highways Authority will still assess individual planning applications. Please note that those allocations rolled forward from the 2014 Sites Specifics Local Plan are deemed adequate in relation to transport.

The policies in the Local Plan support public transport, although it should be noted that the scale of growth and the sites allocated in the Local Plan will not be of such a scale as to generate or justify the need for changes to bus routes. In relation to rail, the Local Plan seeks to identify and protect rail stations for continued railway use

Development allocations and development boundaries are located in more sustainable locations where services and facilities can be accessed by modes other than single occupancy cars.

Some dis-used railways are allocated in the Local Plan and safeguarded to enable them to be used as recreation routes.

6. Water

The NPPG asks ‘*why should planning be concerned with water supply, wastewater and water quality?*’. It goes on to say:

‘Adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change.

The EU Water Framework Directive applies to surface waters (including some coastal waters) and groundwater (water in underground rock). It requires member states, among other things, to prevent deterioration of aquatic ecosystems and protect, enhance and restore water bodies to ‘good’ status. Local planning authorities must, in exercising their functions, have regard to the river basin management plans on the Environment Agency website that implement the Water Framework Directive. These plans contain the main issues for the water environment and the actions needed to tackle them.’

Water is a particularly important consideration in the Broads. Abstraction to serve development and wastewater can potentially have a profound impact on the quality of the system. Development and activities within the catchment can impact on the Broads, for example agricultural practices, even if located some way from the Broads, can lead to sediment and chemicals washing downstream to the Broads which can lead to reduced water depth, turbidity and impact on the aquatic system through excess nutrients. These are all matters which planning can influence potentially with close cooperation with neighbouring Local Planning Authorities.

² More information can be found here: <http://www.highways.gov.uk/roads/road-projects/a47-corridor-improvement-programme/>

1. Water supply

The following table summarises water supply in the Broads Authority Executive Area:

Document	Description	What it says about the Broads Executive Area
The Water Stressed Areas Classification (Environment Agency, 2013) ³ .	This identifies areas of serious water stress where household demand for water is (or is likely to be) a high proportion of the current effective rainfall available to meet that demand.	The summary table shows that the area of Essex and Suffolk Water and Anglian Water are water stressed.
Essex and Suffolk Water Resource Management plan (2014) ⁴	Essex and Suffolk Water and Anglian Water Services have a statutory duty to prepare and maintain a Water Resources Management Plan (WRMP) under the Water Resources Management Plan Regulations 2007. These set out how the companies plan to maintain the balance between supply and demand over the next 25 years.	Some of the Broads are in the Northern and Central Water Resource Zone. Demand in the WRZ is heavily influenced by the large population centres of Lowestoft and Great Yarmouth. Essex and Suffolk Water were contacted to clarify the following. No Water Resource Zones in Essex and Suffolk Water's area are in deficit. Currently, they are not supportive of 110 l/h/d mainly because of the area not being in deficit but also customer experience of using water facilities and the customer could become frustrated and replace the efficient water fittings. They consider 125 l/h/d to be reasonable
Anglian Water Services Water Resource Management Plan (2014) ⁵		North Norfolk Coast and Norwich and the Broads Water Resource Zone. North Norfolk Coast: No deficits are forecast in the North Norfolk Coast RZ. No significant climate change or levels of service sensitivities have been identified. One likely sustainability reduction has been included for a maximum quantity of 1.3MI/d in 2024/25. Norwich and the Broads: Large AMP6 deficits are forecast in the Norwich and the Broads RZ. These result from a sustainability reduction and at the end of the forecast period are equivalent to 51.9MI/d under dry year annual average conditions and 57.6MI/d under critical period

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244333/water-stressed-classification-2013.pdf

⁴ <https://www.eswater.co.uk/your-home/environment/water-res-man-plan.aspx>

⁵ <http://www.anglianwater.co.uk/environment/our-commitment/our-plans/water-resource-management.aspx>

Document	Description	What it says about the Broads Executive Area
		<p>conditions.</p> <p>Excluding the WFD no-deterioration and worst case climate change risks, the plan for maintaining the supply-demand balance combines source relocation with water efficiency, enhanced metering and additional leakage control. In the long-term, additional supplies will also be required.</p>
Anglia District River Basin Management Plan (2009) ⁶ .	This describes the river basin district and the pressure that the water environment faces. These include information on where water resources are contributing to a water body being classified as 'at risk' or 'probably at risk' of failing to achieve good ecological status, due to low flows or reduced water availability.	<p>According to some maps, the status of the Broads area varies generally, depending on type of assessment:</p> <ul style="list-style-type: none"> • Groundwater quantitative status – poor. • Abstraction and other artificial flow pressures (rivers) – varies from 'not at risk' to 'probably at risk'. • Abstraction and Flow Regulation - Impact on surface water (groundwater) – at risk. • Abstraction and Flow Regulation - Impact on water balance (groundwater) – probably at risk.

Another source of information is existing water cycle studies completed by our districts:

District	Evidence	Policy	Future plans
Broadland	WCS (2007) was produced for Norwich, SN, BDC, Norfolk County Council and the Broads Authority. 2015 version of the GNGB Water Efficiency Guidance Note	The study resulted in JCS policy 3 being produced, which set more demanding standards for water efficiency in new development than the Building Regulations. However the government has recently required that the most demanding standards be dropped (former code level 6 i.e. 80 litres per person per day for development as of 500 dwellings+) on the grounds that this approach is too expensive. The policy is still valid for developments of less than 500 dwellings and for all of its other aspects.	Likely to be considered through the Norfolk Strategic Framework Infrastructure Group.
Norwich			
South Norfolk			
North Norfolk	Not aware of any evidence.	Core Strategy and Development Management DPD policy relates to Code for Sustainable Homes.	

⁶ <https://www.gov.uk/government/publications/anglian-district-river-basin-management-plan>

District	Evidence	Policy	Future plans
GYBC	The Water Cycle Scoping Study was a stage 1 report and was completed in 2009. This was not taken any further as the issues raised in the Scoping study were not significant to development plans at the time. This did include the Broads Authority Executive Area.	No policy on reducing water usage to 110 l/h/d. General reference to using water wisely.	
Waveney		Following the changes to National Policy, Waveney DC have produced a position statement:: http://www.waveney.gov.uk/site/scripts/download_info.php?fileID=6779	Likely to commission new study in 2016.

Some of our constituent districts considered water usage to be an issue warranting strong water resource policies in their Local Development Frameworks (LDFs). However, new studies will be commissioned in the near future. Future work will be monitored as progress is made and as the next version of the Local Plan is produced. The Broads Authority, at this stage, is exploring the potential to introduce policies which seek to reduce water usage in new development beyond the requirement set out in Building Regulations.

2. Waste water and treatment

Water quality is a key consideration in the Broads and the Local Plan will examine this issue. With regards to how wastewater is transferred from a property, due to the low lying nature of the area and remoteness of some settlements connection to a public sewer is not always possible in the Broads. The alternative disposal methods employed can have a significant local impact on water quality.

Anglian Water is implementing a series of first time sewerage projects of some villages in the Broads Area. Stokesby for example is one area that has benefitted from this project recently.

As the Sites Specifics Local Plan was nearing completion, it became apparent through discussions with North Norfolk District Council, Anglian Water Services and the Environment Agency that there were capacity issues at the Horning Knackers Wood Water Recycling Centre. This Water Recycling Centre discharges to the River Bure and contributes nutrient loads to the downstream watercourses as well as the Bure Broads and Marshes Site of Special Scientific Interest (SSSI), a component of the Broads Special Area of Conservation (SAC)/ Broadland Special Protection Area (SPA). Both Anglian Water and the Environment Agency agree that the Horning Knackers Wood Water Recycling Centre (WRC) does not currently have capacity to accommodate further foul flows. Anglian Water Services (AWS) have undertaken investigations to identify why the WRC is receiving excessive flows. This work has indicated infiltration from groundwater into the sewer network as the main reason. AWS have developed a scheme to address the infiltration, and by relaying and relining sewers should resolve the issue and provide modest capacity for further foul flows. This scheme was completed in March 2015 and at the time of writing had not worked as anticipated. Further work was ongoing (at the time of writing) to address this issue. The Authority will monitor the situation.

There are also other treatment works, identified in the Norfolk⁷ and Suffolk⁸ Minerals and Waste planning documents that are of relevance to the Broads. The list of relevant Norfolk ones is below:

SITE NAME	OPERATOR	TYPE
Acle	Anglian Water Services Ltd	Wastewater Consultation Area
Acle	Anglian Water Services Ltd	Wastewater
Belaugh	Anglian Water Services Ltd	Wastewater Consultation Area
Belaugh	Anglian Water Services Ltd	Wastewater
Horning	Anglian Water Services Ltd	Wastewater Consultation Area
Horning	Anglian Water Services Ltd	Wastewater
Stalham	Anglian Water Services Ltd	Wastewater Consultation Area
Stalham	Anglian Water Services Ltd	Wastewater
West Caister	Anglian Water Services Ltd	Wastewater Consultation Area
Whitlingham	Anglian Water Services Ltd	Wastewater Consultation Area

The Authority will address water quality in the Local Plan. The Authority will investigate going further than building regulation in relation to water use. The Authority will keep updated regarding Horning Knackers Wood Water Recycling Centre.

7. Energy

The NPPG says that:

'When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation.'

See separate topic paper xxx

8. Telecommunications

i) Mobile coverage

In 2015, 93% of the UK population owned/use a mobile phone, with two-thirds of the population having a smartphone. Whilst there remain many mobile “not-spots” in Norfolk and Suffolk (some rural areas and parts of the coast in particular), the use of smartphones to access the internet has increased hugely; in 2015, smartphones overtook the use of laptops as the number one device to access the internet in the UK, with smartphone users now spending an average of two hours per day online, twice as long as on PCs and laptops⁹.

ii) Broadband

Not all urban areas are well-connected; as an example, new residential development rarely has broadband connectivity installed up-front. This is because these are commercial decisions, and unless BT and Virgin Media are confident that a profit can be made, they will only install such a network later on, once a critical

⁷ <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning>

⁸ <https://www.suffolk.gov.uk/planning-and-environment/planning-applications/minerals-and-waste-development-planning/>

⁹ <http://media.ofcom.org.uk/news/2015/cmr-uk-2015/>

mass of homes exists. Rural areas are often less well-served by broadband, and the low speed of connectivity can be an issue in both urban and rural areas.

Better Broadband for Norfolk¹⁰ has extended the fibre broadband network to homes and businesses across the county where it wasn't economically viable for commercial companies to provide access. Funded through Norfolk County Council BT and BDUK (Broadband delivery UK), the project is expected to have a huge positive impact on the economic and social development of Norfolk.

In the first phase of the project Norfolk County Council, the Department of Culture, Media and Sport and BT committed £41m to make sure that by the end of 2015 more than 80% of Norfolk's premises can access superfast broadband (24 Megabits per second and above). This almost doubled the number who could do so before the project launched in 2012, which stood at 43%.

A second phase of the project has committed more than £12m – from central government, the New Anglia Local Enterprise Partnership and Norfolk County Council, with further investment to come- to help reach the national target of making high-speed broadband available to at least 95% of UK homes and businesses by March 2018.

In Suffolk¹¹, there are commercial broadband upgrades (e.g. BT's Infinity Broadband, the Virgin Media presence). However, these services are generally limited to the urban areas, where telephone lines are short and densely packed together, providing easy areas to upgrade commercially. This unfortunately means that around a third of Suffolk does not represent a sustainable commercial business case for upgrades, hence the Better Broadband for Suffolk Programme. Therefore, the Better Broadband for Suffolk Programme, run by Suffolk County Council, secured around £24m of public money (SCC and Central Government), which was been used to leverage further private sector investment from BT through a public procurement process.

Not all properties in a rural county – particularly isolated farmhouses and small hamlets - will be feasible financially to connect up to a broadband network, although there are some examples of the residents of small villages working together to pool funding to secure and deliver fibre broadband.

Existing areas where the existing broadband connection speed is less than 2Mbps, and which are not scheduled to receive improvements in the immediate future, can apply for a subsidy towards the installation and setup of a satellite broadband solution. The satellite broadband solution is a national scheme, set up in partnership with Broadband Delivery UK. Some Norfolk district councils are going further. For example, South Norfolk Council's Cabinet agreed in February 2016 to commit more than £500,000 to the Superfast Extension Programme of BBfN to help an additional 3,000 premises in the district to be covered by high speed broadband.

iii) 5g

¹⁰ <http://www.betterbroadbandnorfolk.co.uk/>

¹¹ <http://www.betterbroadbandsuffolk.com/>

The capacity of 4G services is rapidly being taken up by the increased use of mobile devices for online activities, as well as the continued expansion of the “internet of things” – houses and businesses with individual devices connecting online (central heating systems, alarm systems etc). This capacity crunch has been reflected in the increase in cost of “all you can eat” mobile data contracts.

The next generation of mobile networks will be 5G¹². Whilst there is no agreement as to the precise standards of 5G, it will probably encompass the following:

- Be much faster than 4G, perhaps 60-100 times, to enable download of a HD film in under 10 seconds
- Latency (speed to playback when downloading) will be about 1 millisecond – so, in effect, instantaneous
- 5G will provide sufficient bandwidth to enable the multitude of internet-connected devices to communicate effectively
- Near-enough perception of 100% coverage and availability
- The user experience will therefore be that of limitless bandwidth and continuous availability

5G will need to use higher frequency radio bands, but these higher frequency signals travel less well than 4G, and can be disturbed by buildings, trees, weather etc. More base stations, booster stations and new antenna technologies will all be required.

EE is beginning 5G trials in the UK in 2016, with the first pilot networks in the world expected in 2018. The rollout of 5G commercially is expected to commence in 2020, and take several years (as for 4G).

There is a policy that relates to telecommunications infrastructure emphasising the importance of addressing impacts on landscape in the Broads.

9. Utilities

In relation to gas and electricity, no providers who were consulted raised any concerns with regards to the Objectively Assessed Housing Need for the Broads.

The residual 40 dwellings in the Great Yarmouth area, if allocated in the Local Plan, will be likely to be provided through multiple sites, rather than all 40 dwellings in one place. This could limit any impact the 40 dwellings have on utility infrastructure by spreading the gas and electricity demand around the Borough.

Furthermore, Great Yarmouth Borough Council’s Infrastructure Study¹³ says:

i) Gas

National Grid owns and operates the national transmission system throughout Great Britain which connects to eight regional networks. In the borough, National Grid also own and operate the local gas distribution network and are therefore also responsible for distributing gas to the borough. National Grid has a duty to develop and maintain an

¹² <https://5g.co.uk/>

¹³ <http://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1235&p=0>

efficient, co-ordinated and economical transmission system for the conveyance of gas and respond to requests for new gas supplies in certain circumstances. Bacton Gas terminal is a large gas terminal located on the north Norfolk coast with an underground pipeline connecting the terminal with the gas power station in South Denes in Great Yarmouth. There are likely to be no future supply issues with gas provision. Improvements to the gas distribution network are generally carried out as a result of significant growth in overall regional demand rather than site specific requirements.

ii) Electricity

The electricity distributor for the borough of Great Yarmouth is UK Power Networks, which is known as a Distribution Network Operator (DNO), covering 29,000sq km of London, the south east and the east of England. Their role is to take electricity at high voltages from the National Grid and transform it down to voltages suitable for commercial and domestic use. UK Power Networks are responsible for ensuring that the infrastructure that brings power to homes, businesses, hospitals, schools and other public services continues to deliver reliable, safe and sustainable electricity at all times.

UK Power Networks have commented on future electricity distribution in the borough in response to consultations on the (then) emerging Great Yarmouth Core Strategy. Their comments note that the 33kV and 132kV electricity distribution networks supplying the borough currently have reasonable headroom and as such, the proposed development in the borough should not trigger any upstream reinforcement issues. Housing developments of the size proposed in Great Yarmouth's Core Strategy (which effectively covers the need of the Broads Authority) are usually supplied by local distribution substations, fed at 11kV and supplying 230v to domestic housing. It is likely that dedicated local substations will be required to supply some developments, the costs of which vary depending on the amount of 11kV cable required to connect to the existing 11kV network. Costs for the substation work are typically in the region of £40-50k, with cable requirements being dependent upon individual cases. A typical substation will supply in the region of 250 domestic dwellings, dependent upon housing type and distance from the substation. The provision of existing 11kV substations within the locations being considered would suggest that due to the presence of existing 11kV network, extension of these networks would not be a major issue. This would be subject to a detailed network study to determine any spare capacity on existing 11kV circuits and the extent of any network extension requirements

There are likely to be no future gas supply issues in the Borough of Great Yarmouth. Regarding electricity, the 33kV and 132kV electricity distribution networks supplying the borough currently have reasonable headroom. New local distribution substations, fed at 11kV and supplying 230v to domestic housing could be required for the larger developments proposed in the Great Yarmouth Core Strategy.

10. Waste

The National Planning Policy for Waste states:

'Positive planning plays a pivotal role in delivering this country's waste ambitions'

The NPPG states

'While such authorities may not have the planning functions in respect of the preparation of Local Plans covering waste, or dealing directly with waste planning applications, they must have regard to national planning policy for waste and are expected to help deliver the Waste Hierarchy'

The Authority's constituent districts are responsible for collecting waste from domestic properties while Norfolk and Suffolk County Councils are the Waste Disposal Authorities and are therefore responsible for disposing of refuse.

There were no comments received as part of the Issues and Options consultation relating to the collection and disposal of waste.

i) Norfolk County Council

The Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (the 'Core Strategy') was adopted in September 2011. The Norfolk Minerals Site Specific Allocations DPD and the Norfolk Waste Site Specific Allocations DPD were both adopted in October 2013. The Core Strategy will be reviewed five years after adoption; by the end of 2016. The Minerals Site Specific Allocations DPD and the Waste Site Specific Allocations DPD will also be reviewed five years after adoption; by the end of 2018. The following table identifies the safeguarded mineral sites and waste management sites (including waste water treatment works) where either the site itself or the consultation area for the site falls within the Broads Authority Executive Area.

SITE NAME	OPERATOR	TYPE
Aldeby	Waste Recycling Group	Waste management site Consultation Area
Caister	May Gurney	Waste management site Consultation Area
Great Yarmouth A	M T Skips	Waste management site Consultation Area
Great Yarmouth-MT Skips	M T Skips	Waste management site
West Caister	Norfolk County Council	Waste management site Consultation Area

ii) Suffolk County Council

The Waste Core Strategy including Development Management Policies was adopted in March 2011. The County Council will be likely to review the above document not earlier than the end of 2017. Waste Core Strategy does not propose any minerals or waste sites in the Broads area. In addition, there are no existing waste or minerals management facilities in the Broads.

iii) The Local Plan and waste

Discussions were had with Norfolk County Council relating to how the Broads Local Plan can assist in waste issues. It was decided that rolling forward the current references to waste in Development Management policies DP4, DP16 and DP25 will suffice. It was generally agreed that the waste elements of these policies should be rolled forward. The issue of construction waste could be addressed in a sustainable development policy.

The Suffolk Waste Partnership (SWP) is currently in the early process of developing a waste Supplementary Planning Document (or similar document should another approach be preferable) with the support of the Suffolk Joint Planning Officer Group. The aims of the document are provisionally as follows:

- To create a unified pan-Suffolk set of waste service requirements for incorporation into any future planning process.
- To embed the waste hierarchy into the planning process.
- To allow the SWP a mechanism to discuss alterations from the standard service model with housing developers.

In Norfolk, rolling forward the current policy approach on waste will suffice. This would benefit Suffolk as well who are producing guidance relating to waste which the Authority could adopt.

11. Health and social care

The NPPG says:

*Local planning authorities should ensure that health and wellbeing, and **health infrastructure** are considered in local and neighbourhood plans and in planning decision making*

NHS England is not currently aware of a specific need for additional health facilities within the Broads Executive Area. There is currently sufficient capacity to cope with the existing populations in the area. Additionally there is not at present, due to capacity reasons, a need to expand the health facilities outside the Broads Executive Area into the Broads Executive Area.

Should housing or population growth increase from the current levels, NHS England in conjunction with the relevant Clinical Commissioning Groups (CCGs) would need to review the growth or projected growth to ensure that suitable facilities are available to meet the needs of patients within the areas. Where significant growth occurs, this could result in the requirement for the future expansion of existing premises or the procurement of new facilities. Discussions would take place with existing practices. A business case would need to be reviewed based upon the information and proposals at the time.

Where significant housing growth is planned the NHS would be looking to secure appropriate Section 106 and or CIL contributions to assist in mitigating the cost of providing such additional health infrastructure.

The Norfolk version of the Healthy Urban Development Unit (HUDU) model provides estimates, based on different housing growth scenarios, for the additional health care needs required in Norfolk and Waveney to 2036 to take account of projected growth. The figures are high level and contribute to understanding the potential strategic needs for CCG areas, and are not intended to set requirements for specific developments.

At the time of writing, this was available in draft format only and final work was ongoing. The Broads Authority will work with other parties to fully understand the needs of the proposed housing numbers for Norfolk and Waveney.

At this stage, it is not proposed to have a specific policy on health facilities.

12. Education

The NPPF says:

72. 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- ***give great weight to the need to create, expand or alter schools; and***
- ***work with schools promoters to identify and resolve key planning issues before applications are submitted.'***

Discussions with Suffolk and Norfolk County Councils indicate that there is not likely to be a requirement for any schools to expand into the Broads Authority Executive Area in this plan period. We will liaise with the Education Authorities in future versions of the Local Plan regarding any residential allocations proposed in response to meeting the Objectively Assessed Housing need. Future development proposals will be assessed as they emerge and seek S106 developer contributions if justified and satisfy the CIL 122 Regulations.

At this stage, it is not proposed to have a specific policy on education establishments.

13. Flood Risk and Defences

i) Flood Risk

Approximately 95% of the Broads Authority area is at some risk of flooding. This includes more than 2000 properties and almost 30,000 hectares. The Broads Authority boundary is tightly drawn around the edge of the floodplain.

The flood risk in the Broads is mainly from both fluvial and tidal sources and the whole character and development in the Broads over many hundreds of years has been closely associated with the water environment and flood risk. Much of the Broads area is defended by flood defence embankments, which are maintained by the Environment Agency to reduce flooding. The flood defences, where they exist, only reduce the risk of flooding and will never eliminate it; this has been the historic case within the Broads.

Working, living and visiting the Broads have been, and will continue to be, activities that have co-existed with the risk of flooding. However, any new development (which includes change of use, etc) must be in line with government policy and minimise flood risk. In the Broads area, this means identifying the risks from flooding and ensuring that they are at as low a level as possible compatible with the wetland and water-based environment.

The Broads is not subject to open sea conditions (relating to tidal range and wave action). Therefore, although parts of the Broads are tidally influenced, for flood risk assessment purposes the river flooding probabilities are used to define the Flood Zones.

The Strategic Flood Risk Assessment (SFRA) shows that coastal flooding and flooding associated with defence failure are likely to produce the most significant consequences and greatest hazard because of the speed of onset of the flood, the high water velocities and the deep water. Settlements towards the east of the Broads which are at risk of flooding from failure of the coastal defences are indicated on the Environment Agency maps.

The flood probability mapping carried out within the SFRA does not represent the degree of hazard likely to be experienced in the Broads Authority area, especially in the more upstream catchment areas and those areas not at risk of breaching of coastal defences, because it does not quantify depth or water velocity.

Hazard is very site specific and could vary greatly over a relatively small area due to the presence of drains, dykes, quay-headings, flood banks, etc., all of which could be masked by turbid floodwaters. The effect of climate change on hazard was also not assessed in the SFRA.

The flood probability mapping indicates in some areas that the functional floodplain extends to the boundary of the Broads Authority area. Engineering judgement and experience, indicates that this is likely to be the case in reality, with the functional floodplain as defined as the 1 in 20 year event.

It is suggested in the SFRA that if hazard mapping were to be carried out in order to quantify depth and water velocity at the various flood events (hazard, or “danger to people”, is a function of depth and velocity) it would quite likely indicate that both flood depth and velocity are not great. As a result of this, hazard is generally likely to be low. However, site specific factors significantly contribute to risk and a site-specific Flood Risk Assessment will need to quantify this.

The SFRA suggests flooding from the tidally influenced Broads' river systems is likely to be less hazardous because of the slower onset. This may be an oversimplification due to the interaction of site specific factors and the condition of winds and tides. The above notwithstanding, hazard and risk does tend to be predictable on the Broads and this has implications for how these are managed.

Fluvial flooding associated with upstream areas of individual catchments within the Broads is not normally "flashy" and the hazard from these floods, excepting unusual meteorological conditions, is least onerous. Consideration of the flood risk at a particular location should also take account of climate change as highlighted in section x below.

The typical Broads river has a permeable catchment, is groundwater dominated, and is a slow responding watercourse with a slow increase and decrease of flow in response to rainfall. Although tidal surges can develop rapidly within 6-12 hours as a result of the movements of weather systems in the North Sea, the Environment Agency Flood Warning System covers the whole of the Broads area which could provide some measure of early warning, however, uptake of the service is voluntary and is not enforceable within the context of planning.

It is also the case that existing flood defences in the Broads area offer a very low standard of defence (typically up to a 1 in 7 year standard) so that overtopping events, or events in which defences are outflanked or breached, are likely to produce a slow speed of approach of the flood, slow water velocities, shallow depth and low hazard. The majority of people living and working within the Broads are historically familiar with the water environment and are unlikely to be surprised or alarmed by the prospect of floods or rising water levels. Measures will need to be in place to ensure effective communication with visitors - an issue which is already addressed on many sites locally.

Any development encroaching within any of the plotted Flood Zones may increase flood risk to adjacent areas, and the effect on flood risk of a number of small encroachments is cumulative. If the requirements of the NPPF and NPPG are met in full, then additional development should not increase flood risk elsewhere.

ii) Broadland Flood Alleviation Project¹⁴

The Broadland Flood Alleviation Project (BFAP) is a long-term project to provide a range of flood defence improvements, maintenance and emergency response services within the tidal areas of the Rivers Yare, Bure, Waveney and their tributaries.

Appointed by the Environment Agency, Broadland Environmental Services Ltd deliver these services and, in partnership with the Agency, it is now implementing the 20-year programme of works. This contract was awarded in May 2001 as a Public Private Partnership Programme.

The main aim of project work has been to strengthen existing flood defences and restore them to a height that existed in 1995 (a level defined by the Environment Agency) and make additional allowances for sea level rise and future settlement of the floodbanks.

- The improvement works are being implemented through a phased programme through:
- Strengthening the existing floodbanks, restoring them to agreed levels where excessive settlement has occurred
- Replacing existing erosion protection that is in a poor condition using more environmentally acceptable methods wherever possible

¹⁴ <http://www.bfap.org/>

- Providing new protection where erosion is currently threatening the integrity of the flood defences
- Carrying out works at undefended communities

The NPPF, current and new Local Plan policies and the current and future Flood Risk SPD enable flooding and flood risk to be addressed.

14. Local Coastal Changes

The Broads Authority has a small stretch of coast in the Executive Area (Winterton/Horsey area). The Kelling to Lowestoft Ness Shoreline Management Plan¹⁵ unit 6.13 covers Eccles to Winterton Beach Road. The general approach to coastal erosion along this stretch is to hold the line. This is dependent on the option continuing to be technically and economically deliverable.

'Due to the considerable assets at risk and the uncertainty of how the coastline could evolve, the policy option from the present day is to continue to hold the line of the existing defence. This policy option is likely to involve maintenance of existing seawalls and reef structures, replacing groynes as necessary and continuing to re-nourish beaches with dredged sand. This policy option will provide an appropriate standard of protection to all assets behind the present defence line, and, with the recharge, a beach will be maintained as well as a supply of sediment to downdrift areas.'

There is a policy relating to the coast which generally supports the Shoreline Management Plan's approach.

15. Places of Worship, Local Services (shops, pubs, post offices, etc) and Community Facilities

The Local Plan will have a general policy for determining changes to and new community, visitor and recreation facilities.

Pubs will be allocated in the Local Plan (as they are currently adopted in the Sites Specifics local Plan 2014).

Open space, allotment, play and sport field need is assessed by the Broads' constituent districts. They assess the entire district, including that which is the Broads. The need is translated into standards for open space and a policy in the Local Plan will defer to these policies.

Regarding the shopping area in Oulton Broad, this has been assessed as part of Waveney District Council's retail work¹⁶. It is intended that a joint approach with Waveney, for this area (which is part in the Broads and part in Waveney District) will be included in the Local Plan.

Regarding shopping areas at Potter Heigham Bridge and Horning, discussions are ongoing (at the time of writing) with the intention to have a joint approach with North Norfolk District Council regarding these retail areas.

¹⁵ <http://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1239&p=0>

¹⁶ <http://www.waveney.gov.uk/planning/local-plans/waveney-district-local-plan/new-waveney-local-plan/supporting-documents/retail-and-leisure-needs-assessment/>

There are some policies on specific local services and facilities. Other policies in the Local Plan will help determine applications for other uses and facilities.

16. Police

Whilst the Objectively Assessed Housing Need for the Broads Executive Area is 320 dwellings, in reality, most of that has already been delivered, permitted or allocated. There is a residual need for around 40 dwellings in the Great Yarmouth part of the Broads.

Norfolk and Suffolk Police were contacted, through the Architectural Liaison Officers, to confirm whether the 40 residual dwellings which could be planned for in the Local Plan raised any policing concerns.

Norfolk Constabulary stated in April 2016 *'I suggest the potential impact on operational policing requirements for an additional 50 dwellings built within the GT Yarmouth area would be insignificant'*.

There is no requirement for the Local Plan to address operational policing requirements.

17. Summary and conclusion

- i) The Authority will address water quality in the Local Plan. The Authority will investigate applying a stricter requirement than present in current building regulations in relation to water use. The Authority will keep updated regarding Horning Knackers Wood Water Recycling Centre.
- ii) There is a policy that relates to telecommunications infrastructure emphasising the importance of addressing impacts on landscape in the Broads.
- iii) There are likely to be no future gas supply issues in the Borough of Great Yarmouth. Regarding electricity, the 33kV and 132kV electricity distribution networks supplying the borough currently have reasonable headroom. New local distribution substations, fed at 11kV and supplying 230v to domestic housing could be required for the larger developments proposed in the Great Yarmouth Core Strategy.
- iv) In Norfolk, rolling forward the current policy approach on waste will suffice. This would benefit Suffolk as well who are producing guidance relating to waste which the Authority could adopt.
- v) At this stage, it is not proposed to have a specific policy on health facilities.
- vi) At this stage, it is not proposed to have a specific policy on education establishments.
- vii) The NPPF, current and new Local Plan policies and the current and future Flood Risk SPD enable flooding and flood risk to be addressed.
- viii) There is a policy relating to the coast which generally supports the Shoreline Management Plan's approach.
- ix) There are some policies on specific local services and facilities. Other policies in the Local Plan will help determine applications for other uses and facilities.
- x) There is no requirement for the Local Plan to address operational policing requirements.

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

Summary:	This report informs the Committee of the Officers' proposed response to planning policy consultations recently received, and invites any comments or guidance the Committee may have.
Recommendation:	That the report be noted and the nature of proposed response be endorsed.

1 Introduction

- 1.1 Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2 The Committee's endorsement, comments or guidance are invited.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: None

Author: Natalie Beal
Date of report: 7 July 2016

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

APPENDIX 1

Planning Policy Consultations Received

ORGANISATION:	Norwich City, Broadland District, South Norfolk Councils
DOCUMENT:	Greater Norwich Local Plan Sustainability Appraisal Scoping Report Consultation
LINK	http://www.greaternorwichlocalplan.org.uk/
RECEIVED:	20 June 2016
DUE DATE:	5pm on Monday 15th August 2016
STATUS:	Consultation
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	This is one of the first stages in the production of the Local Plan as the Sustainability Appraisal needs to inform the policy approach. Generally, this stage is not a wide ranging consultation, but limited to environmental bodies as required in regulations and other organisations that may have comments to help inform and improve the document.
PROPOSED RESPONSE:	<p>A very thorough Sustainability Appraisal Scoping Report with good reference to the Broads Authority.</p> <p>There are some comments however:</p> <p><u>Air quality and noise</u> Perhaps the title needs amending as light pollution is referred to as well. On the issues of light pollution, the Authority has assessed the dark skies of the Broads. The report and maps can be found here. As it can be seen, on areas near to the edge of the Broads and the Greater Norwich area have good or very good quality dark skies. The authority requests that light pollution is a key consideration as the new Local Plan is produced. http://www.broads-authority.gov.uk/_data/assets/pdf_file/0007/757402/Broads-Authority-Dark-Skies-Study-March-20161.pdf There are also CPRE maps which effectively assess dark skies when looking down and give further evidence relating to areas of dark skies. http://www.cpre.org.uk/resources/countryside/dark-skies/item/4311-night-blight-2016-mapping-england-s-light-pollution-and-dark-skies and here are interactive maps: http://nightblight.cpre.org.uk/</p> <p>Furthermore there is one mention of tranquillity throughout the document which is quoting the NPPF. The Broads and other rural areas offer tranquillity. There are CPRE tranquillity maps which might be of interest: http://www.cpre.org.uk/resources/countryside/tranquil-places/item/1839-</p> <p><u>Climate change.</u> There does not seem to be a mention of the Broads in this section. The easterly, low-lying and coastal nature of the Broads makes it vulnerable to the impacts of climate</p>

	<p>change and sea level rise. There is more information at the webpage: http://www.broads-authority.gov.uk/looking-after/climate-change</p> <p>With regards to flood risk, the Broadland Flood Alleviation Project may be of relevance: http://www.bfap.org/</p> <p><u>2.3.11</u></p> <p>Wind turbines outside of the Broads can have impacts on the landscape setting of the Broads. The Landscape Sensitivity Study for the Broads assesses the sensitivity to large structures, namely turbines but also solar. http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies</p> <p><u>2.4</u></p> <p>You may wish to check this webpage for the climate change allowances that the Government have recently set. https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances</p> <p><u>Biodiversity</u></p> <p>There is the Broads Biodiversity Action Plan: http://www.broads-authority.gov.uk/looking-after/managing-land-and-water/biodiversity</p> <p>There is the Broads integrated access strategy: http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/conservation-publications-and-reports/water-conservation-reports/49.-Integrated-Access-Strategy.pdf</p> <p><u>4.3.4</u></p> <p>Generally well written although the setting of the Broads is important as well and that is where the districts have the greatest influence.</p> <p>Here is the Landscape Character Assessment for the Broads: http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments this is being reviewed.</p> <p><u>Water</u></p> <p>More information relating to the Broads can be found here: http://www.broads-authority.gov.uk/looking-after/managing-land-and-water/water-quality</p> <p><u>Heritage</u></p> <p>The NPPF included landscape in its definition of heritage asset. The Broads is a protected landscape and should be considered at this section.</p> <p>Should non designated heritage assets be mentioned here? The Local Lists? The Broads Local List is here: http://www.broads-authority.gov.uk/planning/Other-planning-issues/protected-buildings/broads-local-list-of-heritage-assets</p> <p>Historic England class the Broads as an area of exceptional waterlogged heritage potential. That is not just the Broads Authority Executive Area.</p>
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	<p><u>Figure 80 – housing need</u></p> <p>Should the need of the Broads be summarised somewhere in related documents?</p> <p><u>Page 132</u></p> <p>Regarding the top row of the table, I would suggest improved wording. It is about protecting the Broads and its setting.</p> <p><u>Figure 84</u></p> <p>SA1 row – there could be reference to tranquillity here. Why do the three decision making criteria have different wording regarding impact? It seems that saying ‘will it minimise...’ is effectively saying that some impact is ok?</p> <p>SA2 row – query the use of the word ‘continue’. It is not clear how an allocation can ‘continue’ to reduce carbon emissions etc.</p> <p>SA4 row – it seems the landscape element of this is an afterthought. With the Broads being part of the three districts, we would like to see an objective that raises the importance of impact on landscape and setting. A decision making criteria which mentions the Broads is also requested.</p> <p>SA10 row – there is not an education objective but there are decision making questions.</p> <p>SA13 – heritage assets relate to landscape so there could be scope to mention the Broads in relation to this objective as well</p> <p><u>Appendix 1</u></p> <p>We request that the documents referred to in this representation are reviewed (if not done so already).</p>
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Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

Committee Date	Location	Infringement	Action taken and current situation
5 December 2008	"Thorpe Island Marina" West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 Appeal lodged 6 December 2011 Public Inquiry took place on 1 and 2 May 2012 Decision received 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings Challenge to decision filed in High Court 12 July 2012 High Court date 26 June 2013

Committee Date	Location	Infringement	Action taken and current situation
21 August 2015			<ul style="list-style-type: none"> • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order “has been lodged with the Courts by Inspectorate • Appeal to be reconsidered (see appeals update for latest) • Planning Inspector’s site visit 28 January 2014 • Hearing held on 8 July 2014 • Awaiting decision from Inspector • Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers) • Planning Contravention Notices issued to investigate outstanding breaches on site • Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge) • Acknowledgment of Service filed 16 December 2014. Court date awaited • Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate • Appeal submitted to PINS in respect of Section 73 Application for non-determination • Section 288 challenge submitted in February 2015 • Court date of 19 May 2015 • Awaiting High Court decision • Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to

Committee Date	Location	Infringement	Action taken and current situation
9 October 2015			<ul style="list-style-type: none"> legal advice • Challenge to High Court decision filed in Court of Appeal on 27 August 2015 • Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container • Leave to appeal against High Court decision refused on 9 October 2015 • Request for oral hearing to challenge Court of Appeal decision filed 2015 • Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 • Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river • Site being monitored • Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016 • Enforcement Notices remain in place • Applications for Injunctions lodged 18 February 2016 • Injunctions served on Mr Wood on 2 March 2016 • High Court Hearing 11 March 2016 • Interim Injunction granted 11 March 2016 • Court date for Permanent Injunction 17 June 2-16 • High Court injunction obtained on 17 June 2016 • High Court Injunction issued on 24 June 2016
5 February 2016			

Committee Date	Location	Infringement	Action taken and current situation
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container	<ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013 • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway
5 February 2016		Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised development of a portacabin, static caravan, signage and lighting.	<ul style="list-style-type: none"> • Report taken to Planning Committee in February 2016 • Authority given to instigate prosecution proceedings re refrigerated trailer, suspended for three months to seek a resolution • Authority given to serve Enforcement Notices in respect of portacabin and static caravan • Negotiations to take place with the landlord and tenant landlord on other elements • Meeting took place in March 2016 • Tenant landlord to detail intentions by 20 April 2016 • Following negotiations, some agreement had been reached. No further information had been received within the timescale given and this had been extended • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016 and under consideration
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on grounds there has been no breach (see Appeals Schedule)

Committee Date	Location	Infringement	Action taken and current situation
9 October 2015	Grey's Ices and Confectionary, Norwich Road, Hoveton	Unauthorised erection of canopies and Alterations to Shop Front.	<ul style="list-style-type: none"> • Authority given for the issuing of an Enforcement Notice seeking removal of the canopies and alterations and authority given for prosecution, in consultation with the Solicitor in the event that the Enforcement Notice is not complied with • Negotiations underway • Enforcement Notice Issued on 5 January 2016 • Compliance date 11 March 2016 • Full Compliance awaited by 22 April 2016 • Meeting with landowner scheduled 19 May • Retrospective application for shutters, plus new canopy, submitted on 17 June and under consideration
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised installation of metal roller shutter door	<ul style="list-style-type: none"> • Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with. • Period of 4 weeks given for landowner to consider position • Negotiations underway • Application for lattice work door as mitigation submitted • Planning permission granted 4 April 2016. Site to be inspected • Compliance not achieved. Enforcement Notices to be served • Enforcement Notice served 18 May and take effect 17 June 2016 • Appeal against enforcement submitted, but awaiting notification from Planning Inspectorate

2 Financial Implications

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

Background papers: BA Enforcement files

Author: Cally Smith
Date of report 13 July 2016

Appendices: Nil

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

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

Recommendation: That the report be noted.

1 Introduction

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

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett

Date of report 30 June 2016

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

APPENDIX 1

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

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
31 March 2016	App Ref BA/2016/0001/ENF Staithe n Willow	Appeal against Enforcement Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016 Questionnaire submitted 21 April 2016 LPAs Statement of case submitted 12 May 2016 Final documents exchanged 14 June 2016
10 May 2016	Appeal Reference: APP/E9505/W/16/314 7689 BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby Mrs Wanphen Martin	Appeal against Refusal Proposed change of use of annexe to separate unit for holiday accommodation	Delegated Decision 1 April 2016 Questionnaire to be submitted by 17 May 2016 LPAs Statement of case submitted 14 June 2016
Awaiting validation by Planning Inspector	Appeal Reference APP/39505/ Hall Common Farm, Hall common, Ludham	Appeal against Enforcement – concerning breach against conditions 2 and 3 of BA/2014/0408/COND Unauthorised installation of metal roller shutter door	Committee Decision 4 December 2015 Start date awaited from PINS

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

22 July 2016

Agenda Item No.16

Summary:	This report sets out the delegated decisions made by officers on planning applications from 06 June 2016	to 04 July 2016
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council				
BA/2016/0157/COND	Southview Shoals Road Irstead NR12 8XR	Mr Alan Stephens	Variation of condition 2 of permission BA/2010/0005/FUL to allow alterations to the approved plans.	Approve Subject to Conditions
Beccles Town Council				
BA/2016/0121/FUL	Harbour Master Fen Lane Beccles Suffolk NR34 9BD	Mr Stephen Wilson	Permanent change of 16 moorings to private use.	Refuse
BA/2016/0108/FUL	Beccles Swimming Pool Puddingmoor Beccles Suffolk NR34 9PL	Mr Mike Summers	Replacement of temporary shower/changing facility with permanent structure to provide male and female changing/showers/toilets; accessible changing/shower/toilet; storage; office/first aid room.	Approve Subject to Conditions
Brundall Parish Council				
BA/2016/0188/HOUSEH	67 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mr Bob Hodgkinson	Retrospective application for reinstatement of 22 square metres of decking on NW side of existing chalet	Approve Subject to Conditions
Dilham Parish Council				
BA/2016/0137/HOUSEH	The Rookery Mill Road Dilham Norfolk NR28 9PU	Ms Rebecca Warren	Wall and gate	Approve Subject to Conditions
BA/2016/0138/LBC				Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Freethorpe Parish Council				
BA/2016/0177/HOUSEH	Sunset Low Road Freethorpe Norwich Norfolk NR13 3PA	Mr A Bray	Demolish outbuildings and two storey flat roof section, and construction of two storey, storey and half, single storey link and double garage extensions.	Approve Subject to Conditions
Halvergate Parish Council				
BA/2016/0148/FUL	Stracey Arms Drainage Mill Acle New Road Halvergate Great Yarmouth Norfolk	Mrs A Rix	Construction of a car park and upgraded access from the A47 associated with Stracey Arms Mills, construction of disabled access to the mill, construction of a building associated with education visits for the mill and repairs to the mill.	Approve Subject to Conditions
BA/2016/0149/LBC				Approve Subject to Conditions
Hickling Parish Council				
BA/2016/0180/FUL	Hickling Broad Sailing Club Staithe Road Hickling Norfolk NR12 0YW	Mrs Susan Maisey	Extension, solar panels on flat roof, disabled toilet facilities and suitable access, shed. Infill of mooring basin and access dyke.	Approve Subject to Conditions
Horning Parish Council				
BA/2016/0187/HOUSEH	The Boat House Ferry Road Horning Norfolk NR12 8PS	Mr Peter Goshawk	Car port	Approve Subject to Conditions
BA/2016/0145/FUL	The Staithe Lower Street Horning Norfolk NR12 8AA	Mrs Jo Beardshaw	Flag pole.	Approve Subject to Conditions
Hoveton Parish Council				
BA/2016/0117/HOUSEH	Little Broad House Horning Road Hoveton Norfolk NR12 8JW	Mr Neil Lane	Replacement of wood windows with uPVC	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Loddon Parish Council				
BA/2016/0141/LBC	Hall Green Barn 29A Norton Road Loddon Norfolk NR14 6DT	Dr Richard Wharton	Alterations to existing outbuildings to provide a games room and a garden room.	Approve Subject to Conditions
BA/2016/0127/HOUSEH				Approve Subject to Conditions
Martham Parish Council				
BA/2016/0164/HOUSEH	Idle Hours 50 Riverside Martham Norfolk NR29 4RG	Mrs Jane Williams	Permission being sought for retention of chimney flue on exterior of property.	Approve Subject to Conditions
Mettingham Parish Council				
BA/2015/0426/FUL	The Valley House Low Road Mettingham Suffolk NR35 1TS	Mr & Mrs Lay	Conversion of existing barns and outbuildings to form new residential units and erection of a new stable block.	Approve Subject to Conditions
Stalham Parish Council				
BA/2016/0099/COND	The Vintage Boat Company Wayford Bridge Wayford Road Smallburgh Norwich Norfolk NR12 9LL	The Vintage Boat Company	Variation to Condition 2 of pp BA/2011/0072/FUL to allow changes to design of reception building and replacement workshop	Approve Subject to Conditions
Thorpe St Andrew Town Council				
BA/2016/0173/LBC	Thorpe House 4 Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EB	Mr And Mrs Chalmers	Single storey side extension.	Approve Subject to Conditions
BA/2016/0158/FUL	Land Opposite City Boats Griffin Lane Thorpe St Andrew Norwich Norfolk NR7 0SL	Mr B. Knight	Boatshed, storage container and shelter.	Refuse

Application	Site	Applicant	Proposal	Decision
BA/2016/0161/COND	Solar Flare 3 The Moorings Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EW	Miss Lucy Dent	Variation of conditions 2 and 4 of permission BA/2016/0039/FUL	Approve Subject to Conditions
BA/2016/0169/HOUSEH	Thorpe House 4 Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EB	Mr And Mrs Chalmers	Single storey side extension.	Approve Subject to Conditions
West Caister Parish Council				
BA/2016/0166/FUL	Land At Junction Of West Road And Clink Hill West Caister Norfolk NR30 5SY	Miss Suzanne Adderley	Installation of a sand manege at a private stableyard	Approve Subject to Conditions
Wroxham Parish Council				
BA/2016/0090/FUL	24 Norwich Road Wroxham Norwich Norfolk NR12 8RX	Riverside Arts and Glass Ltd	Two garages.	Approve Subject to Conditions
BA/2016/0197/NONMAT	Mallards Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr Anthony Clegg	Non material amendment to pp BA/2015/0083/HOUSEH to extend original decking in front of the property.	Approve

**Circular 28/83: Publication by Local Authorities of Information About the
Handling of Planning Applications**
Report by Head of Planning

Summary: This report sets out the development control statistics for the quarter ending 30 June 2016.

Recommendation: That the report be noted.

1 Development Control Statistics

- 1.1 The development control statistics for the quarter ending 30 June 2016 are summarised in the table below:

Table 1:

Total number of applications determined	72						
Number of delegated decisions	66 (92%)						
Type of decision	Numbers granted				Numbers refused		
	68 (95%)				4 (5%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16-26 wks	26-52 wks	Over 52 wks	Agreed Extension
	57 (79%)	3 (4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	12 (16%)
Numbers of Enforcement Notices	2						
Consultations received from Neighbouring Authorities	17						

Table 2: National Performance Indicators

	BV 109 The percentage of planning applications determined in line with development control targets to determine planning applications.		
National Target	60% of Large Scale Major* applications in 13 weeks	65% of Minor* applications in 8 weeks	80% of other applications in 8 weeks
	<i>*Large Scale Majors refers to any application for development where the site area is over 10000m²</i>	<i>*Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc)</i>	<i>Other refer to all other applications types</i>
Actual	3 applications received. 1 determined in 13 weeks (33.3%)	31 applications received. 25 determined in 8 weeks (80.6%)	38 applications received. 32 determined in 8 weeks (84.2%)

Background Papers: Development Control Statistics provided by Broads Authority using CAPS/Uniform Electronic Planning System

Author: Asa Coulstock
Date of Report: 12 July 2016

Appendices: APPENDIX 1 – PS1 returns
APPENDIX 2 – PS2 returns

APPENDIX 1**PS1 returns:**

1.1	On hand at beginning of quarter	60
1.2	Received during quarter	68
1.4	Withdrawn, called in or turned away during quarter	4
1.4	On hand at end of quarter	56
2.	Number of planning applications determined during quarter	72
3.	Number of delegated decisions	66
4.	Number of statutory Environmental Statements received with planning applications	1
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	1
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	1
7.5	Number of breach of conditions notices served	0
7.6	Number of enforcement injunctions granted by High Court or County Court	1
7.7	Number of injunctive applications raised by High Court or County Court	0

APPENDIX 2

PS2 Returns

Type of Development	Total Decisions			Total Decisions Time from application to decision						Agreed Extension
	Total	Granted	Refused	Not more than 8 wks	More than 8 wks but not more than 13 wks	More than 13 wks and up to 16 wks	More than 16 wks and up to 26 wks	More than 26 wks and up to 52 wks	More than 52 wks	
Major										
Dwellings	0	0	0	0	0	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	1	0	1	0	0	0	0	0	0	1
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other large-scale major developments	2	2	0	0	1	0	0	0	0	1
Minor										
Dwellings	1	1	0	0	1	0	0	0	0	0
Offices/ light industry	0	0	0	0	0	0	0	0	0	0
Heavy industry/storage/warehousing	1	1	0	1	0	0	0	0	0	0
Retail distribution and servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All other minor developments	29	27	2	24	1	0	0	0	0	4
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of use	4	3	1	3	0	0	0	0	0	1
Householder developments	24	24	0	20	0	0	0	0	0	4
Advertisements	2	2	0	2	0	0	0	0	0	0
Listed building consent to alter/extend	8	8	0	7	0	0	0	0	0	1
Listed building consent to demolish	0	0	0	0	0	0	0	0	0	0
Conservation Area Consents	0	0	0	0	0	0	0	0	0	0
Certificates of lawful development	0	0	0	0	0	0	0	0	0	0
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	72	68	4	57	3	0	0	0	0	12
Percentage (%)	100%	95%	5%	79%	4%	0%	0%	0%	0%	16%

Development Control Statistics provided by Broads Authority using CAPS/Uniform Electronic Planning System.