

Planning Committee

AGENDA

Friday 24 June 2016

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 27 May 2016 (herewith) | 3 – 13 |
| 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/2016/0176/FUL Land north of East End Farm, East End Lane, Aldeby

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9. Enforcement of Planning Control: Enforcement Items for Consideration and Noting Reports by Head of Planning and Planning Officer (Compliance and Implementation)	
(i) The Ferry Inn, Horning	22 – 34
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(iv) No.1 & No.2 Manor Farm House, Oby	48 – 51
10. Broads Local Plan (June) Bite Size Pieces Report by Planning Policy Officer (herewith)	52 – 67
11. Sustainability Appraisal Objectives: Focussed Consultation Responses Report by Planning Policy Officer (herewith)	68 – 71
12. Consultation Documents Update and Proposed Responses Report by Planning Policy Officer (herewith)	72– 79
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13. Enforcement Update Report by Head of Planning (herewith)	80 – 85
14. Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	86 – 87
15. Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	88– 89
16. To note the date of the next meeting – Friday 22 July 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Authority

Planning Committee

Minutes of the meeting held on 27 May 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard
Prof J Burgess
Miss S Blane
Mr N Dixon

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

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 12/10 – 12/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (Minute 12/1 – 12/8)
Ms A Long – Director of Planning and Resources
Ms E Murray – Ecologist (Minute 12/10)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0095/COND Boundary Farm, Boundary Lane, Oby

Mr Kevin Marsh On behalf of Applicant

12/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Ms G Harris.

12/2 Declarations of Interest

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

12/3 Minutes: 29 April 2016

The minutes of the meeting held on 29 April 2016 were agreed as a correct record and signed by the Chairman.

12/4 Points of Information Arising from the Minutes

No further points of information were reported.

12/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

12/6 Chairman's Announcements and Introduction to Public Speaking

- (1) No member of the public indicated that they intended to record the proceedings.

(2) **Sholeh Blane's last meeting**

The Chairman paid tribute to Sholeh Blane on her last Planning Committee meeting with the Authority of which she had been a very loyal and valued member.

In response, Sholeh thanked all members and officers for their kind words and for the opportunity to serve on the Committee from which she had learnt an enormous amount.

(3) **Potential Site Visit for Application BA/2016/0191/FUL Hickling Enhancements**

The Chairman stated that a planning application for enhancements to Hickling Broad was due to be considered by the Planning Committee on 19 August 2016. This would be one of a number of the Authority's own applications as part of the restoration of Hickling, which was one of the Authority's strategic priorities. Therefore, it was considered that it would be worthwhile to hold a site visit prior to the application being determined. It would also be advantageous to provide new members of the Committee (due to be appointed in July) with the opportunity of being appraised of the area and issues involved. Therefore a date was required when the majority of committee members would be able to attend. He explained that as a local resident he would be declaring an interest and therefore would not chair the Planning Committee for consideration of the application or take part in the site visit.

Scheduled site visit dates were 15 July and 5 August. However, the Waste Disposal Workshop was due to be held on 15 July and 5 August could interfere with holiday time. It was agreed that a Doodle Poll be used in order to find the most convenient date.

It was noted that the Navigation Committee would be having an informal site visit instead of a meeting on Thursday 2 June 2016, which would include a general appraisal of the Hickling restoration project but not the specific planning application. It would not be a formal meeting. Its next scheduled meeting would be 7 September 2016.

A member made a plea for the Planning Committee to request the views of the Navigation Committee. Members considered that it was important that the Navigation Committee was consulted on this

application prior to it being considered by the Planning Committee particularly as it was for one of the Authority's own applications. However, Members did not wish to alter the intention or purpose of the Navigation Committee's visit on 2 June 2016. The Director of Planning and Resources undertook to convey this message to officers and the Chairman of Navigation Committee.

RESOLVED

that members be canvassed by Doodle Poll on a convenient date for the Planning Committee to hold a site visit for BA/2016/0191/FUL Hickling project enhancements

(4) **Public Speaking**

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

12/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications had been received.

12/8 Applications for Planning Permission

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

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

(1) **BA/2016/0095/COND Boundary Farm, Boundary Road, Ashby with Oby**

Variation of conditions 2, 3, 6, 7, 8 of permission BA/2013/0138/FUL to allow a change of structure on south, east and west sides of new mooring dyke from timber jetty/decking to timber piling/capping and grassed earth surfacing. Also change location of two car parking spaces to be located at the junction of Ashby with Oby Footpath 7 and Ashby with Oby Bridleway 3 on existing concrete pad.

Applicant: Mr Donny Cooke

The Planning Officer provided a detailed presentation of the application involving the variation of five conditions on a permission granted in 2013 for application BA/2013/0138/FUL. The current application was for two proposals that required the introduction of quay heading to all

sides of the mooring dyke approved in 2013, not just to one side, and the relocation of two public parking spaces.

The Planning Officer drew attention to the consultation responses and explained that no further responses had been received since the report was written. The Navigation Committee had been comfortable with the proposals as the changes were relatively minor and did not impinge on the navigation of the area. The Ecology Officer had stated a preference for the original proposal to remain.

In providing the detailed assessment, the Planning Officer gave particular attention to the key issues of landscape and ecology and Policy DP16 relating to new commercial moorings where not less than 10% of the new moorings created should be allocated as visitor moorings for short stay moorings on a causal basis. The approved scheme involved securing these through transfer of ownership of a 40m strip of river frontage to the Broads Authority for 24 hour visitor moorings. The new proposal involved relocating these. This would be covered by a Section 106 Agreement. The application also included the removal of a 15m-20m section between the soke dyke and the mooring dyke in order to gain better access between the two areas. There would be no changes to the access to the main river. The 9m bank of separation between the two dykes would remain. The provision of the two car parking spaces were immediately adjacent to the Weavers Way and were within the applicant's curtilage.

The Planning Officer concluded that the proposed changes to the structure on the south, east and west sides of the approved mooring dyke from timber staging to quay heading, and relocation of two parking spaces, would not have an unacceptable impact on landscape character and protected habitats or species. Therefore the application was recommended for approval.

Members considered that the application was acceptable and given the location of the proposed changes would be difficult to justify a refusal. They concurred with the Officer's assessment. Although in support of the proposal, a member raised concerns relating to the wording of proposed condition (ix) on the basis that the application did not include provision for residential moorings and this was unnecessary. The Head of Planning suggested an alternative wording.

The Chairman proposed, seconded by Lana Hempsall, that the application be approved as recommended subject to amendments to the wording of condition (ix).

RESOLVED unanimously

that, subject to the prior completion of a Section 106 Agreement to cover the 40metres provided for moorings, the application be approved subject to conditions as outlined in the report and an amendment to the

wording of condition (ix) to state that the moorings permitted shall be used for private moorings only;

the proposal is considered to be in accordance with Policies CS1 and CS14 of the Core Strategy (2007), Policies DP2 and DP16 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

12/9 Enforcement Plan

The Committee received a report and presentation on providing a Draft Enforcement Plan for the Broads Authority. This explained how the Authority would address breaches of Planning Control in accordance with good practice for Local Planning Authorities as set out in the NPPF paragraph 207 and suggested in the audit report of August 2015. The Plan provided the service standards and explained the background to the need for appropriate and proportionate enforcement as well as the Authority's priorities in association with these. The paper also explained the processes for investigation and the powers available to the Authority as well as the key guiding principles of planning enforcement – expediency, proportionality, consistency and negotiation especially in the first instance, as well as the need to be realistic. It was stressed that it was important to bear in mind what the Authority was trying to achieve when considering Enforcement Action.

The Head of Planning explained that the Plan documented the approach the Authority already took and detailed the aspects which had been covered in the training session for Members on 4 March 2016, citing some examples which many Members were familiar with. She commented that it was anticipated that the officers would be carrying out more pro-active monitoring in the future on the basis that this would reduce the amount of enforcement required.

Members thanked the Head of Planning for an interesting and useful presentation. Some local authority appointed members commented that the document accorded with their own District Councils approach and this was welcomed by others. It was suggested that the word "pragmatic" be included in the document to provide further consistency with the Authority's fellow LPAs. A member sought reassurances that the Authority had the resources to deliver on the approach. In response, the Director of Planning and Resources commented that as the Plan set out the framework of the Authority's existing practices, officers were confident on the Plan's delivery.

Members considered that the Enforcement Plan when adopted would provide not only officers and members with useful reference but particularly parish councillors as well as members of the public and planning agents. Therefore they advocated bringing the Plan to the attention of as many interested parties as possible with a wide distribution of the information.

With regard to Breaches of Condition Notices, the Authority had rarely used these given that there was an absence of a right to appeal and it was considered more appropriate to ensure that the landowner/operator was able to challenge the LPA's decision. Members considered that there may be cases where the Planning Committee should be bolder and more effective in using such a tool, especially when deemed necessary, particularly where there had been persistent and deliberate breach of planning regulations.

Members noted that the Enforcement Update schedule provided members with information relating to cases where possible enforcement action had been brought to the attention of the Committee in the first instance and was considered appropriate. It was recognised that this was after complaints had been considered and potential enforcement matters investigated and negotiations had possibly reached an impasse. If an enquiry about possible breaches of regulation had been made, the Local District Member was usually made aware of the situation. Members considered that it would be useful to have quarterly reports on possible complaints.

Members expressed some concerns about the dilapidated state of some of the buildings and untidy nature around the Berney Arms, due to be sold at auction on 9 June 2016 and queried whether a Section 215 Untidy Land Notice under the Town and Country Planning Act 1990 might be considered. It was felt that Officers should write to the agent so that potential bidders could be made aware of the Authority's concerns and the potential action that could be taken.

RESOLVED

that the Draft Enforcement Plan be endorsed subject to amendments suggested and

RECOMMENDED to the Broads Authority on 8 July 2016

that the Enforcement Plan with appropriate changes be adopted by the Authority.

12/10 Broads Local Plan – Policy Guides Biodiversity Enhancements and Waterside Chalet Guides Consultation Version

The Committee received a report setting out two Draft guides that were being produced to help applicants meet any requirement placed upon them to enhance wildlife as part of their development proposals as well as provide guidance and advice to those intending to alter waterside chalets. The Biodiversity Enhancement Guide had been produced by the Authority's Ecologist with support from the communications and planning team. The Waterside Chalet Guide had been provided by the Historic Environment Manager and Planning Officer following the adoption of a Local List for waterside chalets which was based on the Planning Officer's MA dissertation.

This also provided an update of a document previously published in the Authority's Design and Management handbook series.

Members' views on the Draft Guides were sought with the aim of having them published for a six week consultation period. The production of the guides would provide more weight in the planning system. The Planning Policy Officer explained that it was intended to provide more photographs in the final documents, but at this stage for consultation purposes, the text was considered to be more important. It was confirmed that the "Ice House" was included in the Waterside Chalets and work was progressing well. It was suggested that this might be included in the Members Design Quality tour.

Members considered the documents to be excellent in providing practical guidance as they were readable and user friendly and congratulated officers on their production. Although the intention was to circulate the Draft Guides for public consultation within the next few days for a period of six weeks, Members considered it would be worth delaying this in order to include more photographs to increase the attractiveness and interest of the Guides. It was noted that following the consultation and subject to any amendments and consideration by the Planning Committee, the guides would be recommended for adoption by the full Authority.

RESOLVED

that the Policy Guides on Biodiversity Enhancements and Waterside Chalets be endorsed for public consultation subject to inclusion of a few more illustrations.

12/11 Broads Local Plan – Bite Size Pieces

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

- Settlement Study and Settlement Hierarchy
- Development Boundaries and Topic Paper
- Deprivation Topic Paper
- Defence
- Rural Enterprise dwellings
- Gypsy and Traveller Need Topic Paper
- Draft Gypsy and Traveller Policy

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

Members noted that it was challenging to assess the settlement hierarchy for the Broads given that only parts of settlements fell within the Broads Executive Area and there was not one whole village/town within it. However, based on advice from the Planning Advisory service, the place in the

hierarchy allocated within the Broads reflected the hierarchy of the relevant District Councils, although the approach to development would be different. Unfortunately there were differences in terminology used by the Districts. The Authority had based its methodology on that of Great Yarmouth Borough's. With regard to Development Boundaries, it was noted that the Settlement Study had been used to determine where it would appear appropriate to have a development boundary and it was proposed that development boundaries would be continued with possible amendments for Hoveton and Wroxham, Horning, Thorpe St Andrew and Oulton Broad. Additionally, Stalham Staithe was suggested for consideration of a development boundary.

It was noted that where possible provisions of the Housing and Planning Act (now published on the website) had been taken into account but it was recognised that further amendments to the Preferred Options were likely to be required. It would be possible to provide Members with further updates following a training session for Officers on 30 June 2016. With regard to the Rural Enterprise Dwellings, the proposed policies would not be impacted by the Housing and Planning Act.

The Planning Policy Officer explained that the policies for the topic of Gypsy, Travellers and Travelling Show People, were criteria based and consistent with government guidelines. There were no permitted sites within the Broads or a history of encampment that would generate a need and therefore the Authority was not intending to adopt an allocation approach.

Members considered that policies relating to those who lived on boats or houseboats, which may involve the requirement for residential moorings, should be dealt with in a separate/stand-alone topic paper.

RESOLVED

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

12/12 Heritage Asset Review Group – Notes from 29 April 2016

The Committee received the notes from the meeting of the Heritage Asset review Group held on 29 April 2016.

RESOLVED

that the report be noted

12/13 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and the Head of Planning provided further information on the following.

Thorpe Island

The Authority had been notified of the date for the substantive injunction hearing to be on 17 June 2016. No planning application from Mr Roger Wood had been received as yet.

Ferry Inn Horning

A new manager was now in place and did not have any knowledge of a potential retrospective planning application for unauthorised development. It was understood that the adverse lighting had been subdued. Negotiations would continue.

Grey's Ices and Confectionary

The owner was reluctant to remove the roller shutter doors on the basis that there were a number of these structures in the same vicinity. Members accepted that this was the case. The main concerns expressed by the Parish Council and Members had been the combined effect of the garish colouring of the canopies (which had now been removed) with the shutters. Negotiations were taking place with the owner about the possibility of a retrospective application for the canopies.

RESOLVED

that the report be noted.

12/14 Appeals to Secretary of State Update

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

RESOLVED

that the report be noted.

12/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 March 2016 to 15 April 2016.

RESOLVED

that the report be noted.

12/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 24 June 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.15pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 27 May 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Jacquie Burgess		Toll Payer
Paul Rice	12/13	Involved in mediation for Ferry Inn Horning Trustee of Broads Society NSBA Member
Peter Dixon	12/6(3)	BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application)

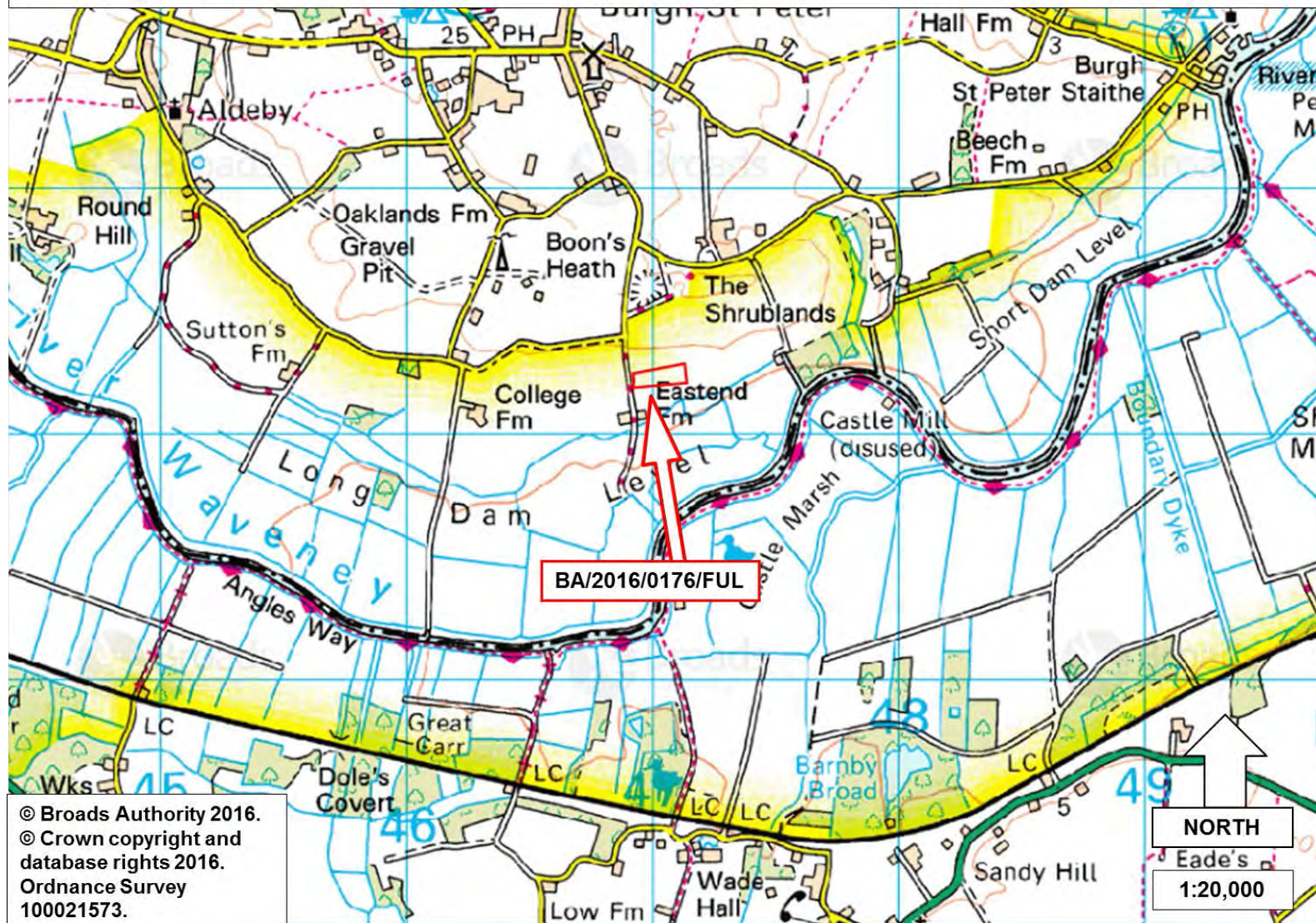
Reference

BA/2016/0176/FUL

Location

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

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



Application for Determination

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

1 Description of Site and Proposals

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

2 Site History

None

3 Consultation

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

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

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

A protected species survey is not required.

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

It is noted that the applicant has included a hard standing area for vehicles, etc., which is welcome but has not included any provision for improving the access to the site across the present grass verge, which will only deteriorate over time and lead to discharge of mud and debris on to the public highway.

Accordingly the access should be improved in accordance with the Highway Authority's specification.

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

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

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

Broads Society – no objections.

4 Representations

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

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

5 Policies

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

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

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

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

6 Assessment

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

Landscape and Ecology

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

Highways

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

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

Amenity

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

Design

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

7 Conclusion

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

8 Recommendation

- 8.1 Approve subject to the following conditions:

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

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

9 Reason for recommendation

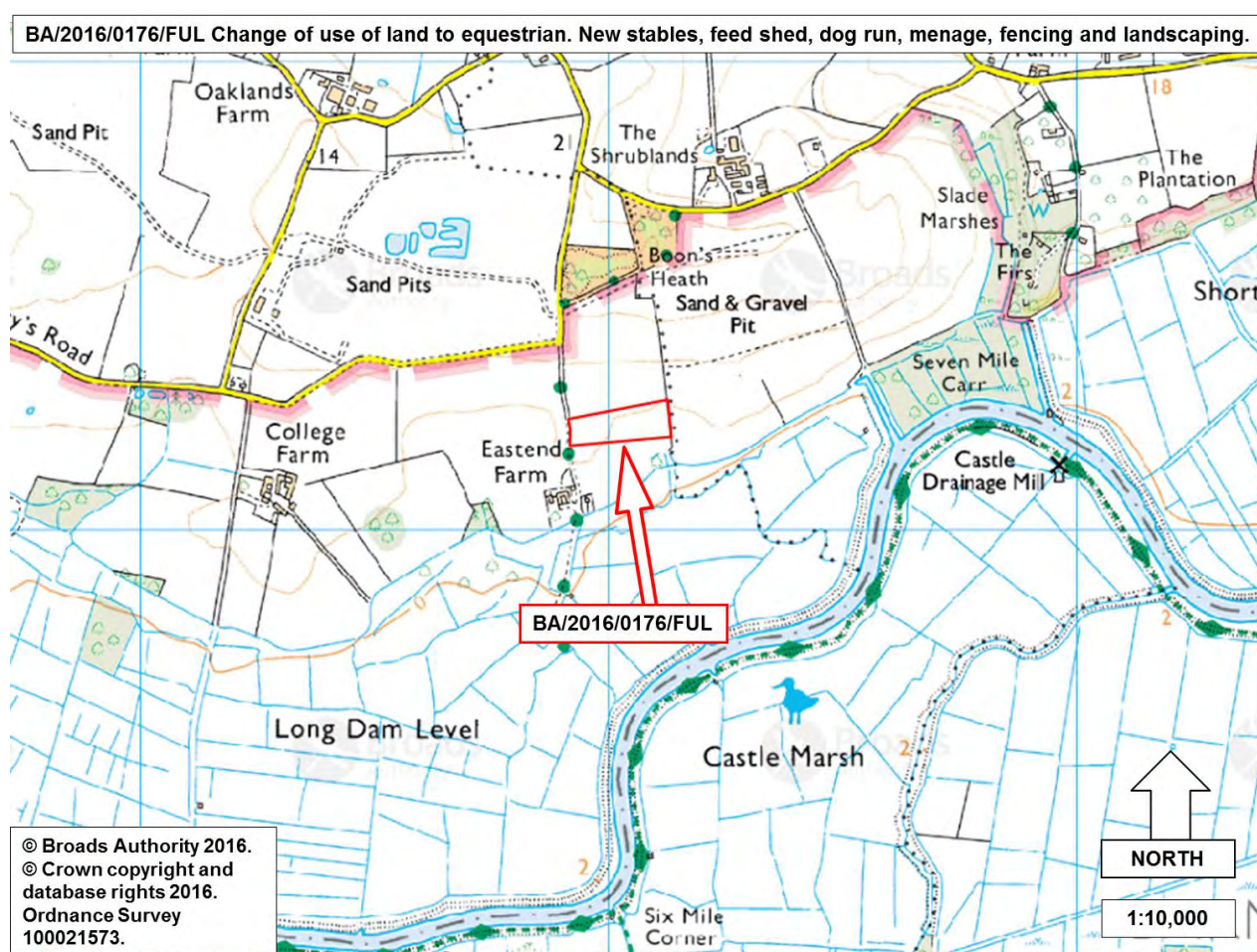
9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP1, DP2, DP4, DP11 and DP28.

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

Author: George Papworth
Date of Report: 6 June 2016

List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1



**Enforcement of Planning Control
Enforcement Item for Consideration:
The Ferry Inn, Horning**
Report by Head of Planning

Summary:	This report updates Members of on-going planning breaches.
Recommendation:	It is recommended that prosecution proceedings be instigated in respect of the refrigerated trailer and Enforcement Notices be served in respect of the Portakabin and the static caravan.

Location: The Ferry Inn, Ferry Road, Horning.

1 Background

- 1.1 At the 5 February 2016 meeting of the Planning Committee a report was presented covering various on-going planning breaches at the Ferry Inn in Horning, some of which had been taking place since 2010 and had already been the subject of Enforcement Notices. In summary, the breaches identified were as follows:
- (a) The standing and use of a refrigerated trailer (since September 2010);
 - (b) Fencing (since October 2010);
 - (c) Landraising (since November 2010);
 - (d) The standing and use of a portakabin as amenity accommodation for staff (since 2015);
 - (e) The standing and use of a static caravan for staff accommodation (since 2015);
 - (f) The standing and use of a touring caravan, probably for staff accommodation (since 2015); and
 - (g) Signage.
- 1.2 Enforcement Notices were served in 2013 in respect of the refrigerated trailer, with a compliance period which expired in November 2015. This Enforcement Notice has not been complied with.
- 1.3 A copy of the report is attached at Appendix 2.
- 1.4 The report recommended that:
- prosecution proceedings be instigated in respect of the refrigerated trailer
 - Enforcement Notices be served in respect of the Portakabin and the static caravan
 - no further action be taken in respect of the landraising or fencing

Members' views on how to progress the matter of the signage and lighting was sought.

1.5 The Planning Committee resolved:

- To instigate prosecution proceedings in respect of the refrigerated trailer, with these being stayed for a period of three months to seek a resolution
- To serve Enforcement Notices in respect of the Portakabin and the static caravan
- that negotiations on other elements, including the lighting and other matters of concern, take place with the landowner and tenant landlord to include discussions on the overall plans for the site.

2 Subsequent Actions

2.1 On 18 March 2016 a meeting was held with the tenant landowner to discuss the ongoing breaches and to seek a resolution to these. The meeting was attended by two members of the planning team, Mr Paul Rice as local councillor and the tenant landlord and his manageress. The discussions were comprehensive and the meeting was useful. The following was agreed in respect of the various breaches:

- (a) A retrospective application would be submitted for the retention of the refrigerated trailer on a temporary basis pending the development of a more appropriate permanent solution. A planning officer would visit the site to discuss a permanent solution with the tenant landowner, and the timescales for this would be detailed in the application. The application would be submitted by 20 April 2016;
- (b) No action would be taken in respect of the fencing;
- (c) No action would be taken in respect of the landraising;
- (d) The tenant landowner would discuss the matter of the use of the portakabin as amenity accommodation for staff with North Norfolk District Council in order to agree an alternative facility, allowing the removal of the portakabin. He would advise of the outcome of these discussions, plus the timescale for the removal of the structure, by 20 April 2016;
- (e) Although authority had been granted for an Enforcement Notice to be served in respect of the static caravan (used for staff accommodation), the Planning Committee would be asked to defer this, subject to the tenant landlord giving a written commitment to move it by the end of September 2016. This commitment was to be given by 20 April 2016;
- (f) The touring caravan has been removed, and this was welcomed; and
- (g) An informal lighting audit would be carried in due course to see whether there would be scope to reduce light spillage.

2.2 On 6 April 2016 a member of the planning team visited the site, as agreed, in order to give advice in respect of matter (a) above. At this meeting the tenant landlord stated that he would not comply with the Enforcement Notices and was prepared to take the matter to Court.

- 2.3 On 20 April 2016 an email was received from the tenant landlord and his manageress advising that the access road and carpark were flooded and there had been a failure to a mains power cable, meaning that they had not had the time or capacity to attend to the planning matters as agreed. They were also awaiting drawings for some further developments that they were to propose. A further deadline of 10 May 2016 was set.
- 2.4 On 6 May 2016 a letter was sent to the tenant landlord asking for an update for the 27 May 2016 meeting of the Planning Committee and advising:
- “Given the amount of discussions that we have had on these matters, plus the very positive meeting in March it would be regrettable if we could not resolve this matter without formal proceedings”.*
- 2.5 On 10 May 2016 an email was received from the tenant landlord and his manageress advising that they needed to contact the Environment Agency regarding a flood risk assessment and were waiting for documents from the landowner in order to complete the application.
- 2.6 No further communication has been received to date.
- 2.7 It is understood that changes have been made to the lighting on the riverside elevation and the new spectrum is less visually intrusive. This is welcomed.

3 The Proposed Next Steps

- 3.1 The planning breaches on this site are long standing and have been the subject of considerable discussion and negotiation since 2010. Regarding the refrigerated trailer, an Enforcement Notice was served in October 2012 then withdrawn in order to allow a mediated solution to be pursued, before being reserved in September 2013 as no solution had been reached. Despite a long compliance period of two years being given there has still been no progress made on compliance and recent deadlines around the submission by the tenant landowner of details of his intentions have also passed with no information being submitted.
- 3.2 Authority was previously granted in February 2016 to proceed with a prosecution for non-compliance with the Enforcement Notice, but this was deferred for three months to allow negotiation. No further progress has been made on achieving resolution so prosecution should be the next step.
- 3.3 The tenant landowner has indicated that the facilities offered by the portakabin can be offered within the main pub building, although he has failed to confirm this in writing or indicate a timescale for its removal. Authority was previously granted in February 2016 to issue an Enforcement Notice and this should be the next step.
- 3.4 The tenant landlord has advised that the static caravan is used for staff accommodation, but in negotiation agreed that it could be removed and the

tenants relocated to alternative accommodation in his control. He has, however, failed to confirm this in writing or indicate a timescale for its removal. Authority was previously granted in February 2016 to issue an Enforcement Notice and this should be the next step.

4 Financial Implications

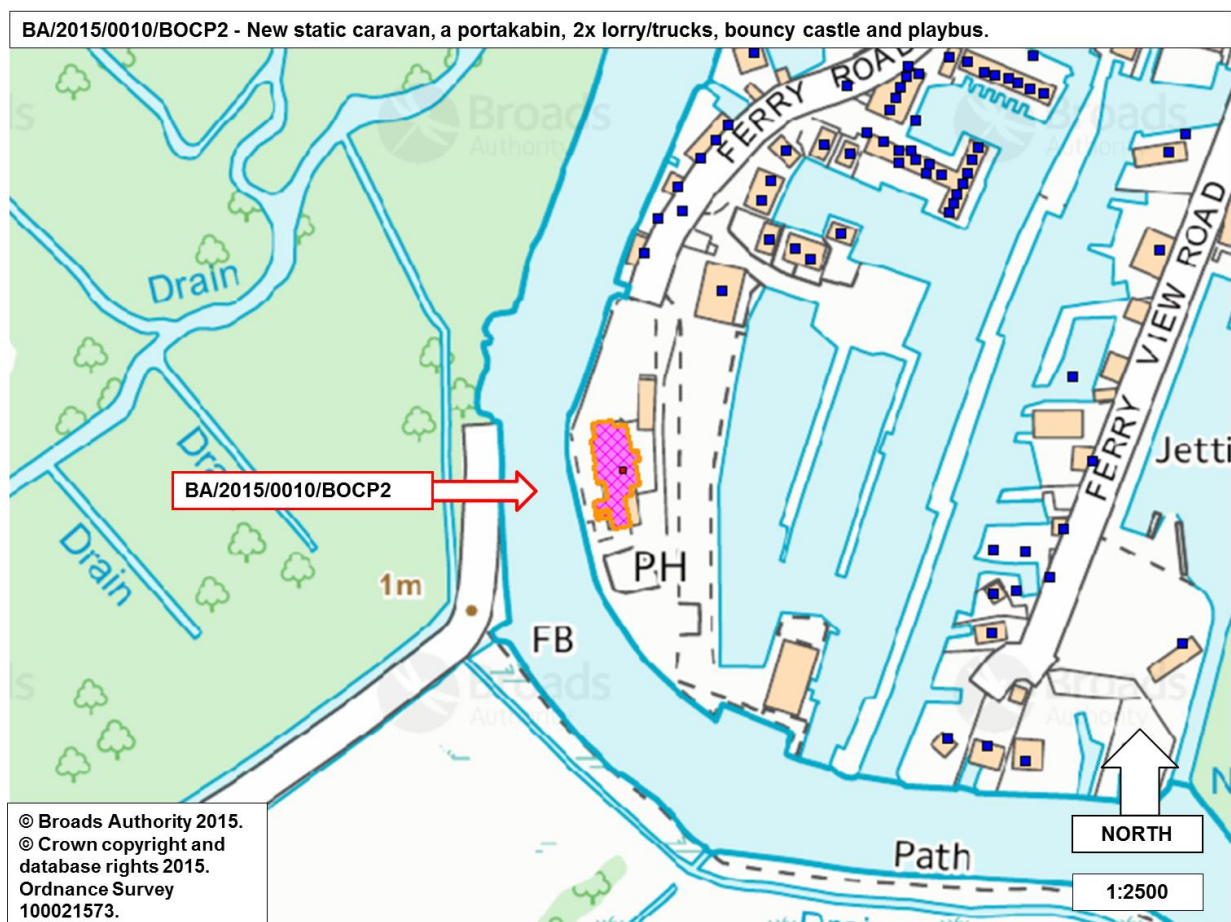
4.1 There are will be legal costs associated directly with this course of action.

Background papers: Planning File BA/2015/0010/BOCP2

Author: Cally Smith
Date of report: 12 June 2016

Appendices: APPENDIX 1 - Site plan
APPENDIX 2 – Planning Committee report on 5 February 2016

APPENDIX 1



**Enforcement of Planning Control
Enforcement Item for Consideration:
Horning: The Ferry Inn
Report by Head of Planning**

Summary: This report concerns Horning: Land at The Ferry Inn: Non-compliance with Enforcement Notice in respect of refrigerated container, and unauthorised development comprising portakabin, static caravan, signage and lighting

Recommendation: that prosecution proceedings be instigated in respect of the refrigerated trailer and Enforcement Notices be served in respect of the Portakabin and the static caravan.

Members' views on how to progress the matter of the signage and lighting are sought.

Location: The Ferry Inn, Ferry Road, Horning

1 Site and Location

- 1.1 Horning is one of the larger Broads villages and is located in the middle part of the River Bure. The centre part of the village falls within the Conservation area, but this does not extend to cover the area of The Ferry Inn.
- 1.2 The Ferry Inn is a large and busy public house and restaurant located downstream of the centre of the village and is bounded to the east by Horning Ferry Marina. It is located riverside and there are views from the river across the pub and its grounds to the boatyard site and the village beyond to the east. Access to The Ferry Inn is via a narrow road which is shared with the marina and a number of holiday properties. The entire site lies within Flood Risk Zone 3.

2 Previous Planning History

- 2.1 In September 2010 a complaint was received that a refrigerated trailer had been positioned on land to the rear of The Ferry Inn, Horning. The tenant landlord of The Ferry Inn advised that the premises were undergoing refurbishment and that the trailer was required for storage of food and kitchen equipment. Investigation at the time concluded that planning permission was not required as the trailer was mobile and was moved off-site periodically for re-stocking. Subsequently, the trailer was connected to services and fenced

in, meaning that it was no longer mobile. Planning permission was therefore required.

- 2.2 In October 2010 a complaint was received that a 2m high closeboarded fence had been erected on the boundary between the car park at The Ferry Inn and Ferry marina, Horning. Due to the difference in height between the sites the fence was over 2m in height on the Ferry Marina side and planning permission was therefore required. Subsequently the landowner installed trellising on top of the fence, increasing the height by a further 0.5m approximately.
- 2.3 In November 2010 a complaint was received that a large amount of soil and hardcore had been imported onto the site and used for land raising of an area to the rear of the car park which suffered periodic flooding. On a smaller scale these works could be considered de minimus or as maintenance, however due to the volume of material imported it constituted an engineering operation for which planning permission is required. In spring 2012 further material was brought on to the site and the land raised further.
- 2.4 In August 2012 Planning Committee authorised enforcement action in respect of the three breaches, following the failure of officers to achieve a negotiated solution with the tenant landlord through discussions in 2011 and 2012. Accordingly Enforcement Notices were served in October 2012 in respect of the trailer and the fence, requiring their removal, and investigations were undertaken in respect of the land raising and the impact of this on local hydrology and flooding.
- 2.5 Shortly after the serving of the Enforcement Notices, the District Councillor (Paul Rice) undertook to mediate between the tenant landlord and the LPA, advising that the tenant landlord was committed to resolving the matter informally and confident that a resolution could be achieved. Accordingly in November 2012 the Enforcement Notices were withdrawn.
- 2.6 Unfortunately, despite a number of site visits, meetings and correspondence, compliance was not achieved, although the height of the fence was reduced by approximately 45cm and the trellis removed from part of it. The imported material remained on site and there was again extensive flooding in Ferry Road in March 2013.
- 2.7 At its meeting on 13 September 2013 the Planning Committee resolved to serve an Enforcement Notice in respect of the trailer. The Committee accepted that the trailer provided essential storage capacity for the business, but it was considered that there were alternative storage options which could be pursued which would be more acceptable so a long compliance period was allowed in order to give time for these to be investigated and implemented. It was also resolved to take no action in respect of the fence and the land raising.

- 2.8 On 25 September 2013 the Enforcement Notice was served. This required the removal of the refrigerated trailer and the fencing surrounding it by 6 November 2015.
- 2.9 Various discussions took place with the tenant landowner in 2014 and 2015 around alternative storage options and/or the erection of a building to house the trailer, but no proposals were put forward, either formally or informally.
- 2.10 A site visit after the 6 November 2015 showed the trailer still in situ, surrounded by the fence.

3 Planning Breaches

- 3.1 On 10 December 2015 a site meeting was held with the tenant landlord, his manager and the landowner and the District Councillor. At this meeting the tenant landlord was clear that he was not intending to remove the refrigerated container as it provided essential food storage and he was not prepared to invest in an alternative structure whilst there remained a problem with flooding on the site. This attitude is regrettable, particularly given the long compliance period allowed. He also stated that the fence had been erected for health and safety reasons at the request of North Norfolk District Council.
- 3.2 During the site visit following the meeting it also became clear that there were other planning breaches, as follows:
- a) A portakabin has been installed to the rear of the premises, adjacent to the refrigerated trailer. The tenant landlord stated that North Norfolk District Council had required him to provide this as separate kitchen and eating facilities for his staff who live at the pub.
 - b) A static caravan has been installed to the rear of the premises, adjacent to the portakabin. The tenant landlord stated that this was used to provide seasonal staff accommodation.
 - c) A high level of signage at the premises, including highly illuminated signage on the riverfront elevation.
- 3.3 No planning or advertisement consent applications have been submitted for any of this development, nor have any informal approaches been made.
- 3.4 It was also noted that land around the pub was being used for the standing of various trucks and a playbus, plus a number of bouncy castles. Whilst these may not constitute 'development', as they are not fixed structures, the incremental increase in the number of structures around the pub is having an impact on its appearance.
- 3.5 There is also a touring caravan situated next to the static caravan. If this is being used for separate residential purposes it is likely to be a breach of planning control.

4 Planning Policies

- 4.1 The planning policies below are relevant to the consideration of the above breaches.
- 4.2 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 of this matter.

Adopted Core Strategy (2007)

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement

Adopted Development Management Policies (2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP4 – Design

DP26 – Permanent or temporary dwellings for agricultural, forestry or other workers

DP27 – Visitor and community facilities and services

DP29 - Flood risk

Adopted Site Specific Policies (2014)

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

HOR7 – Ferry Road, Horning

- 4.3 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 of this matter.

Adopted Core Strategy (2007)

CS20 – Flood risk

Adopted Development Management Policies (2011)

DP28 – Amenity

5 The Planning Breaches and the Next Steps

- 5.1 It is clear from section 3 above that some of the planning breaches on the site have been the subject of previous enforcement action (which has failed to secure compliance), whilst others are more recent. For the sake of clarity it is useful to consider each breach and the options for resolution individually:

The refrigerated trailer

- 5.2 The continued standing and use of the refrigerated trailer is in direct breach of the Enforcement Notice of September 2013. It is clear from his comments

and actions that the tenant landlord does not intend to remove it. Failure to comply with an Enforcement Notice is a criminal offence and punishable on conviction by an unlimited fine.

- 5.3 In situations of failure to comply with an Enforcement Notice, there are three main options for securing compliance, namely negotiation, prosecution and direct action. These will each have different timescales and costs, as well as differing prospects for success.
- 5.4 Looking first at negotiation, the tenant landowner has made it clear that he does not intend to remove the container as it provides his main food storage space for the pub, which has a busy restaurant. Given this and the fact that the retention of the container in its current form is not likely to be acceptable to the LPA due to its impact on the character and appearance of the area, there are likely to be fundamental obstacles to securing a mutually acceptable solution.
- 5.5 The second option is to prosecute the landowner for non-compliance with the Enforcement Notice. Non-compliance with an Enforcement Notice is a criminal offence and the landowner would suffer the consequence of this; in addition he would be likely to receive a fine. The timescales for achieving a prosecution are likely to range from six months if the landowner pleads 'guilty' to 18 months if a plea of 'not guilty' is entered and the matter goes to trial. It is estimated that the legal costs would be around £1,400 in the event of a 'guilty' plea, but considerably more if the matter were to go to trial. This is a matter where the defendant could choose to be tried in the magistrates' court or the crown court. The costs of a contested trial would be several thousand pounds and it is likely that junior Counsel would be required to assist. The costs of a trial in the crown court would be significantly greater than one in the magistrates' court but unfortunately no accurate figure of costs is feasible due to the varying factors not all of which are within the prosecution control such as venue choice, whether evidence is agreed or not, number of defence witnesses and suchlike. The prosecution advocate would of course seek to recover costs if successful, however the success of this will depend on unknown factors such as the views of the court on the day and the financial situation of the defendant.
- 5.6 It should also be noted that a successful prosecution would still not actually achieve compliance and the LPA would need to pursue the landowner further to have the site cleared, although it is recognised that a pending prosecution can be effective in prompting compliance.
- 5.7 The third option would be for the Local Planning Authority to take direct action under s.178 Town and Country Planning Act 1990 which states; 'S.178(1) Where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the local planning authority may – (a) enter the land and take the steps; and (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so'. The direct action would involve the removal of the container.

- 5.8 In considering direct action, the LPA must be mindful that this is an approach of last resort. It must be satisfied that the degree of harm to the interests protected by planning control justifies such action, that the action is required to uphold and enforce planning control embodied in the Enforcement Notice. Furthermore, it must consider the personal circumstances and impact on the individuals of removal.
- 5.9 In this case, the harm being perpetuated includes the harm to the protected landscape of the Broads and it is the case that in principle this would justify such action. The situation has persisted now for over 5 years and there has been no resolution through negotiation, so there is a need to bring the matter to a close both in order to remedy the harm and protect the credibility of the planning system. With regard to the impact on the tenant landlord, however, the forced removal of the refrigerated trailer and the storage it offers would be likely to have a very significant adverse impact on the business in the short time, and an on-going significant adverse impact until alternative storage could be found. Overall, therefore, whilst not wishing to underestimate or diminish the harm being caused to the protected landscape of the Broads by the unauthorised development, it is not considered that the use of direct action would be proportionate or capable of justification in this case at this time.
- 5.10 It is considered in this case that the prosecution route would be most expedient as this would further the LPA's objective of resolving the situation on site, without adversely and disproportionately impacting on the operation of the business at this time. The likelihood of a successful prosecution is high as the question for the Courts is simply a factual one - "Has there or has there not been compliance?". The LPA is also likely to be able to recover the costs of a successful prosecution. If the tenant landlord persists in the refusal to remove the container even after a successful prosecution, the LPA will be better able to justify direct action.

The Portakabin

- 5.11 The portakabin which has been installed is a standard unit measuring approximately 3m x 8m x 3m high. It is located next to the refrigerated container and is understood to provide kitchen and amenity accommodation for staff. It is a wholly utilitarian structure which, whilst partly concealed in longer views by the closeboarded fence on the boundary with Ferry Marina, does not make a positive contribution to the character and appearance of the Conservation Area.
- 5.12 The tenant landlord has advised that he was required to install it by the Environmental Protection team at North Norfolk District Council as the pub is treated as a House in Multiple Occupation (HMO) due to the number of staff who live there. The Environmental Protection team at North Norfolk District Council advise that for reasons of food safety and hygiene the pub staff are not permitted to use the pub kitchen for the cooking of their own meals. They advise that usually one set of separate kitchen facilities is required per 5 staff residents, but they have relaxed this requirement here as the staff do have some meals provided for them. They have not 'required' the facility (which

offers only a microwave and a seating area in any case) to be located in the portakabin and there is no reason it could not be provided within the main building, indeed there was formerly a kitchen on the first floor but this has been converted to a bedroom.

- 5.13 In considering how to address this particular breach, it is useful to look at the purpose and need for the structure. The tenant landlord has advised that in the main season he employs up to 40 staff and he needs to provide them with appropriate facilities, including a separate kitchen and eating area. Whilst the staffing requirements and arrangements for a business are not a matter for the planning process, there is a land use dimension where these requirements and arrangements purportedly result in a need for on-site accommodation which can only be provided in separate structures. In the normal process of considering the acceptability of such structures (ie through the planning process on receipt of a planning application), an LPA could reasonably expect to see details of the need for the accommodation, an explanation of what other options had been considered and a justification for the proposed solution. In this sort of situation, where the LPA is dealing with breach of planning control, no such information is available nor has it been presented in any of the discussions.
- 5.14 The Ferry Inn is a substantial building which has undergone extensive internal refurbishment in the last 5 years. On the ground floor it comprises a large main bar with tables and seating, a large separate restaurant/carvery area, a large riverside lounge with further tables and seating and an american style brasserie bar; in total the premises have a floor area of approximately 700 m2. The kitchen, service areas and toilets are also on the ground floor. Given the size of the accommodation available, it is considered unlikely that 24m2 (the size of the portakabin) of space cannot be made available for the provision of essential staff facilities and it is noted that the former kitchen on the first floor has been converted to a bedroom.
- 5.15 Development plan policies seek to allow extensions to existing facilities where this is required and will support the viability of the community, and, inter alia, where there would be no policy conflict. In this case, it has not been demonstrated that staff facilities cannot be provided within the existing building, nor that this purported need outweighs the adverse impact the structure has on the character and appearance of the Conservation Area. It is recommended that an Enforcement Notice be served to require the removal of the structure.

The static caravan

- 5.16 The static caravan which has been installed is a standard unit measuring approximately 2.5m x 8m x 3m high. It is located next to the Portakabin and is understood to provide additional sleeping accommodation for staff. As with the portakabin, it benefits from the screening provided by the closeboarded fence but overall does not make a positive contribution to the character and appearance of the Conservation Area.

- 5.17 As at 5.13 above, in considering how to address this particular breach, it is useful to look at the use to which the structure is being put. The tenant landlord has advised that in the main season he employs up to 40 staff and he cannot accommodate them all in the pub building, so the static caravan is used as additional staff accommodation.
- 5.18 Development plan policies seek to allow temporary accommodation for rural workers, including in mobile homes, where there is a functional need for a worker to live at or very close to their place of work and this functional need cannot be met either by an existing dwelling on the site or in the locality. In this case, it is apparent that the existing accommodation in the main pub premises is already being used for staff accommodation, so there does not appear to be any functional need for the additional accommodation; additionally, the site is on the edge of Horning village where there is accommodation available for rent or purchase. The standing and use of the static caravan is contrary to the provisions of the development plan and it is recommended that an Enforcement Notice be served to require the removal of the structure.

Signage and lighting

- 5.19 The exterior of the premises are the subject of a high level of signage, including banner signs, fascia lettering and projecting signs. Other than permitted exceptions, the installation of signs requires express consent under The Town and Country Planning (Control of Advertisement) Regulations 2007. These also make it a criminal offence to install signs without the appropriate permissions, however typically LPAs tend not to take action other than against the most intrusive of signs. This is usually for reasons of resources, rather than an acquiescence.
- 5.20 The unlawful signs at The Ferry Inn are not atypical of commercial signs in the Broads. What marks The Ferry Inn out, however, is the high level of illumination of these signs (and the building more generally) which results in a striking neon presence at night, which is visible for some considerable distance.
- 5.21 In considering how to address this particular breach, it is useful to consider what the LPA is seeking to achieve here. Whilst the signs are unlawful, unless the Authority wishes to address all unlawful signs across the whole area, any action here would be seen to be inconsistent and it may be better to address signage on a more comprehensive basis when priorities allow. Very significant improvements, however, could be made to the overall over illumination of the premises and this might be best approached through negotiation.

Other issues

- 5.22 Investigations in respect of the position with regard to the standing of vehicles, the playbus, bouncy castles and touring caravan are currently ongoing and Members will be updated verbally.

6 Summary

- 6.1 This is a site where there is a long history of breaches of planning control and where there has been no progress made towards resolution, despite a lot of engagement and assistance from officers and the District Councillor. On the contrary, the breaches have increased.
- 6.2 Furthermore, the breaches have not been committed in error, but are deliberate. In September 2015 the Government announced their concern about the "harm that is caused where the development of land has been undertaken in advance of obtaining planning permission", introducing a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals.
- 6.3 In this case, it is not considered that the development which has taken place is acceptable and the deliberate nature of the breaches reinforces the justification for seeking to bring the matter to an end.

7 Financial Implications

- 7.1 There are will be legal costs associated directly with this course of action.

8 Recommendation

- 8.1 It is recommended that prosecution proceedings be instigated in respect of the refrigerated trailer and Enforcement Notices be served in respect of the Portakabin and the static caravan.
- 8.2 Members' views on how to progress the matter of the signage and lighting are sought.

Background papers: Enforcement File

Author: Cally Smith
Date of report: 25 January 2016

Appendices: APPENDIX 1 - Site plan

**Enforcement of Planning Control
Enforcement Item for Consideration
Eagles Nest, Ferry Road, Horning
Unauthorised Use of Boathouse as Holiday Accommodation
Report by Planning Officer (Compliance and Implementation)**

Summary:	Unauthorised use of boathouse as holiday accommodation.
Recommendation:	That authorisation is granted for the issuing of a Breach of Condition Notice and for prosecution (in consultation with the solicitor) in the event that the Breach of Condition Notice is not complied with.

Location: Eagles Nest, Ferry Road, Horning

1 Background

- 1.1 The site is located between Ferry Road and the River Bure within the village of Horning and comprises a detached wet boathouse sited within the curtilage of Eagle Cottage, a dwelling operated as a holiday-let along with many of the surrounding dwellings. The boathouse is sited within a mooring basin and provides mooring for boats associated with nearby holiday-let properties. These properties – Kingline Cottages – are situated south west of the site and are within the same ownership. The site is outside the development boundary and in flood risk zone 3.
- 1.2 In 2010 planning permission was granted for the boathouse as a replacement of an existing single storey boathouse (BA/2010/0012/FUL). The replacement boathouse included a utility area at the rear of the wet dock to be used in connection with the holiday-let business. Whilst the height of the building and pitch of the roof gave a large volume of space over the wet dock, no first floor was proposed nor any means of access to the roof space. The approved application followed two refused applications which had proposed a sail loft at first floor level.

- 1.3 Condition 6 of the permission specifies what the development can be used for:

“The boathouse hereby permitted is to be used solely for the mooring of boats and storage of equipment required for a purpose incidental to the use of the boathouse for mooring boat and the utility area shall only be used in connection with the holiday properties of Eagle Cottage and Kingline Cottages.”

- 1.4 In December 2015 the Authority was made aware that the first floor level of the boathouse was being advertised as holiday accommodation as Eagles Nest in Horning. The landowner was away at the time, but it could be seen from the outside that comfortable accommodation was being provided and a phone call from the owner on his return confirmed that he was using it for holiday accommodation.
- 1.5 In January 2016 Officers visited the owner at the site where he claimed the internal structures of the accommodation were added around the time of the initial build in 2010.
- 1.6 It is also noted the boathouse has not been built in accordance with the approved materials. A composite boarding has been used to clad the walls and white UPVC windows have been installed. Timber boarding and windows were approved.

2 The Planning Breaches

- 2.1 The planning permission for the replacement boathouse did not include a first floor and does not allow for any use other than mooring of boats, storage of equipment and the utility area to serve the existing holiday lets. Use as holiday accommodation is contrary to condition 6.
- 2.2 In the assessment of the proposed boathouse it was noted *“Any intensification of the use of the building above that which is proposed, particularly residential or holiday accommodation would not be considered appropriate. It is therefore considered necessary to restrict the use of the boathouse by means of condition and, subject to this, there is not considered to be any significant adverse impact on residential amenity”*.
- 2.3 The application was determined in 2010 when the policies of the 1997 Broads Local Plan applied, including Policy B12 which addressed private boathouses in the curtilage of dwellinghouses. This policy did not allow for the provision of any residential accommodation. Condition 6 was applied in accordance with this policy and in the interests of protecting residential amenity (Local Plan Policy H11). The site is also in flood risk zone 3, where holiday accommodation is unlikely to be acceptable in flood risk terms.
- 2.4 The Local Plan policies which applied to this development have all been superseded by the Development Management Policies and there is no direct replacement of Policy B12. Policy DP14 identifies where new holiday accommodation may be appropriate. Outside development boundaries, sites which are closely associated with, amongst other developments, groups of holiday dwellings are identified as being appropriate locations. Accordingly, as the site is part of the wider Kingline Cottages holiday business, the location may be considered acceptable in principle accordance with Policy DP14.
- 2.5 Whilst the location may be broadly acceptable for holiday accommodation, there are site specific factors which would constrain such a use, including

flood risk, water quality, highway safety and amenity, so the condition remains necessary.

- 2.6 It is evident that a first floor has been provided, fitted out as residential accommodation and is being let for holiday use. The development is clearly in breach of condition 6.

- 2.7 With regard to the materials, condition 3 of the permission required:

“Prior to the commencement of the development hereby permitted, precise details of the materials and colours to be used in the construction of the external walls, roof and roller shutter door of the boathouse hereby permitted shall be submitted to and approved by the Local Planning Authority in writing. The development shall then be constructed and retained in full accordance with the approved details in perpetuity.”

- 2.8 In the assessment of the proposal, the 2010 Committee report noted:

“The previous applications proposed wood effect fibre-cement weatherboarding which was considered to further contribute to the prominence of the large building in the local area. Feather edged timber boarding is now proposed which would weather over time to become more recessive and soften the appearance of the building. The materials are therefore considered to be acceptable.”

- 2.9 Condition 3 required the precise materials to be agreed prior to commencement to ensure they were acceptable.

- 2.10 In discharging condition 3 it was agreed the exterior cladding would be black feather board finish (timber) and the windows would be white timber. The development has been constructed with black composite boarding and white UPVC windows; these are not the approved materials. The development is therefore in breach of condition 3.

3 Proposed Next Steps

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

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

- 3.2 Further to this, the Broads Authority has recently prepared a local Enforcement Plan, which sets out its approach to planning enforcement. It outlines the four main principles it will be guided by when looking at unauthorised development – expediency, proportionality, consistency and negotiation. These will be used when deciding whether or not to take any action in respect of a planning breach. It should be noted that enforcement action is not mandatory, but is at the discretion of the Local Planning Authority (LPA) and the LPA must decide whether or not it is expedient to take such action, having regard to the provisions of the development plan and to any other material considerations. In determining expediency, an LPA needs to be mindful of the harm that is being caused by the breach and the acceptability in planning terms of what is being undertaken.
- 3.3 In this case, the conversion of the first floor of the boatshed to holiday accommodation is contrary to development plan policy and would be unlikely to be granted planning permission, were an application to be submitted, for reasons including flood risk and inadequacy of the access and parking arrangements. The deliberate nature of the breach would also be a material consideration in the determination of any application.
- 3.4 The landowner maintains that the holiday accommodation has been in situ since the building was first constructed in 2010, and the use is therefore past the statutory period of four years in which enforcement action can be taken. He has, however, been unable to provide any documentary evidence to support this assertion and the LPA has been separately advised that the conversion works took place in 2015. This is supported by the Council Tax records from North Norfolk District Council and the LPA is satisfied that the breach commenced in 2015.
- 3.5 Given that the development is unacceptable in policy terms, it is necessary to consider the proportionality of any remedy. Clearly it would be inappropriate – and disproportionate – to require the removal of the building as it is acceptable as a storage and ancillary building. A remedy which required the removal of the fittings which facilitate the holiday use would be proportionate and could be justified.
- 3.6 There are no material planning considerations which outweigh the planning policy here, and in terms of over-riding issues of public interest, clearly there is public benefit in upholding public confidence in the planning system. On this basis, it is recommended that formal action be taken against the unauthorised use.
- 3.7 With regard to the materials which have been used, these are not as agreed – with the exterior cladding being black composite boarding instead of a black feather board finish in timber and the windows constructed in white UPVC instead of white timber. Neither material would have been considered acceptable in this prominent location on Ferry Road in Horning had it been proposed in an application, however an assessment must now be made of the

expediency of any remedy, weighing the harm against the benefits of seeking its removal.

- 3.8 Looking first at the windows, there is a preponderance of UPVC windows in the area, of varying styles and qualities. Whilst UPVC is regularly resisted in the Broads, for reasons including its poor inherent sustainability and invariably clumsy profile, there are locations where its use is less undesirable than in others. In this case, the windows are relatively small, of a very plain style and mainly are located on the first floor, where the visual impact is mitigated by distance. Their retention, whilst regrettable, does not conflict significantly with development plan policies around design and their replacement with timber could not, on balance, be justified as expedient or proportionate.
- 3.9 The cladding, however, is a different matter, being visually prominent on the highway elevation and extending across the entire building. The use of composite boarding is firmly resisted in the Broads, indeed a recent application in the immediate area has been amended to show timber boarding instead of composite, so the need for consistency is important in order not to set a precedent or undermine the policy. On this basis, it is considered expedient to enforce the provisions of condition 3 with regard to the boarding.
- 3.10 There has been a clear and deliberate breach of planning control and it is proposed to serve Breach of Condition Notices in respect of each matter.

4 Financial implications

- 4.1 There will be financial implications resulting from the legal input required.

5 Recommendation

- 5.1 It is recommended that a Breach of Condition Notice be served in respect of:
- (i) Condition 3 requiring the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and
 - (ii) Condition 6 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.

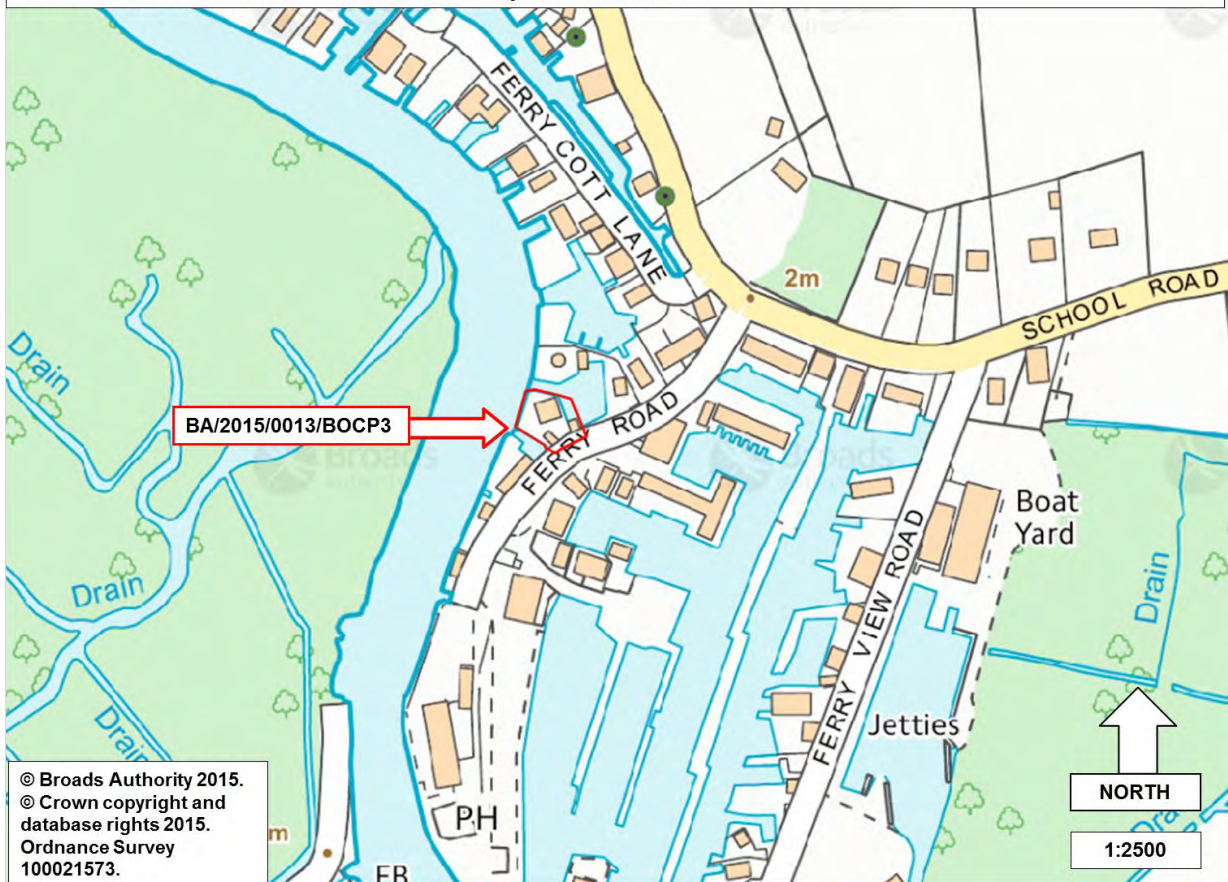
Background papers: BA/2015/0013/BOCP3

Author: Sophie Evans
Date of report: 12 June 2016

Appendices: APPENDIX 1 - Site plan

APPENDIX 1

BA/2015/0013/BOCP3 - Use of Boathouse as Holiday Accommodation.



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

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

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

1 Site and Location

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

2 Planning History

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

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

3 The Planning Breaches

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

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

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

4 Action Proposed

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

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

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

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

5 Financial Implications

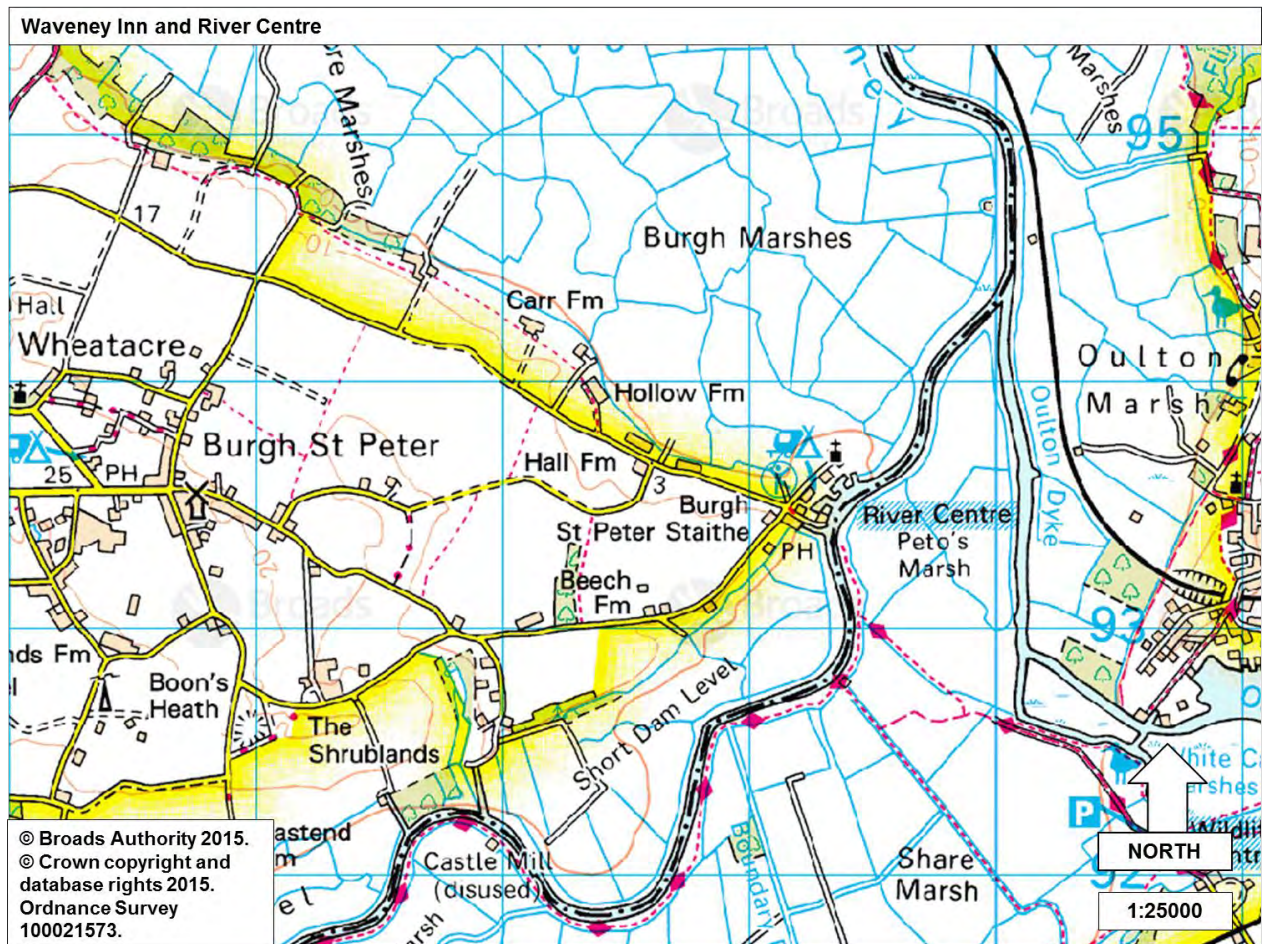
- 5.1 There are currently no known legal costs associated directly with this course of action.

Background papers: Previous planning applications

Author: Cally Smith
Date of report: 10 June 2016

Appendices: APPENDIX 1 - Site plan

APPENDIX 1



Enforcement of Planning Control
Enforcement Item for Noting:
No.1 & No.2 Manor Farm House, Oby
Report by Head of Planning

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

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

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

1 Background

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

- 1.6 In January 2015 the Authority was advised that a manufacturer for the windows had been identified and an order had been placed.
- 1.7 In March 2015 a site visit was undertaken and it was noted that three uPVC doors had been replaced with appropriate timber replacements. The owner advised that two replacement window frames had also been manufactured and they were currently waiting for a suitable weather window for them to be fitted. The Authority was advised that the work was expected to be completed in early April.
- 1.8 A report was taken to Planning Committee on 2 April 2015 advising of the above.
- 1.9 At the end of April 2015 the site was re-visited and it was confirmed that the 2 additional timber windows had been installed. In total 3 doors and 2 windows have been replaced.

2 Update Since 2 April 2015

- 2.1 It is acknowledged that there is a 10 year period for compliance. Five of the 28 apertures that require replacing have been completed to date (approximately 18%). In April 2016 however the agent advised that no further work had yet been undertaken.
- 2.2 At May 2016 therefore the position is that approximately a fifth of the required work has been completed within a fifth of the time allowed for compliance.
- 2.3 In order to achieve compliance this means an average of 3 apertures a year for the remaining 8 years will need replacement windows or doors fitted. As at May 2016 the Applicant is still meeting that requirement however there will need to be movement this year in order to maintain the momentum of the previous 2 years.
- 2.4 Whilst technically the Applicant could wait until year 10 before completing the work it would in reality be beneficial to work with and encourage the Applicant to maintain momentum so as not to face too onerous a task at the point at which compliance needs to be achieved.
- 2.5 It is suggested that Officers contact and or meet with the Applicant to discuss the schedule going forward to ensure that the agreed 10 year programme for compliance is achieved.
- 2.6 Officers are aware that there continue to be issues surrounding the health of the applicant and that negotiations will need to be carried out sensitively.

3 Conclusion

- 3.1 The progress on this long standing case is welcomed, however, Members' endorsement is sought on continuing discussions with the Applicant in order to maintain momentum with the agreed programme of work.
- 3.2 Officers will continue to monitor the site and bring a report to Planning Committee at 6 monthly intervals.

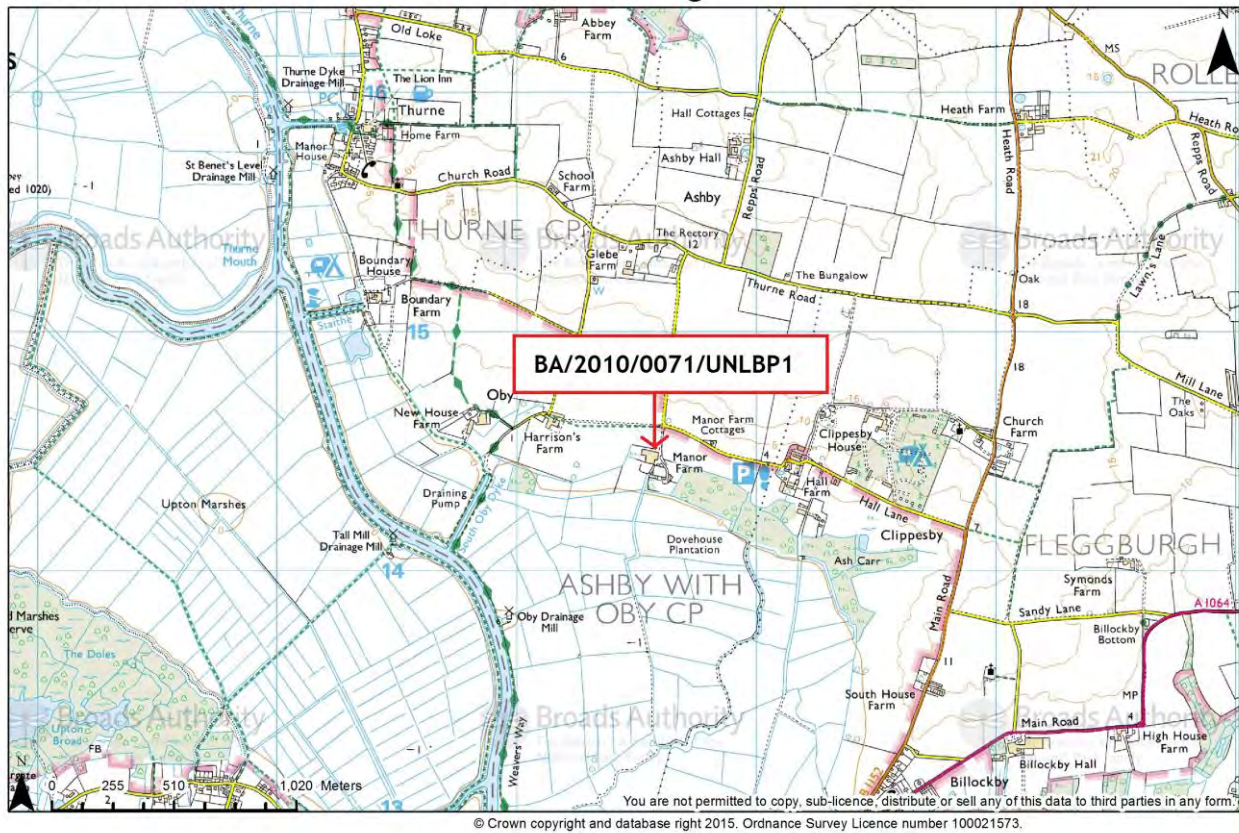
Background papers: Broads Authority DC Enforcement File BA/2010/0071/UNLBP1

Author: Cally Smith
Date of report: 14 June 2016.

Appendices: APPENDIX 1 - Site Map

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

APPENDIX 1



Broads Local Plan – (June) Bite Size Pieces

Report by Planning Policy Officer

Summary: This report introduces the following topics of the Preferred Options Local Plan: amenity, open space in Ditchingham and Horning, rail stations, future recreation routes, recreation car parking areas and includes proposed amendments to some of the adopted Site Specific policies.

Recommendation: Members' views are requested.

1 Introduction

- 1.1 This bite-size piece of the Preferred Options discusses amenity, open space in Ditchingham and Horning, rail stations, future recreation routes, recreation car parking areas and includes proposed amendments to some of the adopted Site Specific policies. The report summarises the proposed policy approach and the detailed documents are attached in Appendices to the report.
- 1.2 Members' views are requested to inform the draft policy approach in the Preferred Options.
- 1.3 It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the time the final version is presented to Planning Committee in November 2016.

2 Amenity

- 2.1 The current policy is rolled forward and refreshed and included at Appendix A.

3 Ditchingham Maltings Open Space

- 3.1 The current allocation for dwellings, as set out in the Sites Specifics Local Plan, has been completed and built out. This new policy (see Appendix B) seeks to protect the open space, Alma Beck and habitat area, in line with other similar open space policies in the Sites Specifics Local Plan (discussed in Appendix G). Much of the habitat area is within South Norfolk district and their policy team have been contacted regarding the potential for them to allocate the remaining area in their future local plan.

4 Horning Private Open Space

- 4.1 Linked to the tracked changes of the current site specifics, the policy as proposed acknowledges the importance the pub garden makes to the village as well as acknowledging it as private open space for the customers of the pub. The proposed policy is set out at Appendix C.

5 Rail Stations/halts

- 5.1 This new policy seeks to allocate the rail stations or halts in the Broads Authority Executive Area and sets criteria for any proposals to address. The proposed policy is set out at Appendix D.

6 Future Recreation Routes

- 6.1 The current policy which covers Haddiscoe to Beccles Railway Track is rolled forward and amended to include two other disused railway tracks which also have the potential to be recreation routes. The proposed policy is set out at Appendix E.

7 Recreation Car Parks

- 7.1 Because facilities like new footpaths and canoe slipways are often accessed by car, this policy covers the provision of small car parking areas. The proposed policy is set out in Appendix E.

8 Tracked changes to the adopted Site Specific Policies

- 8.1 Many of the principles of the existing policies in the Sites Specifics Local Plan (2014) are still relevant for the new Local Plan, but may require some amendments. Experience of using these policies assists with these judgements. The amendments that are proposed to the existing policies in the Sites Specifics Local Plan (2014) are shown using tracked changes.
- 8.2 It is important to note that not all of the site specific policies are in this month's Planning Committee report. The reasons are set out in the introductory table at Appendix F.
- 8.3 It is also important to emphasise that the policies as set out in the adopted Sites Specifics Local Plan 2014 are in place and the proposed changes are not adopted policy at the moment. Planning applications will be judged against the 2014 Sites Specifics Local Plan and not these amended policies until the new policies are adopted.

9 Financial Implications

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

Background papers: None

Author: Natalie Beal
Date of report: 7 June 2016

Appendices: APPENDIX A – Draft Amenity policy
APPENDIX B – Draft Ditchingham Maltings Open Space policy
APPENDIX C – Draft Horning Private Open Space policy
APPENDIX D – Draft Rail Stations policy
APPENDIX E – Draft Future Recreation Routes policy
APPENDIX E – Recreation Car Parking Areas policy

APPENDIX F – Draft amendments to current site specific policies
<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-24-june-2016>

Proposed Policy POX - Amenity

All new development, including alterations and extensions to existing buildings, will be expected to provide the occupiers/users with a satisfactory level of amenity. Development will not be permitted if it would have an unacceptable impact on the amenity of existing or potential neighbouring properties or uses.

When assessing the impact of the occupation, operation and construction of a development on amenity, consideration will be given to:

- a) Overlooking of windows of habitable rooms and private amenity space;
- b) Overshadowing of private amenity space;
- c) Loss of daylight and/or sunlight to existing windows of habitable rooms;
- d) Overbearing impact/visual dominance;
- e) Light pollution;
- f) Airborne pollutants;
- g) Odours;
- h) Noise pollution and disturbance;
- i) Vibration;
- j) Insects and vermin; and
- k) Provision of a satisfactory and usable external amenity space to residential properties in keeping with the character of immediate surrounding development.

Where existing amenity is poor, improvements will be sought in connection with any development.

Reasoned Justification

Protecting the amenity of both the future occupiers of new development and the occupiers of existing developments is vital for the sustainability of communities in the Broads. The NPPF says, at Paragraph 17 '*...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'.

Amenity can include many factors, such as traffic, smell, loss of privacy, outlook, noise and overlooking. Policy x lists the general issues that should be taken into account by applicants advancing specific development proposals for planning approval and by the Broads Authority in its role as Local Planning Authority, determining planning applications in consultation with local communities and stakeholders.

This policy applies to situations where new development would affect the amenity of an existing land use as well as where a new development may lead to complaints about an existing land use that are not currently an issue because there are not any neighbours.

Proximity to waste management and mineral sites can lead to amenity issues. As such the Authority will liaise with Norfolk and Suffolk County Councils for sites that are near to mineral and waste sites in line with Policy CS16 of the Norfolk County Council Minerals and Waste Core Strategy, policy WDM1 of the Suffolk County Council Waste Core Strategy and Policy 5 of the Suffolk Minerals Core Strategy.

Reasonable alternatives

No policy: The alternative option to the policy above is to not include a specific policy on amenity. This approach was rejected as the Authority considers that promoting the principles of amenity is important in the context of the Broads and sustainable development.

Comments received as part of the Issues and Options

None

Sustainability Appraisal Summary

Preferred Option: xx

No policy: xx

Evidence used to inform this section

Monitoring Indicators

DRAFT

Policy x – Ditchingham Maltings Open Space, Habitat Area and Alma Beck

The areas defined on the policies maps (including Alma Beck) shall be protected as open space and habitat area.

The area allocated as open space will be kept open because of ~~for~~ its contribution to amenity, townscape and recreation as well as providing an important pedestrian link from Ditchingham Dam through the site to the crossing of the A143 into Ditchingham.

The habitat area will be conserved and enhanced for its contribution to the landscape, its wildlife and openness.

Reasoned justification

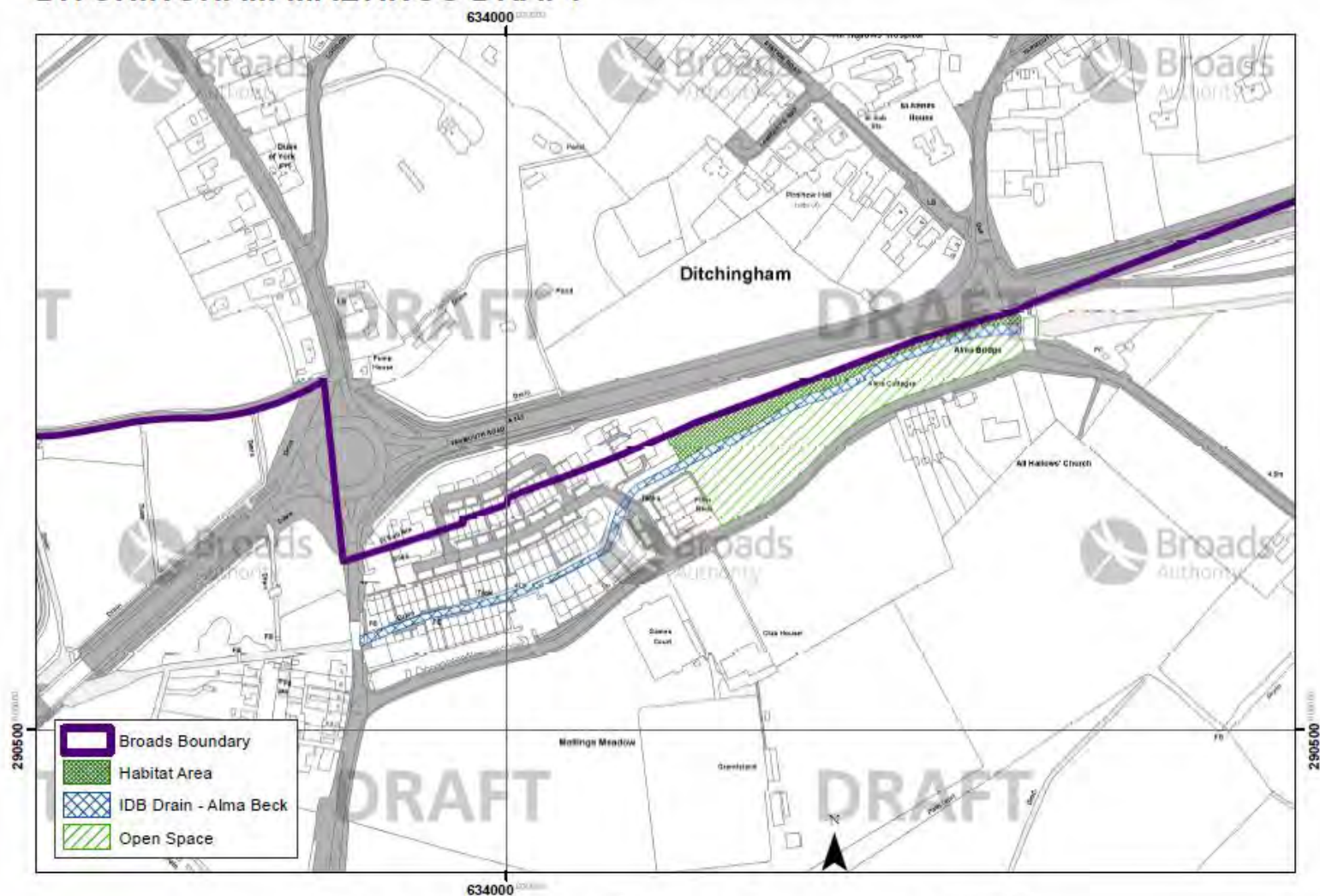
The habitat and open space areas were provided as part of the Ditchingham Maltings major development, completed in 2016.

Both areas contribute to the character of the area, with the open space providing space for residents and visitors to play and use for informal recreation. The open space also acts as an important pedestrian link through the site linking Ditchingham Dam to Ditchingham and the services and facilities the village offers.

The habitat area benefits wildlife on the site by retaining, enhancing and creating habitats and maintaining favourable conservation status of bat species. Much of this habitat area falls outside of the Broads Authority Executive Area and South Norfolk District Council have been contacted with regards to allocating the rest of the habitat areas in their future Local Plan.

Alma Beck forms part of the open space and habitat area allocation because of ~~offer~~ its contribution to the amenity, recreation and biodiversity value of the area. It is an Internal Drainage Board drain maintained for its drainage function and enhanced for its importance to wildlife.

DITCHINGHAM MALTINGS DRAFT



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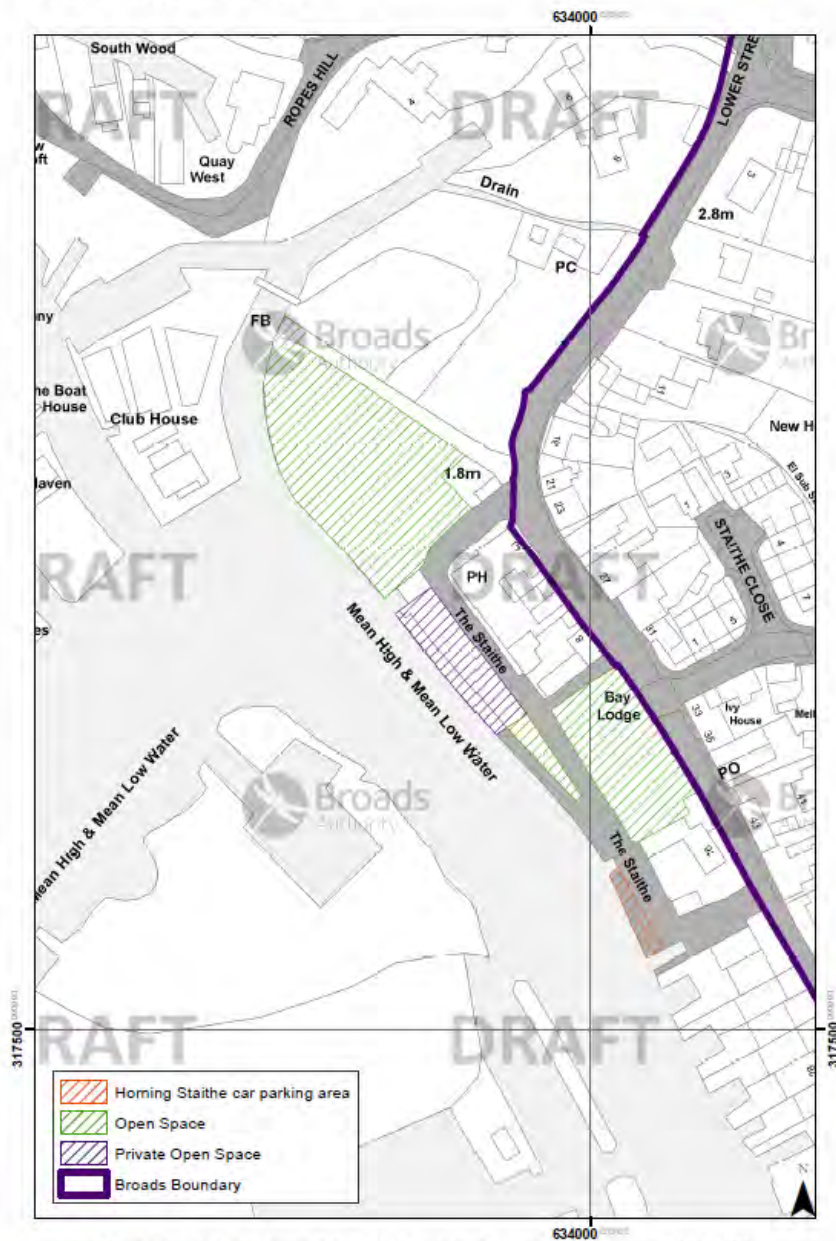
Policy x: Private Open Space

The area marked on the policies map will be retained as private open space for its contributions to the character and appearance of the village.

Reasoned Justification

At the time of writing, this area of Horning was a pub garden. As such, this is not public open space as access onto this private land is only for paying customers of the pub. This landscaped open space does add to the character and attractiveness of the staithe and will be retained in this generally open and attractive state for the benefit of pub users as well as for the quaint appearance of this area to those on both land and water.

HORNING DRAFT



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Policy x – railway stations/halts

Map x

The following railway stations/halts, identified on the Adopted Policies Map, will be protected in their railway station use as key parts of the local railway network:

- Berney Arms rail halt
- Haddiscoe rail halt
- Somerleyton southern platform
- Buckenham Station
- Hoveton and Wroxham Station

The Authority will support appropriate and well-designed proposals which:

- contribute to their continued/improved use
- improve the visual impact
- address light pollution
- aid interpretation of the local area
- provide improved facilities for passengers
- improve access by sustainable modes of transport

Constraints

Flood zone 2 and 3 (EA Mapping) (except Hoveton and Wroxham Station)

Buckenham Station: near to Mid Yare National Nature Reserve, Broadland Ramsar Site, Yare Broads and Marshes SSSI, The Broads SAC, Broadlans SPA.

Berney Arms Halt: Halvergate Marshes SSSI, Breydon Water SPA, Breydon Water Ramsar Site

Reasoned Justification

There are five railway stations/halts (or parts of) within the Broads Authority Executive Area and these are shown on the policies map. These are:

- Berney Arms rail halt
- Haddiscoe rail halt
- Somerleyton southern platform
- Buckenham Station
- Hoveton and Wroxham Station

Whilst some stations are used by more passengers than others, all of them are important to the local community and visitors to the area. The more remote stations/halts offer a unique opportunity for visitors to access the wilder parts of the Broads and to do this without the need for a private car.

The policy seeks retention as railway stops as well as supporting appropriate improvements to the facilities which reflect, but do not impact on, the special qualities of the Broads.

In relation to improving access by sustainable modes of transport, example improvements could include the provision of well-designed and located secure cycle parking facilities and electric charging points for electric vehicles.

DRAFT

APPENDIX E

Policy X - Former rail trackways

Map – see appendix x

That part of the former railway track beds identified on the Adopted Policies Map will be protected for their potential for walking, cycling, or horse-riding routes. Development which could prevent such a use would not be permitted while use for walking, cycling or horse-riding remains a potential.

Path or route creation must avoid harm to:

- the sensitive designated habitats and species in the vicinity; and
- the landscape

Any route signage or interpretation is expected to be well designed, kept to a minimum and positioned to ensure a minimal landscape impact.

CONSTRAINTS & FEATURES

Flood risk (zones 2 & 3 by EA mapping; zone 3b by SFRA 2007 mapping).

Parts within CWS and adjacent to SPA, SAC and Ramsar site.

Reasoned Justification

The routes are:

- Haddiscoe to Beccles
- Beccles to Ditchingham
- Great Yarmouth to Fritton

The Integrated Access Strategy has identified the potential for remnant disused railway lines to add to the access provision the Broads can offer particularly with regard to improving cycle route links and bridleway routes (there are only 17km of Bridleways in the Broads Executive Area). Lines include the Haddiscoe to Aldeby line, the Beccles to Ellingham line and the Gt Yarmouth to Fritton line. Establishing routes for walkers, cyclists and horse riding on these disused railways which are linked to the rural road network would improve opportunities for recreation and enjoyment of the Broads. In the case of cycling, it will help deliver the Government's cycling ambition in the national parks programme which seeks to improve access to and in and around national parks by cycle.

The recreational potential of these routes (or parts of them) have long been noted, and Norfolk and Suffolk County Councils support their protection for these purposes. In view of the importance of recreation to the Broads (including the statutory purpose of enjoyment), and the desirability of developing the tourism and recreational potential of the southern Broads, these routes are protected.

Please note they are no longer protected for future rail use as both County Councils, who are the transport authorities for the area, advise there is no realistic prospect of this happening in the foreseeable future.

It is important to note that there are sections of these routes that are outside of the Broads Authority Executive Area. The relevant authorities have been contacted and asked to

APPENDIX E

consider protecting the routes in their Local Planning Authority areas in a similar way to this policy.

Such routes will benefit from the presence and proximity of various wildlife and habitats associated designations (the line passes through the Beccles Marshes Suffolk County Wildlife Site, and adjacent to SAC, SPA, and Ramsar site), but will need to have regard to their sensitivities in the creation, alignment and management of such routes. Impact of any changes to these routes on the landscape of the Broads is also an important consideration. Furthermore, the provision of signage and interpretation should only be what is necessary to promote and direct along the route, but again not impact on the landscape of the Broads.

Alternative Options

Comments received as part of the Issues and Options:

South Norfolk Council considers that the safeguarding of future recreation routes is important for recreation and connectivity. There are potential links to schemes that impact on South Norfolk e.g. Angles Way, Waveney Valley with the potential to work together under Duty to Cooperate. There is concern about the long term management and maintenance of some routes.

Great Yarmouth Borough Council is sympathetic to the proposal to protect the remaining undeveloped parts of the former railway trackway between Great Yarmouth and Fritton/St.Olaves. The Borough Council is keen to work with the Broads Authority to explore the recreational potential of these routes, and will consider protecting those parts of the route within the Borough Council's planning area in its own future Local Plan documents.

IWA supports safeguarding routes.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

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Policy x – Recreation Facilities Parking Areas

Proposals for slipways, boat launches and recreation routes are required to consider how users will access these facilities with access by public transport, walking and cycling being preferred where practicable.

If these recreation facilities are to be accessed by vehicles or bicycles, consideration needs to be given to where these vehicles, trailers and bicycles can be safely parked.

Limited provision for parking of cars (including trailers) and bicycles to enable usage of the facility will be supported if proposals adequately address the following:

- Recreation facility is readily accessible from the parking area
- The parking area is of an appropriate **and commensurate** size for the facility it serves
- High quality design of surface, landscaping and boundary treatments
- Safe access and visibility into and out of the parking area can be achieved
- **Avoiding harm to the sensitive designated habitats and species in the vicinity**
- **Avoiding harm to the local landscape**

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Reasoned Justification

In line with policies xxx, facilities should be located where they can be accessed by walking, cycling or public transport.

In order to improve facilities that provide tourism and access benefits there are some circumstances where provision of parking facilities is essential and in others desirable. For example canoes and boats tend to be transported to slipways by a motor vehicle so the canoeist/boater requires somewhere to leave their vehicle and trailer. Equally the provision of a new facility like a footpath (such as the Wherryman's Way) may result in increased car use by people wanting to get to the path as bus services may not drop off near to the access point.

Proposals are required to consider how users will access the facility and consequently where modes of transport will be parked. When deciding on the location of a recreation facility its accessibility by public transport, cycle and walking is a key consideration. If a car needs to be used, opportunities for utilising existing parking in the vicinity of the facility with the agreement of the landowner should be explored.

Parking areas will need to be designed in a way that is acceptable in the Broads. They also do not need to be immediately by the particular attraction. A short walk from the car park to the access point is acceptable. Parking areas will also need to meet the safety requirements of the Local Highways Authority. Of relevance are the policies on landscaping in particular. See policy x.

Please note that it is not intended that parking standards relating to development such as employment or residential land uses are addressed through this policy approach. This section relates more to the location and design of car parking related to slipways and footpaths. The parking design standards of Suffolk and Norfolk County Councils remain in place.

APPENDIX E

Alternative Options

Comments received as part of the Issues and Options:

None.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

DRAFT

APPENDIX E

Appendix x: Former Railway Tracks

DRAFT

Sustainability Appraisal Objectives: Focused Consultation Responses
Report by Planning Policy Officer

Summary: A four week consultation on some minor amendments to the Sustainability Appraisal Objectives has been completed. The report informs Members of the responses received.

Recommendation: To amend the Sustainability Appraisal Objectives as set out at section 4 of this report.

1 Introduction

- 1.1 The Sustainability Appraisal (SA) was initially scoped in November 2014¹. After using the SA Objectives at the first stage of producing the Local Plan² and also using them in relation to assessing flood risk, it has become apparent that two of the SA Objectives could be improved to be clearer in their wording as well as more consistent with the NPPF. In particular, SOC6 as worded could only be applied to the provision of new services rather than assessing the location of a site and its accessibility to existing services.

2 The Proposed Amendments.

- 2.1 The two SA Objectives it is proposed to improve are:

- SOC6: To improve the quality, range and accessibility of community services and facilities
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness

- 2.2 The proposed new SA objectives (which were consulted on) are:

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

¹ The Sustainability Scoping Report is here: <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>

² The Interim Sustainability Scoping Report (Feb 2016) is here: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0011/710858/Broads-Local-Plan-Issues-and-Options-Interim-SA-Final.pdf

- 2.3 The following organisations were invited to comment: Environment Agency, Historic England, Natural England, our district and county councils, RSPB, New Anglia LEP, Wild Anglia and Marine Management Organisation.

3 Comments received

Organisation	Comment	Broads Authority Response
Natural England	No comments	Noted.
Norfolk County Council	Support changes.	Support noted.
North Norfolk District Council	It is the decision making criteria that are important in the applying the objective and it is felt that there is no need to split Objective SOC6 into two separate objectives. In doing so you are making the SA objectives very specific and perhaps limit. Overall from the appendix 5 in the scoping report it can be seen that the decision making criteria / prompting questions adequacy cover accessibility and cover this specific point.	The decision making criteria do allow for the accessibility objective to be interpreted both ways – i.e. is it a new service that is located in a sustainable location or is the allocation for, say, dwellings in a location well related to services? But the SA Objective itself when read literally only relates to improving the accessibility of a service or improving the range. We do not think this is limiting as whilst there are two SA objectives number 6, the decision making criteria are the same and indeed they will be assessed together but one will apply to new service provision and another will apply to new dwellings. The Authority considers this change makes the objectives clearer and as such intend to make these changes to the SA objectives (on considering other comments received).
	In relation to changes to ENV10 – this is a correction to grammar, although if given a preference there is a case for just delating any reference to using ones “imagination” and leaving the objective as ... <i>‘innovative, sustainable and reflects local distinctiveness’</i> as innovation implies imagination.	We consider that ‘imaginative’ is a relevant aim for development in the Broads. The synonyms for innovation and imagination tend to be different. Whilst technical innovation is important; so too is creativity. As such, we intend to keep this as the SA Objective (on considering other comments received).
Broadland District Council	No comments other than bringing your attention to a typo on SOC6b – “sustainably” not “sustainability”	Error noted and final changes will be checked thoroughly.
Historic England	<p>Historic England supports the amendment to SA objectives ENV 10 which is of relevance to Historic England’s primary duty to consider the impact of proposals on the historic environment. ENV 10 is directly related to cultural heritage, aesthetic values and sense of place. This is acknowledged in the related ecosystems services as reported in appendix 3 of the issues and options sustainability appraisal.</p> <p>The deletion of <i>‘imaginable’</i> and its replacement by <i>‘imaginative’</i> allows for a more focused assessment of the likely significant effects that may arise from decisions made on the emerging Local Plan. As the ultimate policies that result will require a precision of language, then this new wording is deemed an improvement and will assist in the delivery of the sustainability appraisal that will inform the pre-submission Local Plan.</p>	Support noted.

4 Recommendation

4.1 It is recommended that the following amended SA Objectives are adopted and used:

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

5 Financial Implications

5.1 None.

Background papers: None

Author: Natalie Beal
Date of report: 25 May 2016

Appendices: None

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

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

1 Introduction

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

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: None

Author: Natalie Beal
Date of report: 9 June 2016

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

APPENDIX 1

Planning Policy Consultations Received

ORGANISATION:	Waveney District Council
DOCUMENT:	Waveney Local Plan Issues and Options
LINK	http://consult.waveney.gov.uk/consult.ti/optionsforanewlocalplan2016/consultationHome
RECEIVED:	22 April 2016
DUE DATE:	17 June 2016
STATUS:	Consultation
PROPOSED LEVEL:	Planning Committee endorsed.
NOTES:	This is the first stage of Waveney Council's Local Plan. It asks questions on a broad range of topics.
PROPOSED RESPONSE:	<p>A very well presented document which is easy to read and follow.</p> <p>Many issues are similar to those which the Broads Authority are looking into. As the Plan progresses, we would be particularly interested in understanding what is said and what you plan to do to address these issues:</p> <ul style="list-style-type: none"> • Providing plots for self-build • The strategic policies for Neighbourhood Plans to be in conformity with • Assets of Community Value • Protecting non designated heritage assets • Protecting locally designated sites of biodiversity value. <p>The evidence base that has been produced or is going to be produced – do these (or will they) cover the entire Broads? This approach is useful for the Broads Authority.</p> <p>Page 4 – the AONB and the Broads are not necessarily issues. That implies a negative. Perhaps this chapter could be called 'key considerations'.</p> <p>Q3. We hope that the Broads will be mentioned in some way in the vision and objectives.</p> <p>Page 6 – It is recommended that the housing need of the Broads part of Waveney is explained. That is to say that the ORS study calculated an OAN for the Broads part of Waveney. This is calculated as 51 dwellings between 2012 and 2036 using the jobs led growth scenario. Perhaps emphasise that this is not additional to, but part of the Waveney OAN. I feel this link and explanation is important for both the WDC and BA Local Plans and Duty to Cooperate.</p> <p>Q27. Is there any potential for the proposals off shore to affect the Broads? That is to</p>

	<p>say, the cables and stations associated with transporting power generated off shore, is there a need for these to go through the Broads for example? It is recommended that any future policies that relate to such infrastructure in Waveney should be worked up with the Broads in mind.</p> <p>Q32. Please note that it is intended that the Broads Authority Local Plan defers to the district's policy on affordable housing as is the case currently.</p> <p>Q43. The Broads Authority intends to bring in some parts of the PPS7 into policy as there are some improvements needed to our current policy (DP26). Please go to this webpage near to 27 May to see the draft topic paper. http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-27-may-2016</p> <p>Q60. BA and WDC officers have discussed the potential for a consistent policy and mapping approach for the District Centre at Oulton Broad as it is a shared Centre. We look forward to working together to work this up.</p> <p>Q70. The Broads Authority Issues and Options discuss the issue of landscape sensitivity in the Broads for such development. This study relates to wind turbines as well as solar farms. This study also looked at the boundaries of the Broads. It is requested that Waveney DC consider the study as their approach to renewable energy is worked up. http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies</p> <p>Healthy communities section. The Norfolk authorities are working together on the health infrastructure requirements generated as a result of the OANs of each of the districts. There is also a protocol and checklist. I believe that Waveney CCG have also been involved in this work. You may be aware of this work, but if not, please let me know and I can put you in touch with the lead officers.</p> <p>Q88 – GI Study. Did this cover the entire Waveney district, including the Broads? Are there any recommendations that the Authority should consider as it works up its Local Plan? Can the Authority help in the delivery of the GI Study?</p> <p>On GI, it should be noted that there are early conversations with regards to a Norfolk-wide GI map. The details are being worked up, but if you are interested in understanding more, please let me know and I can put you in touch with the lead officer.</p> <p>Landscape character. The next version of the Local Plan should set out how Waveney will consider, protect and enhance the setting of the Broads.</p> <p>Q97. Our Dark Skies study (http://www.broads-authority.gov.uk/_data/assets/pdf_file/0007/757402/Broads-Authority-Dark-Skies-</p>
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	<p>Study-March-20161.pdf found that a particularly dark area is around Geldeston. The Authority is working up a policy relating to light pollution. It would be welcomed if WDC could consider areas that are particularly dark in the Broads and consider light pollution near to those areas in particular, although lighting in the district generally could also be addressed.</p> <p>Site allocation maps. Please can all future maps show the Broads Authority Executive Area?</p> <p>Thank you for sending us a map with the Authority's area marked on. There are many proposed sites near to the Broads. As the allocations are worked up the issue of landscape impact on the Broads and its setting from adjacent sites as well as those near to the area needs to be considered. Any natural features such as trees and hedgerows on the sites can benefit wildlife in the Broads and their importance assessed with the aim of retention on site. Some specific comments follow.</p> <p>Site 91 is within the Broads Authority Executive Area.</p> <p>Site 39 – Housing development at this location has the potential to impact adversely on both the landscape character (LCA 2) and the visual amenity of the users of the Broads. Any scheme at this location would need to be sensitively designed to ensure that potential impacts are assessed and mitigated through a suitable layout and the provision of adequate vegetation buffers both on the northern boundary and within the site as it is located on rising ground. Street lighting and other above ground utilities may be an issue as well.</p> <p>Site 146 - this site is on rising ground with the potential for impacts on visual amenity and landscape character (LCA2 and 3). Views across the valley are panoramic. The existing development in this area breaks the skyline. This area of land outside the Broads forms its setting for the Broads. If this site was to come forward it will have to be very carefully designed in order to mitigate likely impacts which would need to be assessed very carefully.</p> <p>Group of sites to the south of Beccles – As they are on rising ground, any development proposals would need to be assessed for potential landscape and visual impacts on the Broads area.</p> <p>Group of sites around Barnby/North Cove – In addition to potential impacts on landscape character (LCA5) and visual amenity for users of the Broads, further development of housing has the potential to increase the recreational pressures on the Broads.</p> <p>Sites 7 /112 /111 – These lie along the Broads boundary albeit separated by the railway line. Potential for impacts on Landscape character (LCA6) and visual amenity. This would extend the urban boundary of Lowestoft towards the Broads area. Certainly</p>
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	<p>there are likely to be additional recreational pressures as a result of housing development in the area. The Suffolk wildlife Trust and the Carlton marshes reserve lie in close proximity. Housing development at this locating could also create additional land use pressures on fields and grazing marsh in close proximity as residents may seek land for other activities such as allotments, horse grazing etc.</p> <p>Sites 18/53/51 Camps Heath area. There are existing pressures on Oulton Broad marshes relating to land use. I believe there is an article 4 direction on the land now. Additional housing may add to these pressures as well on the marshes as a recreational resource.</p>
ORGANISATION:	Salhouse Parish Council
DOCUMENT:	Salhouse Neighbourhood Plan
LINK	http://www.salhousevillage.org.uk/page21.html
RECEIVED:	31 May 2016
DUE DATE:	14 July 2016
STATUS:	Consultation
PROPOSED LEVEL:	Planning Committee endorsed.
NOTES:	<p>Background</p> <p>This Pre-Submission Consultation Draft Neighbourhood Plan for Salhouse has been prepared over the course of 2014/15/16 by a Working Group representing a range of community interests in the village. It represents the first opportunity for local residents and other stakeholders to see the first draft of the Neighbourhood Plan in full.</p> <p>Planning Committee (and Broadland Council) designated Salhouse as a Neighbourhood Area for the purpose of producing a Neighbourhood Plan on 7 November 2014.</p> <p>Summary of document</p> <p>As a brief summary, the plan seeks improvements for walkers and cyclists in the area. It seeks the retention of important businesses. It emphasises the importance of the rural aspects of the village.</p> <p>Next Steps</p> <p>Once this stage of consultation is complete the Working Group will review the comments received and revise the document accordingly. The document will then be submitted to Broadland District Council and the Broads Authority for review. Following a further process of public consultation, Broadland District Council will appoint an independent specialist examiner to review the Plan. The results of this examination will be publicised. Following that, Broadland District Council will organise a local referendum where residents of Salhouse (Parish) will be asked to vote on the Plan. If more than 50% of votes are in favour of the Plan. It will become an adopted document and have sufficient status to help make a real difference to the future of the village and shape future proposals put forward by developers.</p>
PROPOSED	<u>Neighbourhood Plan</u>

<p>RESPONSE:</p>	<p>In general the document is well presented. It is acknowledged that only a small part of the Broads is within Salhouse Parish, but there could be potential for policies within the Neighbourhood Plan to be used by the Broads. The following comments are offered to help the Parish Council as they finalise the Neighbourhood Plan.</p> <p><u>Dark Skies</u></p> <ul style="list-style-type: none"> • We support the notion of protecting the dark skies. The Authority has assessed the dark skies of the Broads and this information can be found here: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0007/757402/Broads-Authority-Dark-Skies-Study-March-20161.pdf • We would be willing to lend our dark sky meters to the Parish Council and share our methodology and tips if they wish to assess the quality of their dark skies. • Considering how important dark skies seem to be to the Plan, is it worth making a part or entire objective that relates to maintaining dark skies? <p><u>Reference to the Broads</u></p> <ul style="list-style-type: none"> • Please use the term 'Broads' rather than Norfolk Broads as we are partly in Suffolk as well. • In planning related documents I advise against calling the Broads a National Park. This term is only really used for branding. Perhaps use 'member of the National Park' or 'equivalent status to a National Park'. • When referring to the area of the Broads, we often use 'Broads Authority Executive Area'. <p><u>Detailed comments</u></p> <ul style="list-style-type: none"> • Page 7 – end of first column. Suggest the word 'guidance' is replaced with 'policies'. • The map on page 9 is blurry and out of date. The Site Allocations Local Plan has now been adopted and the new map is on page 10 of this: http://www.broadland.gov.uk/PDF/Site_Allocations_DPD_Policies_Maps_Part_B.pdf • Page 9 top of column 1 – Salhouse Broad is within the Broads Authority Executive Area. • Page 10 first column – part of the parish is within the Broads. • Page 10 – please also refer to the Broads Landscape Character Assessment which can be found here: http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments • Page 10 – deprivation. Have you looked at the domains that make up the Index of Multiple Deprivation? There could be some domains which your Plan may wish to try to address. You can find the domains and their sub domains here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467765/File_2_ID_2015_Domains_of_deprivation.xlsx. Also, see our assessment here: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0005/764474/The-Index-of-Multiple-Deprivation-Topic-Paper.pdf • Page 10, third column where it says 'easy access to Salhouse Broad'. The policies later on seek to improve access but the assessment on page 10 says there is easy access. This may need clarifying in the next version of the Plan. • Page 11 – would it be helpful to give the percentage of those who own one car or
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	<p>more?</p> <ul style="list-style-type: none"> • Page 13. Objectives – the Plan refers to Salhouse Broad being one of the key natural assets of the area. Should there be a related objective? • Page 13, final objective. On page 11 the Plan talks about fibre optic being recently installed but objective 8 seeks to improve broadband. Does this need clarifying? • Page 15, bottom of second column. Do you mean ‘to generally’? It is not clear what the message of the sentence regarding habitat management is. • Page 15 last column regarding buses. It is not clear what the message is regarding buses here. • Throughout the document you use the term ‘natural heritage’. I think you mean the natural environment? Heritage tends to be linked to heritage assets and the historic environment (historic buildings etc) whereas a term like natural environment could be better to relate to what it seems the plan is trying to achieve. <p><u>Policies</u></p> <ul style="list-style-type: none"> • It might be useful to make the policies more obvious and stand out better. Perhaps a box around them might help. • I suggest a justification for each policy rather than a general one for a series of policies. The policies are going to be used by Development Management Officers at the Broads Authority and Broadland Council who have not been involved in their formulation so explanation for each policy is important to help them use the policy the way it is intended. • Maps are a useful way of showing the areas to which the policies apply. There are currently no maps in the document. • The word ‘should’ is not a strong word. How important are some policy elements to you? Is ‘should’ adequate or are other terms like ‘required to’, ‘need to’, ‘must’, ‘are expected to’ better? • Page 16 – middle column. Last sentence of first paragraph. I do not understand this sentence. Who or what is the regulator? • Policy OE1. The phrasing and emphasis of this policy is confusing. The policy is worded negatively it seems. The approach of OE4 is more positive saying what will be protected then saying what will be acceptable. You may wish to consider rephrasing this policy along the lines of OE4. Should the plan outline on a map areas where the Parish would like to see new green space or natural heritage? Regarding ‘impact is temporary and can be restored back to original condition’ - the intent is not clear. It could be interpreted that only temporary development is allowed in the Parish as if a permanent dwelling for example is put in place then the impact will be permanent. • OE2 – some natural environments might be designated as SAC, SPA or SSSI so care may be needed in making these areas more accessible for local people as this increased recreational use may affect the special features. • What is the difference between OE1 and OE2? They seem to have the same intent. Could they be combined? • OE3 – What about security lighting or other lighting put up by residents/businesses? Some lighting might be ok if it points downwards so it does not contribute to sky glow. • OE4 – village landscape or parish landscape? It is not clear to what area this policy applies. • OE5 – does this depend on where they are located? For example, open space, sports fields, village greens and allotments are places where people go so do these
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	<p>need to be close to or within settlements? 'Pony paddock' could be better phrased as 'equestrian'.</p> <ul style="list-style-type: none"> • OE6 – what are the 'important features of value in the village'? How will we know if proposals affect these? • OE7 – I think this relates to transport only, but by using the term 'carbon footprint' it could mean that homes should be energy efficient. Is 'carbon emissions from transport' a better term? • EMP1 – is there a map allocating this area for the purpose of this policy? Permitted Development may apply in some cases. There are some exemptions to Permitted Development however. Please get in touch if you wish me to clarify this. Is financial viability a consideration for this policy as a business may close due to not being viable? 'Elsewhere' – where is acceptable? Should there be a map? • MP2 – are these permitted anywhere or within settlement limits for example? Should it be called 'EMP2'? • Housing policies – In general I will leave Broadland Council to consider these policies but offer the following comments: <ul style="list-style-type: none"> ○ Do you wish to identify areas for housing through the Plan? ○ H3 – how far out of the settlement limit? Or do sites need to be adjacent to the settlement limit? You may wish to discuss this approach with Broadland Council Planning Policy Officers as the NPPF generally presumes against isolated dwellings. See NPPF 55. Why can sites for sheltered houses have more than 5 dwellings when other sites cannot? ○ The limit of 5 dwellings requirement. It could see five dwellings squeezed on a site that is too small or limit a larger site to five, which could accommodate some more dwellings. • Projects: as mentioned above, another project could be to assess the darkness of the skies. <p><u>Sustainability Appraisal</u></p> <p>There could be some more positives as a result of the plan. Some suggestions and reasons are below:</p> <p>ENV4 – positive against most of the OE policies.</p> <p>SOC3 – EMP policies could be positive here as with employment comes skills.</p> <p>SOC10 – positive against OE6 and OE7. This SA objective could relate to OE5 if located with settlements as per our comment above.</p> <p>ECON5 – positive against the EMP policies</p> <p>Other comments:</p> <p>ENV2 – see above re the term 'natural heritage'. As written, it is not clear how the policy will address water quality.</p> <p>ENV2 in the summary table has colours in but there is no description in the detailed table.</p>
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Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

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

Committee Date	Location	Infringement	Action taken and current situation
9 October 2015			<ul style="list-style-type: none"> legal advice Challenge to High Court decision filed in Court of Appeal on 27 August 2015 Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container Leave to appeal against High Court decision refused on 9 October 2015 Request for oral hearing to challenge Court of Appeal decision filed 2015 Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river Site being monitored Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016 Enforcement Notices remain in place Applications for Injunctions lodged 18 February 2016 Injunctions served on Mr Wood on 2 March 2016 High Court Hearing 11 March 2016 Interim Injunction granted 11 March 2016 Awaiting Court date for Permanent Injunction High Court Hearing 17 June 2016
5 February 2016			
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of	<ul style="list-style-type: none"> Enforcement Notice served in respect of trailer on 25 September 2013 Compliance required by 11 November 2015

Committee Date	Location	Infringement	Action taken and current situation
5 February 2016		<p>material and land-raising and the standing of a storage container</p> <p>Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised development of a portacabin, static caravan, signage and lighting.</p>	<ul style="list-style-type: none"> • Further breaches identified and negotiations underway • Report taken to Planning Committee in February 2016 • Authority given to instigate prosecution proceedings re refrigerated trailer, suspended for three months to seek a resolution • Authority given to serve Enforcement Notices in respect of portacabin and static caravan • Negotiations to take place with the landlord and tenant landlord on other elements • Meeting took place in March 2016 • Tenant landlord to detail intentions by 20 April 2016 • Following negotiations, some agreement had been reached. No further information had been received within the timescale given and this had been extended • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Separate report on agenda
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on grounds there has been no breach
9 October 2015	Grey's Ices and Confectionary, Norwich Road, Hoveton	Unauthorised erection of canopies and Alterations to Shop Front.	<ul style="list-style-type: none"> • Authority given for the issuing of an Enforcement Notice seeking removal of the canopies and alterations and authority given for prosecution, in consultation with the Solicitor in the event that the Enforcement Notice is not complied with • Negotiations underway • Enforcement Notice Issued on 5 January 2016 • Compliance date 11 March 2016

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Full Compliance awaited by 22 April 2016 • Meeting with landowner scheduled 19 May • Retrospective application for shutters, plus new canopy, to be submitted by 17 June
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised installation of metal roller shutter door	<ul style="list-style-type: none"> • Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with. • Period of 4 weeks given for landowner to consider position • Negotiations underway • Application for lattice work door as mitigation submitted • Planning permission granted 4 April 2016. Site to be inspected • Compliance not achieved. Enforcement Notices to be served • Enforcement Notice served 18 May and take effect 17 June 2016

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: 9 June 2016

Appendices: Nil

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

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

Recommendation: That the report be noted.

1 Introduction

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

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett

Date of report 10 June 2016

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

APPENDIX 1

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

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
31 March 2016	App Ref BA/2016/0001/ENF Staithe n Willow	Appeal against Enforcement Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016 Questionnaire submitted 21 April 2016 LPAs Statement of case submitted 12 May 2016
10 May 2016	Appeal Reference: APP/E9505/W/16/314 7689 BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby Mrs Wanphen Martin	Appeal against Refusal Proposed change of use of annexe to separate unit for holiday accommodation	Delegated Decision 1 April 2016 Questionnaire to be submitted by 17 May 2016 LPAs Statement of case to be submitted 14 June 2016

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

24 June 2016

Agenda Item No.15

Summary:	This report sets out the delegated decisions made by officers on planning applications from 13 May 2016	to 06 June 2016
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Barsham And Shipmeadow PC				
BA/2016/0118/HOUSEH	Manor Farm Low Road Shipmeadow Suffolk NR34 8HP	Miss Rose and David Adcroft	Construction of manege and conversion of agricultural building to stables	Approve Subject to Conditions
BA/2016/0119/LBC				Approve Subject to Conditions
Brundall Parish Council				
BA/2016/0116/HOUSEH	Norwood 30 Riverside Estate Brundall Norwich NR13 5PU	Mrs Carol Head	To extend existing decking by approximately 6- 8 feet	Approve Subject to Conditions
Filby Parish Council				
BA/2016/0129/FUL	Filby Sailing Base Main Road Filby NR29 3AA	Mr Martin King	Replacement of existing jetty with a purpose build jetty of similar size in the same location.	Approve Subject to Conditions
Geldeston Parish Council				
BA/2016/0087/FUL	Land Off Locks Lane Geldeston Norfolk	Mr Dan Pavitt	CCTV Installation.	Approve Subject to Conditions
Horning Parish Council				
BA/2016/0136/FUL	Cygnets Reach Lower Street Horning NR12 8PF	Mr Colin Little	Proposed single storey extension to front and side of boat shed.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
BA/2016/0111/FUL	Southgates Boat Yard 56 Lower Street Horning Norfolk NR12 8PF	Monument Group Ltd	Recladding lean too roof	Approve Subject to Conditions
Hoveton Parish Council				
BA/2016/0167/FUL	Former HSBC And Betfred Riverside Centre Norwich Road Hoveton Norfolk NR12 8AJ	Mrs S Pollock	Roof replacement.	Approve Subject to Conditions
Repps With Bastwick Parish Council				
BA/2016/0162/HOUSEH	Iris 1 Riverside Repps With Bastwick NR29 5JZ	Mr Gary Ellis	replace shed, uPVC windows, weather board and new verandah.	Approve Subject to Conditions
Somerton Parish Council				
BA/2016/0110/HOUSEH	The Firs Staithe Road West Somerton Somerton NR29 4AB	Mr D Grimmer	External alterations to existing detached double garage (amended proposal)	Approve Subject to Conditions
Woodbastwick Parish Council				
BA/2016/0112/FUL	Village Hall Broad Road Ranworth Norwich NR13 6HS	Mr Stuart Goodall	Extension and replacement of flat roof.	Approve Subject to Conditions
Wroxham Parish Council				
BA/2016/0131/FUL	The Moorings Beech Road Wroxham	Mr Alan Castledine	The proposed development is to form a 3m pitched roof timber extension to the existing boathouse and wet dock to provide a larger mooring.	Approve Subject to Conditions