

Planning Committee**AGENDA****Friday 3 March 2017****10.00am**

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|---|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 3 February 2017 (herewith) | 3 – 15 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
- | | |
|--|---------|
| • BA/2016/0444/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael | 16 – 32 |
| • BA/2017/0010/HOUSEH Deerfoot, 76 Lower Street, Horning | 33 – 39 |
| • BA/2017/0030/FUL Moorings Opposite Thurne Dyke Windpump | 40 – 45 |

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9	Enforcement Update Report by Head of Planning (herewith)	46 – 53
	POLICY	
10	Broads Local Plan March Bite Size piece Report by Planning Policy Officer (herewith) BeWILDerwood policy and general update	54 - 59
11	Flood Risk Supplementary Planning Document SPD for adoption Appendix A – consultation responses Appendix B – tracked changes Appendix C – final version	60 – 61
12	Rollesby Neighbourhood Plan: Designating Rollesby as a Neighbourhood Area Report by Planning Policy Officer (herewith)	62 – 64
13	Stalham Staithe Conservation Area Re-Appraisal Report by Historic Environment Manager (herewith) Appendix 1 – Conservation Area Management Plan Appendix 2 – Map showing boundary Appendix 3 – Summary of consultation responses	65 – 87
14	Article 4 Directions Report by Head of Planning and Planning Officer (herewith)	88 – 101
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17	Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	110 – 112
18	To note the date of the next meeting – Friday 31 March 2017 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority
Planning Committee

Minutes of the meeting held on 3 February 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J Burgess
Ms G Harris

Mr H Thirtle
Mr V Thomson

In Attendance:

Ms N Beal – Planning Policy Officer (for Minutes 8/11 – 8/12)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – For the Solicitor (up to and including Minute 8/10)
Mr N Catherall – Planning Officer
Ms M Hammond – Planning Officer
Mr B Hogg – Historic Environment Manager (for Minute 8/11)
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke

**BA/2016/0395 /FUL River's Edge Boundary Farm Staithe, River Bure
with Ashby (to include pontoons)**

Mr Molineux Parish Council Chairman and on behalf of
local residents

Dr Kevin Marsh For the applicant

Mr Donny Cooke Landowner

**BA/2016/0449/FUL Hoveton Tourist Information Centre, Staithe
Road, Hoveton**

Mr Sam Bates (Visitors For the applicant
Services Supervisor)

8/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr W Dickson, Mr P Rice and Mr J Timewell.

8/2 Declarations of Interest

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

The Chairman declared a general interest on behalf of all members concerning application BA/2016/0449/FUL Broads Authority Tourist Information Centre, at Station Road, Hoveton.

8/3 Chairman's Announcements and Introduction to Public Speaking

The Chairman gave notice of the following:

- (1) **Planning Design Tour** – It was confirmed that the Design Tour would take place on Friday 16 June 2017. This would be an all-day event, primarily for the Planning Committee but to which all members are invited.
- (2) **Rackheath Neighbourhood Plan – for consultation**
The Chairman referred to the email sent to all Committee members concerning Rackheath Neighbourhood Plan which had been published for consultation. Unfortunately, the Authority had only recently been given notice of this and the deadline for comments was 20 February 2017, although the next Planning Committee was on 3 March. Unfortunately, the Authority was not allowed an extension on this occasion. Given the potentially significant implications of this for the Broads, the Chairman requested that Members provide Natalie Beal, the Planning Policy Officer, with comments by Tuesday 7 February to be included in the Authority's response.
- (3) **HARG Heritage Asset Review Group** – the meeting would follow on from the Planning Committee meeting. Members were most welcome to stay.
- (4) **Introduction to 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.)

(5) The Openness of Local Government Bodies Regulations

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis and it would be investigating ways of making recordings available on the website. This was as a means of increasing transparency and openness as well as to help with the accuracy of the minutes.

8/4 Minutes: 6 January 2017

The minutes of the meeting held on 6 January 2017 were agreed as a correct record and signed by the Chairman.

8/5 Points of Information Arising from the Minutes

None to report

8/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

8/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

8/8 Applications for Planning Permission

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

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

(1) BA/2016/0362/FUL River's Edge near Boundary Farm Staithe, River Bure, Ashby with Oby

Removal of piling along the left bank of the River Bure at Oby, and re-grading of the river bank edge to form a reeded rond. The material removed will be used for crest raising the floodbank, either immediately or stock piled on the rear bank face for future use.

Applicant: Environment Agency

The Planning Officer gave a detailed presentation of the application which included the removal of 99 metres of piling along the left bank of the River Bure at Oby following the completion of the flood defence works as part of the Compartment 9 scheme approved in 2011. The application followed on from the establishment and consolidation of set back and roll back floodbanks where bank settlement had taken place. An application to remove piling between Thurne Mouth and Acle Bridge was granted in 2015. The section of piling as part of this application was not removed as part of the previous scheme as at the time it was being used by the landowner for fishing. This was now no longer required for that purpose and was also no longer required for flood defence purposes. There were also signs which stated "No Mooring" in this location and the landowner confirmed that there had not been mooring in this location over the last year. It was clarified that this section did not form part of the area previously leased for 24 hour moorings.

The Planning Officer commented that no further representations had been received since the report had been published. He explained that the works would be carried out in the same way as they had been in

other sections of Compartment 9 and that the applicant's agents (BESL) would undertake regular hydrographic monitoring. The erosion monitoring posts would also act as channel markers and would only be removed once sufficient reed growth had been established.

The Planning Officer concluded that the pile removal would not increase flood risk in the compartment or elsewhere in the area. This together with the re-grading of the river bank edge to form a reeded rond would be beneficial to the landscape and would not result in unacceptable impacts on navigation, recreation, ecology, highway and amenity. Subject to conditions, the application was recommended for approval.

Having sought clarification on a number of matters including the fact that there had been limited use of the piling for moorings in this location over the last year, and that erosion monitoring would take place, Members were supportive of the proposals and concurred with the Officer's assessment.

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report as it is considered to be in accordance with Policies CS1, CS3, CS4 and CS15 of the Core Strategy (2007), Policies DP1, DP13, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012).

- (2) **BA/2016/0395/FUL Rivers Edge Near Boundary Farm Staithe, River Bure, Ashby With Oby**, Removal of piling at two sections along the left bank of the River Bure at Oby, re-grading of the river bank edge to form a reeded rond, and installation of pontoon moorings.
Applicant: Environment Agency

The Planning Officer provided a detailed presentation of the proposals for the removal of a total of 288 metres of riverbank piling along two sections of the left bank of the river Bure, one to the north and one to the south of the entrance to Boundary Farm Staithe. This again fell within the area of Compartment 9 of the Broads Flood Alleviation Project where flood defence works had been carried out in accordance with permission. A separate planning application to allow removal of the piling which was no longer required for flood defence purposes, was granted in 2015. The Planning Officer clarified that the two sections of piling as part of this application were not removed as part of the original scheme as the piling was leased by the Broads Authority and used for 24 hour moorings. The lease expired in 2014, the mooring use ceased, and the piling was no longer used. However, this was one of the busiest areas in the Broads where mooring was required. At the very south of the river there was a 40 metre section of the riverbank which was in the ownership of the Authority and used for Broads Authority 24 hour moorings secured under a Section 106 Agreement.

Re-piling would not be an option for BESL and the landowner did not want the responsibility for the maintenance of moorings. Given the importance of the area, the Authority had been in negotiations with the landowner in respect of the resumption of a mooring use here for some time. As a result of initial objections in respect of the potential loss of a mooring opportunity here, the application had been amended and it was now proposed that as part of the application two 100m pontoon moorings be installed. These would be cut into the river bank and the bank regraded, details of which were described.

In providing the assessment of the application, the Planning Officer addressed the objections received particularly relating to the concerns that had been expressed locally over the amendments and took account of the main issues involved. He explained that the amendments to the original application included the addition of the pontoons, and were on the same site as the original application. Therefore planning practise backed by case law allowed such amendments to be made without then need for submission of a new application, provided further consultation was undertaken. This had been commenced in mid-December 2016 and the Authority had accepted responses until this week, which exceeded the statutory 21 days required. It was confirmed by the Director of Planning and Resources that the correct procedures had been followed. In addition, the Planning Officer confirmed that site notices had been put up. In answer to a question from a Member he confirmed that he believed that adequate opportunities had been given for stakeholders to respond. The Solicitor also confirmed that the correct procedures had been followed.

The Planning Officer concluded that the proposals would not be detrimental to the landscape, would not result in an unacceptable impacts on navigation, recreation, ecology, highway, amenity and would not increase flood risk elsewhere. The application could therefore be recommended for approval subject to conditions.

Mr Molineux, the Chairman of Thurne Parish Council and representing the wider village, commented that he had been disappointed at the way the application had been handled and expressed concern that not all the information had been provided in the first instance. The parish had no problems with the initial application for the removal of piling. However the perceptions were the siting of the floating pontoons to be used as Broads Authority 24 hour moorings had been "tacked on". He considered that the proposals had been put forward without full discussion. It was considered that this was so significant that the removal of piling and provision of pontoons should be treated separately. However, he had been told by the applicant, that this was not possible as it would incur extra costs and delays. That apart, he addressed the concerns to the operation of the moorings and the disposal of waste. The disposal of the rubbish generated by the use of the 24 hour moorings was of great concern as there were no facilities

on the riverbank. Signs currently directed people to dispose of their rubbish half a mile away in Thurne where there was only limited provision. There was concern that a lot of the rubbish would end up in the reeds. He asked that a condition be attached to ensure that the moorings could not be brought into use until a concrete scheme had been put into place to deal with the rubbish.

Kevin Marsh, on behalf of the applicant, explained that he considered the planning application to have been dealt with correctly and efficiently. He disagreed with Mr Molineux on the separation of the proposals as it would be very difficult to deal with them as different applications. He explained the background to the application following the concerns raised by the boating interests and also the Navigation Committee about the removal of the piling and subsequent loss of moorings in this busy location. The applicant had met with the landowner and the NSBA and the Authority. The proposal to provide floating pontoons would provide a solution so as there would be no loss of moorings. He had also offered to meet with the parish council but this had not been taken up. He requested a determination of the application today otherwise no work could be done until next year.

In response to the Navigation Committee's query as to whether it would be possible to pull back the river bank more than two metres, Mr Marsh explained that in drawing up the application, the river alignment had been taken into account. The bank had been moved in two metres at the narrowest part and the pontoons lined against this down to the end of the moorings. Therefore there was a small loss in one part and gain in another and therefore no overall loss of navigable river width.

Members understood that the main concerns over the application related to litter and this was partly due to the withdrawal of the waste collections by Great Yarmouth Borough Council at Thurne. The Authority had been investigating with the Districts as to how the problem could be addressed generally. When the Authority was considering priority areas for attention this was not an area which had been identified as priority. However, the disposal of waste was not a planning issue and therefore it would not be possible to impose a relevant legitimate planning condition. This would be a matter for consideration under the lease arrangements. The landowner reiterated his concerns and commented that he would not sign any lease until those concerns over litter were resolved.

In general members were in support of the proposals, considering that the pontoons would provide a good solution to the removal of piling as had been achieved elsewhere in the Broads. There had been universal support for the use of the pontoons as the closure of the moorings had had a detrimental impact for navigators. Members advocated including a specific condition on the materials to be used to ensure that the ramp and the pontoons contained non-slip materials for the deck.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report to include the design of the decking to ensure the materials to be used were non slip. The application is considered to be in accordance with Policies CS1, CS3, CS4, CS14, and CS15 of the Core Strategy (2007), Policies DP1, DP12, DP13, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application

- (3) **BA/2016/0444/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael** Retrospective change of use to residential, garage, pond enlargement, new shed, roller-shutter doors on existing shed, alterations to windows, 4 additional car parking spaces and landscaping alterations.

The Planning Officer provided a brief presentation of a retrospective proposal on a site off Burghwood Road, Ormesby relating to Burghwood Barns where planning permission had already been granted in 2013 and where since this permission further development had taken place, some of which was without the benefit of planning permission. This included the annexation of further agricultural land and its use and development as residential garden that included a pond, a new shed, alterations to windows, car parking and landscaping. In essence the application involved retaining agricultural land as residential curtilage. Discussions had taken place with the landowner and his agent around regularising the unauthorised development and what might be acceptable on the site. Therefore this application was seeking to regularise that development.

The Planning Officer provided an outline of the history of the site and the details of the development involved. Given the complexity of the site, and its complex planning history that included unauthorised development and retrospective applications, it was considered that a site visit would be beneficial for members.

Members endorsed the proposal for a site visit and

RESOLVED unanimously

that prior to determination of the application, a site visit take place on Friday 24 February 2017 starting at 10.00am in order to provide Members with an understanding of the complexities and history of the site and the proposals.

- (4) **BA/2016/0449/FUL Broads Authority Tourist Information Centre, Station Road, Hoveton** Replacement Windows and frames
Applicant: Broads Authority

The Planning Officer provided a detailed presentation of the proposal to replace the existing timber framed windows, entrance door and structural frame of the Authority's Tourist Information Centre at Hoveton, with ones constructed of powder coated aluminium, along with a replacement of the existing softwood barge boards with hardwood barge boards, all of which would have a black finish. It was considered that this would maintain the overall character and appearance of the building and would not have an adverse impact on the character and appearance of the surrounding area. The Planning Officer therefore recommended approval of the application.

Sam Bates explained that the work would be carried out in the closed season over the Winter in 2017.

Members concurred with the Planning Officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as it was considered that it was in accordance with Policy DP4 of the Development Plan document (2011), and the National Planning Policy Framework (2012).

8/9 Enforcement Item of Planning to note: No 1 and 2 Manor Farm Oby.

The Committee received a report concerning the progress in complying with an agreement made with the landowner following the granting of Listed Building Consent on 1 May 2014 concerning replacement windows and doors in a Grade II Listed property of Manor Farm House, Manor Farm Road at Ashby with Oby. This involved a phased replacement for the unauthorised windows and doors over a period of 10 years for completion of the works. Recent inspections had shown that no more progress had been made for some time. Therefore there was a danger that by the end of the 10 years, a considerable number would be required to be completed all at once. It would be better to carry out the works on a phased basis of perhaps three windows per year.

Although Members expressed disappointment at the current rate of progress, they were mindful of the sensitivities of the case. They endorsed the proposal for continued dialogue to encourage the landowner to undertake the work in a staged approach as this was considered to be of mutual benefit.

RESOLVED

- (i) that the report be noted and the action to continue dialogue with the property owner and suggest a programme of work to encourage the continuation of the previous progress made be endorsed.

- (ii) that officers continue to monitor the site and bring a report to Planning Committee at six monthly intervals.

8/10 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee. Further information was provided on the following:

Thorpe Island: The Head of Planning reported that the planning application was still pending determination and being progressed although because the information submitted with the application did not include all the elements originally required by the Planning Inspector, further information had been requested. Part of the injunction requirements had been complied with although three had not been. These involved the residential use of boats for more than 28 days, the removal of all sunken vessels by 31 December 2016 and for the landowner to pay the Broads Authority's costs. There was no specification as to how the vessels should be removed and the landowner had been investigating options. It was clarified that these issues would not be part of the planning application and therefore remained outstanding with no resolution currently being offered by the landowner. The landowner had been written to on the 24 January 2017 with a compliance date of 14 days expiring on the 7 February 2017. The Solicitor set out the options open to the Authority in respect of the injunction. Members were mindful of the decision made at the Authority meeting on 27 January 2017 relating to the charge on the land. Members considered that if compliance had not been achieved by the deadline given, they would have no option but to refer the matter back to the court. Members asked officers to investigate this route. Members considered that it was important to keep all parties informed including Broadland District Council and Norwich City Council.

Staithe N Willow Unauthorised erection of fencing – The dismissal of the appeal against the Enforcement Notice required that compliance for removal of the fence be achieved by 9 March 2017. An email from the local District member had been received requesting a compromise solution since there were difficulties in removing the main posts. Officers would be in negotiation with the landowner.

Hall Common Farm, Hall Common, Ludham The Planning Inspector's decision to allow the appeal for the metal roller shutter doors on the boatshed to remain was disappointing, especially when officers were aware that timber roller shutter doors were available.

Broad Minded Plot 9/9A Martham The caravan on the floating pontoon had been removed from Plot 9/9A to the neighbouring plot and therefore technically the Enforcement Notice had been complied with. However, the caravan was still on the pontoon. The owner had indicated that a local boatbuilder had agreed to remove the structure but was unable to do so until March. Members requested that a date for the removal be confirmed in writing by all parties.

RESOLVED

that the Enforcement Update report be noted.

8/11 Broads Local Plan –Local Plan February Bite Size Pieces to inform the publication version.

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

- Appendix A Floating Houses Topic Paper
- Appendix B Settlement Fringe Topic Paper
- Appendix C Oulton Broad Shopping Centre Policy PUBOL4

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

With regard to the Floating Houses Topic Paper, it was noted that such structures were often used to provide development in areas prone to flooding. The topic paper was a marker that more detailed work was required. It was considered that it would be wrong to apply a generic approach to the use of such structures throughout the Broads. Members were supportive of the approach, considering it to be an interesting paper. They welcomed the possibility of a member of staff undertaking his dissertation on the topic for his Masters degree in Planning.

Members welcomed the Settlement Fringe topic paper particularly the maps noting that this would be associated with the Landscape Character Assessment work and help to underpin the Landscape Partnership Scheme.

Members were pleased to note that the Oulton Broad Shopping Centre policy had been developed jointly with Waveney District Council. It was noted that the Oulton Broad Parish Council would officially be formed from the 1 April 2017.

RESOLVED

that the details within the proposed topic papers to inform the publication version of the Broads Local Plan be endorsed.

8/12 Worlingham Neighbourhood Plan: to designate Worlingham as a Neighbourhood Area

The Committee received a report that introduced the Worlingham Neighbourhood Plan and included comments received during the 6 week consultation period on Worlingham becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

No objections to Worlingham becoming a Neighbourhood Plan had been received.

RESOLVED

That the comments received be noted and that Worlingham be designated a Neighbourhood Area in order to produce a Neighbourhood Plan

8/13 Consultation Documents Update and Proposed Responses: Great Yarmouth Town Centre Master Plan

The Committee received a report containing the Authority's proposed response to the consultation document from Great Yarmouth Borough Council on the Great Yarmouth Town Centre Master Plan. Members agreed that it was important to emphasise the role of the Yacht station to not only the Broads but to Great Yarmouth itself. Therefore it was important to have the correct signage in place. It was also suggested that in the response, the role of Great Yarmouth in the Landscape Partnership Scheme be mentioned. Members considered that the Master Plan was an excellent document and endorsed the proposed response.

RESOLVED

- (i) that the report be noted.
- (ii) that the proposed response to the Great Yarmouth Master Plan be endorsed and this be forwarded to Great Yarmouth Borough Council.

8/14 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.

The Head of Planning commented that the decision to allow the appeal at 50 Riverside Estate, Brundall was particularly disappointing as the site visit had been scheduled as unaccompanied. However, the Inspector would have required the appellant to be available to enable access and therefore an officer from the Authority should also have been in attendance. Officers had also advised the Inspectorate beforehand that the site needed to be seen from the river, but this did not appear to have occurred. Officers had written to the Inspectorate pointing out the concerns. This would not result in a change in the decision, but it was important that these issues were raised for future decisions.

Members considered that depending on the outcome of the appeal relating to Plot 70 Riverside Estate, Brundall, the policies about upvc windows may need to be reviewed.

RESOLVED

that the report be noted.

8/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 November 2016 to 15 December 2016.

RESOLVED

that the report be noted.

8/16 Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications

The Committee received the development control statistics for the quarter ending 31 December 2016 and congratulated staff on the excellent performance. It was noted that the performance of Local Planning Authorities on how they deal with minor household applications would also be included in the statistics shortly.

8/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 3 March 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

It was noted that the Members' Heritage Asset Review Group (HARG) was due to meet following this Planning Committee meeting.

The meeting concluded at 12.15 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 3 February 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	Minute 8/8 (4)	Application BA/2017/0449/FUL Broads Authority application
Mike Barnard	Minute 8/11	Councillor for Oulton Broad
Jacque Burgess	Minute 8/8	Toll Payer; Member of NBYC
Haydn Thirtle	Minute 8/8(3)	Lobbied by the Parish Councils and staff of Broads Authority concerning applications for BA/2016/0395/FUL and Lobbied by the applicant and visited the site: BA/2016/0444/FUL
	Minute 8/13	Great Yarmouth Town Centre Master Plan Member of Committee producing the Plan

Reference:

BA/2016/0444/FUL

Location

Burghwood Barns, Burghwood Road, Ormesby St
Michael

BA/2016/0444/FUL - Burghwood Barns



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Ordnance Survey
100021573.

Application for Determination

Parish	Ormesby St Michael
Reference	BA/2016/0444/FUL Target date 14 February 2017
Location	Burghwood Barns, Burghwood Road, Ormesby St Michael
Proposal	Retrospective change of use from agricultural land to residential curtilage , garage, pond enlargement, new shed, roller-shutter doors on existing shed, alterations to windows, 4 additional car parking spaces and landscaping alterations.
Applicant	Mr D Tucker and Miss S Burton
Recommendation	Approve subject to conditions and Authority for enforcement action
Reason for referral to Committee	Director discretion

1 Description of Site and Proposals

- 1.1 The application site is a dwellinghouse at Burghwood Barns, Burghwood Road, Ormesby St Michael. Within the village of Ormesby St Michael residential development is interspersed with significant areas of waterworks operations and this development is concentrated in a ribbon along the A149 road that runs through the village towards Great Yarmouth to the east. Burghwood Road is an unmade road leading south from the A149 with residential development at the northern end, a sailing club, agricultural/horticultural land and a significant reservoir south of this and two dwellings at the southern extent over 500 metres from the road, one of which is the application site.
- 1.2 The application dwelling is a converted barn and to the west of this stands the retained farmhouse (Burghwood Farmhouse). These dwellings are isolated from the rest of the village and surrounded to the south, east and west by agricultural land and woodland on the edge of, but not visible from, Ormesby Little Broad, one of the Trinity Broads. The site is within approximately 5 metres of SAC and SSSI designations.
- 1.3 The converted red brick barn lies to the northwest of the site on an approximate east-west axis and the permission for the conversion included curtilage to the east and south. In 2013, planning permission was granted to extend this further to the south and east, partly regularising a change of use

from agricultural land which had already occurred (BA/2013/0271/CU). The permission also included the retention of curtilage buildings which had been erected without planning permission: a two bay carport to the north of the dwelling and timber shed and summerhouse to the south. A new greenhouse was also to be provided northeast of the dwelling along the northern site boundary and this has since been built, subject to amendments. An existing attached garage was to be converted to residential accommodation and this has also been completed but a new detached garage that was approved has not been.

- 1.4 Since the approval of the 2013 application, further unauthorised development has occurred as detailed in the Site History below. This application seeks to regularise some of that.
- 1.5 The application proposes retaining agricultural land as residential curtilage, which is a material change of use in planning terms. The residential curtilage would then consist of the area approved under the 2013 application of approximately 1000 square metres, the additional 1000 square metres east of this which the 2013 permission required to be planted with native trees and shrubs, a large pond along the eastern boundary of the site within an area of approximately 2900 square metres and a gravel access track and development along the northern boundary. In total this area measures approximately 6000 square metres larger than the original curtilage and 5000 square metres larger than that approved in 2013.
- 1.6 This change of use has been completed and operational development has taken place within in. The area of additional curtilage approved in 2013 is grassed and there is children's play equipment upon it. The area immediately east of this (which was to be planted) is a continuation of this lawn. A wide paved path runs along the eastern and northern edge of the lawn and a fence and newly planted silver birch trees separate the lawn from the access track to the north. This is all proposed to be retained as it is. A new 1.2 metre high post and wire mesh fenceline is proposed along the southern boundary of this lawn area and a mixed native species hedge would be planted on the southern side of it.
- 1.7 To the east, a large pond has been excavated in an irregular shape measuring approximately 27 metres by 65 metres at the maximum extents. A scheme has been submitted to enhance this pond for biodiversity and landscape benefits by re-grading the steep sides, allowing the fish to be predated and a more natural system to develop and providing new planting within and around the pond. A post and rail fence encloses the pond to the north and west and a 1.8 metre high timber post and wire fence runs around the eastern and southern site boundaries and oak and birch trees are proposed to be provided on the outside of this with climbing plants added to the fence enclosing the pond to the north. The paved path also continues into this area along the western side of the pond.
- 1.8 A gravel access track runs east-west through the site north of the lawn and pond. On the northern side of this exists the previously approved greenhouse.

Next to this are four raised brickwork enclosed vegetable beds. East of these is a large building used for storage, largely of tools and machinery used in the maintenance of the site. It is described as a garage in the application but not deep enough to accommodate a standard family car. It measures approximately 16.5 metres long and 4.7 metres deep. The monopitch roof has a maximum height of 3.5 metres and an overhang over the south elevation. Along the south elevation there are four openings with wood effect roller shutter doors, the easternmost of which is 4.7 metres wide and the other three are 3 metres wide. This building has brown stained timber clad walls and a felt covered roof. The application proposes retaining the building but adding a dual pitched roof with pantile covering and providing timber side hung double doors to each opening in front of the roller shutters which would be retained.

- 1.9 An oil tank stands to the east of the storage building and 11 metres from this there is a brick edged fire pit in the ground. Adjacent to this in the northeast corner of the site there is a further building. It is orientated at 90 degrees to the storage building and approximately 11 metres from it. In footprint it measures approximately 5.5 metres by 8 metres and 2.8 metres to the maximum of the monopitch roof. This building has two off-centre openings without doors and black stained timber clad walls. A new dual pitched roof with pantile covering is also proposed for this.
- 1.10 The existing carport (built without planning permission but regularised under the 2013 permission) was originally open fronted but has since had roller shutter doors added without permission and the application proposes adding timber double doors either instead of or in front of the roller shutter doors.
- 1.11 The attached garage which was converted to residential accommodation under the 2013 permission was completed at variance to the approved plans and it is proposed to retain it as built with larger window openings.
- 1.12 An existing shed and summerhouse adjacent to the western site boundary which were regularised under the 2013 permission are proposed to have bat boxes added and climbing plants to grow up them. A roller shutter door added to the shed without permission is proposed to be changed back to timber double doors.
- 1.13 This application does not include a further approximately 6,000 square metres of agricultural land to the south which has also been the subject of a material change of use and used as residential curtilage without the benefit of planning permission. This area is also grassed with a 1.8 metre wide paved path around the edge enclosed by ornamental planting and a 1.8 metre high fence. A large metal gazebo structure sits in the southwest corner. All this development remains unauthorised and a timetable for the removal of the operational development and reversion to agricultural use has been requested. The applicants have an opportunity (until 30 March 2017) to appeal the refusal of planning permission but have not yet availed themselves of this.

2 Site History

- 2.1 Planning permission was granted for the conversion of a barn and outbuildings to a single dwelling with attached double garage in 1997 (BA/1996/0419/HISTAP). The approved site plan indicated an area of residential curtilage and the total site measured approximately 1850 square metres.
- 2.2 In March 2013, a planning application proposing conversion of an existing attached double garage to a lounge and the erection of a new garage block was submitted (BA/2013/0065/FUL). Upon visiting the site, it was apparent that land outside the original curtilage of the dwelling was being used incidental to the enjoyment of the dwelling and a number of outbuildings (shed, summerhouse and open-fronted carport) had been built which did not benefit from permitted development rights. The application was withdrawn to allow it to be amended to include regularisation of this unauthorised development.
- 2.3 Following pre-application advice, the above application was resubmitted in August 2013 and proposed a change of use from agricultural land to residential garden along with change of use of existing garage to lounge, erection of new garage block, erection of greenhouse and previously erected car port, shed, summer house and play area (BA/2013/0271/CU). The area of agricultural land proposed to be used as residential curtilage measured approximately 1000 square metres and immediately east of this an area of a similar size was to be planted with native trees and shrubs. This was approved subject to conditions and later the greenhouse siting was amended (BA/2014/0121/NONMAT).
- 2.4 Further visits to the site observed that the above permission had not been implemented in accordance with the conditions and further agricultural land had been annexed. In September 2014, a planning application was submitted to retain this additional development as an amended version of the previously approved scheme (BA/2014/0328/CU). This was withdrawn pending amendments but never resubmitted.
- 2.5 In February 2015, an application proposing to relocate the garage approved (but not built) under planning permission BA/2013/0271/CU was made (BA/2015/0059/HOUSEH). This was subsequently withdrawn.
- 2.6 Following a visit in December 2015, a planning application was received in May 2016 proposing similar development to that in withdrawn application BA/2014/0328/CU and retaining two additional buildings and a gazebo structure (BA/2016/0209/FUL). The total area of land proposed to be changed from agricultural to residential measured approximately 11,000 square metres.
- 2.7 Concurrently, an application proposing extensions to the dwelling was also considered (BA/2016/0232/HOUSEH) and this was amended to include proposing retention of various rooflights and openings on the dwelling that had been completed without the benefit of planning permission.

- 2.8 In August 2016, the application for extensions and alterations to the dwelling was refused due to the impact these would have on the character of the dwelling and its historic agricultural setting and the loss of original fabric of the barn that was converted to provide the dwelling. The existing alterations which this application sought to regularise remain unauthorised.
- 2.9 In September 2016, the application for change of use of agricultural land to curtilage and other retrospective development was refused due to: the significant direct adverse impact it would have on the local landscape character; the significant adverse impact it would have on the perceptual qualities of the area and experience of tranquillity adjacent to the Trinity Broads; the built development was considered unacceptable in character and design, exacerbating the impact of the change of use of land; and, the impact on the character and appearance of the dwelling.
- 2.10 On 21 October 2016, at the request of the landowner, officers of the Broads Authority met with the landowner and others at the offices of Great Yarmouth Borough Council. The site history was discussed, but the focus of the meeting was to try to agree a form and extent of development which would be acceptable to the landowner and the LPA. The application which is the subject of the report was subsequently submitted.

3 Consultation

Parish Council – No response.

District Member – No response.

Natural England – The proposal is unlikely to affect any statutorily protected sites or landscapes.

Representations

None received.

4 Policies

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

Core Strategy (adopted 2007)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement

CS5 - Historic and Cultural Environments

Development Management Policies DPD (adopted 2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - Natural Environment
DP2 - Landscape and Trees
DP4 - Design

Site Specific Policies Local Plan (adopted 2014)

[Sitespecifics2014](#)

XNS1 - Trinity Broads

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

[NPPF](#)

Development Management Policies DPD (adopted 2011)

DP21 - Conversion of Buildings in the Countryside

DP28 - Amenity

Neighbourhood plans

- 4.3 There is no neighbourhood plan in force in this area.

5 Assessment

- 5.1 The proposal which is the subject of this report is not intrinsically complicated, but there are a number of different elements and some of it is retrospective which makes it more complex.
- 5.2 In terms of assessment, the principle of the change of use from agricultural to residential land must first be considered, as this is the major part of the development. If this is considered acceptable, the impacts on landscape character and biodiversity should then be considered and finally the acceptability of the operational development which has followed from the change of use must be assessed.
- 5.3 The retrospective nature of this application and the history of continued unauthorised development and unsatisfactory attempts to regularise it with unacceptable or insufficient applications is regrettable. However, these are not material considerations in the determination of this application and it must be considered on its own merits.
- 5.4 Whilst this is a retrospective application, it has been the subject of pre-application discussions with officers. It is a much reduced scheme from that which was refused planning permission in 2016 and which represented the full extent of the applicants' aspirations for this land. Following amendments since submission, this scheme reflects the pre-application discussions with officers.

Principle

- 5.5 In terms of principle, it is wholly reasonable for dwellings to enjoy adequate curtilage space, indeed Policy DP28 requires new residential development to be provided with a satisfactory external amenity space. The curtilage included in the original permission for the barn conversion is considered to be ample for a dwelling of this size and it provided parking and turning space to the north of the dwelling, with a private garden to the south and east. A significant extension to this was permitted in 2013 and considered acceptable on the basis that it would not encroach into the countryside to such an extent that it would be detrimental to the landscape character and an equivalent area would be planted with native trees and shrubs to provide a landscape buffer and biodiversity enhancement. In total this area amounts to 2,850 square metres.
- 5.6 The application proposes an additional 5,000 square metres of agricultural land to be used as residential curtilage in addition to the previously approved 2,850 square metres. The NPPF, at paragraph 112, advises that account should be taken of the economic and other benefits of the best and most versatile agricultural land. There is no development plan or national policy which would prevent the change of use of agricultural land to residential curtilage and it is not therefore unacceptable in principle. However, the impacts of this change of use on the agricultural land, landscape, biodiversity and amenity must be considered in coming to a decision on the acceptability of the change of use.

Loss of agricultural land

- 5.7 The land in this area is classified as grade 3 agricultural land, which is of good to moderate quality. In accordance with the NPPF, it is appreciated that good quality agricultural land offers many benefits to the economy and landscape of the Broads. It is also the case that good quality agricultural land is largely a finite resource. The area surrounding Ormesby St Michael is predominantly in arable use and the application site and remaining field to the west are/were part of a larger fruit farming operation locally. Whilst the loss of good quality agricultural land is regrettable, it is a relatively small area when considered in the context of the agricultural land in this area and the loss is not, in principle, unacceptable in that it would not have a significant effect on agriculture in the area.

Landscape

- 5.8 As noted above, arable agricultural land is prevalent in this area and as such is an important component of the local landscape character. The Broads Landscape Character Assessment recognises that the Trinity Broads waterbodies are almost entirely enclosed by carr woodland which largely screens them from the gently sloping valley sides and surrounding area. Indeed, the application site is screened from the water by carr woodland and relatively enclosed from the wider landscape. The landscape character of the site itself is more typical of the settled farmland identified for Ormesby and Filby in the Great Yarmouth Borough Council Landscape Character Assessment where land cover is primarily arable

with some isolated farmsteads outside the more settled areas, some of which have ponds.

- 5.9 It is considered the arable farmland on the northern side of Ormesby Little Broad forms an important buffer for the Trinity Broads from the village development concentrated along the A149. The 2016 application proposed retaining a much larger area of arable land as residential curtilage (an additional 6,000 square metres in total above and beyond what is proposed here) and this extended up to the carr woodland to the south, completely eroding the important role this land forms as a buffer to the village development. This was considered to have a significant direct adverse impact on the landscape. The reduced area (of 5,000 square metres) proposed in the current application would, subject to the satisfactory reinstatement of the remaining land which has been converted to residential curtilage without planning permission to agricultural use (see paragraphs 5.20-5.22 below), retain part of this buffer and this would be welcome. To the east where the pond is, the new residential curtilage would still extend up to the boundaries of the carr woodland. However, the pond has potential to be a wilder area with less of a domestic character than the remainder of the site used as domestic garden and works to achieve this would reinforce a non-domestic character and retain some form of buffer.
- 5.10 The application dwelling and its neighbour originally represented a small, isolated feature in the arable landscape and were seen as small scale human intervention in a rural landscape. This proposal would represent a significant encroachment into the arable landscape and introduce a domestic character to it, and this is acknowledged. The site area is, however, not so significant as to shift the overall balance in character from arable to domestic and the layout, with a buffer of agricultural land to the south and the pond to the east, would limit the impact on the tranquillity of the Trinity Broads. Subject strictly to these measures the impact can be limited.
- 5.11 Policy DP2 with regards landscape allows for development which would not have a detrimental effect on or result in the loss of a feature of landscape importance. The arable land north of Ormesby Little Broad is considered to form an important role as a landscape buffer and this scheme is considered to limit the encroachment into this buffer sufficiently to mitigate any significant detrimental effect on or total loss of this feature. Policy CS1 seeks to ensure proposals address opportunities for positive impacts and avoid adverse impacts on the defining and distinctive qualities of the varied landscape character areas and tranquillity and wildness as part of the Broads experience. Policy XNS1 also seeks to protect the tranquillity of the Trinity Broads. Whilst this proposal does not take the opportunity to make a positive impact on landscape character or tranquillity and wildness, on balance, it is not considered any adverse impacts are so significant as to make the development unacceptable in this respect.

- 5.12 With regards to the operational development and landscaping of the site, which have taken place consequent to it being incorporated into the residential curtilage, the pond is a very alien landscape feature, being clearly domestic in configuration and construction and thus unnatural in scale, shape and form. The enhancements proposed would reduce the slope of the sides, which would give a more natural appearance, but this would be achieved by making it even larger. Additional planting is proposed within and around the pond and trees would be added on the outer side of the boundary fence. The biodiversity benefits of this are considered below, but in landscape terms, this planting is considered beneficial in softening the impact of the pond. Across the east-west boundary, the proposed area of curtilage would be separated from the area (6,000 square metres) that must be returned to agricultural use by a 1.2 metre high fence with a hedge planted on the southern side. The hedge is considered an appropriate boundary treatment and will screen the fence as it establishes and planting on other fences and sheds will help soften their impact too.
- 5.13 The most incongruous development associated with the unauthorised change of use to residential curtilage is the wide hard surfaced path alongside the pond and around the new lawn. Constructed of large slabs, it is of an urban material, layout and scale and no measures have been proposed to mitigate its impact. It does, however have no visual impact beyond the site boundaries is not wholly inappropriate for a domestic garden, albeit somewhat suburban. On the whole, the landscaping measures proposed are, on balance, acceptable and go some way to mitigating the adverse landscape impacts of the completed development.
- 5.14 In summary, this proposal does create a significant encroachment into an arable landscape which is otherwise typical of the local landscape character, but its impacts are not considered to be so significantly detrimental as to render it unacceptable and contrary to Policies CS1, DP2 and XNS1. On balance, the proposal is therefore acceptable in landscape terms.

Biodiversity

- 5.15 Whilst the site is within a wider area of ecological interest and immediately adjacent to SAC and SSSI designations, the arable land was unlikely to have had any significant biodiversity interest, but that cannot be assessed as the change has already taken place. The majority of the site is now a well-maintained lawn and the only area of the site with any biodiversity potential is the pond. The enhancements proposed to this would make it more of a wildlife pond than the ornamental fish pond it currently is and one of the biggest benefits would be the removal of the fish. Enhancing the pond as proposed would be beneficial compared to the existing situation, as would the native species hedgerow and other planting and bat features, and securing the early and effective implementation of these measures by condition shall be necessary, as shall a long-term maintenance and management plan.

- 5.16 It is not considered the development would affect the SAC and SSSI designations and Natural England have no objection. Subject to conditions, the proposal is acceptable in accordance with Policy DP1.

Design

- 5.17 This application seeks to retain two new buildings along the northern boundary, which are used for storage. These currently have monopitch roofs and the larger building has roller shutter doors to each of the four openings. Similar doors have also been provided to the carport and shed which were approved in 2013 with no doors and timber doors respectively. The two new buildings are large in scale for domestic storage buildings especially in addition to the existing buildings (carport, greenhouse, shed and summerhouse) on site and the continuous row of development along the northern site boundary, but not when looked at in the context of the overall area of curtilage proposed. Their current form is very basic and incongruous with the traditional barn form of the dwelling and it is considered the proposed addition of dual-pitched pantile roofs would be an improvement. The use of roller shutter doors on three of the buildings is considered incongruous with the rural setting and traditional barn and the proposal to install double side-hung timber doors in front or in place of the roller shutters is considered an appropriate amendment. The raised vegetable beds, oil tank and fire pit all add to the domestication of the site and extent of built development along the northern site boundary. However, in the context of residential curtilage, these are not inappropriate and the retention of the larger windows in the converted garage is considered acceptable.
- 5.18 When barns are converted to dwellings, policies typically require that the original character and appearance of the building is retained and the nature, scale and intensity of the proposed use must be compatible with surrounding uses and the local character. It is considered that subsequent development at barn conversions should also protect the character and appearance of the host building and its original setting, otherwise the introduction of domestic style features will cumulatively and over time erode the original agricultural character. In this case, the scale of the curtilage proposed and scale and design of the built development within it is not of a traditional, agricultural character but, subject to prompt completion of the amendments proposed, it is not considered on balance to be so inappropriate as to be unacceptable. The materials and timing of the new roof coverings and doors shall need to be agreed by condition and it is considered appropriate to remove permitted development rights for outbuildings and boundary treatments in the interests of managing any further development. Subject to these conditions, the proposal is, on balance, acceptable in design terms in accordance with Policy DP4.

Amenity

- 5.19 The change of use and associated operational development is unlikely to have any unacceptable impact on the occupiers of the one neighbouring dwelling given the original curtilage is immediately adjacent to their own and the proposal would spread activity across a wider area further from

their dwelling. Use of the buildings on site for anything other than ancillary domestic use has the potential to cause adverse amenity impacts and therefore it is considered necessary to manage their use by condition. Subject to this, the proposal is considered acceptable with regards to amenity in accordance with Policy DP28.

Regularisation of unauthorised development

- 5.20 Whilst the retrospective nature of the application cannot be a material consideration in the determination of the application, the carrying out of intentional unauthorised development can be. The applicants have been engaged with the planning process since 2013 through their planning consultant and have been aware since then that a change of use from agricultural land to residential curtilage required planning permission. They have been advised on several occasions to cease this unauthorised use, and the operational development associated with it, and they are also aware that their residential permitted development rights have been removed. It is considered that the continued development of the site in breach of planning regulations has been intentional and this is extremely regrettable. Whilst the intentional nature of the unauthorised development is a material consideration in the determination of the application, it is not considered to outweigh the policy and other material considerations that weigh in its favour.

Remaining unauthorised development

- 5.21 Were planning permission to be granted for the development proposed in this application, there would remain an outstanding breach in respect of the remaining 6,000 square metres which has been subject to a change of use to residential curtilage. A timetable for the reinstatement of this land to agriculture has been sought since September 2016 but to date only insufficient information with unsatisfactory timescales has been received. This is regrettable, particularly as agreement to the prompt submission of this timetable was one of the key outcomes of the meeting in mid-October 2016.
- 5.22 In the refusal of application BA/2016/0209/FUL in September 2016, the use of this land and operational development upon it was considered to be unacceptable. Allowing the use and development of this area to continue unauthorised is unacceptable and conflicts with the objectives of the approved Enforcement Plan which seeks to resolve matters promptly. As it has not been possible to secure voluntary compliance, despite assurances, there are two options to resolve this.
- 5.23 The first would be to require its reinstatement to agricultural use and removal of unauthorised operational development as a condition of any planning permission that may be issued for the development which is the subject of this report. A planning condition is an appropriate mechanism for this if Members consider the reinstatement of this land is necessary to make the development proposed in the application acceptable. Compliance with a condition can be enforced through the serving of a

breach of condition notice if necessary, against which there is no right of appeal. The applicants would, however, have the right to appeal the inclusion of the condition on the permission and if an appeal were allowed, the development could be retained.

- 5.24 The second option would be to serve an enforcement notice requiring the reinstatement to agricultural use and removal of all unauthorised operational development. This mechanism would be separate to any planning permission that may be issued for the development above.
- 5.25 Should Members be minded to refuse the application, they may wish to consider giving authority for enforcement action on the whole site.

6 Conclusion

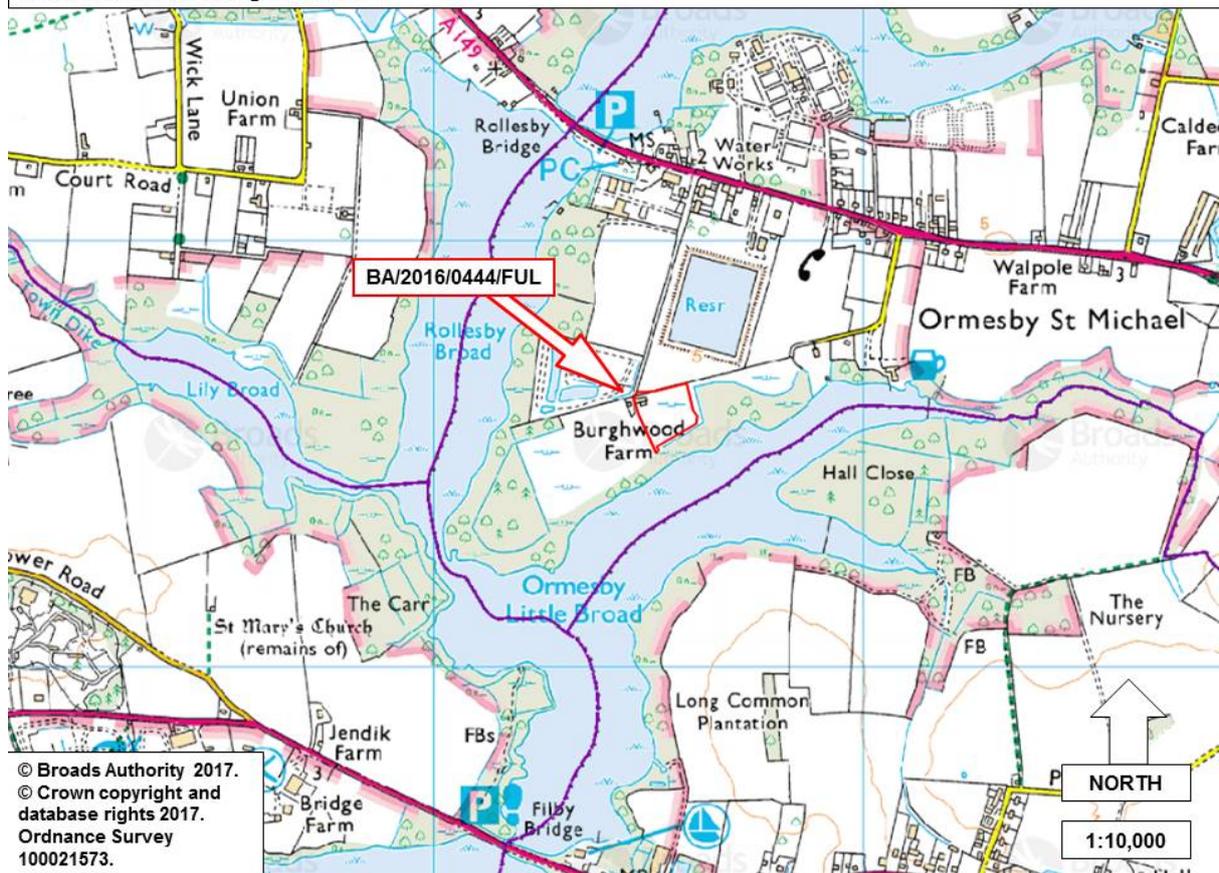
- 6.1 The application proposes retaining a significant extension to the curtilage of an existing dwelling through the change of use from arable agricultural land to curtilage and the retention of built development upon it and other alterations. This isolated, rural site has evolved substantially from the original conversion from an agricultural barn with modest, but ample, curtilage area.
- 6.2 This retrospective application and the extent of development which it seeks to regularise is regrettable. However, when considered on its own merits, the proposal would not, on balance, have such a significant detrimental landscape impact as to warrant a refusal of planning permission and enhancements to the biodiversity value of the pond and appearance of the buildings could be secured. This is a reduced scheme from that which was refused planning permission in 2016 and the reduction in scale is considered to sufficiently mitigate the adverse impacts which rendered that scheme unacceptable.
- 6.2 The retention of the remainder of the land which is not subject to this application and is in use as residential curtilage and with operational development, including paths and a gazebo, upon it is unacceptable and appropriate action should be taken to require the removal of the operational development and restore the land to agricultural use.

7 Recommendation

Approve subject to conditions:

- (i) Standard time limit
- (ii) In accordance with approved plans
- (iii) Detailed scheme with timings for implementation of biodiversity enhancements and planting
- (iv) Detailed scheme with timings for implementation of building enhancements
- (v) Details of bat enhancements
- (vi) Details of roof tiles and new doors
- (vii) Management plan for pond area and new planting

BA/2016/0444/FUL - Burghwood Barns



Appendix 2

BA/2016/0444/FUL - Burghwood Barns – Indicative areas of residential curtilage

1997 Approved with conversion to dwelling BA/1996/0419/HISTAP
Approx. 1,850 square metres



2013 Approved extension BA/2013/0271/FUL
Approx. 2,850 square metres in total



2016 Refused extension BA/2016/0209/FUL
Approx. 11,000 square metres in total



2017 Current proposal BA/2016/0444/FUL
Approx. 5000 square metres in total



Reference:

BA/2017/0010/HOUSEH

Location

Deerfoot, 76 Lower Street, Horning

BA/2017/0010/HOUSEH – Deerfoot, Lower Street, Horning



Application for Determination

Parish	Horning		
Reference	BA/2017/0010/HOUSEH	Target date	29 March 2017
Location	Deerfoot, 76 Lower Street, Horning		
Proposal	Garage and extension		
Applicant	Mr Len Funnell		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Applicant related to a member of the Navigation Committee		

1 Description of Site and Proposals

- 1.1 The application site is a two storey, detached riverfront dwelling in the village of Horning. The substantial render and timber clad dwelling has an integral boathouse and balconies on the riverfront (west) and north elevations. Mooring cuts to neighbouring properties exist either side and to the north there is a roadside dwelling with a curtilage extending to the river while to the south the neighbouring dwelling is also at the riverfront. A dwelling exists to the immediate rear of the application side, on higher ground at the roadside and these two dwellings and that to the south share an access from the road. They are also all in the same ownership and are currently all let as holiday accommodation. The site is in the Horning Conservation Area.
- 1.2 The application proposes a garage and extension to the dwelling.
- 1.3 The garage would be attached to the northern side of the rear elevation, adjoining a single storey utility room and in an area which is currently grass. This garage would measure approximately 6 metres by 6 metres in footprint and be single storey with a dual pitched roof at approximately 4.5 metres above ground level. It would be rendered to match the lower parts of the dwelling and have a window in the end elevation and large roller shutter door on the south elevation to the existing drive and parking area.
- 1.4 The extension would be on the north elevation where there is an existing ground floor window with first floor Juliet balcony above. It is proposed to add a 2 metre by 4 metre ground floor extension with first floor balcony above.

This would be glazed on the ground floor with double doors opening to a step on the north elevation and the first floor balcony would have a stainless steel and glass balustrade to match existing balconies on the north and west elevations. On the ground floor this extension would be to the existing living room and above it would provide a larger balcony to a bedroom in place of the existing Juliet opening.

2 Site History

BA/2005/1309/HISTAP Erection of two-storey replacement dwelling –
Approved subject to conditions

3 Consultation

Parish Council – The Parish Council has reviewed the plans and supports the application. Deerfoot is an excellent example of modern design that empathizes with its riverside location and enhances the appearance of the village. The proposed extension and garage are sympathetically integrated into the building and will not adversely affect other properties or detract from their appearance.

District Member – the application can be determined by the Head of Planning.

Representations

None received at time of writing report, consultation period ongoing.

4 Policies

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

[NPPF](#)

[DEVELOPMENTPLANDOCUMENT](#)

DP4 - Design

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

DP5 – Historic Environment

DP28 – Amenity

4.3 Neighbourhood plans

There is no neighbourhood plan in force for this area.

5 Assessment

- 5.1 The application proposes extensions to a dwelling and these are acceptable in principle. The main considerations are the design, impact on the Conservation Area and impact on amenity.
- 5.2 The existing dwelling is large and by virtue of its position right on the riverfront it has a significant presence in the riverscene and Conservation Area. The two extensions would increase the scale and mass further; however it is considered that the siting and scale of the garage is such that it would be subservient to the dwelling. The north elevation extension is relatively modest and would also be subservient in scale and extend from an existing large window and Juliet balcony feature in this position. It is therefore considered that extensions, by virtue of their scale and siting, would not unacceptably increase the scale and mass of the dwelling and are also appropriate in design and materials. The proposal can therefore be considered acceptable in terms of design in accordance with Policy DP4. It is, however, considered that any further extension of the dwelling may begin to result in overdevelopment of the site and it is considered appropriate to remove permitted development rights for extensions in the interests of managing this.
- 5.3 The garage would be sited to the rear of the dwelling but due to the open western boundary to a dyke it would be visible from the river as you travel downstream and the north elevation extension would also face directly upstream. Neither elevation would be directly visible from the road. As these extensions are considered to be appropriate in design, it is not considered there would be any harm to the Conservation Area and the proposal is considered acceptable in accordance with Policy DP5 and the NPPF with regards heritage assets.
- 5.4 With regards amenity, it is noted that when this dwelling was first proposed (BA/2005/1309/HISTAP) an attached garage of a similar scale and in the same position was included. This design was amended to site the garage further to the south in order to mitigate any adverse impact on the outlook and amenity of the neighbouring dwelling Reedlings immediately to the rear (east). This garage was never built.
- 5.5 Reedlings has been extended and altered since consideration of the original proposal but these changes have not significantly changed its outlook or relationship with the application site. Glimpsed views of the river either side of Deerfoot from the first floor accommodation and terrace would not be affected by the lower garage and it is considered a sufficient distance to the boundary (approximately 5 metres) would mitigate any impact on the enjoyment of the garden. It is not therefore considered the proposed garage would result in any unacceptable impacts on the amenity of the occupiers of this dwelling.

5.6 The first floor balcony to the extension would be large enough to provide seating space whereas the existing Juliet balcony only gives views out in an upstream direction. The proposal would result in views between this balcony and those on the river facing elevations of the dwellings immediately to the rear and that to the north. Given the existing relationship between these dwellings, the existing Juliet balcony and the openness to views from the river, it is not considered this extension and its balcony would result in any additional overlooking or loss of privacy that would be unacceptable. The proposal is therefore considered acceptable in terms of amenity in accordance with Policy DP28.

6 Conclusion

6.1 The application proposes extensions to an existing dwelling. It is considered these have been designed to integrate with the existing dwelling and as a result they are considered acceptable in design terms and not to harm the Conservation Area. Whilst there would be some additional opportunity for overlooking of neighbouring dwellings, it is not considered any impact on residential amenity would be unacceptable. Overall, the proposal is considered acceptable.

7 Recommendation

Approve subject to conditions

- (i) Standard time limit
- (ii) In accordance with approved plans
- (iii) Materials to match existing
- (iv) Removed permitted development rights for extensions

8 Reason for recommendation

The proposal is considered acceptable in accordance with Policies DP4, DP5 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.

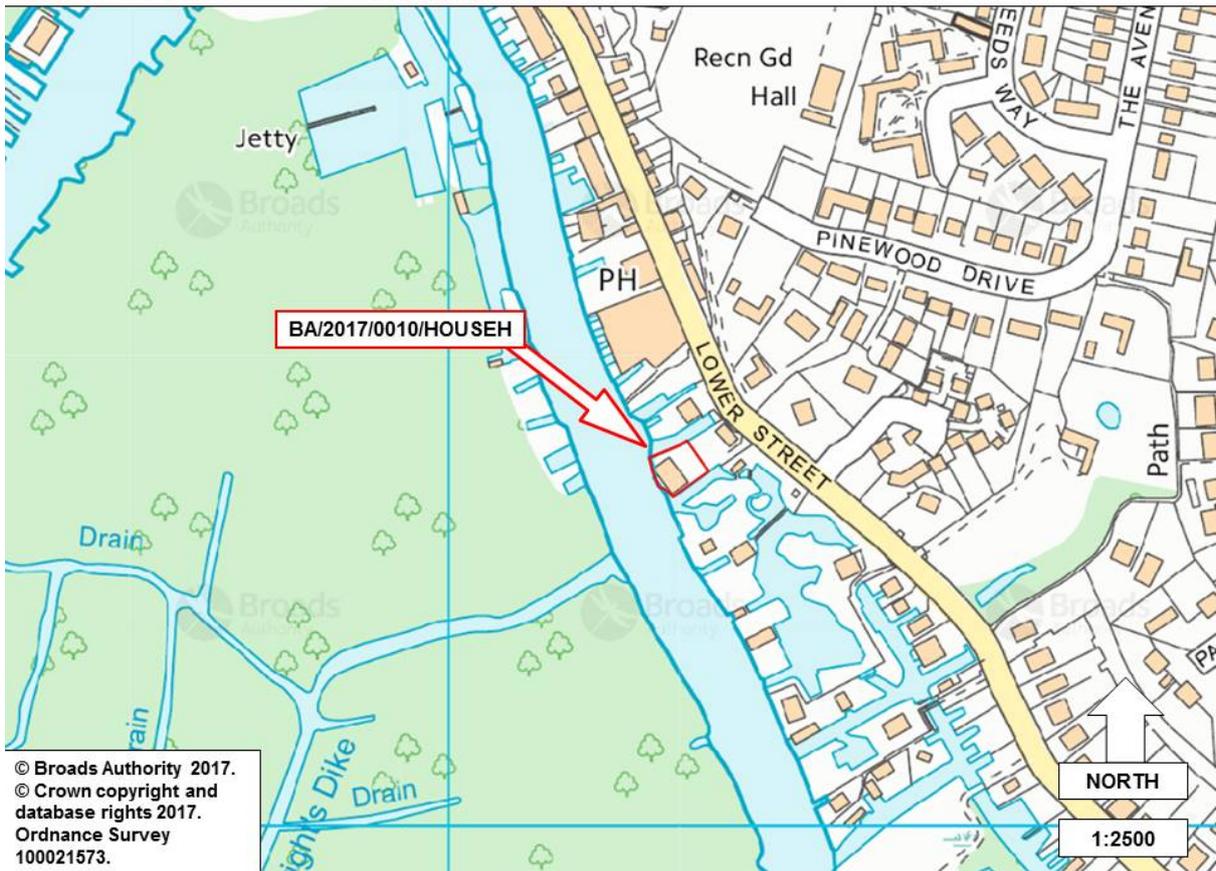
List of Appendices: Location Map

Background papers: Application File BA/2017/0010/HOUSEH

Author: Maria Hammond

Date of Report: 15 February 2017

BA/2017/0010/HOUSEH – Deerfoot, Lower Street, Horning



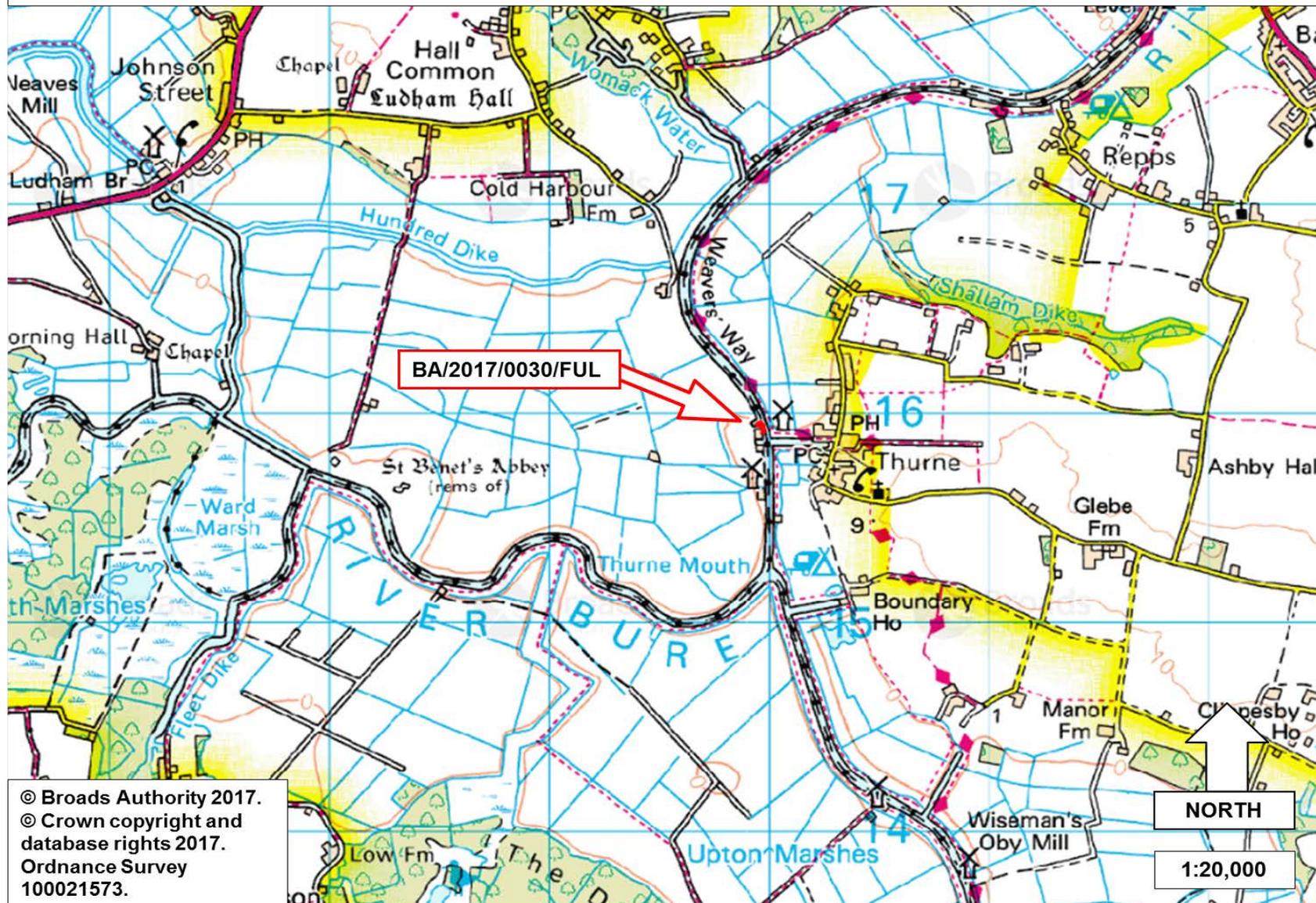
Reference:

BA/2017/0030/FUL

Location

Moorings opposite Thurne Dyke Windpump

BA/2017/0030/FUL - Moorings Opposite Thurn Dyke Windpump



Application for Determination

Parish	Horning
Reference	BA/2017/0030/FUL Target date 29 March 2017
Location	Moorings Opposite Thurne Dyke Windpump
Proposal	Replacement quayheading
Applicant	East Anglian Cruising Club
Recommendation	Approve subject to conditions

Reason for referral to Committee Applicant related to Broads Authority staff member

1 Description of Site and Proposals

- 1.1 The East Anglian Cruising Club (EACC) site is located on the west bank of the River Thurne opposite Thurne Dyke Windpump, also known as Thurne Dyke Drainage Mill, which itself is sited adjacent to the entrance to the staithe at Thurne. The EACC site is broadly of a rectangular shape, comprising a mooring basin formed of two adjoining rectangular shaped areas which combine to form a 'T' shape, to the river side of the shaft of the 'T' is an area of lawn with a domesticated appearance, the remainder of the site largely comprises reeded fen. The site includes a further mooring cut at the southern end of the site, one side of which forms part of the adjacent property.
- 1.2 The EACC site is only accessible from the river, although the more intrepid may consider crossing the reeded fen on foot, there is some sign that this has been done in the recent past. To the north of the site is reeded fen, along the western boundary is the floodbank atop of which is a footpath which forms part of the Weavers Way.
- 1.3 The application relates to the quayheading to the mooring basin, adjacent river frontage, and two sides of the mooring cut, all of which have existing timber quayheading which in places is visibly in need of replacement. The proposal seeks to replace the timber quayheading like-for-like with timber quayheading to a total length of 170 metres.

2 Site History

- 2.1 In 1999 planning permission was granted for the construction of quayheading (BA/1998/2005/HISTAP).

- 2.2 In 2005 planning permission was granted for replacement quayheading (BA/2004/1360/HISTAP).

3 Consultation

Horning Parish Council - No objection

District Member - No objection

Members will be updated verbally should any further responses be received.

Representations

No responses received as of the date of this report. Members will be updated verbally should any responses be received.

4 Policies

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

[NPPF](#)

Core Strategy (2007)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Protection of Environmental and Cultural Assets

Development Management Plan DPD (2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP4 - Design

DP29 - Development on Sites with a High Probability of Flooding

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

Development Management Plan DPD (2011)

DP28 - Amenity

- 4.3 The following Policies have been assessed for consistency with the NPPF which has been found to be silent on these matters. Paragraph 14 of the NPPF requires that planning permission be granted unless the adverse effects would outweigh the benefits.

Development Management Plan DPD (2011)

DP12 - Access on Water

DP13 - Bank Protection

DP16 - Moorings

4.4 Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

5 Assessment

- 5.1 The existing quayheading is timber and sections of it are visibly in a poor condition. The Broads Authority seek a softer appearance in quay heading and this would entail the use of timber which is proposed in this case and so considered acceptable in principle.
- 5.2 The subject site is adjacent to sites which feature timber quayheading, and the approaches to the staithe and the staithe itself at Thurne also feature timber quayheading. The continuation of the same material would ensure a reasonable level of continuation of appearance which will improve as the new timbers weather.
- 5.3 As the works constitute the replacement on a like-for-like basis there will be no impact on neighbour amenity and no increase in flood risk either at the site, or up or down stream.
- 5.4 It is therefore considered that the replacement of the existing timber quayheading with new timber quayheading is acceptable in terms of its appearance as well as the character and appearance of the surrounding area and river scene having regard to Policies DP4 and DP13 of the Development Management Policies DPD, and Policy CS1 of the Core Strategy.

6 Conclusion

- 6.1 The proposed replacement of the existing timber quayheading with new timber quayheading would result in an appearance which maintains the overall character and appearance of the subject site and surrounding area. Consequently the application is considered to be acceptable with regard to Policies DP4 and DP13 of the Development Management Policies DPD, and Policy CS1 of the Core Strategy.

7 Recommendation

Approve, subject to conditions:

- (i) Standard time limit.
- (ii) In accordance with approved plans
- (iii) Timber preservatives method

8 Reason for recommendation

The proposal is considered to be in accordance with Policies DP4 and DP13 of the Development Management Policies DPD (2011), Policy CS1 of the Core Strategy (2007), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

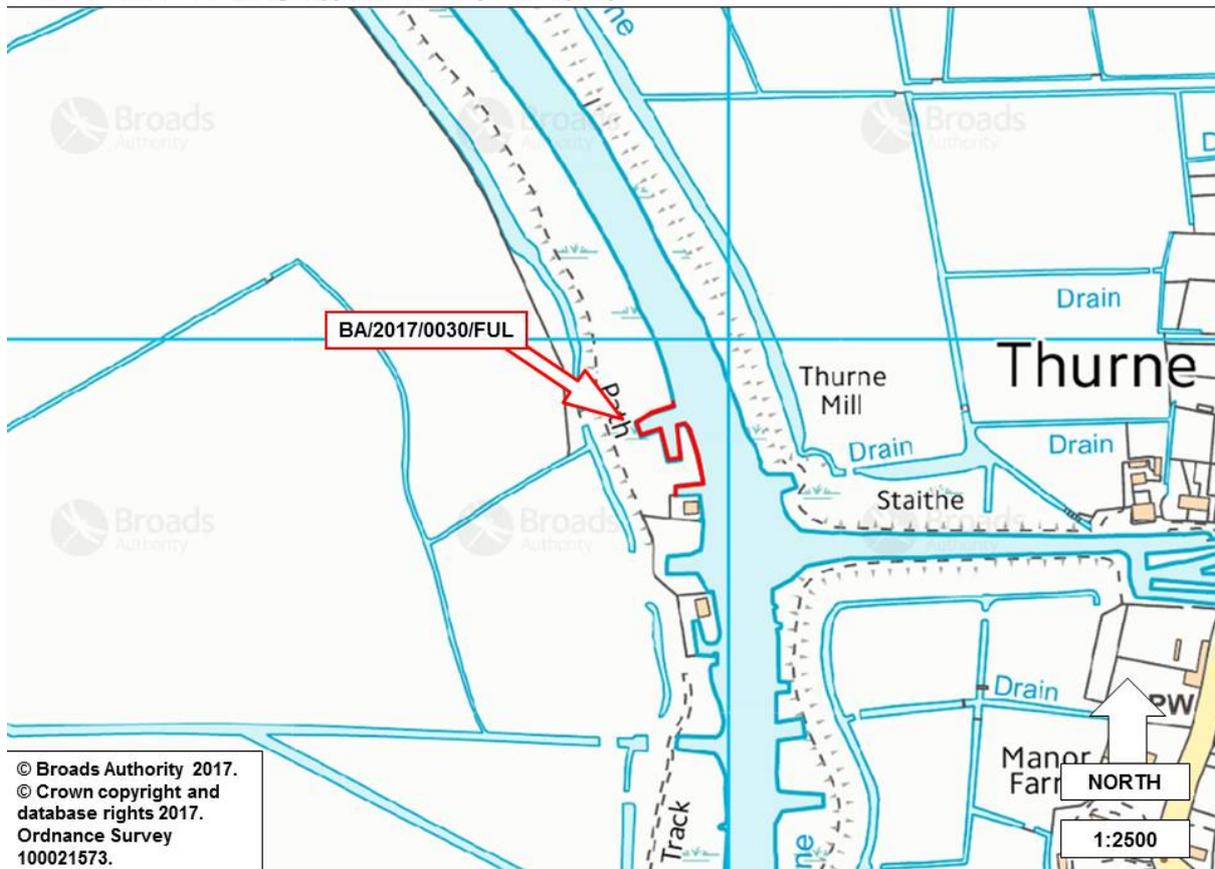
List of Appendices: Location Plan

Background papers: Application File BA/2017/0030/FUL

Author: Nigel Catherall

Date of Report: 09 February 2017

BA/2017/0030/FUL - Moorings Opposite Thurn Dyke Windpump



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
<p data-bbox="203 363 427 400">9 October 2015</p> <p data-bbox="203 954 443 991">5 February 2016</p>			<p data-bbox="1160 256 1335 293">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1115 298 2011 367">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015 <li data-bbox="1115 371 2011 515">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container <li data-bbox="1115 520 1980 588">• Leave to appeal against High Court decision refused on 9 October 2015 <li data-bbox="1115 593 1921 662">• Request for oral hearing to challenge Court of Appeal decision filed 2015 <li data-bbox="1115 667 1966 735">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 <li data-bbox="1115 740 1980 857">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river <li data-bbox="1115 861 1458 898">• Site being monitored <li data-bbox="1115 903 1995 1003">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016 <li data-bbox="1115 1008 1688 1045">• Enforcement Notices remain in place <li data-bbox="1115 1050 1912 1086">• Applications for Injunctions lodged 18 February 2016 <li data-bbox="1115 1091 1854 1128">• Injunctions served on Mr Wood on 2 March 2016 <li data-bbox="1115 1133 1659 1169">• High Court Hearing 11 March 2016 <li data-bbox="1115 1174 1749 1211">• Interim Injunction granted 11 March 2016 <li data-bbox="1115 1216 1868 1252">• Court date for Permanent Injunction 17 June 2-16 <li data-bbox="1115 1257 1839 1294">• High Court injunction obtained on 17 June 2016 <li data-bbox="1115 1299 1809 1335">• High Court Injunction issued on 24 June 2016 <li data-bbox="1115 1340 1715 1377">• Partial costs of Injunction being sought

Committee Date	Location	Infringement	Action taken and current situation
<p>9 December 2016</p> <p>6 January 2017</p>			<p>reached. No further information had been received within the timescale given and this had been extended</p> <ul style="list-style-type: none"> • 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 (22 July 2016) • Application for retention of structures validated 27 July 2016 and under consideration • Application withdrawn 29 September 2016 • Meeting with landowner's agent 10 November 2016 • Landowner's agent considering position. • No realistic prospect of compliance by negotiation • Planning Committee agree to proceed with prosecution and further Enforcement Notices • Request for a further period to 31 March 2017 for compliance with Enforcement Notice and remove the further unauthorised development granted. Request granted. If full compliance not achieved by this date, the authority granted to officers previously and in December 2016 to prosecute and serve further Enforcement Notices be implemented with immediate effect and no further negotiations take place. • Site to be inspected 31 March 2017
10 October 2014	Wherry Hotel, Bridge Road,	Unauthorised installation of	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Landowner given until 9 March 2017 to remove fence • Request for alternative solution submitted 3 February 2017. Subject to detail, this may be acceptable. Negotiation underway
11 November 2016	"Broad Minded" Plot 9/9A Martham	Mooring of Caravan on Floating Pontoon	<ul style="list-style-type: none"> • Authority given for an Enforcement Notice to be served (in consultation with the Solicitor) requiring the cessation of the residential use and the removal of the caravan on floating pontoons known as "Broad minded" with a compliance period of 3 months • Discussion underway with Environment Agency as landowner • Environment Agency given 30 days (to 9 January 2017) to negotiate removal of structure • Site visit 19 January 2017 shows structure still in situ. • Period to end of March 2017 allowed for removal of structure
9 December 2016	Eagle's Nest, Ferry Road, Horning	Non-compliance with conditions 3 and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential accommodation.	<ul style="list-style-type: none"> • Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> (i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and (ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months. And (iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not

Committee Date	Location	Infringement	Action taken and current situation
			<p>complied with.</p> <ul style="list-style-type: none"> • Invalid CLEUD application received • Application to remove materials condition received • Planning Contravention Notice served 30 December 2016. • Breach of Condition Notice served 19 January 2017. <p>Compliance date 19 April 2017.</p>

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: 15 February 2017

Appendices: Nil

Broads Local Plan – March Bite Size Piece
Report by Planning Policy Officer

Summary: This report introduces the following topic for the Publication version of the Local Plan: BeWILDerwood. There is also a general update on the Local Plan.

Recommendation: Members' views are requested.

1.0 Introduction

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

2.0 BeWILDerwood policy

- 2.1 This is a new policy on this important tourist attraction located in the Broads, in a sensitive environment. The policy has been the subject of discussion with the operators at BeWILDerwood and is attached at Appendix 1.

3.0 General update

- 3.1 The consultation stage on the Preferred Options has now been completed. Officers are logging the comments received and will respond to these comments. A report will come to Planning Committee in due course so members can see the comments. This report will highlight some particular issues that will need discussing and agreement regarding the way forward.
- 3.2 The evidence base has been commissioned and is ongoing:
 - i) Gypsy, Traveller, Show People, Caravan and Houseboat need assessment – underway and due spring 2017
 - ii) Strategic Flood Risk Assessment – brief being finalised and set to start spring 2017. Set to be reported towards end of summer. Modelling issues

means that not all of the Broads will be modelled as part of this work, but discussions with the Environment Agency are ongoing with regards to modelling the remaining area.

- iii) Strategic Housing Market Assessment update – this is the study that produces the Objectively Assessed Housing Need. It is being updated to reflect recent data releases relating to population growth projections. To be completed in spring 2017
- iv) Economy study – being produced in house. Due in the spring 2017.

4.0 Financial Implications

4.1 Generally officer time in producing these policies and any associated guidance as well as in using the policies to determine planning applications.

Background papers: None

Author: Natalie Beal

Date of report: 10 February 2017

Appendices: Appendix 1 – BeWILDerwood policy

Policy x: BeWILDerwood Adventure Park

The retention of the park as identified on the policies map, as an outdoor adventure and education facility will be supported.

Ancillary development to meet the operational needs of the park, alterations to existing development and modest new development that supports the outdoor adventure and education facility will only be acceptable if the following considerations are assessed and appropriately addressed:

- a) impacts on individual trees and the woodland as a whole;
- b) impacts on protected species and habitats;
- c) impacts on amenity of adjoining occupiers including from changes in activities on site and opening times;
- d) traffic, transport, access and parking;
- e) flood risk and water quality;
- f) ongoing management of the activities of the park to protect the trees, woodland, habitats and species; and,
- g) Impacts on visual amenity and landscape character of the area.

The outdoor adventure and education facilities shall remain within the existing main facility area (as identified on **X** map)

Appropriate complementary diversification necessary to support the existing park may be acceptable, subject to consideration of the above points and other policies in the Local Plan and NPPF.

The policies map identifies three main areas:

- i) The main area of the outdoor adventure and education park;
- ii) The maturing woodland area is protected as a visual and amenity buffer. Small scale park related activities which do not cause adverse impact may be supported in this area; and,
- iii) The car parking and service areas will be retained in such a use.

CONSTRAINTS & FEATURES

- Previous surveys have found BAP invertebrates, bats, breeding birds, otter, and water voles.
- There are large areas of wet woodland.
- Flood risk has changed over time. Previous FRAs have found parts of the area in Flood Zone 2 and 3. Much more is affected when considering Climate Change allowance.
- The Three Rivers Way walking and cycle route passes by the entrance to BeWILDerwood.

- The site is also home to The Norfolk Broads Cycling Centre.

Reasoned Justification

BeWILDerwood Adventure Park is one of the major attractions in the Broads. There are Treehouses, zip wires, storytelling, boat trips and marsh walks and the BeWILDerwood education programmes offer cross-curricular activities.

Being such a unique and popular attraction, in a special setting, a policy is deemed necessary to manage change in a way that seeks to protect and enhance the trees, species and amenity of nearby and adjoining occupiers. The park has continued to develop incrementally since first opening, but the trees and habitat are sensitive to the activities of the park. A policy would also help the local community understand what may/may not happen in future.

The Park is required to be within the existing woodland because of visual, landscape and amenity impact.

The Horning Road access shall remain the primary access, with internal circulation on the track permitted by 2012/0038 and 2016/0063 and limited emergency and delivery access via Long Lane in accordance with 2012/0038 and 2016/0063. Any development which would result in an increase in visitor numbers should be served by appropriate sustainable transport options. Additional demands for on-site parking, if acceptable with regards traffic and highway safety, would need to be carefully designed to integrate into the landscape and protect the amenity of adjoining occupiers.

All proposed development within the park should be assessed in line with BS5837:2012 - Trees in relation to design, demolition and construction (or any successor standard). The policy seeks to ensure the management of the existing development and any future development takes account of the following impacts on trees:

- Reduction in tree cover
- Compaction of roots and associated impact on tree vigour
- Severance of roots
- Impact damage
- Tree protection during construction
- Comprehensive and sustainable woodland management

Turning to habitats around the site:

- Wet Woodland: The wet woodland habitat is the most important and species rich of the habitats on the site. Any future development should avoid adverse impacts to wet woodland habitat and associated plant and invertebrate species.
- Grassland: used by resident breeding barn owls for hunting and should remain available and managed as such.
- Woodland: The woodland on the site supports many species including bats, birds and invertebrates, and some reptile potential such as grass snake. Any further

development should take into account protected species mitigation and enhancement.

The policy identifies three main area of the Adventure Park.

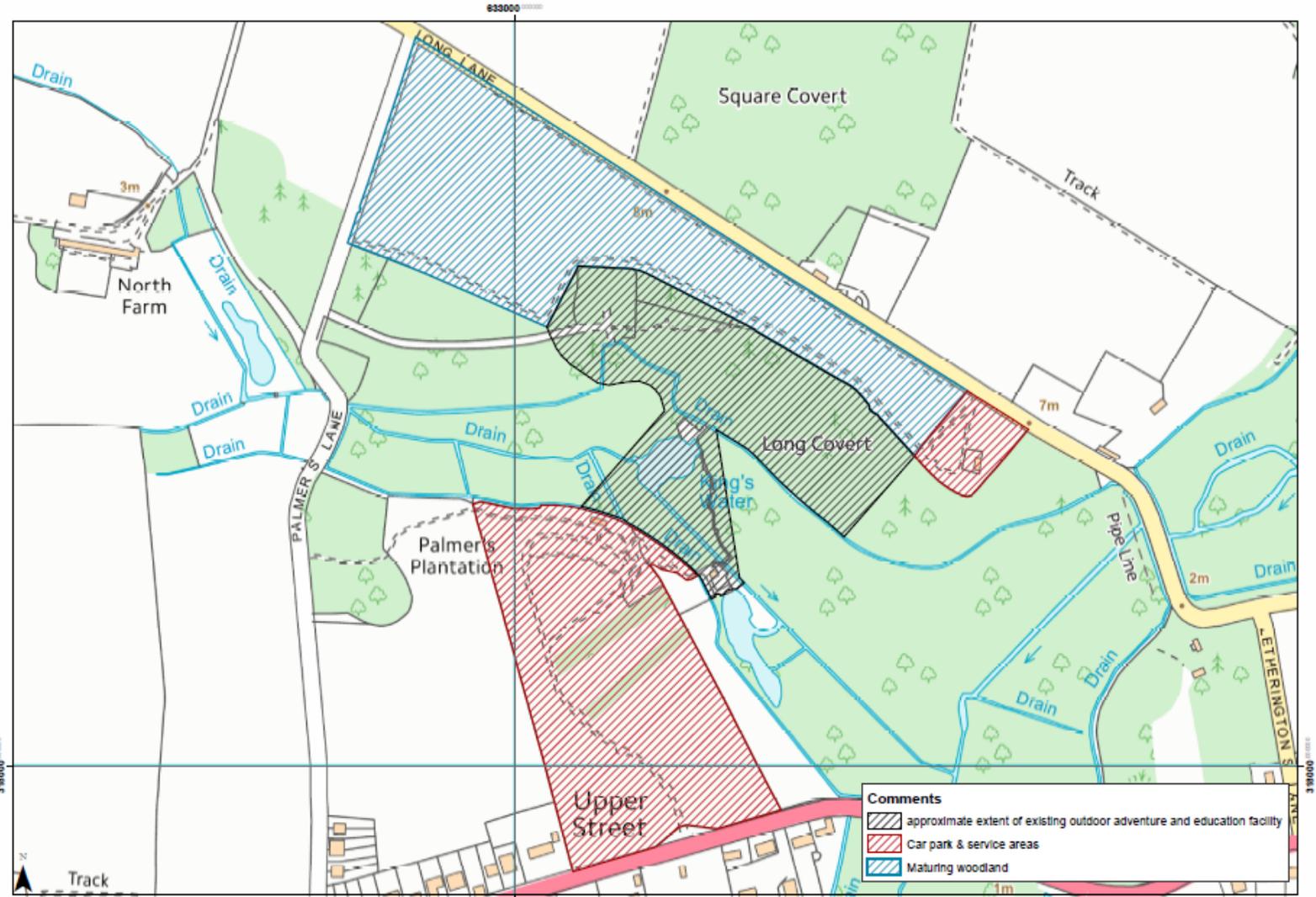
- i) The main area of the adventure park. In this area retention and alteration of the existing play structures and other features will be broadly acceptable. Some modest new development may also be appropriate. All proposals will be assessed against criterion a-g above.
- ii) The woodland area
- iii) The maturing woodland area is protected as a visual and amenity buffer. Small scale park related activities which do not cause adverse impact may be supported in this area; and
- iv) The car parking and service areas.

The car parking lies outside these areas but is an important component of the development and there are dedicated service areas. It would be appropriate to retain these uses in these areas.

The emphasis of this policy is in line with BeWILDerwood's own Environment Policy¹ which states that the Park was designed 'to *have a light environmental impact and to carry a sustainable approach throughout every aspect of the business*'.

¹ <http://www.bewilderwood.co.uk/environment-policy>

BEWILDERWOOD



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The Broads Authority Boundary dataset is a representation indicating the location of the executive boundary at 1:10000. The definitive paper map is held by the Broads Authority which shows the legal boundary at 1:10000.

New Flood Risk Supplementary Planning Document – for adoption
Report by Planning Policy Officer

Summary: A new Flood Risk Supplementary Planning Document (SPD) has been drafted and was the subject of consultation in December 2016. It is now ready for adoption.

Recommendation: That the report is noted and Members recommend that Full Authority approve the SPD for adoption.

1.0 Introduction

1.1 The purpose of this Supplementary Planning Document (SPD) is to increase awareness of the nature of flood risk in the Broads area, give advice to developers and others about the Authority's approach to the issue of development and flood risk, and stress the need to maintain a high standard of design in new waterside development.

2.0 The need for a new Flood Risk SPD

2.1 This SPD will replace the previous SPD which was produced in 2008. The 2008 SPD has been reviewed because:

- The current SPD is out of date. It initially bridged the policy gap between 2007 Core Strategy and 2011 Development Management Policies Development Plan Document (DMDPD).
- The current SPD was based on PPS25. This has been withdrawn with national flood risk policy and guidance now contained in the NPPF and NPPG.
- The Broads Authority has explored climate change issues in more detail.

2.2 The SPD seeks to clarify and expand on Policy DM29 from the adopted DMDPD. It sets out a local approach to some national guidance. Furthermore, there are templates and checklists relating to small scale Flood Risk Assessments and Flood Response Plans.

3.0 Producing a SPD

3.1 With regards to producing a supplementary planning document, the NPPF paragraph 155 says:

‘Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development’.

3.2 The Authority considers that this SPD will help applicants prepare schemes that consider the issue of flooding in an appropriate way. The SPD should be read alongside policy DP29 of the DMDPD and is a material consideration in the determination of planning applications. The advice and guidance herein will not add financial burden to development. The new SPD will provide guidance and advice in advance of the adoption of the new Local Plan in early 2018.

4.0 Consultation

4.1 The consultation was held between 21 November and 4pm on 23 December 2016. The comments received and the proposed response to these comments can be found at Appendix A.

4.2 A version of the SPD showing tracked changes between the consultation version and the proposed final version can be found at Appendix B. This is displayed in this way to make the changes clear. The ‘clean’ version of the SPD, with all tracked changes accepted (showing how the final SPD will look) is included at Appendix C.

5.0 Next steps

5.1 It is recommended that Planning Committee refer the SPD to Full Authority at their 24 March meeting for adoption.

6.0 Financial Implications

6.1 None.

Background papers: None

Author: Natalie Beal

Date of report: 15 February 2017

Appendices:

Appendix A: Consultation responses.

Appendix B: Tracked change version of the final Flood Risk SPD.

Appendix C: ‘Clean’ version of the final Flood Risk SPD

<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-3-march-2017>

Rollesby Neighbourhood Plan
Designating Rollesby as a Neighbourhood Area
Report by Planning Policy Officer

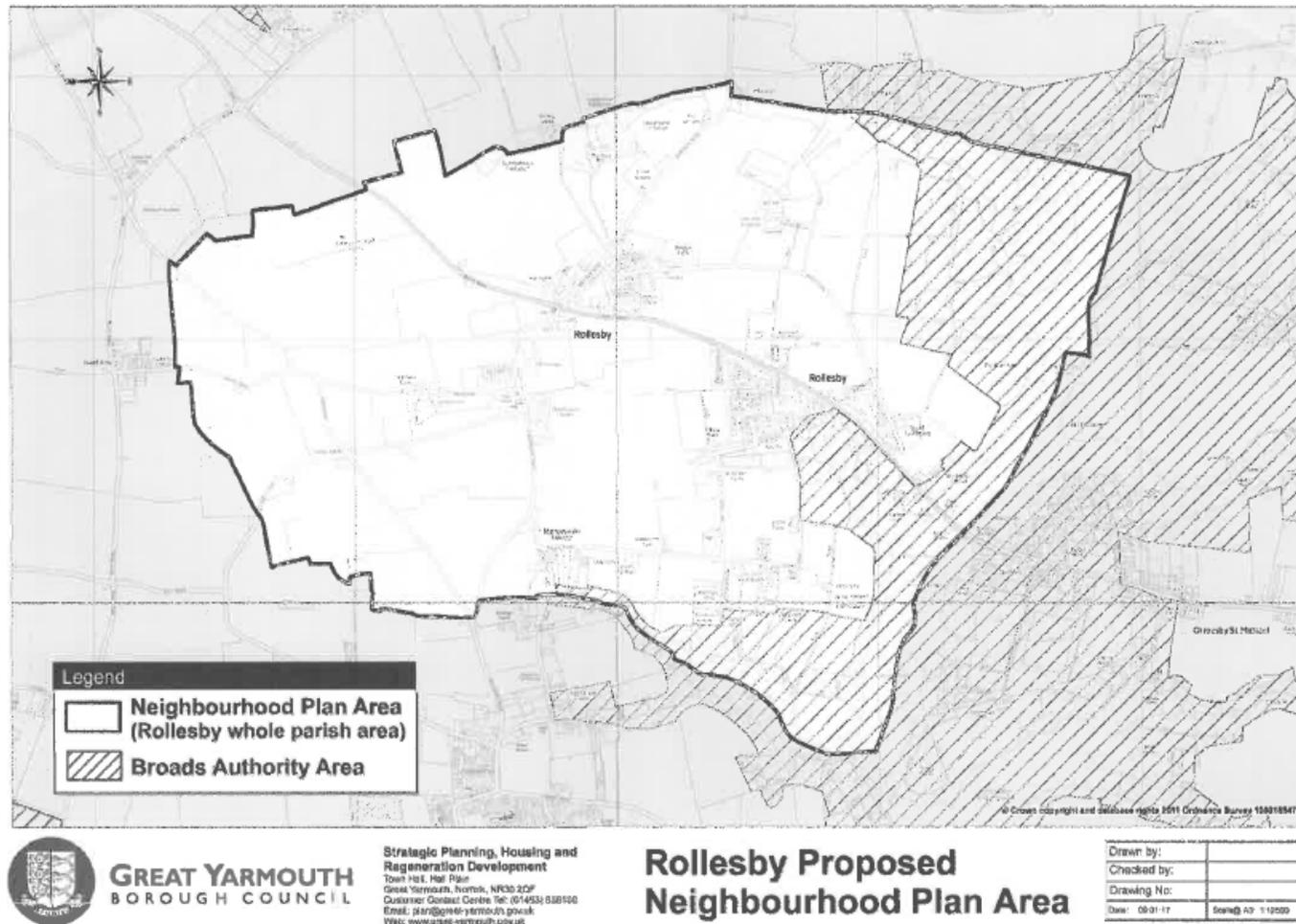
Summary:	This report briefly introduces the Rollesby Neighbourhood Plan.
Recommendation:	That the Planning Committee agrees to Rollesby becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

1 Neighbourhood Planning

- 1.1 Neighbourhood planning was introduced through the Localism Act 2011. Neighbourhood Planning legislation came into effect in April 2012 and gives communities the power to agree a Neighbourhood Development Plan, make a Neighbourhood Development Order and make a Community Right to Build Order.
- 1.2 A Neighbourhood Development Plan can establish general planning policies for the development and use of land in a neighbourhood, for example:
 - where new homes and offices should be built
 - what they should look like
- 1.3 Under the Neighbourhood Planning (General) Regulations 2012, parish or town councils within the Broads Authority's Executive area undertaking Neighbourhood Plans are required to apply to the Broads Authority and the relevant District Council to designate the Neighbourhood Area that their proposed plan will cover.
- 1.4 Once these nominations are received there was a requirement to consult on the proposal for 6 weeks. However an update to the National Planning Policy Guidance has removed the need to consult for 6 weeks. As such, it is for the Local Planning Authority to agree an become a Neighbourhood Area in order to produce a Neighbourhood Plan.

2 Rollesby Neighbourhood Area

2.1 Rollesby Parish Council has submitted the application for their entire Parish. The black line shows the Neighbourhood Area/Parish boundary and the hatching shows the Broads Authority Executive Area. Source: Great Yarmouth Borough council.



3. About Rollesby Neighbourhood Area application.

- It covers the entire Parish.
- The nomination was received on 16 January 2017
- Great Yarmouth Borough Council acknowledged receipt on 23 January 2017
- There are no known or obvious reasons to not agree the Neighbourhood Area.

4 Links of relevance:

- 4.1 The Broads Authority Neighbourhood Planning webpage:
<http://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning>
- 4,2 Great Yarmouth Borough Council's Neighbourhood Planning webpage:
<https://www.great-yarmouth.gov.uk/article/3131/Neighbourhood-planning>
- 4.3 Some guidance/information on Neighbourhood Planning:
<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

5 Financial Implications

- 5.1 Occasional Officer time in supporting the process (as required by regulations).
- 5.2 There will be no cost to the Broads Authority for the referendum at the end of the process as Waveney District Council have agreed to take on this task and cost.

6 Conclusion and recommendation

- 6.1 It is recommended that the Planning Committee agrees to Rollesby becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

Background papers: None
Author: Natalie Beal
Date of report: 15 February 2017
Appendices: None

Stalham Staithe Conservation Area Re-appraisal
Report by Historic Environment Manager

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

The purpose of this report is to provide feedback to members and give the opportunity to comment regarding the Stalham Staithe Conservation Area consultation prior to a decision on adoption of a new appraisal.

Recommendation:

That Members

- (i) consider the Consultation feedback for the Stalham Staithe Conservation Area draft re-appraisal; and
- (ii) subject to member comments, endorse the Stalham Staithe Conservation Area re-appraisal and management plan and recommend it for adoption to the Broads Authority.

1 Introduction

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

- 1.4 Broads Authority Officers have considered, in the preparation of the re-appraisal and management plan, if boundary changes are required and concluded that, in this instance, amendments to the Conservation Area boundary are not appropriate. North Norfolk District Council's Conservation Team have also been involved in and provided comments and input on the appraisal.
- 1.5 The Stalham Staithe Conservation Area consultation draft was discussed at the Broads Authority Planning Committee on 6 November 2015. At this meeting Members agreed the draft appraisal and to carry out a consultation exercise. Members of the Authority's Heritage Asset Review Group also considered the draft re-appraisal and subsequent updates regarding the consultation process.
- 1.6 A copy of the adoption draft of the Stalham Staithe Conservation Area re-appraisal, management plan and boundary is appended (Appendix 1).
- 1.7 A copy of the map showing the Conservation Area boundary is attached at Appendix 2.

2 Stalham Staithe Conservation Area Consultation feedback

- 2.1 All residents within the Conservation Area boundary were contacted in February 2016 regarding the re-appraisal by letter, as were Local Members and other key stakeholders. All were sent a leaflet setting out the process and implications of the re-appraisal along with a copy of the draft document. All were given the opportunity to comment on the proposals. The consultation process was undertaken in line with the Broads Authority's Statement of Community Involvement. The consultation process was approved by Planning Committee on 6 November 2015.
- 2.2 An open afternoon was also held at Stalham Town Hall on 5 March 2016 between 1.30pm and 3.30pm with officers of the Broads Authority in attendance to answer any questions.
- 2.3 Following the initial six week consultation period, officers collated the feedback and responses to it. This is summarised below.
- 2.4 The level of feedback received was high. Approximately 50 people attended the open afternoon. In total 13 detailed written responses were received. Over 20 additional verbal representations were made at the open afternoon raising similar issues to the written representations. Generally responses were positive and supported the re-appraisal and management proposals for the area. Some responses received raised negative issues in terms of management for the area. Specific issues regarding parking, litter and the condition and ownership of the Staithe were raised. Issues over the poor condition and overuse of highways – particularly Mill Lane - and surface water drainage were also made. Responses also suggested minor amendments and corrections to the text.

- 2.5 Of the total 22 responses received 13 were written and 20 verbal. No responses objected outright to the re-appraisal. All suggested either amendment or corrections to the text or requested clarification through amendment to the text. In addition to the Public response, 2 responses were received from statutory consultees - Historic England and North Norfolk District Council. Each of these responses supported both the re-appraisal and the management proposals.
- 2.6 As regards the suggested potential boundary amendments, no representation supported the suggested omissions to the boundary although one response suggested amending the boundary to simply exclude the sub-station on Mill Road. Two representations were received suggesting extending the boundary to include the area of the marina to the south of Mill House and Mill Lane.
- 2.7 Following the initial process and issues raised by the community and Town Council, specifically regarding parking, traffic management and the Staithe area amongst other issues, the Town Council suggested setting up a Stalham Staithe forum. This would be made up of members of the Town Council and Staithe residents and would help inform and feed into the consultation process going forward and also to look at resolving some of the issues that had been raised by the consultation long term. Officers have attended these meetings and the group has provided more detailed comment on the issues raised during the formal consultation process.
- 2.8 As a result of the feedback received generally from the formal consultation and the forum meetings, amendments were made to the text of the re-appraisal and management plan where appropriate. A subsequent re-circulation around the forum resulted in no further comments being received.
- 2.9 Details of the feedback received from the formal consultation is summarised in Appendix 3 of this report.

3 Assessment and Implications of Adoption

- 3.1 The Stalham Staithe Conservation Area is one of the 25 conservation areas either wholly or partly within the Broads Authority executive area. The Conservation Areas are designated heritage assets.
- 3.2 The Authority has a duty to periodically review conservation areas and provide up to date appraisal and management plans for them. The Stalham staithe Conservation Area currently has no up to date appraisal or management plan. The provision of an appraisal and management plan assists local residents in the preparation of appropriate development proposals within the Area and the Local Planning Authority in the determination of these applications.
- 3.3 Consideration has been given to the 2 representations suggesting a further extension to the Conservation Area to include the marina to the south of Mill Cottage and Mill Road. Historic England (formerly English Heritage) advice contained in HE advice note 1 "*Conservation Area Designation, Appraisal and*

Management” is that only areas considered of special interest should be identified, included and designated as Conservation Areas. It is acknowledged that setting is a consideration, but in the case of Stalham Staithe the special interest relates to the development of the settlement around the historic Staithe rather than the wider landscape context. Consequently the Stalham Staithe Conservation Area boundary is not proposed to be altered as a result of the re-appraisal. There will therefore be no additional financial implications for its administration by the Broads Authority regarding the consideration of development management proposals or works to trees applications. There may be limited financial implications for the Broads Authority for any future re-appraisal work.

- 3.4 Similarly as regards implications for residents and landowners within the Conservation Area, the re-appraisal represents no additional financial implications over that which already exists as no extension is proposed.
- 3.5 Within the Broads Authority part of the area, the additional constraints in the main already apply. Outside of the Broads Authority Area additional restrictions on permitted development rights for householders result from inclusion within the boundary. These restrictions were summarised and circulated as part of the consultation process. There will be no additional constraints or restrictions over those which exist as no extension to the boundary is proposed.
- 3.6 The re-appraisal provides a written interpretation of the characteristics of the Conservation Area and identifies key features, issues and opportunities for enhancement. It is considered that the document will assist residents and landowners in the preparation and development of proposals within the Conservation Area. The document will also help inform decisions over the management of the area by public bodies responsible for functions within the area such as the management of the staithe, highways etc.
- 3.7 It is further considered that the minor financial implication to the Broads Authority of potential future re-appraisal work is outweighed by the statutory duty placed on the Authority to publish up to date appraisals of conservation areas.
- 3.8 The majority of feedback received as a result of the consultation process has been positive and constructive and support for the retention of the conservation area unanimous.
- 3.9 North Norfolk District Council are responsible for the formal adoption of that part of the Conservation Area which falls within their area and a report will be taken to their members in due course.

4 Conclusions

- 4.1 The Authority has a statutory duty to consider areas which are worthy of designation as conservation areas, to designate these areas as conservation areas and to publish up to date appraisals and management plans.

4.2 It is considered that the area identified by the boundary map including the extension and described in the appraisal and management plan of Stalham Staithe is worthy of Conservation Area designation following a detailed assessment, public and stakeholder consultation. Therefore, it is recommended that the appraisal and management plan for the Stalham Staithe Conservation Area, for that part of the Area within the Broads Authority executive area, is formally taken forward for adoption by the Broads Authority.

Background papers: None

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Appendices: APPENDIX 1 – Stalham Staithe Conservation Area Re-Appraisal Management Plan
APPENDIX 2 – Map showing Conservation Area Boundary
APPENDIX 3 – Summary of Consultation responses

Stalham Staithe Conservation Area Re-appraisal.

Introduction

Why have Conservation Areas?

A review of policies relating to the historic environment carried out by English Heritage (now Historic England) on behalf of the Secretary of States for Culture Media and Sport and the Environment Transport and the Regions was published in December 2000 under the heading 'Power of Place'.

The Report which reflected views now held generally by the population at large, confirmed 5 main messages

- i Most people place a high value on the historic environment and think it right there should be public funding to preserve it.
- ii Because people care about their environment they want to be involved in decisions affecting it.
- iii The historic environment is seen by most people as a totality. They care about the whole of their environment.
- iv Everyone has a part to play caring for the historic environment. More will be achieved if we work together.
- v Everything rests in sound knowledge and understanding and takes account of the values people place on their surroundings.

In summary we must balance the need to care for the historic environment with the need for change. We need to understand the character of places and the significance people ascribe to them.

The concept of conservation areas was first introduced in the Civic Amenities Act 1967, in which local planning authorities were encouraged to determine which parts of their area could be defined as "Areas of Special Architectural or Historic Interest, the character or appearance of which it is desirable to preserve or enhance".

The importance of the 1967 Act was the first time recognition was given to the architectural or historic interest, not only of individual buildings but also to groups of buildings: the relationship of one building to another and the quality and the character of the spaces between them.

The duty of local planning authorities to designate conservation areas was embodied in the Town and Country Planning Act 1971, Section 277. Since then further legislation has sought to strengthen and protect these areas by reinforcing already established measures of planning control in the Planning (Listed Buildings and Conservation Areas) Act 1990, and now reflected in the National Planning Policy Framework (NPPF).

Unlike listed buildings, which are selected on national standards, the designation of Conservation Areas in the main is carried out at District level based upon criteria of local distinctiveness and the historic interest of an area as a whole. However, in the past, the criteria adopted by different local authorities in determining what constitutes a special area have tended to vary widely. For example, although public opinion seems to be overwhelmingly in favour of conserving and enhancing the familiar and cherished local scene, what is familiar to many, may only be cherished by some.

Over the last 30 years this approach has changed significantly. Much greater emphasis is now placed on involving the local community in evaluating 'what makes an area special', whether it should be designated and where boundaries should be drawn.

It is now recognised that the historical combination of local architectural style and the use of indigenous materials within the wider local landscape creates what has been termed 'local

distinctiveness'. Distinctiveness varies within the relatively restricted confines of individual counties, which in turn are distinct in terms of the country as a whole.

Conservation Area designation for settlements and wider areas which embody this local distinctiveness may afford them protection against development which bears no relation to the locality either in terms of the buildings within it or landscape surrounding it.

The historical development of such settlements and their surrounding landscape are the 'journals' through which the social and economic development of the locality can be traced. The pattern of agricultural and industrial progress of settlements (their social history) is by definition expressed in the architecture and landscape of any area.

It is not intended (nor would it be desirable) to use Conservation Area designation as a way of preventing or restricting development, the expansion of a settlement or preventing contemporary innovative design. Logically in the future new development should add to, rather than detract from the character of an area and will in turn help to chart historical development. However, all development should seek to preserve and/or enhance the character and appearance of the area.

Aims and objectives

The conservation area at Stalham Staithe was originally designated in 1991. This appraisal examines the historic settlement and special character of Stalham Staithe, reviews the boundaries of the conservation area and suggests areas for potential enhancement.

If adopted, the appraisal will provide a sound basis for development management and encourage development initiatives which endeavour to improve and protect the conservation area as well as stimulate local interest and awareness of both problems and opportunities.

Planning policy context

The majority of the land and buildings in the Conservation Area are within the Broads Authority Executive area and the Broads Authority is responsible for all Planning matters in these areas. North Norfolk District Council is responsible for Planning matters in two areas of the existing conservation area, to the west and northwest of Mill Road.

There are a range of policies which affect Conservation Areas both within the Broads Authority and North Norfolk District Council areas, originating from both national and local sources. The latest national documents in respect of historic buildings and Conservation Areas are The Government's Statement on the Historic Environment for England 2010. The National Planning Policy Framework published in March 2012, and Planning Practice Guidance for the NPPF 2014, published by the Department for Communities and Local Government. The Broads Authority and North Norfolk District Council consider the various provisions contained in them in plan making and decision making.

Locally, in line with government policy, the Broads Authority and North Norfolk District Council are currently reviewing and revising local policies which will be published in the Local Plan (formerly the Local Development Framework (LDF)).

The Broads Authority has an adopted Core Strategy (2007) and Development Management Policies DPD (2011) and adopted Sites Specifics DPD (2014).

To support these policies, the Broads Authority provides further advice in a series of leaflets, which are currently being reviewed and expanded as part of the Local Plan process. A list of those currently available is attached in Appendix 3.

North Norfolk Local Development Framework: Core Strategy (adopted 2008) – relevant policies are:

- **Policy EN 8: Protecting and Enhancing the Historic Environment:** - Specifies that development proposals should preserve or enhance the character and appearance of designated assets (which includes conservation areas), other important historic buildings, structures, monuments and their settings through high quality, sensitive design.

- **Policy EN 2: Protection and Enhancement of Landscape and Settlement Character:** - Specifies criteria that proposals should have regard to, including the Landscape Character Assessment and distinctive settlement character and views into and out of conservation areas.
- **Policy EN 4: Design:** - Specifies criteria that proposals should have regard to, including the North Norfolk Design Guide.
- **North Norfolk Design Guide, Supplementary Planning Document (adopted 2008)** - Provides guidance to those involved in the management of the built environment and with the objective of improving design quality.
- **North Norfolk Landscape Character Assessment, Supplementary Planning Document (adopted 2009)** - Provides an assessment of the landscape character of the District with an objective of informing development proposals.

Summary of special interest

Stalham Staithe is a small settlement to the south of the town of Stalham. In contrast to the densely developed edge of the town to the north of the A149, the early development at Stalham Staithe is more informally sited around the historic staithe, which is bordered by a number of boatyards in a network of inlets and mooring basins at the head of Stalham Dyke which is connected to the northern part of the Broads via the River Ant. The Conservation Area contains many mature trees and is fringed by trees and alder carr giving it a verdant setting. Some large scale boatyard buildings outside the Conservation Area contrast with the generally domestic scale buildings of the historic settlement.

Location and setting

The parish of Stalham is situated in North Norfolk at the head of Stalham Dyke, which runs north-eastwards from the upper River Ant in the northern part of the Broads waterway area. Stalham Staithe is a small settlement to the south of the town of Stalham, but separated from it by the A149 which connects Wroxham and Hoveton to Ludham. It is approximately 15 miles (24 km) north east of Norwich.

General settlement character and plan form

The Conservation Area of Stalham Staithe is roughly triangular in shape with the main part of the settlement grouped around the historic staithe on Staithe Road and extending to the west to include the cottages on the north side of Mill Road. The historic development in the conservation area is mainly of a domestic scale, although some buildings formerly in commercial use are larger. Apart from the cottages on Mill Road, the buildings are grouped around the Staithe and the network of inlets and mooring basins associated with the neighbouring boatyards. The boatyard developments outside the Conservation Area include some large industrial type buildings which are of a different scale to the historic buildings and although their physical form does not contribute to the character of the Conservation Area, the activities associated with them contribute to the vibrancy of the area. Quiet in winter, the area is busy in the summer months with visitors in holiday mood as they come to hire boats for their time on the Broads.

Landscape setting

Stalham Staithe is set within the gently undulating shallow valley of the River Ant. This part of the Broads is known for being the least saline influenced of the Broadland fens and consequently the most diverse.

The historic development at Stalham Staithe is not easily seen from outside the settlement, hidden by mainly 20th century development from the A149 on the north-eastern edge; views from the south and west are terminated by trees and carr woodland. From the waterways, the boatyards and mooring basins dominate the views until the traditional buildings around the staithe are reached.

The Conservation Area is bordered to the north-west by a large arable field fringed by mature trees to the south and east marking the settlement around the staithe. Carr woodland around the water's edge to the east and west of the Conservation Area boundary lend a green fringe to the setting of the Conservation Area and mature trees within the Conservation Area contribute to its verdant character.

Historical background

The Parish of Stalham

The Norfolk Historic Environment Service compiles records of known archaeological activity including sites, finds, cropmarks, earthworks, industrial remains, defensive structures and historic buildings in the county, in the Norfolk Historic Environment Record (NHER), and an abridged version can be accessed through the Norfolk Heritage Explorer website at www.heritage.norfolk.gov.uk. Records for Stalham parish date from pre-historic times with every period represented in some way.

The name Stalham may derive from the Old English meaning 'homestead by a pool' or 'homestead with stables'.

The parish of Stalham has a long history and was well established by the time of the Norman Conquest. Its population, land ownership and productive resources were detailed in the Domesday Book of 1086 which recorded that the parish contained rich agricultural land and valuable woodland, which suggested that during the medieval period the area around Stalham was a thriving farming community.

This is borne out by the enclosures and field boundaries recorded in the NHER suggesting that the land around Stalham was fertile and suitable for farming from the Roman period through the medieval to post medieval periods. Other records relating to the medieval period attest to the religious, social, domestic and commercial activities in the parish, including peat and turf cutting for fuel. By the post medieval period surrounding marshes were being drained by two windmills and a smock mill, and there was at least one corn mill in the district. Records also show that bricks were being made locally.

The opening of the Midland and Great Northern Joint Railway in 1880 which ran between Melton Constable & Great Yarmouth brought better communications with local towns for trade which gradually had a detrimental effect on commercial water borne traffic. However, it also heralded the heyday of the tourist trade on the river and Broads navigation channels which benefitted the town. Following the closure of the railway in 1959, the A149, which bypasses Stalham, was built along its line and the Stalham Station buildings were dismantled and rebuilt at the new Holt Station as part of North Norfolk Railway.

Stalham Staithe

Staithe (or landing places) were the local focal points of an area's economy before and after the coming of the railways. Although little is known about the early history of Stalham Staithe, it is likely that it was being used for water transport by 1810, when the Enclosure Map indicates a long dyke, divided in two at the end, with two small buildings to the south side on land that was the Poor's Allotment, where the Museum of the Broads is situated now. By 1841, the Stalham Tithe map shows two larger buildings replacing the original ones by the water. The land is marked on the map as belonging to Samuel Cooke, who had a new dyke cut into it and a tall brick building constructed at the end, now The Old Granary, where a date stone bears his initials, SCS and a date of 1808.

Only a small number of the records in the NHER are within the Stalham Staithe Conservation Area boundary. These include the Old Granary on Staithe Road and the remains of an early 19th century brick tower mill in Mill Road.

The Old Granary is the only listed building in the Conservation Area (Grade II) and is recorded in the list description as an 'excellent example of a rare industrial building'. The building operated as a wherry granary, with the river staithe running underneath the building to allow wherries to moor and load or unload grain through hatches from the building. The building is now a private house.

The mill and adjacent mill house on Mill Road were constructed around 1817. The mill had a 3 storey tarred brick tower with a Norfolk boat shaped cap and patent sails. It powered a flour mill via two pairs of stones. First known as Staithe Mill and later as Burton's Mill, it had fallen out of use by 1937, the upper part of the tower was demolished and during World War II the remaining lower storey was converted to an air raid shelter, with a reinforced concrete roof. The original mill formed part of a well known local scene that was photographed in the late 19th century by all the eminent Broadland photographers, including PH Emerson, Payne Jennings and George Christopher Davies.

Two small cottages, known as Utopia and Arcadia also featured prominently in late 19th century photographs. Built of flint, and probably dating from the 18th century, the cottages were extended and altered using brick at some time during the 19th and again during the 20th century. Still in existence at the time of this survey, albeit in a very poor condition, Planning Approval was granted following an appeal in 2013, for their demolition and replacement with two semi-detached dwellings.

The settlement of Stalham Staithe grew up around the staithe and waterborne trade and the Burton family was instrumental in its development during the 19th and early 20th centuries. One of the buildings housing the Museum of the Broads, on the south side of Staithe Road, is dated 1820 with the initials RB. Although rendered and colour-washed now, it is constructed of Norfolk red brick, probably manufactured in the brick field and kiln on the north side of Staithe Road which is shown on maps as late as the mid 20th century. Goods such as malting barley and later sugar beet were stored for transportation in the building and the smaller brick building behind, from which they could be loaded directly onto wherries through doors on the dyke side. It is likely that the RB on the date stone is Robert Burton as there are members of the Burton family recorded as living at the Staithe from the early 1800s. It is also probable that they constructed and lived in The Staithe House on which a date stone is inscribed RB 1813. The land called Poor's Staithe (the site of the Museum) was leased from the Poores Trust, the rent collected going to the poor of the parish. Robert Burton at one time also owned the corn mill in Mill Road.

Kelly's Directory of 1883 records that '*The river Ant affords facilities for landing coal, corn, malt and all other kinds of merchandise*' and '*Water conveyance to Yarmouth from Mrs Sarah Burton's wharf*'.

In 1891, members of the Burton family were recorded as trading from The Poor's Staithe as Coal, Corn and Oil Merchants, using small wherries built in the area, at least one of which was constructed especially narrow to allow it to pass under the old Wayford Bridge to travel to North Walsham via the North Walsham and Dilham Canal. The Burtons were still leasing the Staithe land living at Staithe House in 1906, when the family was trading as Corn Merchants and Burton's coal yard was operating until shortly before The Museum of the Broads took over the buildings later in the century/1998. The Burton's also owned the former granary buildings now known as Burton's Mill (1909 and 1936) on Staithe Road, now in residential use.

Wherries are inextricably linked to the history of Stalham Staithe. They were the main means of carrying grain and other crops out of the area and bringing in fertiliser and coal. Manned by two men, they were once a common but impressive sight, with masts 40' high and a sail area of 1,200 sq ft. One of the Burton's wherries, the Ceres, was constructed by Josiah Cubitt Teasel, who was listed as a boat builder at Stalham Staithe in 1881, on the site where Moonfleet Marine is now. Josiah had previously worked for prolific wherry builders the Southgate family at Sutton, and he was probably the first boat builder to occupy a site at Stalham. He lived at Stalham until his death in 1906, hiring out yachts, small rowing boats and a wherry from his yard, and is known to have built at least three wherries there. His wife Sarah continued the business for a few years before selling it to the Southgates who ran the boatyard up to the Second World War after which it became Stalham Yacht Services and then Moonfleet Marine continuing the tradition of boat hire from that site.

Other wherries known to have been trading from Stalham Staithe were owned by Robert Cooke, a wealthy local farmer, brick maker, merchant and miller who died in 1881, who must have used his craft to carry bricks, corn and other crops to and from the staithe. Smaller boats carried other local goods such as sedge (known as litter) which was used for stuffing horse collars and thatching.

With improved road and rail transport, the traditional, small scale transport and storage activities dwindled and by the mid to late 20th century commercial activity around the staithe was almost entirely

connected to the tourist industry, boat-building firms, boatyards hiring craft to visitors or other supporting businesses. The intensification of this industry led to the construction of large scale industrial type buildings, and although these are mainly outside the Conservation Area, they have had an effect on the character of the staithe providing a contrast in scale between the traditional buildings and the later ones.

The 19th century buildings around the staithe are constructed of local red brick with red or black pantiled roofs. Maps prior to 1950 (but not that of 1957) indicate a kiln and 'brick field' on the site now occupied by C.T. Baker. Although it is known that other brickfields existed in the Stalham area, it is likely that this local site supplied the materials for the earlier houses and cottages.

Although outside the conservation area boundary, Richardson's boatyard has played a significant part in the development of The Staithe as a major centre for Broads holidays. Originally operating a hire fleet from Oulton Broad, the company moved to a larger site in Stalham in the late 1950s. Fifteen years later, the original site had expanded to create the largest boatyard on the whole of the Norfolk and Suffolk Broads, with a subsidiary company building fibreglass hire craft. In 1974, the whole of the Stalham boatyard with its fleet of 244 cruisers was sold to the Rank Organisation and the Richardson's boat building operation moved to Catfield, later hiring out boats from Acle. The company bought back the Stalham boatyard from Rank in 1984, the fleet, which had deteriorated badly, was renovated, and the boatyard continues to operate from Stalham, adding to the vibrancy of the area and the waterways, particularly during summer months. In 1998, the Museum of the Broads relocated its premises from Potter Heigham. The museum records and illustrates the history of the Norfolk and Suffolk Broads and explores how people's lives have shaped the landscape through archive material, exhibits and artefacts including Falcon, a working steam launch which makes regular trips on the river for visitors. Whilst only open to the public during the summer months, activity at the museum continues throughout the year when volunteers maintain and refresh the exhibits. The museum attracts many visitors, not only those who are hiring boats nearby but also those who make a special trip to visit it, which adds to the vitality of the Conservation Area.

In recent years Stalham Staithe has become a popular centre for visitors to stay for holidays to explore the Broads area, for boating and for fishing. This is mainly in self catering accommodation including part of Burton's Mill and some of the cottages. If this trend continues, it will inevitably have an effect on the character of the Conservation Area with activity concentrated in the summer months.

Spatial and character analysis

Staithe Road.

From the A149 to the north there is no visual hint of the historic core of the conservation area as trees and a tall hedge allow only glimpses of the new development at Burton's Mill, a white cottage (Mill View) and the commercial premises of C.T. Baker's builder's merchants yard.

The main approach into Stalham Staithe for vehicles is a relatively recent slip-road from the A149 via Staithe Road, past commercial premises to either side, which tend to give it an industrial feel. The southern side of the road forms the Conservation Area boundary and beyond this a large scale, long span metal clad building of Richardson's boatyard dominates the view, followed by an open storage area for the boatyard. The north-east side of Staithe Road to the A149 is within the Conservation Area; at the entrance to the road on a triangular piece of land, semi-mature trees and a small pond are in the curtilage of the builder's merchants, C.T. Baker Ltd. Baker's yard is open to view via the vehicle entrances either side of their offices in a recently constructed red brick building sited close to the road and designed to echo the form of terraced cottages further into the conservation area. A date stone in the gable of the office building records 'CT Baker 2006' and is reflects other, 19th century date stones in the Conservation Area. Black chain link fencing and gates enclose narrow grassed areas on the perimeter of the Baker's site. Additional planting to supplement the recently planted trees would soften this main entrance to the Conservation Area.

A yew hedge next to Baker's premises encloses the garden area to Mill View, which is set back towards the main A149 road and approached via a loke from Staithe Road. Mill View is a white

painted brick house possibly dating from the late 19th century and altered in the 20th century. The 1885 ordnance survey map shows a row of four cottages on this site and on the east side of the loke a block of four small outhouses built of brick and un-knapped field flints may once have served the former cottages.

Beyond the loke, as Staithe Road begins a gentle curve, the 19th century character of the area is more apparent, with on the east side, Cordova Cottages, four late nineteenth century red brick cottages of a traditional terraced design with pantile roofs, the ridge running parallel to the road. Their red brick front garden walls topped with bull-nose red brick copings are an attractive feature. It would appear that the rear gardens to the cottages have been truncated with a variety of fences to form an informal parking area.

Further on, another terrace of four houses of a similar design, Riversdale Cottages, has the same boundary wall treatment. A vacant site between the two terraces was granted Planning Approval in 2013 for four new houses with parking behind, accessed via an arch, which will enclose the street scene in this part of the Conservation Area.

Opposite this site and Riversdale Cottages are a group of traditional buildings backing onto the water – first Staithe Marsh House, a 19th century, two storey rendered house and then The Old Granary, which is the only listed building in the settlement. Both contribute to the character of the area, but the latter is an unusual and striking building and the tallest in the Conservation Area.

Next to The Old Granary and set back from the road is a large timber clad gable of a boat building company. This traditional design is echoed next door in some of the group of buildings that house The Museum of the Broads. A 20th century curved roof open area links earlier buildings, some clad in timber, others in corrugated metal and those on the corner of Staithe Road in local red brick and rendered brick. The building on the corner is gable end to the road with a date stone at its apex inscribed with 'RB 1820'.

Opposite the Museum of the Broads are three red brick buildings known as Burton's Mill linked at first floor level with 20th century timber clad 'bridges'. In contrast to the smaller scale terraced cottages, the two earlier sections of the buildings present their gables to the road and this is echoed, albeit on a smaller scale, in the 21st century addition at the northern end. The two original gables have dates stones in their apex, the first in terracotta inscribed 'HB 1909' and the second a greatly eroded stone which possibly reads 'HB 1936', indicating dates for their construction and that they were part of the Burton family holdings. There is an attractive wrought iron lamp bracket above the former loading door on the later gable. These buildings were converted to residential use earlier this century, and as part of the scheme, additional dwellings were built on the site to the rear, beside the A149, echoing the design form of Burton's Mill, with a series of smaller scale linked gables facing the access road. This is the largest recent development in the Conservation Area and whilst the design and materials are sympathetic to their surroundings, accommodating vehicle access and sufficient parking has produced open areas of hard landscaping. This and the communal gardens could be softened with additional landscaping and planting.

Two late 19th or early 20th century single storey buildings at the northern tip of the site were also converted to residential use and the retention of their scale and materials add to the character of the Conservation Area.

Staithe House, in a prominent corner position overlooking the staithe, is a symmetrically designed early 19th century red brick house with a black glazed pantiled roof. Built to impress, albeit in a modest way, the date stone in the gable reads 'RB 1813' announcing the Burton family residence. Behind the house is a generous garden with mature trees which are a prominent feature and enhance the setting of the settlement as does the high flint and brick garden wall.

Staithe Road divides in front of Staithe House with one section (originally Lower Staithe road) continuing northwards towards the A149 where it is closed for vehicles; the highway now crosses through the historic staithe area to join what was formerly Upper Staithe road then turns into Mill Road to the west. To the north of the staithe and forming a group with Staithe House, a single storey brick and flint building with a prominent gable faces the road. It appears to date from around the same period as Staithe House and may well have been associated with the Burton businesses, but was converted to the Mermaids Slipper Restaurant in the early 21st century.

As the road follows the edge of the staithe, the waterside activities become apparent, boats and boatsheds become visible and southwards, there is a long view along the inlet with a backdrop of trees and alder carr in the distance. The area at the head of the staithe is effectively the main focal point of the conservation area. Burton's Mill, Staithe House, the adjoining Mermaid's Slipper Restaurant and the traditional buildings of the Museum of the Broads provide some sense of enclosure. Opposite the staithe, there is an area of hardstanding which possibly demarcates the extent of the staithe. This area could be given a more cohesive character if the line of the road was better defined, for example through a change of surface material for the hardstanding. The grassed area in front of the restaurant visually draws together and lends a sense of the whole historic area of the staithe.

To the west of The Mermaid's Slipper, is an area of open space, currently grassed with seats, a picnic bench and planters, it is flanked by a watercourse and mature trees and separated from the road by a low timber rail. This attractive and relaxing space enjoys the long views South along Stalham dyke. Limited hard surfacing to enable it to be used all the year round might be beneficial. The space is ideally situated in the centre of the conservation area.

On the opposite side of the road the twin gabled roofs of 1 Old Yacht Station stand out at the road junction. The corrugated iron cladding, timber bargeboards and the green and cream colour scheme epitomises the working waterside buildings of the Broads. The more recent industrial unit adjacent takes a similar form using modern materials and it sits comfortably within the area, a continuation of commercial activity around the staithe although it does not make the same historic contribution to the character of the Conservation Area.

The northern section of Mill Road is a leafy lane with mature trees on either side, becoming a pedestrian access to the A149. A late 20th century house, mid 20th century bungalows to the west differ in character to the rest of the area as does the electricity sub-station immediately adjacent to the A149 and the open field and pumping station further south and to the west of Mill Road. The Allotments to the North West have been on the site since the early 1900's and following a reduction in size of individual plots and the introduction of mains water they are well used once more. On the east side a 21st century house built in part of the former garden to Staithe House is almost hidden behind a hedge and mature trees. The contemporary design makes an interesting contribution to the character of the area and its timber cladding is in harmony with its surroundings.

At the junction of Staithe Road and Mill Road, a late 19th century red brick and pantile house is orientated to overlook the staithe. Prominent on the staithe, Moonfleet Marine was constructed in the 20th century on the site of an earlier building. Clad in timber with a pantile roof, its straightforward form is reminiscent of traditional waterside buildings and it makes a positive contribution to the Conservation Area.

Mill Road.

The character of the Conservation Area becomes more rural as Mill Road curves south-westwards, with traditional cottages backing onto the low lying water side and open countryside to the West. Whilst there is little open water visible from the road, boatyard activities are apparent on the eastern side of Mill Road where lokes leading down to the water enable glimpses of brightly coloured boats in mooring basins. Larger scale boatyard buildings set back from the road behind working and casual storage areas contrast with the neat front forecourts of the smaller scale cottages closer to the road. Two pairs of cottages, both built with roofs running parallel to the road, the first rendered and the second in local red brick are separated by an area of undeveloped land. Whilst the trees here make a contribution to the character of the area, the site also appears to be used for informal storage which at the time of the appraisal detracts from the semi-rural character of the area. Opposite the West side of Mill Road are the open field and pumping station mentioned previously. Mill Road makes a sharp right hand bend to the west on which is Mill House, a long two storey, colour washed brick cottage built at right angles to the road and the remains of the brick tower of the corn mill. Now truncated it was much photographed in the 19th century, at its full height, it would have been a prominent feature in this part of the settlement.

Around the corner, Mill Road becomes a narrow lane enclosed by hedges either side of holly and ivy which are a distinctive feature, enclosing a camping area and marina to the south, **outside the Conservation Area**. On the north side of the road within the Conservation Area are four traditional

cottages, the first two detached in large gardens with colour washed brick or rendered walls and pantile roofs. At the western most tip of the Conservation Area is a pair of low two storey brick and pantile cottages. The pent (small lean-to) roofs over canted bays with small gabled porches are a most unusual feature. Mature trees and traditionally designed garages or outbuildings in this part of Mill Lane add character to it.

Architectural styles and materials:

Although only one building within the Conservation Area boundary is included in the Secretary of State's list of buildings of special architectural or historic interest (Appendix 1), there are a number of buildings which are considered to make a positive contribution to the character of the Conservation Area which are noted in Appendix 2.

The majority of buildings at Stalham Staithe date from the early 19th century, and although it is possible that the staithe may have been used for local water transport before that date, no earlier buildings survive. With no prevalent architectural style, as would be found for example in planned suburban areas, there is a variety of building designs, with a contrast of scale between commercial and domestic uses. The Old Granary and Burton's Mill, and to a lesser extent the earlier buildings at The Museum of the Broads, are of a larger scale than the cottages on Mill Road and tend to have their gables facing the road to provide height for storage and make the most of narrow plots at right angles to the road. The domestic terraces and pairs of cottages are generally built for ease of construction, with roof ridges following the line of the roads, although there are exceptions, such as Vine Cottage.

It is possible that the Burton family planned the siting of their buildings; certainly Staithe House and Burton's Mill are in prominent positions. The Old Granary is built to take advantage of the waterway of the staithe for loading wherries.

There is some consistency of materials with locally made red or black glazed pantiles and red brick, the latter possibly from the brick field on the staithe until the mid 20th century. Slates were a popular roofing material in the 19th century, but unusually there are none in Stalham Staithe, possibly because they would have been more expensive than locally available materials as they would have had to be brought in from another part of the country. Local flints, trimmed with bricks were also used, generally as a utilitarian material such as those in the the outhouses on the loke to Mill View, the garden wall to Staithe House and the walls of The Mermaid's Slipper Restaurant, which was probably an outbuilding to the house. Earlier watercraft buildings utilise corrugated iron (The Old Yacht Station) and timber boarding (John Williams Boats). More recent buildings have followed the earlier precedents; brick and pantile for the extensions to Burton's Mill and timber cladding to Moonfleet Marine. The most recent building, a new house on the northern section of Mill Lane uses timber in a contemporary manner.

The larger 20th century boatyard buildings are generally outside the Conservation Area and although they often use modern materials of a similar profile to the historic ones, the larger scale spans are out of character with the buildings in the earlier settlement.

Ground surface treatments, private and public realm.

Roads in the Conservation Area are finished with asphalt; the absence of formal pavements adds to the character of the historic Stalham staithe. On private land, gravel is the most usually used and is a sympathetic material for the Conservation Area.

Barriers are limited around the open aspect of the staithe, which is visually pleasing, and the low-key timber rails around the picnic area are unobtrusive.

Grassed verges provide a more rural character within the settlement and generally should be preserved.

Trees, hedges and boundary treatments.

Trees and hedges are significant elements in the Conservation Area and outside it, providing a green backdrop to the settlement. Notable areas in the Conservation Area are:

- Trees in the garden of Staithe House and on the land to the north of The Staithe
- Hedges and trees on land to the west of Mill Road
- Trees beyond the cottages at the west of the conservation area
- Hedges on both sides of Mill Road beyond Mill House

The tall hedge and trees along the A149 soften the appearance of the new development at the rear of Staithe Road.

The removal of hedges and traditional boundary walls, particularly to provide parking in front gardens can have an adverse impact on the setting of buildings and the overall street scene. Additional planting and/or more traditional fences can help to define public and private space and contribute to rural character.

The brick front boundary walls to Riversdale and Cordova Terraces and the flint and brick garden wall to Staithe House contribute to the character of the Conservation Area. The chain link fences around the builder's merchant compound have already been commented on.

Issues, pressures and opportunities for improvements

Generally the buildings and gardens in the Conservation Area are well maintained and there are no structures that would qualify to be on the Buildings at Risk Register. However, redundant structures and storage areas on some sites are negative factors in the Conservation Area.

The special character of conservation areas can easily be eroded by seemingly minor, and well intentioned, home improvements such as the insertion of replacement windows and doors with ones of an inappropriate design or material, (for example hinged opening lights in lieu of sash windows and UPVC instead of painted timber). This can be a particular issue with unlisted buildings that have been identified as contributing to the character of the Conservation Area. In line with current legislation, all complete window replacements are required to achieve minimum insulation values, but recognising the affect that inappropriate replacements can have, Local Authorities can relax that requirement when considering the restoration or conversion of certain buildings within conservation areas, and advice should be sought from the Local Authority at an early stage.

Suggested areas for improvements:

Staithe Road

- Consider additional planting around Bakers builders merchants site to soften the effect of the chain link fencing and provide some screening of the storage area
- Consider additional soft landscaping to the car parking and communal areas behind Burton's Mill
- Consider the public realm in front of The Mermaid's Slipper Restaurant and an alternative surface material for the hard standing to define the historic area of the staithe.
- Consider the management of informal car parking around the staithe.
- Consider the provision of limited hard surfacing to improve access to the landscaped picnic /amenity area area immediately to the North of the staithe
- Consider improvements to the condition of the dyke wall at the North East end and management of parking and improvement of surfacing along the moorings.

Areas for consideration as part of consultation process..

The boundaries to the Conservation Area are as illustrated on the accompanying map and as described in the text. As part of the consultation process it was suggested consideration might be given as to the retention of the following areas within the conservation area. The 2 single storey dwellings, late 20th century house, field and pumping station to the west of Mill Road. The electricity sub-station at the North East end of Mill road immediately adjacent to the A149. Following

consultation the existing boundary of the Conservation Area is considered appropriate and remains unchanged from the 1991 designation.

Public consultation

Consultation with interested parties and organisations was carried out in accordance with the Broads Authority 'Statement of Community Involvement'. A joint consultation exercise was undertaken with North Norfolk District Council as the proposed conservation area boundaries include land in both planning authority areas as defined on the maps included in the character appraisals. A letter and leaflet were delivered to all residents and businesses within the conservation area boundary, and copies of the appraisal documents were made available both online and in hard copy format in the Broads Authority offices. The leaflet included a comments section and consultees were also able to comment on line.

A public exhibition was held on 5 March 2016

Appendix 1

Listed buildings in the conservation area

The Old Granary, Staithe Road. Grade II

Appendix 2

Unlisted buildings that make a positive contribution to the character of the conservation area. *(Within the Broads Authority executive area unless otherwise noted.)*

Whilst the following buildings and boundary walls within the Conservation Area do not merit full statutory protection, they are considered to be of local architectural or historic interest, and every effort should be made to maintain their contribution to the character of the Conservation Area. The following structures have been identified and are considered as undesignated heritage assets.

Staithe Road:

- Flint and brick outhouses on loke to Mill View
- Riversdale cottages & front boundary walls
- Cordova Cottages & front boundary walls
- Burtons Mill - former warehouses fronting Staithe Road
- No. 21 (Staithe Barn)
- Staithe House, outbuildings & garden wall
- Mermaids Slipper Restaurant
- (Granary – redeveloped in 2008)
- Staithe Marsh House
- John Williams Boats - boatbuilding shed
- Museum of the Broads – boatbuilding sheds
- Museum of the Broads - rendered & colour-washed former storage warehouse
- Museum of the Broads – brick former storage warehouse beside Staithe

Mill Road:

- Green & cream commercial sheds at 1 Old Yacht Station (NNDC area)
- Moonfleet Marine
- Riverside
- Vine Cottage
- 20c corrugated clad boatshed
- Alder Cottage

- Rose Cottage
- 1 & 2 Utopia Way
- Wilkins Cottage
- Goffins Cottage
- Mill House & remains of windmill
- Nightingale Cottage (NNDC)
- Toad Hall (NNDC)
- Briar Cottage & Garage/outhouse to Briar Cottage (NNDC)
- Haven Cottage (NNDC)

Appendix 3

Broads Authority Guidance leaflets:

- Keeping the Broads Special
- Do I need Planning Permission?
- How do I apply for Planning Permission?
- Building at the Waterside – A guide to design of waterside buildings in the Broads Authority area
- Environment and Landscape – How do I plan and manage trees and scrub alongside rivers?
- Development and Flood Risk in the Broads
- Riverbank Protection Works – A guide for riparian landowners
- Sustainability Guide – Sustainable development in the Broads

Appendix 4

Contact details and further information:

The Broads Authority
 Yare House
 62 – 64 Thorpe Road
 Norwich
 NR1 1RY
 Tel: 01603 610734
 Website: www.broads-authority.gov.uk

North Norfolk District Council
 Council Offices
 Holt Road
 Cromer
 Norfolk
 NR27 9EN
 Tel: 01263 513811
 Website: www.northnorfolk.org

Norfolk Historic Environment Service
 Union House
 Gressenhall
 Dereham,
 Norfolk NR20 4DR
 Tel 01362 869280
 Website: www.heritage.norfolk.gov.uk

Appendix 5

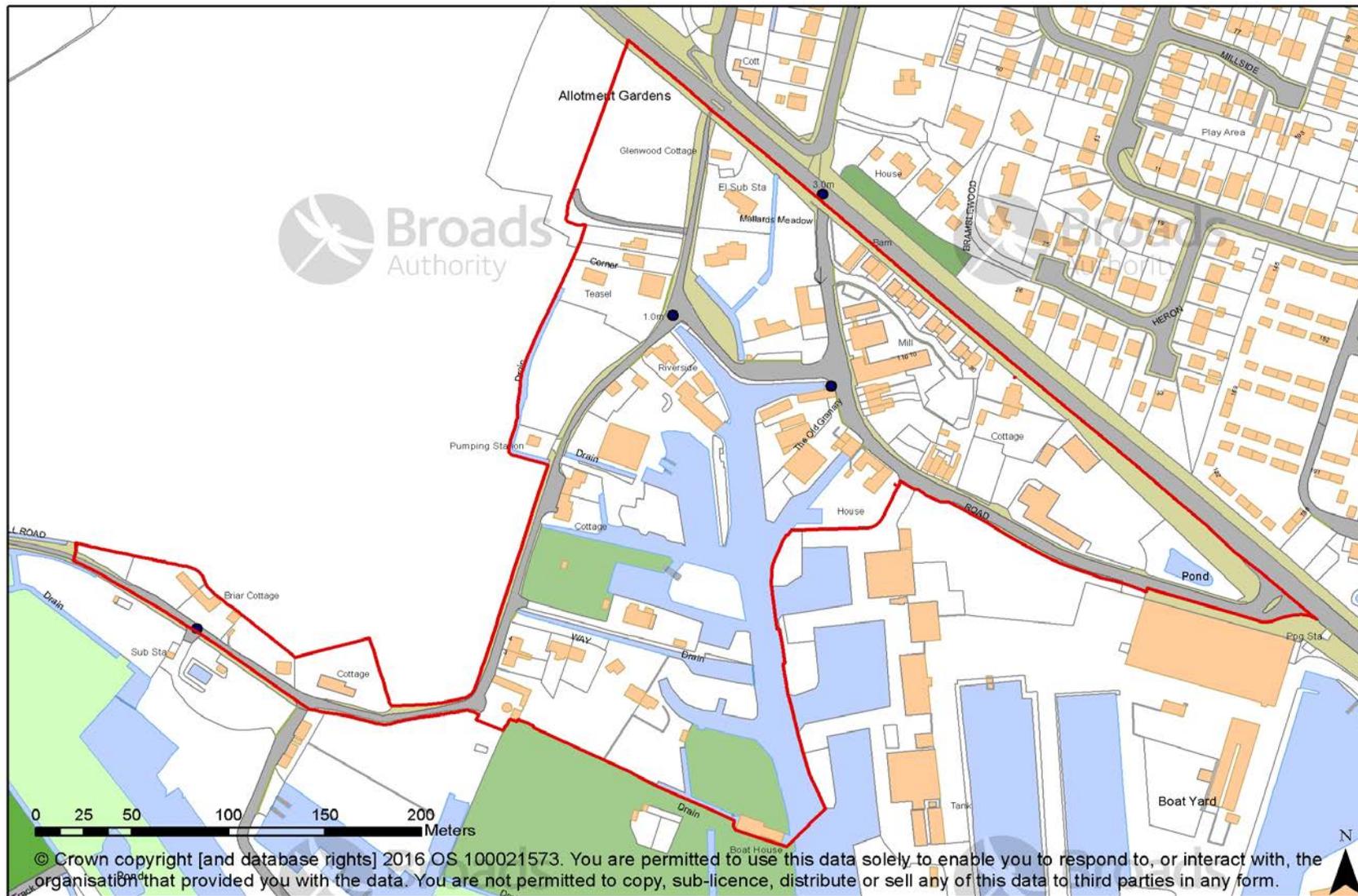
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 - The Museum of the Broads, Annual Report, 2011
 - Stalham Then and Now, & Stalham, Glimpses of the Past, Ray Woolston
 - Broads Authority Landscape Character Assessment – Ant Valley – Downstream of Wayford Bridge
 - www.norfolkmills.co.uk
 - www.tournorfolk.co.uk
 - www.museumofthebroads.org.uk
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Appendix 2



Stalham Staithe Conservation Area Appraisal

Consultation responses.

The appraisal was prepared in consultation with North Norfolk District Council as part of the conservation area is within their boundary.

A public consultation morning was held between 1.00 pm and 3.00 pm on Saturday 5th March 2016 at Stalham Town Hall. This was attended by officers from the Broads Authority Planning Team and by approximately 50 members of the public to ask questions, propose or suggest minor amendments to the appraisal or boundary, and raise issues of concern.

From	Comment	BA response
Staithe Road resident	'Riverside' Cottages should be 'Riversdale' Cottages	Text will be amended
Resident	Query re areas for consideration	Clarified by BH no further action proposed.
Residents, Burtons Mill	Supports additional landscaping to communal area at rear of Burtons Mill & asks for details	BH clarified that no scheme or funding is currently agreed, but this is one of several suggested improvements to the Conservation Area. No further action proposed.
# Resident, The Staithe	<ul style="list-style-type: none"> • Removal of 'rubbish hut' • Ownership of car park area • Bridge and tree on Staithe • Condition of edge of Staithe • Surfacing to picnic area • Tree at Staithe Corner, Mill Road • Allotments are well used – waiting list • Area of consideration on Mill Road beside the A149 	<ul style="list-style-type: none"> • Public realm areas to be reported to HARG and is being discussed by the Stalham Staithe Forum (See note below) • Noted – existing boundary to remain • Existing boundary to remain
Residents, Burtons Mill	<ul style="list-style-type: none"> • Bonfires causing nuisance • Car parking around The Staithe & The Museum of the Broads 	<ul style="list-style-type: none"> • BH replied to clarify that bonfires not covered by Planning Legislation & sent link to NNDC Environmental Health • Parking issues have been raised by others – to be reported tot HARG & discussed by the Stalham Staithe Forum
Resident, Mill Road	Feeding of ducks & vermin	BH responded - to be reported to HARG & discussed by the Stalham Staithe Forum
Aylsham resident	<ul style="list-style-type: none"> • Appraisal an 'excellent document' • Correction to text • Pleased to see sustainable tourism as a priority • Mooring and piling • BESL & flood banks 	<ul style="list-style-type: none"> • Noted • Text will be amended • Noted • To be discussed by the Stalham Staithe Forum • To be discussed by the Stalham Staithe Forum

Resident, Stalham Staithe	<ul style="list-style-type: none"> • Preserving the character of the Conservation Area through protection of buildings • Query re areas for consideration • Concerns re possibility of consultation removing Conservation Area status • Concern over possible re-development plans • What has prompted review at this time? • Use of redundant boatyard structures • Concern over purpose of document and 'modern architecture' in the Conservation Area • Concern that holiday trade at a maximum – replacement buildings should be on a like-for-like basis • Supports additional planting around the Bakers site • Requested details of planting behind Burtons Mill • Requested details of improvements in front of The Mermaid's Slipper/parking area, refuse area and picnic area 	<ul style="list-style-type: none"> • Noted • Areas for consideration to promote discussion about those areas • Boundary will remain unless strong representations either way • BA not aware of any large scale re-development plans, but do receive individual enquiries largely about domestic scale development • Part of wider review of Conservation Areas in the Broads • Important to retain historic boatyard use • Appraisal aimed at providing guidance for future development in the Conservation Area. High quality modern architecture can be appropriate in some circumstances • Concern noted. Appraisal aimed at providing guidance for development and not as a blanket tool to prevent development • Noted • No specific proposals – suggested improvements to the character of the Conservation Area. • No specific proposals – suggested improvements to the character of the Conservation Area. Public realm area to be reported to HARG discussed by the Stalham Staithe Forum
# Resident, Mill Road	<ul style="list-style-type: none"> • Concern over public involvement re development proposals, especially Utopia & the Broadside campsite • Traffic volumes in summer months • Planning approval on Utopia/Arcadia site for two dwellings • Contribution of recent industrial unit to character of Conservation Area • Request for guidance on PD rights & changes • Locally listed buildings • Suggested text amendment re mill on Mill Road 	<ul style="list-style-type: none"> • Noted • Report to HARG & discussed by the Stalham Staithe Forum • Noted – amend text • Noted, amend text to include 'historic' • Information included in CAA consultation & following designation - consider guidance leaflet on appropriate changes to their properties • Discuss potential additions to Local List at the Stalham Staithe Forum • Text amended

	<ul style="list-style-type: none"> • Suggested text amendment re Broadsedge campsite • Ownership of area in front of The Mermaid's Slipper • Removal of refuse/recycling area • Landscape improvements to Baker's site • Parking in front of dwellings • Hedge on Mill Road • Improvements to picnic area • Condition of Staithe's river bank & Mill Road, parking and overnight camping, repair of banks, drainage ditches & verges to address flooding issues & erosion. Ban HGV vehicles. • Retain existing Conservation Area boundary and extend to south of Mill Road • Inform residents re BA follow-up of Planning conditions 	<ul style="list-style-type: none"> • Campsite outside boundary, text is reference to 'setting' of Conservation Area • Discuss at the Stalham Staithe Forum • Discuss at the Stalham Staithe Forum • Noted • Noted • Noted – suggested future enhancements for consideration • Noted • Noted. To be reported to HARG & discussed at the Stalham Staithe Forum • To be discussed at HARG • To be discussed at HARG
Resident, Mill Road	<ul style="list-style-type: none"> • Planning issues – Utopia & Arcadia,. new houses on Staithe Road, campsite • Highways issues associated with planning approvals on 'inadequate road network'. • More collaboration between the Broads Authority, the Town Council & local residents • Retain existing Conservation Area boundary, omitting sub-station • Consider extending Conservation Area boundary to include land to south of Mill House and part of the Broads Edge Marina up to the river bank • Planning policies to be applied in a consistent manner • Inform residents of permitted development rights • Ban all parking on the river bank and next to picnic area • Repair quay heading on the Staithe • Repair eroded banks/verges along river's edge and Mill Road, but preserve rural character • Implement plan to improve drainage along Mill 	<ul style="list-style-type: none"> • All to be reported to HARG & discussed at the Stalham Staithe Forum

	<ul style="list-style-type: none"> Road Restrict parking for visitors to the Museum to Richardson's boatyard Take action against residents who store scrap waste in gardens, visible from road Retain refuse/recycling point 	<ul style="list-style-type: none"> All to be reported to HARG & discussed at the Stalham Staithe Forum
Resident	Maintenance of fences, trees and hedges on Richardson's Boatyard	Outside the conservation area – liaise with Richardsons through Stalham Staithe Forum
Resident	<ul style="list-style-type: none"> Maintenance of trees and hedges on Richardson's Boatyard Parking around the Staithe & the Museum 	<ul style="list-style-type: none"> Outside the conservation area – liaise with Richardsons through Stalham Staithe Forum To be reported to HARG & discussed at Stalham Staithe Forum
Resident	<ul style="list-style-type: none"> Retain the refuse/recycling Repair the quay heading at The Staithe 	<ul style="list-style-type: none"> Liaise with NNDC & Town Council To be reported to HARG & discussed at Stalham Staithe Forum

- Attended the consultation session

Note: Following the consultation process a working group has been formed, The Stalham Staithe Forum, comprising of representatives from the Local Authorities, residents and local businesses with an interest in the area in order to try and resolve issues, not just within the Conservation Area or the remit of the Broads Authority as Local Planning Authority.

From the statutory/amenity bodies consulted, responses were received as follows:

Organisation	Comment	BA response
North Norfolk District Council	•	•
Historic England	•	•
Broads Society		

Main issues arising from the consultation:

- *Parking – Museum & over-night*
- *Refuse/recycling area*
- *Repairs to river bank/quay heading*
- *Maintenance of Mill Road verges etc*
- *Communication between residents & Broads Authority re planning*

Article 4 Directions
Report by Planning Officer and Head of Planning

Summary: The planning team have carried out a review of the existing Article 4 Directions in the Broads. Of the 24 Directions, it is proposed to retain 14, remove 7 and review 3.

Recommendation: That the approach be agreed.

1.0 Introduction

- 1.1 The planning team has been reviewing several of its planning policies, procedures and provisions as it is appropriate to do periodically. Members will be aware of the outcomes of some of this work, for example the ongoing work on the Local Plan and the Local Enforcement Plan which was adopted last year, whilst other work will have solely internal impacts.
- 1.2 As part of this work we have been looking at the Article 4 Directions which restrict permitted development rights in the Broads and this report covers this topic.

2.0 Background and legislation

- 2.1 Planning permission is required for any development, with development defined in s55(1) of the Town and Country Planning Act 1990 as:
- “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.
- 2.2 The definition of development is very broad, so in order to prevent the planning system getting bogged down dealing with large numbers of applications for very minor development, the law introduces the concept of ‘permitted development rights’ whereby planning permission is automatically granted for certain types of development. The permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which explains the rights and the limitations and the conditions which apply.
- 2.3 Over the last 10 years permitted development rights have been extended considerably as the Government has sought to streamline and modernise the planning system. Permitted development rights in the Broads remain more limited than outside the Broads, but they too have been extended and certain

developments which formerly required planning permission, such as roof mounted solar panels, are now permitted development.

- 2.4 While permitted development rights automatically allow development subject to certain restrictions/conditions, there is a contrary provision which can remove permitted development rights. This is known as an Article 4 Direction and enables a Local Planning Authority (LPA) to withdraw permitted development rights by serving a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The effect of this is that the development specified in the Direction which would usually benefit from permitted development rights would now require express planning permission from the LPA.
- 2.5 Members should also be aware that there is a further provision which allows an LPA to develop and apply its own permitted development rights for its area, so that development which is not normally covered by a permitted development right has that status locally. This is done under a Local Development Order, the procedures for which are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This provision is mentioned here purely for completeness.

3.0 The purpose and effect of Article 4 Directions

- 3.1 An Article 4 Direction gives the LPA the ability to manage development which would not otherwise require planning permission and to consider developments in detail, including taking into account the views of the local community and other consultees, before it can proceed. As permitted development rights are set nationally, there may be particular local circumstances which mean some types of development can have a greater impact in some areas than others. National Parks, the Broads, Areas of Outstanding Natural Beauty and Conservation Areas do benefit from some additional controls and exemptions from permitted development rights. However, Article 4 Directions provide an additional mechanism to respond in the interests of protecting amenities and landscapes.
- 3.2 For a landowner, the withdrawal of permitted development rights means that, where Article 4 Directions are served, planning permission is required for the specified development in the specified area when it would not otherwise be required. This does not mean that planning permission will not be granted, but that it is necessary to submit an application and allow the LPA to consider and consult on the proposal. There is, however, no fee to pay for such applications, or indeed any subsequent appeals following a refusal of planning permission.

4.0 Reviewing the existing Article 4 Directions in the Broads

- 4.1 There has previously been no comprehensive review of the existing Article 4 Directions. It is good practice to review these periodically and to consider which should be retained and which should be cancelled. It is also

appropriate to consider periodically whether any of the existing Directions should be extended and whether any new Directions are necessary.

- 4.2 Together these three reviews would constitute a major piece of work, so it is proposed to take a phased approach. This report considers the existing Directions only, and further reports on the possible extension of the existing Directions and any new Directions will be presented in due course as phases two and three respectively.

5.0 Existing Article 4 Directions in the Broads

- 5.1 There are 24 existing Directions within (or partly within) the Broads area and these have mostly been inherited from the constituent district and borough councils prior to the Authority being established. The existing Article 4 Directions cover permitted development rights relating to retail sales, householder development, boundary treatments, temporary uses and agricultural and forestry development. The sites covered include large areas of marshes, Conservation Areas, commercial areas and moorings. A summary table is set out below:

	<u>Direction</u>	<u>Area</u>
i	Retail sales from moored vessels	23 moorings
ii	Householder permitted development rights, including outbuildings and boundary treatments	Beccles
		Bungay
iii	Temporary uses of land	Brundall Riverside
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Haddiscoe Marshes
		Church Road, Hoveton
		Gillingham Swan Motel
v	Erection of boundary treatments	Crabbetts Marsh, Horning
		Boathouse Lane, Oulton
		Anchor Street, Coltishall
		Nobbs Loke, Wayford
		Oulton Marsh
		Riverside Park, St Olaves
		Holly Lodge in Wroxham
Surlingham and Bramerton		
vi	Caravans, camping and temporary uses	Horsey, Winterton and Sea Palling
		Crabbetts Marsh, Horning
		Anchor Street, Coltishall
		Smallburgh

vii	Agricultural development	Limpenhoe Gillingham Dam
viii	Works to unadopted streets	Anchor Street, Coltishall
ix	Forestry development	Laundry Cottages, Bramerton
x	Travelling shows and camping	Halvergate

5.2 Each of the Directions applies to a specific area and none cover the entire Broads. It is noted that Directions can be, and have been, used to respond to a particular threat of development or set of circumstances and these may no longer apply. In considering whether to retain the Directions, it is necessary to look at each in turn and consider the factors which justified its making, the continued relevance of these and any current factors, plus whether any alternative controls are available.

5.3 Each of the Directions has been reviewed and an assessment and recommendation is set out as follows.

i. Retail sales from moored vessels

5.4 The prohibition of retail sales from moored vessels covers 23 sites across the Broads, which are mainly around bridges, dykes and staithe. The Direction was issued in 1972/3.

5.5 The origins of the Direction, issued over 40 years ago, are unknown. There is no current issue with retail sales from moored vessels, however this may be as a result of the Direction as around 5 or 6 enquiries about trading from moorings are received each year and the enquirers are normally discouraged by the need to apply for planning permission. There are no byelaws which specifically cover this matter, although the operators would need to demonstrate how they would trade safely and without impacting on navigation; they would also be bound by the 24 hour restriction at Broads Authority moorings.

5.6 The above notwithstanding, there is a risk that managing any such use would have an impact on the ranger service, whilst the mooring of vessels used for trading might reduce the availability of public moorings. These, however, are not strictly planning matters and the PPG is clear that Article 4s should be used only where they are necessary to protect amenity or the wider area and it is arguable whether this is applicable here. On balance, there is no strong planning justification for retaining the Direction. There may be an argument for developing a byelaw to cover these uses.

ii. Householder permitted development rights, including outbuildings and boundary treatments

5.7 Directions removing permitted development rights for householder alterations, extensions, outbuildings etc, and boundary treatment and exterior painting on land fronting highways, waterways and open spaces, including demolition were issued in 1998 and cover the Conservation Areas in Beccles and Bungay. They were served by Waveney District Council, which is why they

cover only the Conservation Areas in the towns in that district rather than Conservation Areas widely in the Broads.

- 5.8 This Direction manages the alterations on the most prominent aspects of dwellings within the Conservation Areas. There is a duty to preserve and enhance Conservation Areas so the rationale for withdrawing permitted development rights in these areas is stronger, and it is noted that despite the various national changes to permitted development rights the protection of Conservation Areas has been retained. There is a strong planning justification for retaining this Direction. Further, it may be a good model to expand to other Conservation Areas and this will be considered in the next phase of this work.

iii. Temporary uses of land

- 5.9 This Direction, which prohibits the temporary use of land and its use by recreational organisations, applies at Brundall Riverside Estate. It was served in 1954 and its origins are unknown.
- 5.10 This area is densely developed with a mix of commercial, recreational and residential uses and is at risk of flooding with a constrained access. There are not known to be any particular pressures or demands for temporary uses here, but the impacts could be significant depending on the use. This notwithstanding, there is limited open space for any such uses to occur and, additionally, the area is not dissimilar to many other areas in the Broads – for example the riverside at Hoveton, Beccles and Horning.
- 5.11 It appears unlikely that there would be a sudden (and unacceptable) increase in this activity if the Direction were to be lifted. There is no strong planning justification for retaining the Direction, particularly given the similarity with other areas in the Broads.

iv. Holding of markets, motor and motorcycle racing and clay pigeon shooting

- 5.12 This Direction applies at Haddiscoe Marshes and was imposed in 1992 in response to a specific proposal to use the land for a variety of temporary uses which was considered would be alien and visually intrusive to the landscape, affect amenity in the village and give rise to traffic issues.
- 5.13 The area is currently in use for grazing marshes and arable farming. These fields are no different in character and appearance to the surrounding marshes, or indeed much of the marshland across the Broads. There are not known to be any present proposals to use the land in this way, but the impacts would be the same as when the Direction was served and these would be unacceptable. Whilst there is no immediate threat, a planning justification can be made due to the severity of the potential impacts. If it is considered necessary to retain this Direction, it would be a good model to expand to other areas as the impacts of the development covered would be

equally severe elsewhere. This will be considered in the next phase of this work.

- 5.14 A further Direction preventing the holding of markets was served on a site off Church Road, Hoveton in 1973. The reasons for the Direction are now lost, so it is assumed this was served in response to a particular proposal or to end an ongoing activity. The site has now been partly developed and a small, occasional market on the remainder would be unlikely to cause any significant adverse impacts in this busy, commercial area. There is therefore no planning justification for the retention of this Direction.
- 5.15 A similar Direction was issued at the Gillingham Swan Motel in 1991 in order to bring an existing use into planning control. As a consequence of the Direction, a series of temporary permissions were granted, replaced in 1997 by a permanent planning permission (1997/0069 as amended by 1999/0835). It is understood this market continues to operate, although not in full compliance with the permission. The use of land limited by the Direction is no longer necessary, but the Direction maintains control over the erection of temporary structures. It would be appropriate, therefore, to modify this Direction if it is considered necessary to retain it.

v. Erection of boundary treatments;

- 5.16 Directions prohibiting the erection of gates, walls, fences or other means of enclosure have been widely issued across the Broads at various points in time – at Crabbetts Marsh in Horning in 1972, Boathouse Lane in Oulton in 1981, Anchor Street, Coltishall in 1982, Nobbs Loke at Wayford, Oulton Marsh and Riverside Park, St Olaves in 1990, Holly Lodge in Wroxham in 1992 and Surlingham and Bramerton in 1993.
- 5.17 The purpose of these Directions has been to protect the openness of land at and around leisure and mooring plots due to the important contribution this makes to the character and appearance of the landscape. Some were served in response to a particular threat (Nobbs Loke, Oulton Marsh, St Olaves, Wroxham and Surlingham/Bramerton), whilst others were precautionary.
- 5.18 The Direction served at Holly Lodge, Wroxham was unusual, being prompted by enforcement action and the need to retain control over any replacement boundary treatment once an unauthorised and unsympathetic structure had been removed. The site forms the residential curtilage of a dwelling and extends to the river, being the only form of built development at the riverside and is also visible from the adjacent public open space of Caen Meadow. It is unusual for individual properties to be managed in this way and the site is now better screened by surrounding vegetation. Since the Direction was served, the Wroxham Conservation Area has been designated which further justifies any additional level of control over development, however, the case for retaining this Direction is finely balanced particularly as it is unusual for a Direction to apply to a single property. On balance, there is no strong planning justification for retaining the Direction, particularly given the similarity with other properties in the Broads.

- 5.19 The Direction at Boathouse Lane, Oulton has not been complied with nor enforced and the result is a series of enclosed mooring plots and views of the water from the PROW are blocked. Many of the existing boundary treatments may now be immune from enforcement action. It is considered necessary to retain this Direction and enforce its provisions in order to raise awareness and bring any future changes under control
- 5.20 The Direction at Oulton Marsh sought to prevent a subdivision of the marshes, which was a particular threat due to the popularity of the area for horse grazing. The Direction controlled the spread of this to a degree, but was not consistently enforced. Much of the land has now been purchased by Suffolk Wildlife Trust so it would be appropriate to review the Direction and its boundaries.
- 5.21 The Direction at Riverside Park in St Olaves has not been enforced and there is a prevalence of boundary treatment, the majority of which is likely to be immune from enforcement action. It would be appropriate to review this Direction.
- 5.22 In the main, the Directions have been effective in protecting the areas from the excessive enclosure of land and the visual effect of this. There remains a strong justification to retain many of these Directions and review some others, with the exception of at Holly Lodge above which can be removed.
- 5.23 There are a number of other areas where an Article 4 Direction might be justified to protect the characteristic openness of the area. These include upstream of Beccles, Brundall Riverside, Dilham, the north shore of Oulton Broad, Potter Heigham and Repps with Bastwick and downstream of the bridge at St Olaves. It would be necessary to undertake a survey of these areas prior to a decision being made on this. This will be considered in the next phase of this work.

vi. Caravans, camping and temporary uses

- 5.24 A number of Directions have been served covering camping and caravanning and associated uses. The Direction preventing camping, caravans and temporary uses at Horsey, Winterton and Sea Palling was served in 1964 and whilst it is not known why this was originally served, the entire site is within the AONB and the majority is within SAC and SSSI designations.
- 5.25 This sensitivity of this site, in terms of both ecological and landscape interest, is such that there remains a strong planning justification for retaining the protection offered by the Direction. On a purely practical level, the Direction also extends outside the Broads area and cancelling or amending it would require collaboration with Great Yarmouth Borough Council and North Norfolk District Council, neither of which have approached us about this.
- 5.26 A Direction relating to temporary uses and buildings and caravan sites on land to the north west of Crabbetts Marsh at Horning was issued in 1972. Access

is very constrained here and the area is at risk of flooding, so uses such as a caravan site would be inappropriate and there is a strong planning justification for retaining the Direction.

- 5.27 A similar Direction was served on land at Anchor Street, Coltishall in 1982, where the constraints are similar. It covers a relatively small and discrete area of riverside meadow land which is currently used for grazing on the edge of the settlement of Coltishall and within the Conservation Area. Access is via an unsurfaced public footpath. It is understood that the Direction was served in response to a particular threat. Whilst the site is inappropriate for a caravan site use, the severely constrained access reduces the probability of this happening and there is not a strong justification for retaining the Direction.
- 5.28 A Direction was served on land to the west of the A149 in Smallburgh in 1989. This parcel of land is no different in character or appearance to those surrounding it so it is assumed this Direction arose from a particular threat of development. It is an area of grazing marsh where use for a caravan site is likely to be inappropriate due to adverse landscape impacts, high flood risk and inadequate access. The Direction is considered on balance to be worth retaining, although there is not known to be any current threat of development, and if it is retained it may be worth expanding to adjacent parcels of land. This can be considered in the next phase of this work.

vii. Agricultural development

- 5.29 The Secretary of State served a Direction in 1984 at Limpenhoe when a management agreement to stop this area of grazing marsh being drained could not be agreed upon. The intention of the Direction was to introduce a requirement for planning permission for any drainage work constituting development that was undertaken by the farmer, but the Direction covers all agricultural development. Although circumstances may have changed, agricultural permitted development rights allow for quite substantial buildings which would have an adverse landscape impact.
- 5.30 A Direction removing agricultural permitted development rights was served at Gillingham Dam in 1988. This was in response to an intention to erect a large cattle building on the site as the area was considered to be part of a grazing marsh of considerable landscape importance, vulnerable to damage by intrusive development and the prior approval provisions were not considered to give sufficient control.
- 5.31 The principles and objectives surrounding both of these Directions are the same – to control agricultural development which would have an adverse impact on the local landscape. Although there are not known to be any current proposals on either site, these considerations remain valid and the impacts of any development would be the same as when the Direction was served. On this basis, there is a strong planning justification to retain both Directions.

- 5.32 Given, however, that the marshes at both Gillingham and Limpenhoe are typical of many marsh areas across the Broads, if it is considered necessary to retain these Direction, there is likely to be a planning justification to use these as a model to expand to other areas as the impacts of this type of development would be equally severe elsewhere. This can be considered in the next phase of this work.

viii. Works to unadopted streets

- 5.33 The Direction served at Anchor Street, Coltishall covered at 5.27 above, also included a provision to prevent works to the unadopted street or private way. The reason for the Direction is not known, and the only access is via an unsurfaced public footpath. There does not seem to be a strong justification for the retention of this part of this Direction.

ix. Forestry development

- 5.34 A Direction was served on land adjacent to Laundry Cottages, Bramerton in 1987 in response to a proposal to erect a building for forestry purposes under permitted development rights on the land, which includes broadleaved woodland and riverside marsh. This area was considered to be of exceptional landscape significance, providing visual amenity when viewed from the land, water and adjacent footpaths. Although the intention to erect a building here may have passed, the Direction is considered worthy of retention due to the sensitivity of the site to built development.

x. Travelling shows and camping

- 5.35 In 1959 a Direction was issued covering Halvergate Marshes, preventing travelling shows and camping. There is no surviving documentation covering the reasons for the Direction, nor is the full extent and effect of it known, although the area can be identified as within the Conservation Area.
- 5.36 Whilst this landscape is very sensitive to change as well as being constrained by access and flood risk, it is not atypical of many marshland landscapes across the Broads. In the absence of any specific threat, and mindful that the threat of travelling shows in particular is very different now to what it might have been in 1959, there is a rationale for removing it. Alternatively, if the Members consider that the Direction should be retained, given that the landscape and constraints on Halvergate are typical of those across much of the Broads it would be appropriate to consider the purpose and contents of the Direction here, as well as whether it should rolled out across a wider area. This can be considered in the next phase of this work.

Summary

- 5.37 In summary, the following is therefore recommended with regard to the existing Article 4 Directions:

	<u>Direction</u>	<u>Area</u>	<u>Action</u>
i	Retail sales from moored vessels	23 moorings	Remove
ii	Householder permitted development rights, including outbuildings and boundary treatments	Beccles	Retain
		Bungay	Retain
iii	Temporary uses of land	Brundall Riverside	Remove
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Haddiscoe Marshes	Retain
		Church Road, Hoveton	Remove
		Gillingham Swan Motel	Review and possibly modify
V	Erection of boundary treatments	Crabbetts Marsh, Horning	Retain
		Boathouse Lane, Oulton	Retain
		Anchor Street, Coltishall	Retain
		Nobbs Loke, Wayford	Retain
		Oulton Marsh	Retain
		Riverside Park, St Olaves	Review
		Holly Lodge in Wroxham	Remove
vii	Caravans, camping and temporary uses	Surlingham and Bramerton	Retain
		Horsey, Winterton and Sea Palling	Retain
		Crabbetts Marsh, Horning	Retain
		Anchor Street, Coltishall	Remove
vii	Agricultural development	Smallburgh	Retain
		Limpenhoe	Retain
		Gillingham Dam	Retain
viii	Works to unadopted streets	Anchor Street, Coltishall	Remove
ix	Forestry development	Laundry Cottages, Bramerton	Retain
x	Travelling shows and camping	Halvergate	Remove

6.0 The processes associated with Article 4 Directions

6.1 There is a statutory process covering the creation of new Article 4 Directions. There are two type of Direction - immediate and non-immediate - and whilst they both include a statutory consultation, each has a slightly different

process. An immediate Direction will come into effect as soon as it is made, whilst a non-immediate Direction will come into effect on the date specified in the Direction, which will be within a period of between 28 days after the start of the consultation and two years. The processes are set out at Appendix 1.

- 6.2 Existing Directions can be cancelled or modified in the same way as serving a new Direction.
- 6.3 As detailed above, it is proposed to retain 14 of the 24 existing Article 4 Directions in the Broads. There is no statutory requirement for any action (for example consultation) to be taken in respect of a proposal to retain Directions, but it would be useful to advise the relevant Parish Councils and District Councils that the Authority has reviewed them and decided to make no changes. It is noted that the National Planning Practice Guidance advises that the LPAs should review their Article 4 Directions regularly.
- 6.4 As detailed above, it is proposed to remove seven of the 24 existing Article 4 Directions in the Broads and to review three. These 10 Directions will need to be subject to the statutory processes. It is proposed to deal with them as non-immediate Directions as there appears to be no justification to use the urgent powers provided for under the immediate Direction procedures.
- 6.5 The 10 Directions which will be subject to this are as follows:

	<u>Direction</u>	<u>Area</u>	<u>Action</u>
i	Retail sales from moored vessels	23 moorings	Remove
iii	Temporary uses of land	Brundall Riverside	Remove
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Church Road, Hoveton	Remove
		Gillingham Swan Motel	Review and possibly modify
v	Erection of boundary treatments	Oulton Marsh	Review
		Riverside Park, St Olaves	Review
		Holly Lodge in Wroxham	Remove
vii	Caravans, camping and temporary uses	Anchor Street, Coltishall	Remove
viii	Works to unadopted streets	Anchor Street, Coltishall	Remove
x	Travelling shows and camping	Halvergate	Remove

- 6.6 With regard to the Directions which it is proposed to remove, it is anticipated that the formal process will commence in April 2017, with confirmation later in 2017.

6.7 With regard to the three Directions which are to be reviewed, the approach will depend on the outcome of the assessment. If they are proposed to be retained, the Parish Council will be informed as it will be for the others to be retained (as at 6.3 above). If they are proposed to be removed, this will be the subject of consultation in exactly the same way as for the others proposed for removal (as at 6.6 above). If it is proposed to modify them following assessment, they will be rolled forward and dealt with in the second phase of the work along with any proposals to extend other Directions.

7.0 Financial implications

7.1 There will be financial implications, resulting from the cost of consultation and advertising. This will be met from within the existing planning budget.

8.0 Conclusion and recommendation

8.1 A review of the Article 4 Direction in the Broads area is to be undertaken, in accordance with the advice and guidance in the Planning Practice Guidance. It is to be separated into three phases, with the first phase looking at existing Article 4s.

8.2 Of the 24 existing Article 4 Directions it is proposed to retain 14, remove 7 and review 3. Those which are to be removed will be the subject of consultation, expected to start in spring 2017.

8.3 It is recommended that Members agree the above approach.

Background papers: Existing Article 4 Directions

Appendices: Appendix 1: Processes associated with Article 4 Directions

Author: Maria Hammond/Cally Smith

Date of report: 21 February 2017

Appendix 1

	Immediate directions*	Non-immediate directions
Contents of notice	<ul style="list-style-type: none"> • A description of the development and area to which the direction relates; • A statement of the effect of the direction; • Specification that the direction is made under article 1(4) of the GPDO; • The name of a place where a copy of the direction and map can be viewed; and • A period of at least 21 days within which representations can be made. 	<ul style="list-style-type: none"> • A description of the development and area to which the direction relates; • A statement of the effect of the direction; • Specification that the direction is made under article 1(4) of the GPDO; • The name of a place where a copy of the direction and map can be viewed; • A period of at least 21 days within which representations can be made; and, • The date on which it is proposed the direction will come into force, at least 28 days from the start of the consultation period, but no more than two years.
Consultation	<ul style="list-style-type: none"> • Local advertisement; • Site notices at no fewer than two locations within the area to which the direction relates; and • Serve notice on the owner and occupier of every part of land within the area to which the direction relates (unless it is considered that individual notice is impracticable because not all owners can be identified or located, or it is impracticable due to the number of owners of occupiers). 	<ul style="list-style-type: none"> • Local advertisement; • Site notices at no fewer than two locations within the area to which the direction relates; and • Serve notice on the owner and occupier of every part of land within the area to which the direction relates (unless it is considered that individual notice is impracticable because not all owners can be identified or located, or it is impracticable due to the number of owners of occupiers).
Notification	<ul style="list-style-type: none"> • Secretary of State • 	<ul style="list-style-type: none"> • Secretary of State •
Confirmation	<ul style="list-style-type: none"> • Take into account any representations received. • No sooner than 28 days after latest date notice served, or such longer period specified by SoS. • Within six months of serving, otherwise it expires. • Give notice of confirmation in the same manner as the consultation, including to SoS in most 	<ul style="list-style-type: none"> • Take into account any representations received. • No sooner than 28 days after latest date notice served, or such longer period specified by SoS. • Give notice of confirmation and the date it will come into effect in the same manner as the consultation, including to SoS in most circumstances.

	circumstances.	
Effect	Immediate.	On the specified date when confirmed.

*. Immediate directions can only be used to withdraw permitted development rights for Parts 1 to 4 and Classes B and C of Part 11 of the GPDO (dwellinghouses, minor operations, changes of use, temporary buildings and uses and demolition of buildings) where such development is considered to be prejudicial to the proper planning of their area or constitute a threat to the amenities of the area and to certain rights in parts of, or whole, Conservation Areas.

**Broads Authority
Heritage Asset Review Group**

Notes of Meeting held on Friday 3 February 2017 starting at 12.30pm

Present:

Jacque Burgess - in the Chair
Mike Barnard
Peter Dixon
Haydn Thirtle

In attendance

Sandra Beckett – Administrative Officer (Governance)
Will Burchnall – Programme Manager (HLF-LPS)
Ben Hogg – Historic Environment Manager
Andrea Long – Director of Planning and Resources
Prue Smith – Consultant on Cultural Heritage

21/1 Apologies for absence and welcome

Apologies had been received from Bill Dickson and Paul Rice.

21/2 To receive the note of the twentieth meeting held on 19 August 2016

The Note of the twentieth meeting of HARG held on 19 August 2016 was received as a correct record.

21/3 Points of Information arising from the last meeting

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

21/4 Conservation Area Re-Appraisals

Progress was reported on the following Conservation Areas.

(1) Loddon and Chedgrave Conservation Area Re-Appraisal

This had been adopted by the Broads Authority at its meeting on 27 January 2017.

(2) Stalham Staithe Conservation Area Re-Appraisal

As had been reported at the last meeting the Stalham Staithe Conservation Area Re-Appraisal had been prepared in consultation with North Norfolk District Council as part of the conservation area fell within its boundary. Following consultation, a number of meetings had been held with Stalham Town Council and other agencies as well as a public

meeting. Following the last meeting of the group Officers sent a copy of the further version to the Town Council. The Chairman of the Town Council had responded positively suggesting one further amendment which had now been incorporated. No other responses had been received.. Another meeting had been held on 30 January. As no further comments had been received, Members considered that it was now time for a report to be submitted to the Planning Committee. If it was possible to do this for the 3 March 2017, it could be adopted by the Authority on 24 March 2017.

Members considered that the process of engagement with the local community and organisations for the Stalham Staithe Conservation Area had proved a positive way forward.

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

It was noted that the Somerton Conservation Area Re-Appraisal had been approved for consultation by the Planning Committee on 1 April 2016 subject to inclusion of some amendments to the text and additional graphics. The leaflet had now been prepared and the Chairman and Vice-Chairman of the Parish Council had been sent a copy and informed that this was now ready to be sent out for formal consultation.

Members were very complimentary of the Consultation Leaflet. The Group agreed that the consultation should now proceed as soon as possible in order to complete the process but before doing so inform Somerton Parish Council that this was the intention.

It was agreed that a report be prepared for a future Planning Committee meeting once the consultation had been carried out.

21/5 Heritage at Risk

21/5(1) Buildings at Risk Schedule 2016

The Consultant on Cultural Heritage provided the Group with the updated Schedules relating to the Buildings At Risk Survey as well as the Schedule relating to current and potential Enforcement issues.

It was noted that full application for **Common Farmhouse, Fleggburgh** was anticipated following pre-application discussions.

The repairs to **Bridge Farmhouse, Low Road, Mettingham**, had been the subject of a Section 106 Agreement, where the construction of another property was dependent on repairs to the farmhouse being carried out. The planning permission had now expired, a revised scheme was required but nothing further had been received. It was considered that an Urgent Works Repair Notice was now required and therefore a report would be prepared for the Planning Committee.

Langley Abbey –the Historic Buildings Consultant had had positive discussions with the owner and the Historic buildings consultant had met him on site a further meeting is planned on 9 February to discuss what was required and agree the scope of the work.

Brick Barn, Hill farm Gillingham –An application was awaited. However, it was considered that an Urgent Works Notice would be required and therefore a report prepared for the Planning Committee setting out the options for potential action.

With reference to **Swim Coots Drainage Mill** at Catfield, A door was ready to be installed and a site visit with the NWT Warden would need to be arranged.

With reference to the **Mills** within the schedule, most came within the Landscape Partnership Scheme bid and it was noted that the schedule of works were now completed for the LPS development stage.

The Historic Environment Manager reported that a complaint had recently been received concerning a dangerous cornice on Grade II Listed 34 Bridge Street, Bungay formerly known as the Music House. Part of the building dates from the early 17th Century with the frontage dating from the 18th Century. There appears to be no one living in the property at present. The owner as well as a local builder had been contacted by colleagues within Waveney District Council with the aim of removing the danger of the loose cornice in the first instance. The Authority had a duty of care and further contacts would be required.

Officers would continue to work with colleagues in the District.

21/5(2) Enforcement

The Group noted that a report had been considered by the Planning Committee meeting that morning concerning the Manor House at Ashby with Oby.

21/6 Staithes Research Paper

Tom Williamson had given a presentation to the Broads Forum in July 2016 and had been invited to provide a similar one to the full Authority. Unfortunately, this had not yet been possible. In addition, the final report was not yet available as the compilation of the documentary evidence of maps and photographs was not yet finalised. Much of this was with UEA.

The matter had been raised at the Forum meeting on 2 February 2017, with comments that there were inaccuracies and issues about the ownership of the Staithes. Members of HARG considered that there was an unintentional misunderstanding about the nature of the Staithes Research Paper. It was intended as a piece of historical research. It was not intended to be used as a policy tool for the Broads Local Plan.

Although there had been a request that the research paper be placed on the website, it was considered that it would not be of great value without the maps and photographs.

21/7 Stracey Arms

The Chairman reported that the Norfolk Mills and Pumps Trust had been granted £554,000 by the Heritage Lottery Fund to undertake the project for the development of the Stracey Arms. It was considered that this would dovetail in well with the LPS. The funds would enable the Mill to be fully restored and operational and include a car park. An arrangement was being made with the multifaith groups who owned the adjacent premises for the use of their car park for school buses.

The Group welcomed the positive outcome.

21/8 BT Telephone Boxes

BT was continuing its nationwide survey of BT boxes to ascertain their use and whether they were still required to fulfil their original function. 14 telephone boxes had been identified within the Broads Area. If they were not well enough used to be viable to maintain, they would be removed. The Authority had been consulted about the principle of removing some or all of the 14.

The matters for consideration were:

- (i) To identify those that made a contribution to the character of the Broads;
- (ii) To query whether any of these should be retained as an emergency facility especially those in areas liable to flooding or in isolated areas, or in areas where there was limited mobile phone coverage.

If not required as telephone boxes they maybe able to be used for other purposes as required by the local community. Change of use would require planning permission.

From the current survey, it was considered that 3 boxes could be removed. However, the Officers had objections to 11 of those identified to be removed as it was considered that they contributed to the Broads landscape character. It was noted that the criteria for statutory listing was very strict.

It was agreed that the parish councils be consulted directly to ascertain whether they wished to adopt the identified BT telephone box within their areas.

21/9 Water, Mills and Marshes: The Broads Landscape Partnership Bid

The Historic Environment Manager reported that the specific schedules for each of the Mills identified for work to be carried out on had been completed with the aid of the laser scanning technology. This provided an excellent historical record and archive of the work that had been carried out in the past as well as providing details of what work was required in the future in order to draw up the necessary plans to implement that work. The results of the scanning would also provide a useful tool for interpretation and would be included on the LPS website.

The Group was also provided with information on Stones Mill at Halvergate where public access was inhibited. Therefore it was intended that this would be designated a Habitat Mill for wildlife.

Will Burchnall the Programme Manager for the Broads Landscape Partnership Project provided a progress report on the development phase for the second round application of the HLF bid. He explained that the Education and Heritage Skills Training Strategies were being well developed.

The Group was given a presentation of the updated Landscape Character Assessment to include archaeological elements and ecclesiastical history that had been completed for £12,000 with Lesley Marsden (former Broads Authority Landscape Architect) as lead officer in association with Norwich City Council. This provided some excellent graphics illustrating the evolution of the Broads. The document included 230 pages, some of which could be extracted for individual areas. It might also be used at the Information centres.

The Group considered this to be an excellent document and agreed that investigations for potential publication be pursued.

The Group welcomed the progress being made.

21/10 Any Other Business

National Parks Conservation Officers Conference 2017

The Historic Environment Manager informed the Group that the Broads would be hosting the National Parks Conservation Officers workshop between 9 – 11 May 2017. It was hoped that HARG members could be involved.

21/10 Date of Next Meeting –

It was noted that the next meeting of the Heritage Asset Review Group would take place on Friday 26 May 2017 following the Planning Committee meeting.

The meeting concluded at 13.55pm

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

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

Recommendation: That the report be noted.

1 Introduction

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

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: 15 February 2017

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
23 December 2016	<p>Appeal Reference APP/E9505/D/16/316 3616 BA Appeal Ref: BA/2016/0005/REF BA/2016/0263/HH</p> <p>70 Riverside Estate, Brundall</p> <p>Mr David Wright</p>	<p>Appeal against refusal</p> <p>Retrospective application for retention of replacement cladding (to retain upvc windows and doors)</p>	<p>Delegated Decision 26 August 2016</p> <p>Questionnaire submitted 4 January 2017</p> <p>Appeal ALLOWED and planning permission granted 14 February 2017</p>
9 December 2016	<p>Appeal Reference APP/E9505/D/16/316 3088 BA/2016/0004/REF BA/2016/0260/FUL</p> <p>Slad Lane, Woodbastwick, Salhouse</p> <p>Mr J Cator</p>	<p>Appeal against refusal</p> <p>Change of use of ground floor cottage to tea room (class A3)</p>	<p>Committee Decision 17 October 2016</p> <p>Questionnaire submitted 16 December 2016</p> <p>Statement of case submitted 13 January 2017</p> <p>Appeal ALLOWED and planning permission granted 20 February 2017</p>
9 December 2016	<p>Appeal reference APP/E9505/W/16/316 3872 BA/2016/0276/FUL BA/2016/0006/REF Gunton Lodge, Broad View Road, Oulton Broad</p> <p>Mr Lloyd Crisp</p>	<p>Appeal against refusal</p> <p>New dwelling and replacement garage</p>	<p>Delegated Decision 20 September 2016</p> <p>Questionnaire submitted 16 December 2016</p> <p>Statement of case submitted 13 January 2017</p> <p>Appeal DISMISSED</p>

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
			20 February 2017
25 January 2017	APP/E9505/W/16/316 4553 BA/2016/0007/REF Land at Griffin Lane, Thorpe St Andrew BCK Marine	Appeal against refusal Boatshed, storage container and shelter	Delegated Decision 24 June 2016 Questionnaire submitted 31 January 2017 Statement of case due 1 March 2017
Awaited	BA/2016/0284/CU Violet Cottage, Irstead Road, Neatishead Mr Simon Ciappara	Appeal against refusal Retrospective application to use annexe building as holiday accommodation	Delegated Decision 3 October 2017

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

3 March 2017

Agenda Item No. 17

Summary: This report sets out the delegated decisions made by officers on planning applications from 19 January 2017 to 14 February 2017
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Beccles Town Council				
BA/2016/0440/APPCON	3 & 3A Northgate Beccles Suffolk NR34 9AS	Mr L Norris	Details of conditions 3: window sections, 4: steel beam and 5: hard surfacing of permission BA/2016/0250/FUL.	Approve
Horning Parish Council				
BA/2016/0450/HOUSEH	Anchor Lodge 38 Lower Street Horning NR12 8AA	Ms Kirsten & Silke Brix	Balcony extension.	Approve Subject to Conditions
Hoveton Parish Council				
BA/2016/0433/HOUSEH	Aquarius Meadow Drive Hoveton Norfolk NR12 8UN	Mr Andrew Human	Boat shed, garage and dry dinghy storage.	Approve Subject to Conditions
BA/2016/0432/HOUSEH	3 Navigators Bure Cottages Riverside Road Hoveton NR12 8UD	Mr Graham Dockree	Balcony.	Approve Subject to Conditions
BA/2016/0408/FUL	Ere quay The Rhond Hoveton Norfolk NR12 8UE	Mr Stephen Daniels	Demolition of two existing buildings and erection of a new detached dwelling	Approve Subject to Conditions
BA/2016/0345/FUL	Barnes Brinkcraft Riverside Road Hoveton Norfolk NR12 8UD	Barnes Brinkcraft Ltd	Replacement quayheading.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
BA/2017/0005/DEM	Barnes Brinkcraft Riverside Road Hoveton Norfolk NR12 8UD	Barnes Brinkcraft Ltd	Demolition of single storey corrugated iron boat storage shed.	Prior Approval not Required
Ludham Parish Council				
BA/2016/0343/FUL	Shed At The Workshop Yarmouth Road Ludham NR29 5QF	Dr Rupert Gabriel	Change of use of outbuilding (MT Shed) to residential dwelling.	Refuse
Mautby Parish Council				
BA/2016/0446/COND	Poplar Farm Church Lane Runham Mautby NR29 3EL	Mr Jonathan Green	Variation of condition 7: fly management plan of permission BA/2015/0188/FUL.	Approve Subject to Conditions
Norwich City				
BA/2016/0399/FUL	Hardy Road Norwich Norfolk	Norwich City Council	Construction of riverside walk comprising 3m wide shared use cycle and pedestrian path, structural repairs to existing river bank, and associated landscape enhancement works. Related works include the demolition of existing disused ancillary building and clearance of existing trees and scrub. Change of use from car parking to public access path.	Approve Subject to Conditions
Ormesby St Michael Parish Council				
BA/2016/0370/HOUSEH	Rocomagoan 5 Burghwood Road Ormesby St Michael Norfolk NR29 3LT	Mrs L Gray	Extensions and roof conversion.	Approve Subject to Conditions
Potter Heigham Parish Council				
BA/2016/0385/FUL	Plot 3 North East Riverbank Potter Heigham NR29 5ND	Mr John Quaif	Storage locker.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Thorpe St Andrew Town Council				
BA/2016/0441/COND	Norwich Frostbites Sailing Club Girlings Lane Norwich	Mr Bruce Thompson	Variation of condition 2: approved plans, of permission BA/2014/0071/FUL.	Approve Subject to Conditions
Wroxham Parish Council				
BA/2016/0443/APPCON	Backwater Beech Road Wroxham Norwich NR12 8TP	Ms Claire Michell	Detail of condition 11 Flood Response Plan, of permission BA/2013/0135/FUL.	Approve