

Planning Committee

AGENDA

Friday 31 March 2017

10.00am

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|--|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 3 March 2017 (herewith) | 3 – 16 |
| 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. **Applications for Planning Permission**
To consider applications for planning permission including matters for consideration of enforcement of planning control:
 - BA/2017/0059/CU Horizon Craft, Old Road, Acle
 - BA/2016/0323/FUL Bureside, Water Works Lane, Horning

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9. Enforcement of Planning Control: Untidy land and buildings at Marina Quays, Great Yarmouth Report by Head of Planning and Planning Officer (Compliance and Implementation)	37 – 40
10 Enforcement Update Report by Head of Planning (herewith)	41 – 48
POLICY	
11 Norfolk Strategic Framework and Norfolk Strategic Planning Member Forum update Report by Planning Policy Officer (herewith)	49 – 52
12 Consultation Documents Update and Proposed Responses (Report by Planning Policy Officer and Senior Ecologist (herewith)) <ul style="list-style-type: none"> • Draft Great Yarmouth Borough Natura 2000 Sites Monitoring and Mitigation Strategy • Highways England: A47 Great Yarmouth Junction improvements 	53 – 57
13 CLG Housing White Paper and Proposed Responses Report by Head of Planning (herewith)	58 – 80
MATTERS FOR INFORMATION	
14 Appeals to the Secretary of State: Update and Annual Review Report by Head of Planning and Administrative Officer (herewith)	81 – 85
15 Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	86 – 87
16 To note the date of the next meeting – Friday 28 April 2017 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority
Planning Committee

Minutes of the meeting held on 3 March 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Prof J Burgess
Ms G Harris
Mr P Rice

Mr H Thirtle
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (for Minutes 9/10 – 9/12)
Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (for Minute 9/8(3))
Ms M Hammond – Planning Officer (for Minute 9/8 and Minute 9/14)
Mr D Harris – Solicitor and Monitoring Officer
Mr B Hogg – Historic Environment Manager (for Minute 9/13 – 9/16)
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning (excluding Minute 9/8(3))

Members of the Public in attendance who spoke

BA/2016/0444 /FUL Burghwood Barns, Burghwood, Ormesby

Mr M Hollowell Agent for the applicant

9/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Mr W Dickson.

9/2 Declarations of Interest

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

9/3 Chairman's Announcements and Introduction to Public Speaking

The Chairman reported on the following:

(1) **Chris Skinner** – Sadly, as many members will be aware, Chris Skinner one of the Authority's legal advisers who had been of considerable support to the Authority over a number of years had recently died. The Authority had been well represented at the funeral and a letter had been written to the family expressing its condolences.

(2) **The Openness of Local Government Bodies Regulations**

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis and it would be investigating ways of making recordings available on the website. This was as a means of increasing transparency and openness as well as to help with the accuracy of the minutes. He stressed that the copyright remained with the Authority and the minutes would be as a matter of record and not available for general distribution such as on U-tube.

- (3) **Planning Training:** The Chairman informed members that immediately following the next Planning Committee meeting there would be a training session on Tree Preservation Orders, not likely to extend for more than an hour. In addition, the Director of Planning and Resources reported that members would also receive a briefing on the Government's White Paper on Housing, which would be the subject of a separate report. The Chairman of the Authority reported that there had been 100% attendance of the Committee at the last Planning training with three other non-planning committee members and it was hoped this level of attendance could be retained.
- (4) **Introduction to Public Speaking** The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

9/4 Minutes: 3 February 2017

The minutes of the meeting held on 3 February 2017 were agreed as a correct record and signed by the Chairman.

9/5 Points of Information Arising from the Minutes

None to report

9/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

9/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

9/8 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' report, and which were given additional attention.

(1) **BA/2016/0444/FUL Burghwood Barns, Burghwood Road, Ormesby St Michael**

Retrospective change of use to residential, garage, pond enlargement, new shed, roller-shutter doors on existing shed, alterations to windows, 4 additional car parking spaces and landscaping alterations.

Applicant: Mr D Tucker and Miss S Burton

The Planning Officer provided a detailed presentation of a retrospective proposal at a site off Burghwood Road, Ormesby relating to Burghwood Barns where planning permission had already been granted in 2013 and where since this permission further development had taken place, some of which was without the benefit of planning permission. The majority of the Committee had had the benefit of a site visit on 24 February 2017, a note of which had been circulated. In providing details of the complex history of the site with the help of aerial photographs together with the details of the development involved, the Planning Officer pointed out the details of a larger scale application which included 11,000 square metres. This had been refused in 2016 due to the inappropriate use of the land due to the significant adverse impact it would have on the character of the landscape and the special qualities of the area.

The Planning Officer explained the current application which included the annexation of some of the agricultural land and its use and development as residential garden. This included a pond, two new buildings, alterations to windows on the converted barn, car parking and landscaping. This also involved amendments to the roller-shutter doors on the outbuildings to be replaced with timber double doors and inclusion of pitched roofs, retention of the wood storage lean-to, raised vegetable beds, retention of the oil tank and brick-edged fire pit and storage buildings. It also included biodiversity enhancements involving re-profiling of the pond banks and landscaping. The application sought to regularise the development that had taken place and involved retaining part of the agricultural land that had been annexed as residential curtilage (5,000 square metres in total). The application excluded 6,000 square metres of the area which had been converted to residential garden including paths and gazebo. These areas would be delineated by a fence and hedgeline. The Planning Officer clarified that the proposals would be incidental to the use of the dwelling and not for commercial use.

The Planning Officer concluded that although the retrospective nature of parts of the application was regrettable, when considered on its own merits, the proposal would not, on balance, have such a significant detrimental landscape impact as to warrant a refusal of planning permission and enhancements to the biodiversity value of the pond and appearance of the buildings could be secured. Therefore the Planning Officer recommended approval subject to conditions.

The Head of Planning explained that the regulations concerning permitted development rights for the National Parks and the Broads were more stringent than for most local planning authorities. The definition of agricultural use was wide ranging and officers would examine this in detail with regards to appropriate management of the area to revert to agricultural use. The importance of retaining part of the site in agricultural use was for landscape purposes and to ensure there was a buffer zone between the residential curtilage and the SSSI and SAC. It would be incumbent on the applicant to discuss this with the LPA.

Mr Hollowell on behalf of the applicant provided some background to the original 2016 application and commented that the village of Ormesby had originally been a very important and productive area for soft fruit, namely blackcurrant bushes but this was diminishing and was why some of the larger fields adjacent to his client's site were no longer being used as such and had been sold. He explained that the applicant was pleased with the negotiations that had taken place with the Planning Officer to result in this application. During the negotiations on the 2016 application, Mr Hollowell explained that there had been discussions with Dr J Parmenter who was very involved with Essex and Suffolk Water to provide biodiversity enhancements, with the aim of extending the biodiversity to include the currently lawned area of land in the ownership of the applicant. The aim would be to revert the use of the land to a similar use that had existed 100 years ago. He commented that the client was happy to put the area of lawn back to agricultural use.

Members had gained a full appreciation of the site and regretted the retrospective nature of the application. On balance they considered that the Planning Officer's recommendation for approval of the application subject to the conditions could be accepted. However, one of their main concerns was associated with the extent of lighting of the site especially around the perimeter, particularly when mindful of the policies for Dark Skies in the Broads, especially in this area immediately adjacent to Ormesby Broad and the SSSI. They therefore considered that external lighting should be subject to condition and there should not be external lighting around the perimeter.

Members gave consideration to the remainder of the land which was not subject to this application, did not have the benefit of planning permission and was currently in use as residential curtilage including

paths and a gazebo. They considered the option of dealing with this by condition for the submission of a scheme to restore the land to agricultural use together with a time scale for a plan to be submitted and implemented; or as a stand-alone issue of enforcement to require appropriate action to be taken to require the removal of the operational development and restore the land to agricultural use. The applicant's agent commented that it should be possible to draw up a scheme that would enhance biodiversity as well as a reversion to agricultural use by the end of March and advocated enforcement to provide timescales. The Head of Planning commented that once the enforcement notice was issued there would be a 28 day period before it came into effect. There would then be a period for compliance, the time being up to the Committee to decide but a period of three months was suggested. If a scheme with which officers were satisfied were produced, then the enforcement notice could be removed. However, if a scheme was not provided, it would be open to the Authority to proceed with prosecution. Alternatively the applicant could put in an appeal against the 2016 permission.

Mr Rice proposed to approve the application as set out with conditions including lighting and to take enforcement action in relation to the unauthorised development of the additional lawn, not subject of this application, with a tight compliance period to enable an approved scheme. Members supported this approach and the Chairman put the following to the vote and it was

RESOLVED unanimously

- (i) that the application be approved subject to the conditions outlined within the report with an additional condition relating to lighting specifically for this to be removed from around the perimeter of the site. Subject to this, the proposal is considered acceptable in accordance with Policy CS1 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4 and DP28 of the adopted Development Management Policies (2011), Policy XNS1 of the adopted Site Specific Policies (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application;
- (ii) that authority be given to serve an Enforcement notice requiring the reinstatement of the additional land, beyond that for which permission has been given, to agricultural use with a compliance period of three months;
- (iii) if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution.

- (2) **BA/2017/0010/HOUSEH Deerfoot, 76 Lower Street, Horning**
Garage and extension
Applicant: Mr Len Funnell

The application was before members as the applicant was related to a member of the Navigation Committee.

Members considered that this was a straight forward application, were familiar with the site having viewed this on the Design Quality Tour in 2015 and considered it to be acceptable. They concurred with the Planning Officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report as it is considered acceptable in accordance with Policies DP4, DP5 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2017/0030/FUL Moorings Opposite Thurne Dyke Windpump**
Replacement quayheading
Applicant: East Anglian Cruising Club

The Head of Planning left the room for this item.

The Planning Officer explained that the application was before members as the applicant, the commodore of the East Anglian Cruising Club was related to a member of staff. The Planning Officer provided a detailed presentation of the proposal for replacement timber quayheading to the mooring basin adjacent to the river frontage on the west bank of the River Thurne opposite the Thurne Dyke windpump/drainage mill. It involved replacing this with like for like timber quay heading totalling 170 metres in length. Since the writing of the report the Authority's Ecologist had recommended that a water vole survey should be undertaken and results and potential mitigation measures submitted to the Authority prior to the work commencing. This could be dealt with by condition.

The Planning Officer concluded that the proposal would result in an appearance that would maintain the overall character and appearance of the existing location and surrounding area and therefore was recommended for approval subject to conditions including one relating to submission of a water vole survey.

Members concurred with the officer's assessment. It was clarified that the works would take place from the river.

John Timewell proposed, seconded by Gail Harris

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report with an additional condition for a water vole survey to be submitted prior to the commencement of the works. The proposal is considered to be in accordance with Policies DP4 and DP13 of the Development Management Policies DPD (2011), Policy CS1 of the Core Strategy (2007), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

9/9 Enforcement Update

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

Thorpe Island: The Head of Planning reported that in line with members' instructions officers had sought further advice from the barrister in relation to the Injunction. The Authority would need to demonstrate that it had done as much as possible to ensure compliance and therefore the option of taking direct action to remove the sunken vessels was being explored. As there were further implications and costs involved with this it would be a matter for the full Authority to consider and a report would be prepared for the meeting on 24 March 2017. The landowner had been advised that the Authority may be considering this.

The Authority had been granted an oral examination in the courts in respect of the monies already owed to the Authority on 4 April 2017 in Great Yarmouth. With regard to the breach relating to the residential use, it was understood that the resident on the boat within Jenners Basin had been in touch with the local housing authority and was likely to be rehoused. If the vessels were to be removed and the residential use cease, this would be some way to achieving compliance with the Injunction, and this could obviate the need to return to the Courts.

The Head of Planning reported that the planning application was still live although the further information requested had still not been received. Members discussed whether the removal of the uncertainty on planning might help to resolve the situation but were mindful of the lack of progress and difficulties in dealing with the landowner concerned. Members were also mindful of the residents living opposite the site who had considerable concerns. The matter of direct action would be discussed at the Authority meeting on 24 March 2017.

Ferry Inn, Horning Paul Rice, who had been acting as a mediator, reported that he had been informed by the site operator that the unauthorised caravan as well as the portacabin had been sold and were due to be removed. The trailer was due to be removed by the end of the month. The dead trees were to be removed and a planting scheme implemented. Although there was no

evidence of action having been actually taken as yet, the area had been tidied up. He re-emphasised that if full compliance was not achieved by the end of the month, no further negotiations would take place.

Staithe N Willow Unauthorised erection of fencing – The dismissal of the appeal against the Enforcement Notice required that compliance for removal of the fence be achieved by 9 March 2017. Following the request for a compromise solution, given that there were difficulties in removing the main posts, officers were in negotiation with the landowner. The height of the fence had been reduced, although the result was not yet of an appropriate standard and works were still in progress.

Eagle's Nest, Ferry Road, Horning The Head of Planning reported that a valid CLEUD application had now been received and approved. An application for change of use of the boathouse to a manager's dwelling had been received and this would come before the Committee in due course.

RESOLVED

that the Enforcement Update report be noted.

9/10 Broads Local Plan –March Bite Size piece to inform the publication version .

The Committee received a report providing an update on the Local Plan and introducing a topic for the publication version of the Broads Local Plan set out as follows:

(i) Appendix A BeWILDerwood Policy

This was a new policy relating to an important tourist attraction in the Broads and had been discussed with the owners. Members welcomed this considering it to be a very sound policy.

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

Members noted that the consultation stage on the preferred options had been completed with over 230 comments received and officers would be responding to these. The Planning Committee would receive a report on the consultations and this would highlight the main issues for discussion.

It was recognised that in common with other Local Planning Authorities, there was sometimes problems of the public's understanding of the processes required in the production of the Local Plan and the number of consultation rounds involved. Members considered that it was important for staff and members to help all those involved understand the processes better.

Members noted that progress on the evidence base on the Strategic Housing Market, the Economy Study, Strategic Flood Risk Assessment and the Gypsy, Traveller, Show People, Caravan and Houseboat assessments were well underway.

RESOLVED

that the details within the proposed topic paper (BeWILDerwood) to inform the publication version of the Broads Local Plan be endorsed and the progress on the Broads Local Plan concerning the evidence base for other topic papers be noted.

9/11 Flood Risk Supplementary Planning Document SPD for adoption

The Committee received a report on the new Flood Risk Supplementary Planning Document (SPD) that had been the subject of consultation in December 2016. This was designed to increase awareness of the nature of flood risk and the Broads area and provide advice for developers and others and would replace the SPD produced in 2008 and expand on Policy DM29 of the adopted Development Management DPD.

Members noted the comments received together with the Authority's response as set out in Appendix A of the report and the tracked changes to the document following consultation in Appendix B. They welcomed the revised SPD considering it to be a very well written and useful document.

RESOLVED

That the report be noted and

RECOMMENDED to the full Authority

that the new Flood Risk Supplementary Planning Document (as set out in Appendix C of the report) be approved for adoption.

9/12 Rollesby Neighbourhood Plan: to designate Rollesby as a Neighbourhood Area

The Committee received a report that introduced the Rollesby Neighbourhood Plan. Members noted that on the basis of the new NPPF guidance, once the nomination for becoming a Neighbourhood area was received by the relevant Local Planning Authority(s), there was no longer a requirement to consult on this proposal. The nomination was received on 16 January and had been acknowledged by Great Yarmouth Borough Council on 23 January 2017. There were no known or obvious reasons to not agree to Rollesby becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

RESOLVED

that Rollesby be designated as a Neighbourhood Area in order to produce a Neighbourhood Plan

9/13 Stalham Staithe Conservation Area Re-Appraisal

The Committee received a report and presentation on the consultation of the Stalham Staithe Conservation Area Re-Appraisal, which had been considered by the Heritage Asset Review Group at its meeting on 3 February 2017, with the proposal to consider the Area for adoption by the Authority. The re-appraisal formed part of the ongoing programme for review of the 25 Conservation Areas within the Broads. Most of the boundary of the area fell within the Broads executive area with a part under North Norfolk District Council's jurisdiction. Therefore the Authority had assumed responsibility for most of the consultation.

Members noted the detailed consultation that had taken place in line with the Statement of Community with 33 responses having been received (not 23 as stated in the report). The consultation had included local residents, Stalham Town council, and North Norfolk District Council as well as a public meeting. The issues raised in the process resulted in the Town Council and local residents setting up a Stalham Staithe Forum to feed into the consultation process as well as examine ways of resolving some of the issues raised during that consultation, many of which were outwith the Conservation Area appraisal process. Officers from the BA had attended a number of these.

The majority of the feedback from the consultation had been very positive and support for the retention of the existing Conservation Area (to retain the area of allotments and open ground to the north) was unanimous. As part of the consultation, it had been suggested that the boundary be extended to include the Broads Edge site. However, from detailed examination and assessment, this area did not meet the Heritage England criteria for inclusion as it lacked the special interest demanded for inclusion. Therefore it was not proposed to take this within the Conservation Area.

The appraisal and management plan would help residents and landowners in preparing development proposals within the Conservation Area and inform decisions by public bodies responsible for management of functions within the boundary.

Members considered that the area identified by the boundary map (excluding the extension that had been proposed by two respondents) and that described in the appraisal and management plan for Stalham Staithe was worthy of Conservation Area designation and welcomed the processes. They also praised the valuable involvement of the Local District member in engaging the local community in the process at an early stage.

RESOLVED

- (i) that the report be noted and

RECOMMENDED to the Authority

- (ii) that the Stalham Staithe Conservation Area Re-Appraisal that falls within the Broads Authority executive area and described in the appraisal and management plan for the Staithe be adopted.

9/14 Article 4 Directions

The Committee received a report setting out the purposes of Article 4 Directions and providing the results of a recent review of the 24 Article 4 Directions within the Broads Authority area. This work was part of the Authority's periodic review of its procedures and provisions which had already included the work on the Local Plan and the development of the Local Enforcement Plan. Article 4 Directions had been used to control certain sites and help respond to certain threats in the interests of protecting amenity and landscape. The report and presentation set out the location, dates and initial reasons, where known, of the existing 24 Article 4 Directions and provided recommendations following an assessment of those which it was considered should be retained, those which should be reviewed and those which should be removed. It was proposed to retain 14 of the 24 existing Directions, remove seven and further review three. The latter 10 Directions would need to be subject to the statutory processes. The current report provided the results of the first phase of the review, further reports on possible extension of existing Directions and any new Directions would be presented as phases two and three of the entire review.

Members welcomed the review and the approach being taken. With regard to the proposal to remove the Article 4 Directions relating to the retail sales from moored vessels at 23 moorings, members had some concerns and considered these should be deferred. Officers pointed out that if retained, there would need to be sound planning reasons to do so. However, there may be other ways of covering such activities and therefore it was suggested that the matter be referred to the Navigation Committee for its views in due course.

Members were particularly in favour of the proposal to notify and remind all the parish councils and District members of those Article 4 Directions to be retained.

RESOLVED unanimously

- (i) to endorse and approve the approach being taken in the review of the Article 4 Directions in accordance with the advice and guidance in the Planning Practice Guidance of NPPF to include three phases.
- (ii) that the recommended action on the 24 Article 4 Directions be approved subject to deferral of those relating to retail sales at moorings.
 - o that 14 Article 4 Directions as listed in the report be retained, 6 Article 4 Directions be removed and 4 be reviewed. Those to be

removed to be the subject of consultation starting in Spring 2017 and this be undertaken on the basis of the non- immediate Direction process.

- (iii) that the relevant parish councils and local district members be informed of those existing Article 4 Directions which the Authority has reviewed will remain and no changes will be made.

9/15 Heritage Asset Review Group – Notes from meeting on 3 February 2017

The Committee received the notes from the Heritage Asset Review Group held on Friday 3 February 2017.

RESOLVED

That the notes from the Group be noted.

9/16 Appeals to Secretary of State Update

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

The Head of Planning commented that the decisions to allow the appeals concerning upvc windows and roller shutter doors and which could have policy implications would be addressed in a paper to be prepared for the next Planning Committee meeting, particularly in light of the comments within the section on design in the Government's White Paper.

RESOLVED

that the report be noted.

9/17 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 14 January 2017 to 14 February 2017.

RESOLVED

that the report be noted.

9/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 31 March 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

It was noted that the 31 March 2017 meeting would include briefing on the Government's White Paper on Housing and the meeting would be followed by training for members on tree preservation orders.

The meeting concluded at 12.12 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 3 March 2017

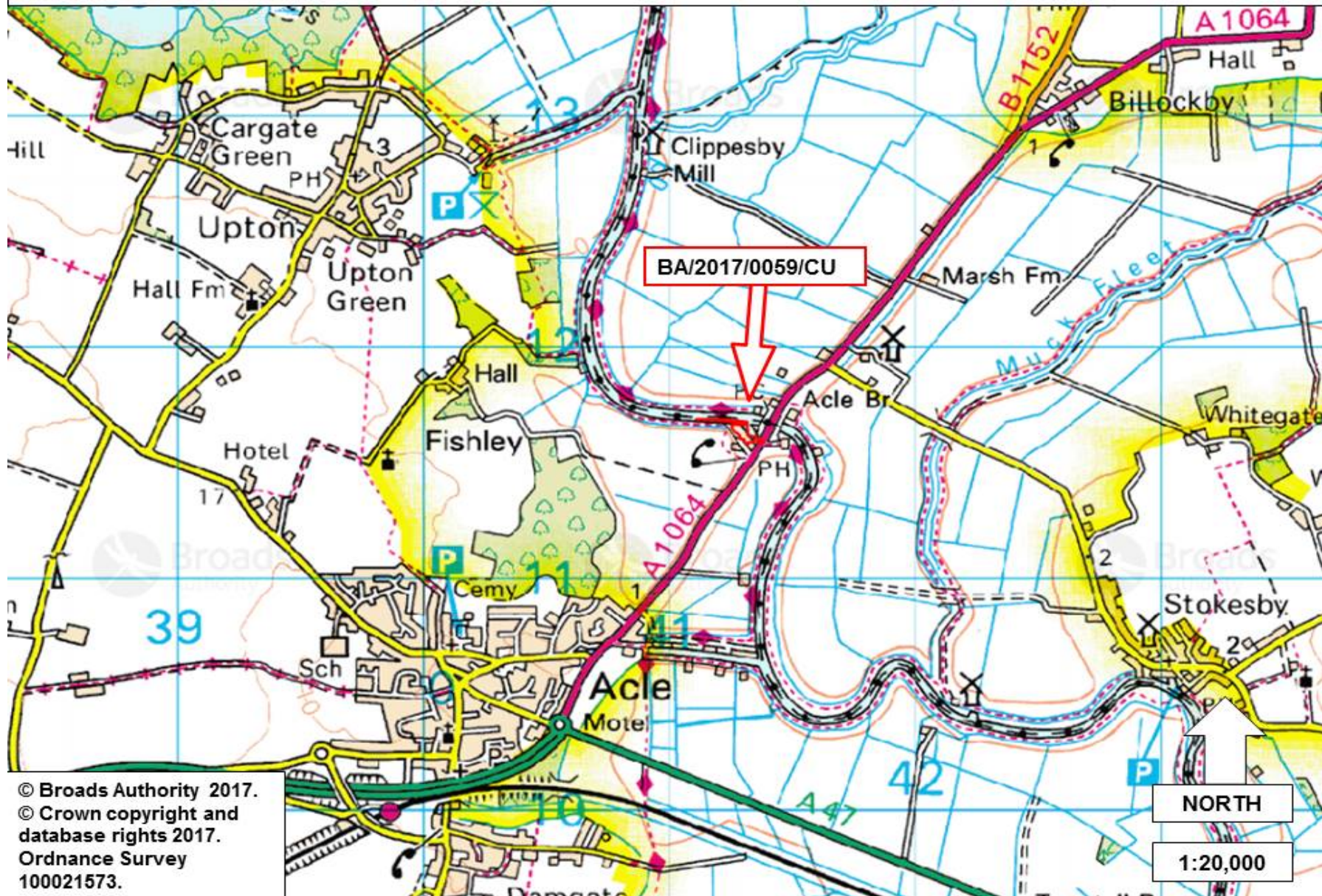
Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Haydn Thirtle	Minute 9/8(1) Minute 9/12	Lobbied by the applicant and visited the site: BA/2016/0444/FUL
Paul Rice	Minute 9/9	Ferry Inn Mediator, Chair of Broads Society
Jacque Burgess		Toll Payer

Reference:

BA/2017/0059/CU

Location

Horizon Craft, Old Road Acle



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Ordnance Survey
100021573.

Application for Determination

Parish	Upton with Fishley		
Reference	BA/2017/0059/CU	Target date	25 April 2017
Location	Horizon Craft, Old Road, Acle		
Proposal	Part change of use of boat shed and workshops to a bar and restaurant (Class A3). Installation of 8 shore power posts and extension of gravel walkway.		
Applicant	Mr Ryan Mabbott		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Chief Executive of site owners is a Broads Authority Member		

1 Description of Site and Proposals

- 1.1 The Horizon Craft site is situated immediately to the west of Acle Bridge which allows the Old Road (A1064) to cross the River Bure. The boatyard offers holiday and day boat hire, mooring facilities including a section of riverbank on the southern bank of the river and part of a small mooring basin, a large car park, and a functioning workshop. The business forms part of a cluster of tourist and marine related businesses on either side of the river and either side of the bridge. These include Bridgecraft on the immediately adjacent site, The Bridge Inn public house, a small shop/cafe and a public toilet and car park.
- 1.2 The application relates to two elements of the site. The first element is a change of use of the northern half of the existing workshop building to a restaurant (Use Class B2 to Use Class A3) resulting in a mixed used building. The second element is the extension of the gravel footpath which runs adjacent to the riverbank providing access to the riverbank mooring, and the installation of 8 shore power posts providing an electrical hook-up for moored boats.
- 1.3 The application site is known as Horizon Craft and is owned by Richardsons. The site has been leased to a company operating as The Broads Boating Company who are the applicants in this case.

2 Site History

- 2.1 In 2012 planning permission was granted for a replacement dwelling on the footprint of existing (BA/2012/0331/FUL).

3 Consultation

Economic Development Team at Broadland District Council - I would wish to support the application which represents a positive diversification of the boatyard. This will attract not only the existing users of the boatyard but a wider tourist catchment. In turn, this will lead to local employment opportunities and benefit the local economy in the area.

NCC Highways - Objection to the proposal. Conclusion: The proposal would lead to an intensification in the use of an access onto the A1064 Old Road which is a main distributor route and would cause undue interference with the safe and free flow of traffic on this important traffic route. Contrary to Development Plan Policy DP11.

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

Representations

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

4 Policies

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

[NPPF](#)

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

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Protection of Environmental and Cultural Assets

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

[DEVELOPMENTPLANDOCUMENT](#)

DP2 - Landscape and Trees

DP4 - Design

DP11 - Access on Land

DP29 - Development on Sites with a High Probability of Flooding

- 4.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects

of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Plan DPD (2011)

DP14 - General Location of Sustainable Tourism and Recreation
Development

DP20 - Development on Waterside Sites in Commercial Use, including
Boatyards

DP28 - Amenity

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

Development Management Plan DPD (2011)

DP12 - Access on Water

- 4.4 Other Material Considerations

Acle Neighbourhood Plan (2015) [AcleNeighbourhoodPlan2015](#)

National Planning Policy Framework (NPPF) [NPPF](#)

National Planning Policy Guidance (NPPG)

<http://planningguidance.planningportal.gov.uk/>

5 Assessment

- 5.1 The company who have taken over the Horizon Craft site are seeking to diversify activities at the site in order to make the business viable. Prior to taking over the site they engaged in informal discussions with the Broads Authority to outline their plans for the site.
- 5.2 Considering the change of use of part of the existing workshop to a restaurant use, the subject site is in an area with a broad mix of boating and leisure/tourism related uses, therefore the siting of a restaurant at this location is considered acceptable in principle as it would be in keeping with the uses in this location and complementary to the greater extent.
- 5.3 The Acle Neighbourhood Plan, under Policy 1: Acle Bridge area improvements, seeks to safeguard leisure and tourism uses, including food and drink premises, but it is noted that the area highlighted on the Policy 1 plan does not include the application site. The highlighted area is the only part of the land surrounding Acle Bridge within Acle Parish, but it does provide a useful indication of local attitudes towards development at Acle Bridge.
- 5.4 Policy DP20 considers diversification of waterside sites in commercial use, stating that proposals will be permitted where:

- a) The proposed use is an employment or commercial use that is complementary in scale and kind with existing waterside commercial uses;
- (b) The proposed use would not prejudice a return to boatyard use; and
- (c) The proposals form part of a comprehensive scheme for the site that retains the site as a unified management unit.

In this case the proposal is a commercial use which would more than double the existing level of employment on site. The proposed use would complement the existing use of the site as it provides support facilities for boaters utilising the moorings at the site, the boatyard use is retained but the works to convert one half of the existing workshop to a restaurant would not prejudice a return to sole workshop use, and the site is being operated by a sole company who are seeking to provide facilities which complement each other and operated therefore retaining the site as a unified management unit. The proposal is therefore considered acceptable in relation to Policy DP20. In addition it is noted that the proposed restaurant is within an established boatyard site and therefore is consistent with Policy DP14.

5.5 Taking into account the existing uses on site and on surrounding sites, as well as the location adjacent to a main road, there will be no unacceptable impact on neighbour amenity. There is no proposed extension to the workshop building and therefore no increase in flood risk either at the site, or up or down stream, and it is noted that the vulnerability classification for restaurants is the same as for general industry and as such the use is considered compatible. The proposal is therefore considered acceptable in relation to Policies DP28 and DP29.

5.6 The final point of consideration for the change of use is in relation to highway safety. Norfolk County Council as Highways Authority has raised an objection stating the following key points:

- The A1064 is classed as a main distributor road.
- The speed limit applicable to the section of road is 60mph.
- Given that the proposal is to cater for 80 covers, and that it is intended to be operational all year, the proposal will attract a wider catchment than boat users alone and in this respect there will be an increase in vehicle movements to and from the site through the existing access with the A1064.
- Site access is opposite the access to the Bridge Inn public house.
- North of the access is Acle Bridge which has a blind summit. There is an advisory speed limit of 30mph and a warning of vehicles turning. It is evident from observation that vehicles are travelling in excess of the advisory speed limit.
- The desirable minimum visibility/stopping sight distance required to/from the point of access is 215m.
- In terms of the present access onto the A1064 the measured the visibility from a set back of 2.4m is 70m to the south west and 90m to the north east, equating to 32% and 42% of the required visibility/stopping sight distance.

- In terms of forward visibility over the Bridge when travelling in a south westerly direction, the present 90m accords with the requirements for vehicles travelling at or below 30mph.
- The forward stopping sight distance is inadequate to see a vehicle waiting turn right into the access and take any appropriate action.
- Records indicate that in the last five years there have been two recorded accidents resulting in injury in the vicinity of the access. It is accepted that these relate vehicles who have been involved in rear end collisions whilst waiting for vehicle to turn right into the Bridge Inn (ie travelling northeast).
- Whilst accepting the current use of existing facilities in the area, any increase in vehicle turning movements increases the risk of accidents occurring.
- Whilst Paragraph 32 of the *NPPF* states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. It also states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, which in this case it would not be.
- Furthermore considering that vehicle speeds are high and visibility is below the desirable minimum and, it is considered that the intensification of use resulting from the development if approved will give rise to a detrimental impact to highway safety in relation to the slowing down and turning of vehicles.

5.7 Policy DP11 requires that development proposals that need to be accessed by land shall be assessed in terms of their impact upon the highway network in respect of traffic capacity, highway safety and environmental impact of generated traffic. The NCC Highways response highlights the issues with a proposal which would increase traffic movements to and from the application site and has the potential to impact on highway safety.

5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless there are other material considerations which indicate otherwise. This proposal is, in terms of potential to impact on highway safety, contrary to Development Management Policy DP11. Whilst there is a policy presumption against the development on the basis of the consultation response it should be considered what the impacts of allowing this specific proposal would be on those objectives, whether the proposal is otherwise acceptable and what material considerations may weigh in its favour.

5.9 The proposed use as a restaurant would be for a maximum of 80 covers which is a moderate level of potential use. The restaurant would form a part of the overall commercial use of the site and its siting and link to the other business functions of the site would result in indelible links between the functions. Those boats that make use of the 50 moorings available would have little reasonable access to places beyond the site and its immediate surroundings and would therefore be inclined to make use of the facilities available, which would mean that a sizeable portion of customers are likely to arrive by boat. Indeed at maximum capacity there are more potential customers on site than there are available covers. There are also numerous

moorings at site on the opposite side of the river and to the eastern side of Acle Bridge, all of which would have access on foot to the subject site. In addition there is the day boat hire service which would draw people in by car, and their use of the facilities at the site would not result in additional car journeys being made by virtue of the existence of the restaurant. The numbers of boaters utilising the site and its facilities would be especially high in the summer months when visitors to the Broads are at their peak and mooring facilities with supporting business functions such as a restaurant would be a particular draw for water borne visitors. It is therefore considered that the number of cars attending the site solely for the use of the restaurant would not represent a significant increase in road vehicle numbers.

- 5.10 The site was previously run by Richardsons who have a successful, well established, and well known boat hire service and moorings. However, despite running a portion of the business in this location and to capacity, they took the decision to close the site and put it up for sale. This would seem to provide a clear picture of the viability of the site. The overall site has a mixed use but the workshop is predominantly in use class B2 (general industrial), this means that other uses within that class or within B1 (businesses such as offices, laboratories, studios, and light industry) and B8 (storage and distribution) could take over the part of the site without requiring planning permission and as such potential uses would result in a more intensive use with associated increase in vehicle movements could not be controlled. The proposed use seeks to provide a complementary use to the boat hire and mooring functions at the site, by tying the functions together this allows for a level of confidence in the way the site would operate.
- 5.11 Attention should also be given to the likelihood that without diversification of the existing functions the site would close and this would result in the loss of a boatyard and hire facility. The diversification is strongly supported by policy and this in itself is a material consideration. Whilst the continued presence of the business at this site is desirable, and other potential uses may themselves cause highway safety issues that could not be controlled, the loss of a commercial use at this site would be undesirable and would be detrimental to the range of facilities on offer within the Broads, as well as resulting in a site in a reasonably prominent location falling to ruin.
- 5.12 It is noted that the NPPF under paragraph 32 that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe, as noted in the NCC Highways response, no objection is raised on this point. The response goes on to point out that the NPPF also states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, which NCC Highways argue that in this case it would not be. The requirement for 'safe and suitable access to the site can be achieved for all people' is in relation to accessibility, not in relation to road safety. The site can be accessed by boat, by car, and by bicycle, in addition there is a bus stop on the northern side of Acle Bridge, and there are public footpaths crossing adjacent to the site, most notably the Weavers Way. It is therefore considered that the proposal is in

accordance with the NPPF which is a material consideration in the assessment of any planning application.

- 5.13 Any alteration to function and facilities at the site to support and bolster the existing business will result in an increase in vehicle numbers, an increase in vehicle numbers has been assessed to be a concern in terms of highway safety and therefore such proposals would be contrary to Policy DP11. The site as it functions and its existing access must be considered, along with the potential increase in vehicle movements by virtue of the restaurant element alone. Taking into account the function of the site and the opportunities for the functions to rely on and support each other, the opportunity for control that the use being subject to planning permission allows, whilst being aware of the potential intensification of use that would be outside of any control, it is considered that there would not be a significant increase in vehicle movements, and the proposed use has the potential to make a telling contribution to the continued use of the site in its present function, therefore in principle the proposal would not significantly harm the objectives of Policy DP11 and it is reasoned that there is a case for considering this proposal as a departure from the development plan.
- 5.14 In all other respects the proposed change of use of part of the existing workshop to a restaurant use is acceptable, specifically the diversification of the existing business and the retention of the existing functions of that business, impact on residential amenity, and flood risk, and is therefore in accordance with Policies DP14, DP20, DP28 and DP29 of the Development Management Policies DPD.
- 5.15 Considering the proposed extension of the existing gravel footpath, the river bank is quayheaded for at least 300m from the mooring basin sited to the front of the workshop building, heading westwards. The initial 110m section of adjacent riverbank has a gravel footpath with a width of 1.8m, it is proposed to extend this footpath by a distance of 140m whilst maintaining the 1.8m width. The footpath allows for improved access to and from moored vessels which increases safety and therefore would be in accordance with Policy DP12. The footpath is marginally below the level of the quayheading and the adjacent grassed area, and its width is reasonable, it is therefore considered that the proposed footpath extension, taking into account its location and siting adjacent to a quayheaded riverbank would not be unacceptable in landscape terms and therefore is in accordance with Policy DP2.
- 5.16 Considering the installation of 8 power posts, on the section of riverbank in question there is signage and equipment/services which would be expected at moorings and at a boatyard, these increase in frequency the closer one gets to Acle Bridge, with the adjacent sites bringing the built form noticeably closer to the water's edge. The installation of 8 power posts at a height of 1.0m, regularly spaced at gaps of between 12 and 15 metres, taking into account the existing development on site and at surrounding sites, and having regard to the desirability for mooring sites to offer a range of services, are considered to not be unacceptable in landscape terms and therefore is in accordance with Policy DP2.

6. Conclusion

- 6.1 Development Management Policy DP11 under criterion (a) seeks to ensure highway safety. The proposed development would result in an increase in traffic movements at the site and as assessed by NCC Highways is in conflict with the wording of Policy DP11 by being causing interference with the safe and free flow of traffic on the adjacent highway.
- 6.2 At paragraph 5.7 above, the circumstances in which proposals that conflict with the development plan can be considered for approval are outlined and three tests are set out: does the proposal harm the objectives of the policy and plan; does it comply with other development plan policies; and, are there any other material considerations that weigh in favour of the proposal.
- 6.3 As assessed above, it is considered the proposal would not result in a significant increase in traffic movements to and from the site, any impact on highway safety would therefore be modest. Therefore it is concluded there would be no significant harm to objectives of the policy or wider plan were the proposal to be permitted. The proposal has been found to be in accordance with the NPPF. The proposal has also been found to be in compliance with the other relevant policies. Furthermore, the proposal allows for the viability of the site to be enhanced which results in the continuation of the existing functions at the site which contribute to a network of tourism and leisure facilities within the Broads network.
- 6.4 Whilst the primacy of the development plan is appreciated, on balance it is considered that the objectives of the plan would not be significantly harmed by allowing this development as a departure from the development plan nor would any undesirable precedent be created.
- 6.5 Were Members to resolve to approve the application as a departure, it would be necessary to re-advertise the application and consider any further representations received prior to issuing a decision.

7 Recommendation

Approve, subject to conditions:

1. Standard time limit.
2. In accordance with approved plans

8 Reason for recommendation

The application is considered acceptable as a departure from Development Management Policy DP11 (2011) but is in accordance with Policies DP2, DP14, DP20, DP28 and DP29. It is also considered to be in accordance with Policy CS1 of the Core Strategy (2007), and the National Planning Policy Framework (2012).

List of Appendices: Location Plan

Background papers: Application File BA/2017/0059/CU

Author: Nigel Catherall
Date of Report: 16 March 2017

BA/2017/0059/CU - Horizon Craft



Reference:

BA/2016/0323/FUL

Location

Bureside, Water Works Lane, Horning

BA/2016/0323/FUL - Bureside



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Ordnance Survey
100021573.

Application for Determination

Parish	Horning
Reference	BA/2016/0323/FUL Target date 14 November 2016
Location	Bureside, Water Works Lane, Horning, NR12 8NP
Proposal	Replacement dwelling and associated works
Applicant	Prof. Erika Denton And Mr Rupert Cavendish
Recommendation	Site Visit
Reason for referral to Committee	Objection received

1 Background

- 1.1 The application site comprises a dwellinghouse on a sizeable site in the Upper Street side of Horning which fronts the River Bure. The property is located at the southern end of Water Works Lane, a cul-de-sac which is accessed at the corner of Church Road and Upper Street. Water Works Lane provides access to two residential properties at the northern end of the road, Horning Pumping Station, a track leading to Hall Farm Cottages, and the subject property. From the river the property, along with the adjacent pumping station, mark the first built forms on the approach to Horning when heading upstream, the property is sited where the river bends at a 90 degree angle to head westwards towards Horning.
- 1.2 The curtilage of the subject property encompasses land stretching from the Horning Pumping Station on the eastern boundary to the St Benedicts Church Vicarage on the western boundary, with the river marking the southern boundary. The western half of the site comprises a mix of marsh and carr woodland, this is outside of the development red line boundary. The eastern half of the site to which this application relates is domesticated and landscaped, with extensive lawn, a mooring cut, quayheading to the river's edge, and a collection of buildings in the north/north-eastern part of the site. This grouping of buildings includes a two storey dwellinghouse, a large garage, and a handful of outbuildings. It is noted that part of the lawn area adjacent to the river is within the control of the relevant water board although this demarcation is not readily visible or at all obvious.
- 1.3 The existing dwellinghouse on site is two storey of brick construction, rendered and painted pink at first floor level with applied timber detailing to the

gables; it has a tiled roof. The building dates from the early C20 and is of a style typical of this period of development in the Broads. Due to this the building could be considered to have a degree of significance as a non designated heritage asset; it also has a historical relationship to the Waterworks complex to the North which is considered a fine example of its type and consists of a series of buildings of both architectural merit and historic significance. Although not listed, the waterworks complex is considered to be a non designated heritage asset of some significance.

- 1.4 The relationship the dwelling once enjoyed with the waterworks has however been diluted and the sites are divorced both physically and visually due to the mature screening to the northern boundary of the site and the southern boundary of the waterworks. Furthermore the dwelling has been altered unsympathetically internally and extended poorly externally. Additions to the dwelling include a single storey extension on the river elevations, and two conservatories. The design of the dwelling is unremarkable and it is considered that the additions do not complement it or tie-in particularly well,
- 1.5 The siting of the dwelling is in the north-east corner of the site and screened to some extent by mature trees, consequently from many viewpoints the dwelling is quite well secluded.
- 1.6 The property is not readily visible from a public highway, although a public footpath does run adjacent to the eastern boundary of the property. From the river the elongated property frontage and generally open appearance of the eastern half of the site make it a feature of the river view and landscape in this locale. The lack of access to surrounding land or land on the southern bank of the river mean that views of the subject property are limited to views from the river.
- 1.7 Whilst the property does benefit from being familiar in the landscape, it is not on balance considered to be an asset which makes a positive contribution to the historic environment or visually to the broads and its replacement is acceptable in principle. It is considered appropriate that the building should be recorded if replaced.
- 1.8 The intention to regenerate the site was signalled through the submitting of a request for pre-application advice in 2014 where discussions embraced two potential developments, one to extend the existing dwellinghouse, and one to demolish the dwelling and construct a replacement. Further consideration was given through a request for pre-application advice in 2015 where the intention to demolish the dwelling and construct a replacement was clearly signalled and discussions centred on siting, scale, design, and landscape impacts.
- 1.9 The submitted scheme was quite different to the ones discussed at a pre-application stage and sought to address concerns raised, as well as proposing a scheme of a more modest and achievable design. Concerns were raised focussing on design issues and wider landscape impacts, these were presented to the applicants and a number of discussions took place to

explain the Broads Authority position and consider potential ways to take the application forward. This has led to the submission of revised drawings and the application which is the subject of this consideration.

2 Proposals

- 2.1 The current application proposes the demolition of the existing dwellinghouse and the garage sited adjacent to the east, to be replaced by a new dwellinghouse sited a short distance to the west and slightly south. The dwellinghouse would be part single, part two storey, and part two and a half storey, with an elongated frontage running parallel to the river. The design is contemporary and provides a mixed palette of materials with brick at ground floor, vertical timber to the upper floors, and zinc cladding to provide emphasis and framing to the two and a half storey element. The dwellinghouse features two balconies at the eastern end and a first floor terrace at the western end.
- 2.2 The existing dwellinghouse has a footprint of 114.5sqm with a maximum height of 8.10m with an eaves height of 5.75m. The proposed dwellinghouse has a footprint of 211.05sqm with a maximum height to two storey of 8.10m with an eaves height of 5.05m, and a maximum height to two and a half storeys of 10.75m with an eaves height of 7.7m.
- 2.3 As noted above the existing dwellinghouse is reasonably well screened by mature trees, although it is evidently a presence in views from the river, particularly due to the colour of the first floor and the thick plastic frames of the two conservatories which stand out clearly against the darker backdrop. When approaching the property along the river heading northwards it is the adjacent water works buildings that first come into view, these simple yet elegant brick buildings are a conspicuous presence but in their form and setting are a fine introduction to a more obviously manmade intervention into the landscape. The dwellinghouse at the subject site is visible in glimpses, becoming more apparent the closer one gets to the site. When approaching the property along the river heading eastwards the development on eastern side of the site does not become readily apparent until almost alongside it due to the trees present on the western half of the site which extend to the river. Again the trees on site provide a reasonable level of screening to the existing dwelling but its presence is apparent, particularly due to the white plastic conservatories.
- 2.4 The proposed dwellinghouse is sited to enhance the enjoyment and appreciation of the river and surrounding landscape for residents of the property. The siting is more central in eastern half of the site and as such would be a more noticeable presence in the river scene and views from land to the south. Consultation responses objecting to the scheme were received from the Broads Society and the BA landscape officer, the issues are detailed below.
- 2.5 Other elements of the proposal encompass a swimming pool immediately west of the dwelling, an extension to the retained garage, an extension to the existing mooring cut, construction of a boathouse, installation of staging to the

pond area, and replacement of the existing quayheading. The proposed boathouse has a footprint of 115.90sqm with a maximum height of 6.85m with an eaves height of 2.20m.

3 Consultation

Parish Council - the Parish Council fully supports this modified design. This property will greatly enhance the appearance of the area and will, Councillors believe, be an icon of riverside design. The existing property lacks any real architectural merit and modifications over the years have created a building that doesn't reflect any particular style or have any historical value.

District Member - This application can be determined by the Head of Development Management (delegated decision).

Broads Society - The amendments appear to have focussed on matters of detailed design in response to concerns raised by Mr Hogg, which we have not seen, as they are not included in the list of documents for this application on your website. They do not appear to have addressed the more fundamental issues of the impact of the development arising from the scale, height, massing and location of the proposed building as raised by the Authority's Landscape Architect, with which we concur. The observations raised in our previous letter dated 11 October 2016 therefore remain relevant.

- i. The design is for a very much larger larger and taller property than that which it replaces and, rather than being on the original footprint, is in a location which is more visible from the river. It is also re-oriented to present its broad face to the river, in contrast to the existing building. The original building was in context with the landscape, because it was originally the home of the waterworks supervisor, when he needed to live on site. The proposed boathouse is unnecessarily tall.
- ii. Policy DP24 is not complied with because the "scale, mass, height and design" are not "appropriate to (the) setting and landscape character of the location". Also because, not being on the same footprint, and in a more exposed position it is not "less visually prominent."
- iii. There appears to be nothing exceptional about the design, which would comply with the exception policy in paragraph 55 of the National Policy Framework.

BA Landscape Officer - Analysis: Landscape character: The scale and massing of the house, though reduced in the revised proposal, remain greater than the existing dwelling. The building footprint is larger than the existing dwelling and is moved into a more prominent position to take advantage of views to the river. Additional tree planting would help to partially screen the house in views from the river.

The *Landscape response to the comments by the Broads Authority* suggests that in terms of landscape character 'the new proposal will declutter the landscape'. I feel that this may not be the case.

In addition to the house there are a number of other proposed features around the site including surfaced driveways and parking areas, a store/extension to

the existing garage, overflow parking area, hard-surfaced paving/paths, a swimming pool, large boathouse, external lighting, new and repaired quay-heading, a hot-tub, and extended inlet with slipway.

I am concerned about the overall impact of these interventions, which taken together would represent an increase in overall development on the site and as such impact on landscape character and tranquillity.

The applicants acknowledge that in terms of Bure Valley views and skylines, the dwelling would cause significant and adverse impact on views from the river (LVIA viewpoint 1).

Reduction of the ridge height may lessen the skyline impact from viewpoints 3 & 4 although this would be dependent on the success of proposed tree screen planting which could take some time to be effective.

The previously proposed landscape mitigation measures, particularly the treatment of the Northumberland Water land between the dwelling and the river with reedbed, wetland habitat and removal of quay heading would help overcome visual impact and better integrate the site into the surrounding landscape.

However I understand that these measures are no longer considered feasible to implement, being on land not controlled by the applicants.

The LVIA cites these measures in section 6.2 *Predicted landscape effects* and includes them in 8.0 *Mitigation of landscape and visual effects*. Clearly if these measures are no longer capable of implementation, some conclusions of the LVIA are undermined, particularly for Bure valley views.

Conclusion: Although the revised proposals are an improvement on the previous proposals in relation to aspects of the replacement dwelling, given the issues with mitigation, they do not fully overcome the concerns expressed in the landscape comments 16 October 2016 and remain likely to have at least a moderate adverse effect on landscape character and the visual amenity of Broads users.

Representations

None received.

4 Policies

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

[NPPF](#)

Core Strategy (adopted 2007)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement

CS5 - Historic and Cultural Environments

Development Management Policies DPD (adopted 2011)

DEVELOPMENTPLANDOCUMENT

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

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

Development Management Policies DPD (adopted 2011)

DP28 - Amenity

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

DP13 - Bank Protection

- 4.4 The following Policies are not specifically reflected in NPPF. General thrust of policies in the NPPF would be less restrictive. Continue to apply weight to policies.

Neighbourhood plans

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

5 Conclusion and Recommendation

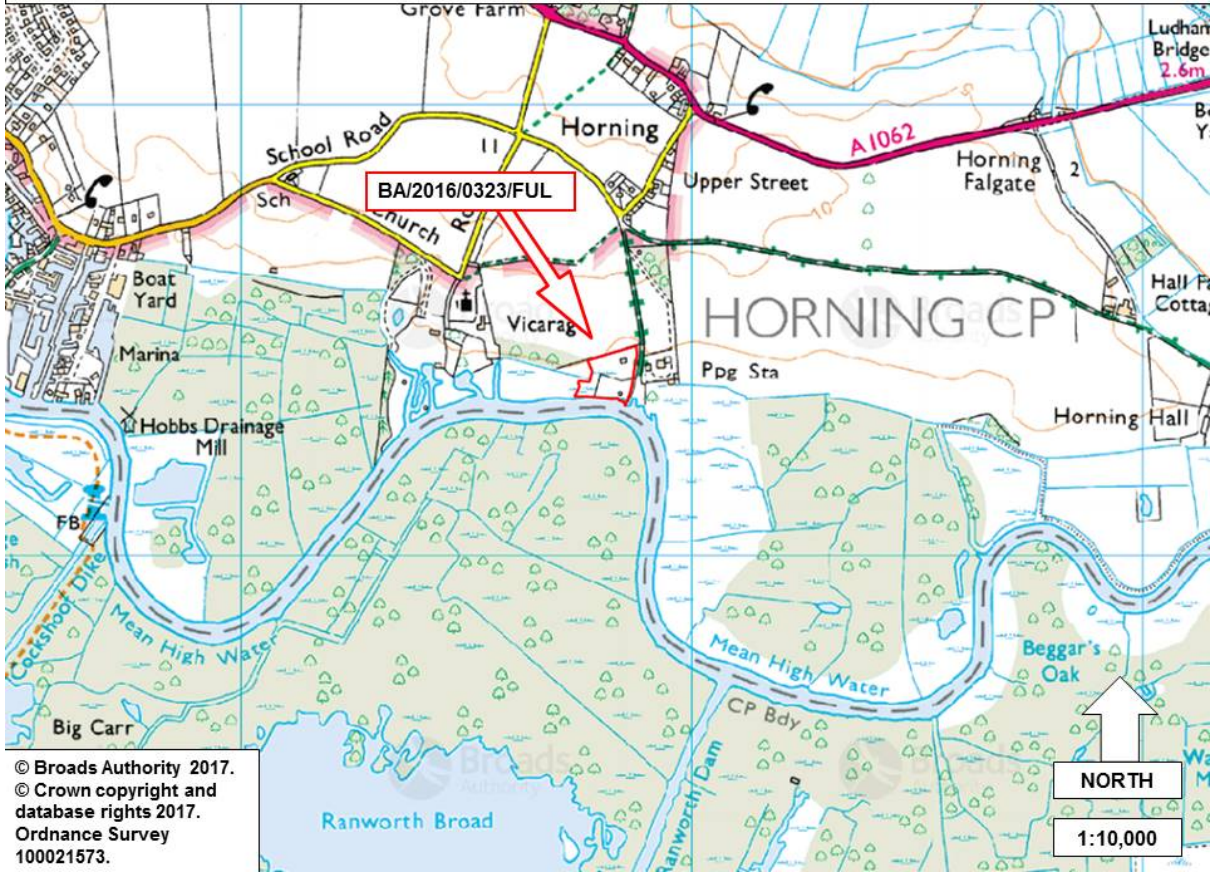
- 5.1 The application proposes the replacement of a prominent building on the edge of Horning with a new dwelling on a larger footprint and of a contemporary design. Objections have been received from the Broads Society, primarily about the details of the scheme.
- 5.2 Given the prominence of the proposed building and the importance of setting to its acceptability it is recommended that members undertake a site visit in order to fully appreciate the local context prior to determining the application.

List of Appendices: Location Plan

Background papers: Application File BA/2016/0323/FUL

Author: Nigel Catherall

Date of Report: 16 March 2017



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Ordnance Survey
100021573.

**Enforcement of planning control
Untidy land and buildings at Marina Quays, Great Yarmouth**
Report by Head of Planning

<p>Summary: This report relates to buildings at Marina Quays, which are in a very prominent location on the only waterborne entrance to Great Yarmouth from the north, where their poor state of repair is having an adverse effect on the amenity of the area.</p> <p>Recommendation: That Members authorise the serving of a s215 Notice requiring remedial works to be undertaken.</p>

Location: Marina Quays, north bank of River Bure, Great Yarmouth

1 Legislative provision

1.1 Section 215 of the Town and Country Planning Act 1990 confers on a Local Planning Authority (LPA) the power to take action in respect of land (or buildings on land) which is adversely affecting the amenity of an area through the lack of proper maintenance. It states:

- (1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.
- (2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.

1.2 These so-called 'Untidy Land Notices' are often used by an LPA to require the repair (and subsequent reuse) of buildings which have fallen into disrepair or to tidy up land which has become derelict. Historically, because land values in the Broads are high which tends to mean that land and buildings are maintained, the Broads Authority as an LPA has not had much occasion to use these powers.

2. Site location and description

2.1 The site which is the subject of this report is located at the northern end of Great Yarmouth, adjacent to the river on the east side of the Bure at the Bure Loop. Known as Marina Quays, the site comprises a former bar/clubhouse and a former office building, both constructed of painted brickwork and timber. On the river frontage there are extensive on-line moorings, formerly used as a

marina, associated with the buildings. The site is located at the very north extent of the built development on the river in Yarmouth, with residential development to the south, and a building recently converted to office use and Bure Park to the east. They are the first buildings to be seen when travelling downstream on the river into Great Yarmouth and are prominent in the landscape as a result of their primacy. They are also located on the riverside footpath.

- 2.2 These buildings have been disused for over 15 years and are in a state of disrepair. They have been boarded up, but have been vandalised and have also been the subject of graffiti. Great Yarmouth Borough Council served notice on the owners under the Local Government (Miscellaneous Provisions) Act 1982 in late 2016 to get the properties boarded up following reports of people gaining access and local concerns. Whilst their surroundings have been kept clear (i.e. there are no abandoned vehicles or other detritus) these buildings contribute to a strong sense of neglect and dereliction on the entrance to Great Yarmouth. The riverside piling which was formerly used for mooring is generally in poor condition and becoming very poor in places.
- 2.3 The Enforcement Board at Great Yarmouth Borough Council have referred the matter to the Broads Authority and asked that action be taken on the matter.

3 Proposed action and rationale

- 3.1 As a consequence of their condition, the buildings at Marina Quays are having an adverse effect on the amenity of the area. This effect is manifested through a significantly detrimental impact on the appearance of the area, which is accorded the same status as a National Park, and is exacerbated by the prominence of the location on the only waterborne entrance to the town from the north. This is being experienced by river users and local people using the riverside footpath. The negative impact of the buildings is exacerbated by the condition and appearance of the piling, which reinforces the derelict character.
- 3.2 The Broads Authority has a statutory duty to protect the appearance of the area and is given the powers under s215 of the 1990 Act to require the remediation of land or buildings that are having an adverse effect on local amenity.
- 3.3 It is proposed to serve a s215 Notice on the landowners requiring that they undertake works to improve the external appearance of the buildings. These works will include replacing the metal boards covering the windows with undamaged boards painted white (and maintaining these in good condition), repairing the damaged timber fascias and brickwork and repainting these in white and removing all graffiti from the external elevations.
- 3.4 Whilst the condition of the piling is contributing to the adverse appearance in combination with the buildings, in isolation it is not considered that they are of

sufficiently poor standard to warrant a s215 notice. The repair of the buildings will achieve sufficient improvement to overcome the need for works to the piling in the immediate term.

- 3.5 Should the Notice not be complied with, the following actions are open to the Authority:
- a) A prosecution in the Magistrates Court for non-compliance with the s215 Notice, which could result in a substantial fine if found guilty of an offence; and/or
 - b) Direct action by the Authority to carry out the works required by the Notice followed by action in the County Court to recover all expenses and costs reasonably incurred by such action; and
 - c) Registration with HM Land Registry of a charge on the property, recoverable should the property be sold.

3.6 It is recommended that option (a) would be pursued in the first instance.

4 Financial implications

4.1 There will be financial implications if the Broads Authority proceeds with prosecution.

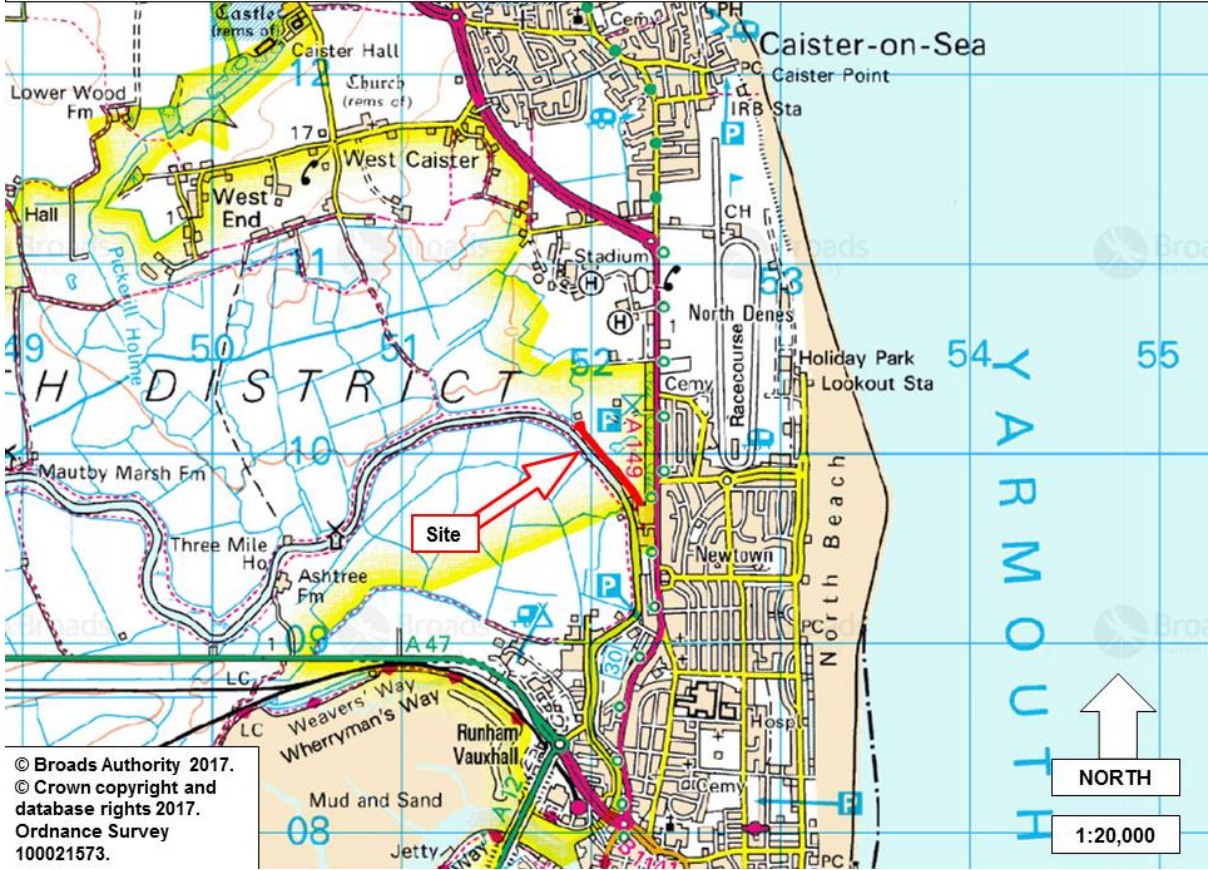
5 Recommendation

5.1 That authority be granted to serve a s215 Notice requiring the buildings at Marina Quays to be tidied.

Author: Cally Smith
Date of report: 16 March 2017

Appendices: Site plan

Marina Quays - Great Yarmouth



Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

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

Committee Date	Location	Infringement	Action taken and current situation
<p data-bbox="203 363 427 400">9 October 2015</p> <p data-bbox="203 954 443 991">5 February 2016</p>			<p data-bbox="1160 256 1335 293">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1160 296 2007 365">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015 <li data-bbox="1160 368 2007 517">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container <li data-bbox="1160 520 1980 588">• Leave to appeal against High Court decision refused on 9 October 2015 <li data-bbox="1160 592 1917 660">• Request for oral hearing to challenge Court of Appeal decision filed 2015 <li data-bbox="1160 663 1966 732">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 <li data-bbox="1160 735 1980 852">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river <li data-bbox="1160 855 1458 892">• Site being monitored <li data-bbox="1160 895 1991 1011">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016 <li data-bbox="1160 1015 1688 1051">• Enforcement Notices remain in place <li data-bbox="1160 1054 1912 1091">• Applications for Injunctions lodged 18 February 2016 <li data-bbox="1160 1094 1854 1131">• Injunctions served on Mr Wood on 2 March 2016 <li data-bbox="1160 1134 1659 1171">• High Court Hearing 11 March 2016 <li data-bbox="1160 1174 1749 1211">• Interim Injunction granted 11 March 2016 <li data-bbox="1160 1214 1868 1251">• Court date for Permanent Injunction 17 June 2-16 <li data-bbox="1160 1254 1839 1291">• High Court injunction obtained on 17 June 2016 <li data-bbox="1160 1294 1809 1331">• High Court Injunction issued on 24 June 2016 <li data-bbox="1160 1334 1711 1370">• Partial costs of Injunction being sought

Committee Date	Location	Infringement	Action taken and current situation
<p>9 December 2016</p> <p>6 January 2017</p>			<p>reached. No further information had been received within the timescale given and this had been extended</p> <ul style="list-style-type: none"> • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date (22 July 2016) • Application for retention of structures validated 27 July 2016 and under consideration • Application withdrawn 29 September 2016 • Meeting with landowner's agent 10 November 2016 • Landowner's agent considering position. • No realistic prospect of compliance by negotiation • Planning Committee agree to proceed with prosecution and further Enforcement Notices • Request for a further period to 31 March 2017 for compliance with Enforcement Notice and remove the further unauthorised development granted. Request granted. If full compliance not achieved by this date, the authority granted to officers previously and in December 2016 to prosecute and serve further Enforcement Notices be implemented with immediate effect and no further negotiations take place. • Site to be inspected 31 March 2017
<p>10 October 2014</p>	<p>Wherry Hotel, Bridge Road, Oulton Broad –</p>	<p>Unauthorised installation of refrigeration unit.</p>	<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

Committee Date	Location	Infringement	Action taken and current situation
			<p>three months; and authority be given for prosecution should the enforcement notice not be complied with</p> <ul style="list-style-type: none"> • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016 and under consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required
<p>5 December 2014</p> <p>8 January 2016</p>	<p>Staithe N Willow</p>	<p>Unauthorised erection of fencing</p>	<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 • Appeal Dismissed and Enforcement Notice Upheld 9 January 2017 • Landowner given until 9 March 2017 to remove fence

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Request for alternative solution submitted 3 February 2017. Subject to detail, this may be acceptable. Negotiation underway • Alternative solution agreed, subject to detail. To be implemented by 23 March 2017.
11 November 2016	"Broad Minded" Plot 9/9A Martham	Mooring of Caravan on Floating Pontoon	<ul style="list-style-type: none"> • Authority given for an Enforcement Notice to be served (in consultation with the Solicitor) requiring the cessation of the residential use and the removal of the caravan on floating pontoons known as "Broad minded" with a compliance period of 3 months • Discussion underway with Environment Agency as landowner • Environment Agency given 30 days (to 9 January 2017) to negotiate removal of structure • Site visit 19 January 2017 shows structure still in situ. • Period to end of March 2017 allowed for removal of structure
9 December 2016	Eagle's Nest, Ferry Road, Horning	Non-compliance with conditions 3 and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential accommodation.	<ul style="list-style-type: none"> • Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> (i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and (ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months. And (iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not complied with.

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Invalid CLEUD application for materials received; subsequently validated • Application to remove materials condition received • Planning Contravention Notice served 30 December 2016. • Breach of Condition Notice served 19 January 2017. Compliance date 19 April 2017. • Retrospective application for retention of manager's flat submitted 20 February 2017. Application under consideration. • CLEUD for materials issued
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential curtilage	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL; • if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution. • Enforcement Notice served on 8 March 2017.

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: 17 March 2017

Appendices: Nil

**Norfolk Strategic Framework and Norfolk Strategic Planning Member Forum
update**

Report by Planning Policy Officer

Summary: This report provides an update to members on the progress of the Norfolk Strategic Framework which is being overseen by the Norfolk Strategic Planning Member Forum.

Recommendation: That members note the report.

1. Introduction

This report provides an update to members on the progress of the Norfolk Strategic Framework (NSF) which is being overseen by the Norfolk Strategic Planning Member Forum.

2. General update on Norfolk Strategic Framework

2.1 The Norfolk Strategic Framework (NSF) project has continued to progress well. All task and finish groups are meeting on a regular basis. The key tasks for the project since the last report have been to:

- finish compiling the evidence for the document; and
- complete the writing of the first draft

2.2 The initial drafting of the report has been completed and the draft document is now with Members for review. There have been some areas of evidence which are not completed yet and this will mean that the draft document provided to Members will require updating as this further evidence becomes available. This updating will be ongoing until the document is made available near the time of public consultation.

2.3 The production of Housing and Economic Land Availability Assessments (HELAAAs) based on the agreed methodology has progressed more slowly than anticipated and no authority has a completed HELAA to date. However we will look to ensure all authorities either have confidence that they can meet their own housing need or have agreements in place with neighbouring authorities before the NSF is published for public consultation.

2.4 The NSF has been produced with only one external study being commissioned (for Green Infrastructure). There is the possibility that one additional study is commissioned for the delivery group which may require some funding. The limited external work has meant that the project will have a

significant underspend.

- 2.5 The most recent report provides more detail and can be found here:
<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/strategic-member-forum/report-norfolk-strategic-framework-16-feb-2017.pdf?la=en>
- 2.6 The timeline which the NSF production is working towards is included at Appendix A to this report, but to summarise:
- June 2017 – the NSF is discussed at the Member Forum.
 - June and July 2017 – individual authorities consider NSF for consultation.
 - July/September 2017 – draft dates for public consultation
 - October to December 2017 – individual authorities adopt NSF

3. Norfolk strategic planning member forum

- 3.1 As a reminder for Members, this group meets on a quarterly basis and is made up of Planning Portfolio holders or leaders of all the Councils in Norfolk. The Broads Authority representative is Paul Rice, in his role as Vice Chair of the Planning Committee.
- 3.2 The aim of the Forum is to provide a strategic steer to plan making in Norfolk so as to meet the Duty to Cooperate requirements set out in the Localism Act 2011.
- 3.3 The forum has no executive powers and decision making remains with each of the participating authorities which comprises all Norfolk Planning Authorities
- 3.4 The Forum is currently overseeing the preparation of a Norfolk Strategic Framework which will consider and seek agreement in relation to the strategically important cross boundary issues affecting the delivery of growth in Norfolk. This Framework is intended to inform the preparation of statutory development plans.
- 3.5 At their last meeting, it was decided to amend the Terms of Reference in order to meet in public. As a result, a website¹ has been put in place to publish the papers, hosted by Norfolk County Council.

4. Financial Implications

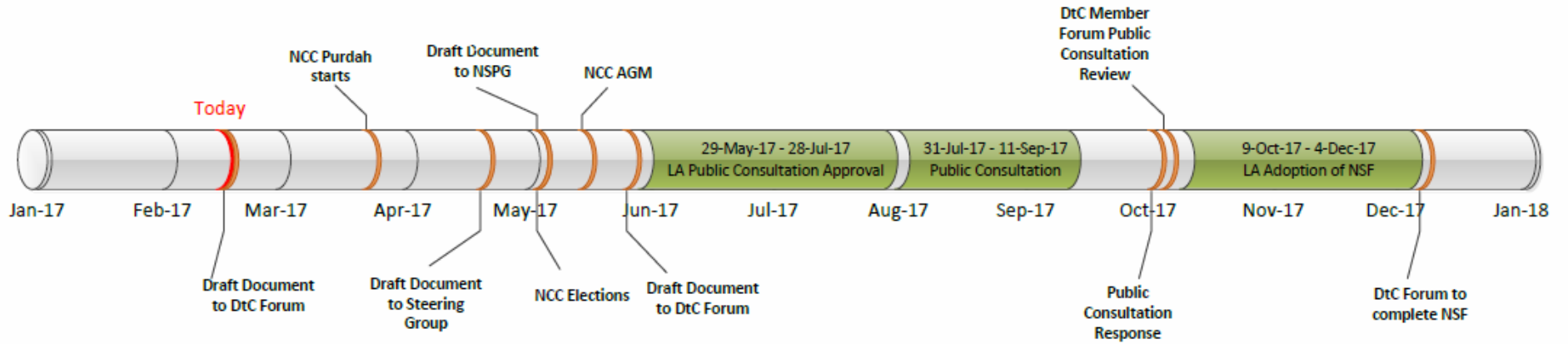
- 4.1 Generally officer time. The Authority has already paid its contribution of £12,500 towards the production of the NSF.

¹ <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/norfolk-strategic-planning-member-forum>

Background papers: None
Author: Natalie Beal
Date of report: 16 March 2017
Appendices: Appendix A: Timeline for the NSF

Appendix A – timeline for the remaining stages of the Norfolk Strategic Framework

NSF Adoption Process Plan C



Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer and Senior Ecologist

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: 17 March 2017

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Great Yarmouth Borough Council.
DOCUMENT:	Draft Great Yarmouth Borough Natura 2000 Sites Monitoring and Mitigation Strategy
LINK	A stakeholder consultation. Available to members on request.
DUE DATE:	31 March 2017
STATUS:	Draft
PROPOSED LEVEL:	Planning Committee endorsed response
NOTES:	<p>This Monitoring and Mitigation Strategy sets out a plan to implement a programme of monitoring and mitigation measures to address potential adverse effects on European protected wildlife sites (Natura 2000 sites) caused from increased visitor pressures resulting from new planned residential and tourist development.</p> <p>The Strategy recommends a planning contribution of £60 per net new dwelling (including tourist and Sui Generis accommodation uses) located in the main urban area of Great Yarmouth and northern parishes of the Borough. The contribution will provide for the necessary monitoring mitigation measures as required by the Habitat Regulations Assessment for the Core Strategy.</p>
PROPOSED RESPONSE:	<ul style="list-style-type: none"> • 1.2 – suggest show the area to which this contribution applies on a map to make it clear, showing the Broads Authority area. • Table 1, first para under ‘other mitigation measures’ – is this relevant to major tourism proposals anywhere in the Borough? This is not clear. Is there a threshold or type? Also under the same title, what is ‘early warning monitoring’? • 3.6 ‘net loss of accommodation’ – is this bedrooms, habitable rooms or dwellings as a whole? • 4.1 – should the Broads Authority be invited to be part of this Advisory Group? • 5.5 – what are the particular existing pressures? <p>Section 5.9 –</p> <ul style="list-style-type: none"> • Regarding equipment cost every three years of £21,870. Is it the case that once you have bought the equipment, you are in possession of it so it can be used rather than buying it each time? • Also, this centres on the Little Tern but the tables later or refer to the Breydon SPA. • Are there any other costs to monitor and mitigate or is this all that the monitoring and mitigation is expected to cost? What about the specific schemes/projects/items in the tables later on in the document – are these included in this overall cost or are they extra? <p>Section 6</p> <ul style="list-style-type: none"> • Is the £239,642 supposed to pay for everything in this table? • Do the items/projects etc in these tables be costed up individually and then added to the £239,642? <p>Page 15</p> <ul style="list-style-type: none"> • We are aware that some paths in the area have been raised recently to enable improved access surface, resulting in users to see over the reeds. As such, suggest

	<p>that the mitigation needs to be integrated into Norfolk County Council’s plans now to ensure no regret improvements to existing paths.</p> <ul style="list-style-type: none"> • Re the new interpretation board at Breydon Water – who will lead on that? • Regarding the re-routing of the path, that will require public consultation. <p>Page 16</p> <ul style="list-style-type: none"> • Perhaps dog bins need to be provided at dog-friendly sites? The initiative is generally supported, but as per previous comments, the elements are not costed up. • Suggest that these improvements are already needed. • The interpretation board should also be paid for by developer contributions. • Note that the Broads Authority is down as a funder – can this be clarified as to what is expected? <p>General</p> <ul style="list-style-type: none"> • Is the monitoring that of impact of number of people? What are the trigger levels for disturbance? These should be measured in path use – i.e. something that is routinely monitored within the funded monitoring plan. • What if monitoring leads to more significant impacts not budgeted for, for example the re-routing of the path from the top of the flood embankment at Breydon? (we note the 10% contingency - will that be enough?). • Some of the success of these mitigation schemes is dependent on the understanding and engagement of the community and users and we suggest that information signs will alone not be sufficient effective mitigation. • When will the plan be reviewed?
ORGANISATION:	Highways England
DOCUMENT:	A47 Great Yarmouth junction improvements
LINK	https://highwaysengland.citizenspace.com/he/a47-and-a12-junction-enhancement/
DUE DATE:	21 April 2017
STATUS:	Draft
PROPOSED LEVEL:	Planning Committee endorsed response
NOTES:	Highways England is consulting on proposals to improve junctions on the A47 through Great Yarmouth. Vauxhall Roundabout including the Station Approach Junction and Gapton Roundabout are located towards the northern end of Great Yarmouth and has been identified as priority junctions in need of fundamental improvement.
PROPOSED RESPONSE:	<p>Officers at the Broads Authority with various specialism were asked to comment on the proposals.</p> <p><u>Historic Environment Manager comments:</u> The new bridging of the railway to the South of the Vauxhall roundabout will have a visual impact potentially on the Halvergate conservation area - a designated heritage asset, but given that the bridging exists and it is a widening that is proposed this is probably negligible in terms of impact even to the eastern end of the area and certainly would not adversely impact on the significance of the whole of the asset. The visual impact on heritage assets in the broads would otherwise be limited and not adverse given the existing situation.</p> <p>As regards the area around the station we have already commented on improvements</p>

being proposed to the concourse as part of the overall improvements proposed by the Borough to the approach to the town. Other than to state that any improvements in this area should acknowledge that this terminus is also a primary access point to the broads from the town, we have no further comment.

The Gapton improvement scheme is considered to have no adverse visual or physical impact on known HE features of the broads.

Both improvements have the potential to impact on unknown archaeology and the broads area has been identified by Historic England as an area of exceptional potential for waterlogged archaeology. The broads authority would therefore expect appropriate Archaeological assessment of the areas to be disturbed and for the appropriate watching brief and mitigation measures to be in place before any work takes place. The County Archaeological service should provide detailed advice.

Finally as an observation where has the HE data shown on the maps on pages 10-13 come from – the document refers to Historic England Data is this correct? Or is this sourced from the County historic environment record which seems to be the case.

Landscape Architect comments

The proposals appear to be outside of the Broads Authority area, but are close to the Breydon Water LCA area, which has a number of landscape and habitat/ecology sensitivities. It would be useful if the proposals were shown more clearly in relation to landscape data and designations on plan to fully demonstrate the environmental constraints/considerations.

The proposals for Gapton Roundabout are adjacent to the Broads Authority area but do not appear to include any change to the layout or associated land take within the Settlement Fringe area, and therefore the Broads Authority has no comments to make regarding this.

The proposals present an option for Vauxhall Roundabout which includes an increased size/capacity roundabout and associated road widening on junction arms. As the road is raised in this location on approaching the bridge, retaining structures would be associated with this work. The area of the land between the Broads Authority area and the A47 to the east may have some landscape value and whilst outside of the Broads Authority area also provides some buffering function between settlement and urbanisation at the fringe of Great Yarmouth and the Breydon Water Landscape Character Area. Any extension of the carriageway and associated enabling works could have a negative visual impact on the Breydon Water area and increase the sense of encroachment associated with the urban fringe which is already identified as being intrusive.

The Authority would want to understand if the required geometry and capacity of the network around the Vauxhall Roundabout junction could be achieved by restricting land take to the east of the A47 which already has a built character (therefore limiting impact visible from Breydon Water and maximising the distance between works and sensitive habitats). If this is not possible the Authority would expect some justification of the choice to position land take to the Breydon Water side of the A47, and mitigation would need to be fully explored to avoid residual impacts.

The proposals presented are not detailed in terms of the actual land take and impacts associated with the suggested options. The Authority would suggest that any further development of a scheme considers the potential impacts in more detail so that a greater level of information can be presented on this and the Authority can make a more informed comment. Due to the sensitivity of the adjacent Broads Authority area, it would be useful if assessment includes the landscape and visual impacts that are likely within the area.

Chapter 5 of the consultation mentions that the construction will be planned to minimise effects on the environment, but does not suggest how this will be achieved. Again, any further development of the option should explore and explain this more clearly.

On page 14 under the local communities and landscape paragraphs, planting is suggested as a method to screen and reduce the visual impact of the proposals. The appropriateness of this should be carefully considered as planting and screening in itself could have a negative visual impact within a landscape that is characterised by openness. There is also mention of noise mitigation barriers and these should be carefully considered for their potential to have a visual impact.

Senior Waterways, Access and Recreation Officer

The Authority would like to emphasise that the final schemes should incorporate appropriate designs to improve safety for cyclists and walkers. Additionally one of the main access points to the Wherryman's Way is at Great Yarmouth Station/Asda close to the junctions so any additional enhancements that could be worked into the scheme to make the route more obvious on the ground or with signage would be welcomed.

The Authority understands that Norfolk County Council will shortly be launching a Gt Yarmouth Cycle Map along the lines of the Norwich Pedalways scheme so there may be elements of those routes that are in the area of the proposals.

Senior Ecologist

The main areas for potential concern are likely to be in relation to the habitat lost as a result of the land take as well as mitigation and monitoring during the construction phase. At this stage, little specific detail is given and the Authority has asked to see any background ecological work. More comments could be provided at the next consultation stage which could provide more detail.

Detailed comments

- Rather than saying 'National Park' suggest this is replaced with 'Broads Authority Executive Area'.
- The Broads is designated for landscape reasons as well – the legend implies only ecological.
- With regards to light pollution, the commitment to modern lighting to reduce light trespass and contributions to sky glow is welcomed.

The Broads Authority would wish to be consulted on more detailed proposals as they develop.

Housing White Paper
Report by Head of Planning

Summary: This report outlines the recently published Housing White Paper and provides some brief comments.

Recommendation: The report be noted

1.0 Introduction

1.1 On 7 February 2017 the Government published the long-awaited Housing White Paper entitled “Fixing our broken housing market”. The Paper explains that since the 1970s, there have been on average 160,000 new homes completed each year in England. The consensus is that the country needs 225,000 - 275,000 more homes per year to keep up with population growth and to tackle under-supply. The Housing White Paper sets out a broad range of reforms that government plans to introduce to help reform the housing market and increase the supply of new homes.

1.2 The White Paper summarises the Government’s proposals for local authorities as follows:

“For local authorities, the Government is offering higher fees and new capacity funding to develop planning departments, simplified plan-making, and more funding for infrastructure. We will make it easier for local authorities to take action against those who do not build out once permissions have been granted. We are interested in the scope for bespoke housing deals to make the most of local innovation. In return, the Government asks local authorities to be as ambitious and innovative as possible to get homes built in their area. All local authorities should develop an up-to-date plan with their communities that meets their housing requirement (or, if that is not possible, to work with neighbouring authorities to ensure it is met), decide applications for development promptly and ensure the homes they have planned for are built out on time. It is crucial that local authorities hold up their end of the bargain. Where they are not making sufficient progress on producing or reviewing their plans, the Government will intervene. And where the number of homes being built is below expectations, the new housing delivery test will ensure that action is taken”.

1.3 The White Paper is a consultation document, with a 12 week consultation period which closes on 2nd May 2017.

2.0 The Proposals in the Housing White Paper

- 2.1 The White Paper is structured into four sections, reflecting the four steps identified by the Government to achieve its aims. The main proposals from each section are set out below, with a brief commentary.

Planning for the right homes in the right places

- 2.2 This section of the White Paper focuses on the role of plan-making in delivering housing. The section summary explains “If we are to build the homes this country needs, we need to make sure that enough land is released in the right places, that the best possible use is made of that land, and that local communities have control over where development goes and what it looks like”.
- 2.3 The first step is identified as ensuring that all areas have in place an up-to-date, ‘sufficiently ambitious plan so that local communities decide where development should go’. It advises that the Government will intervene where Local Planning Authorities (LPAs) fail to produce and adopt a Local Plan in a reasonable timescale; complementary measures are provided in the Neighbourhood Planning Bill. There will be a legal requirement for the plans to be reviewed at least once every five years to ensure they remain up to date.
- 2.4 It is proposed to simplify plan-making and make it more transparent. The tests for assessing ‘soundness’ will be amended, whilst there will be a more proportionate approach to the documents needed to support a plan and the process of examination. The expectation that an area will be covered by a single plan will be removed, making it easier for joint working and for combined authorities to take a strategic approach.
- 2.5 The Government propose to consult on options for taking a standard approach to calculating housing requirements, arguing that the current approach lacks transparency and consistency. They consider this would better enable the needs of a variety of groups – for example older people – to be calculated and met. It is proposed that the new methodology for calculating Objectively Assessed Need will apply from April 2018 and any LPA which wishes to use an alternative approach will need to justify this. LPAs will be expected to accommodate their own housing need unless there are other policies in the NPPF which override this – this includes the protection afforded to National Parks under the NPPF as areas where development is restricted (footnote 9).
- 2.6 Turning to the provision of land for housing, the presumption in favour of using brownfield land for housing will be strengthened, and the NPPF will be amended to make this clear. A number of measures are proposed to facilitate the release of publicly-owned land for housing, including a £45M Land Release Fund and giving Local Authorities more power to dispose of land at less than best consideration, as well as consulting on the development of land assembly powers for Local Authorities so they can unlock sites.

- 2.7 In terms of sites themselves, the White Paper looks to provide mechanisms to increase the number of smaller sites as a means of supporting custom builders and small developers. National policy will support ‘windfall sites’ (ie non-allocated sites), promote small sites within settlements and require that a minimum of 10% of allocated sites in a Local Plan should be for sites of 0.5 hectare or less (around 10 - 12 dwellings). This will include stronger support for ‘rural exception’ sites by making it clear that these sites should be considered positively where they can contribute to meeting identified local need, even if an element of general market housing is required to cross-subsidise this.
- 2.8 To encourage the more efficient use of land, it is proposed to amend the NPPF to make it clear that proposals should make efficient use of land, avoid building homes at low densities and address the scope for higher-density housing in urban areas. The Government commits to reviewing the Nationally Described Space Standard to ensure greater local housing choice.
- 2.9 There is a strong focus on Neighbourhood Plans in the White Paper, which notes the adoption of over 270 Neighbourhood Plans since 2012. Further funding is proposed to support this, as well as amending national policy to enable neighbourhood planning groups to obtain their own housing requirement figure from their LPA so they can plan accurately for their own needs.
- 2.10 Design will be given greater emphasis in the NPPF, and encouragement given to the inclusion of clear design in planning policy. There is support for the development of design codes, as well as design standards such as Building for Life, and a collaborative approach is proposed, with Government, the development industry and LPAs working together to develop and publicise good local design. In the longer terms, the Government’s aspiration is to develop local pattern-books or 3D models that can be used to consult local people on designs for their area. In parallel to design considerations, environmental performance and quality standards will be reviewed to maximise build quality without unduly compromising affordability.

Commentary

- 2.11 The White Paper strongly affirms the Government’s commitment to a plan-led system, which is welcome, and the requirement to maintain an up-to-date Local Plan is nothing new. There is much more emphasis, however, on Neighbourhood Plans and their role and contribution to the planning process and many of the changes proposed – for example the simplification of the process and greater proportionality – will directly benefit communities seeking to prepare a Neighbourhood Plan as currently the requirements can be onerous. It is clear that the Government sees them as having a much greater role and, with the provision of cross-boundary working, potentially replacing the LPAs Local Plan where the latter is failing. The suggestion that they might be given full weight before adoption is likely to be controversial.

- 2.12 There is no detail on how the new methodology for calculating housing need will operate, or indeed improve on the current Objectively Assessed Need process which came out of the NPPF, and whilst consistency is welcome there also needs to be sufficient flexibility to cater for varying local circumstance. The Broads Authority is only too aware of this as the process for the calculation of its own OAN was different to that of the adjacent districts because of the Broads boundary, the split parishes and the absence of household projections for its area, so a number of (justifiable) assumptions had to be made. If Neighbourhood Plans are to cover cross-boundary areas similar issues will arise and the complications will, regrettably, negate the simplifications achieved elsewhere in the process. The continued acknowledgement that development should be restricted in the National Parks and the Broads is welcome.
- 2.13 Looking at sites, the increased emphasis on brownfield land (and higher densities where appropriate) is welcome. For rural areas, the Local Plan requirement for 10% of planned small sites recognises the need to allow communities to grow, but sets this at a level which is more likely to be accepted by communities and can be accommodated in a Neighbourhood Plan. It also supports custom build and small builders. The promotion of small sites within settlements is noted, however within the Broads and other protected landscapes there must be a balance between this and recognising and protecting the contribution such areas make to local character. The introduction of design in the White Paper is welcome, although somewhat unexpected as recent Governments have instead sought to revoke design standards and similar policies, the Code for Sustainable Homes having been the most recent to be abolished in April 2015.

Building homes faster

- 2.14 This section of the White Paper focuses on bringing forward the development that is set out in the development plan. The section summary explains “Where communities have planned for new homes, we want to ensure those plans are implemented to the timescales expected”. It notes that as of July 2016 there were 684,000 homes with detailed planning permission granted on sites which had not yet been completed; building had started on only 349,000 of these. The delays to implementation are varied, and identified in the White Paper as including LPA capacity to handle applications; too many applications going to appeal; the time taken to discharge planning conditions or address planning obligations; a lack of infrastructure; problems securing the necessary utility connections; excessive bureaucracy in protecting species like great crested newts; and skills shortages.
- 2.15 The first matter which is considered in the White Paper is the requirement for an LPA to maintain a 5 year land supply, and how, where this is not provided, the local area is vulnerable to unplanned development (often granted on appeal), which undermines the forward planning process. It is proposed that the 5 year land supply be agreed on an annual basis, which would give more certainty to communities over where development takes place, as well as

reducing the expense and delay associated with appeals where land supply is the main argument.

- 2.16 To underpin this new approach a housing delivery test will be introduced, which will highlight whether the number of homes being built is below target, provide a mechanism for establishing the reasons why and, where necessary, trigger a policy response to ensure that further land comes forward. The starting point to establish the baseline for delivery will be the Local Plan where it is up to date, or the household projections where it is not; the new standard methodology for assessing housing need will be applied from April 2018. A tiered approach to addressing under-delivery will be applied as follows:

November 2017:	where housing delivery < 95% of the authority's annual requirement, an action plan must be prepared setting out reasons and how the shortfall will be addressed;
November 2017:	where housing delivery < 85% of the authority's annual requirement, an action plan plus a 20% buffer on the 5 year land supply;
November 2018:	where housing delivery < 25% of the authority's annual requirement, presumption in favour of permission being granted unless there are strong reasons not to;
November 2019:	where housing delivery < 45% of the authority's annual requirement, presumption in favour of permission being granted unless there are strong reasons not to;
November 2020:	where housing delivery < 65% of the authority's annual requirement, presumption in favour of permission being granted unless there are strong reasons not to;

- 2.17 Where a Neighbourhood Plan identifies housing sites it is also proposed that the housing delivery test be applied, which would look in more detail at local factors such as historic build out rate when calculating land supply.
- 2.18 To address capacity shortfalls in LPAs, and the consequent delays in dealing with planning applications, it is proposed to allow LPAs to increase application fees by 20% from July 2017 subject to their committing to spend this in the planning department. A further 20% may be charged where the LPA is delivering the required amount of housing and there will be further consultation on this. In areas of high housing need a £25M fund will be available to help plan for homes and infrastructure. The White Paper also considers the possibility of making a charge for a planning appeal – noting the delay and expense that unnecessary appeals create - and seeks views on this, particularly given that the opportunity to challenge a decision is a fundamental part of the process. Members will have previously considered a report on fees at the Broads Authority meeting on 24 March 2017
- 2.19 Delay in providing infrastructure is identified as a major factor to be addressed in accelerating delivery, as well as improving new communities. The White Paper announces a £2.3BN Housing Infrastructure Fund to be targeted in the areas most affected by housing shortages. Local Authorities will need to demonstrate that they will maximise the housing and economic opportunities

unlocked by this infrastructure, and will need to show this when the funding is committed. The White Paper also commits the Government to reviewing the role of the utilities companies in supporting development.

- 2.20 Pre-commencement conditions on planning applications are identified as a cause of delay, so it is proposed that these will only be able to be applied with the agreement of the applicant. Complementary measures in the Neighbourhood Planning Bill will allow the Secretary of State to prohibit conditions which do not meet the national policy test.
- 2.21 Support is expressed in the White Paper for the principle of developer contributions to mitigate the effects and impacts of development, but it is proposed to examine the current system (ie S106s and Community Infrastructure Levy) which is not as “fast, simple, certain or transparent as originally intended”, with the outcome to be announced in the Autumn Budget 2017.
- 2.22 Slow build-out rates, where planning permission has been granted but homes either not built or not built promptly, is comprehensively tackled. Housebuilders will be required to provide data on the timing and pace of delivery and LPAs will encouraged to consider at the application stage how realistic it is that the proposed housing will be built if it is a site where previous permissions have not been implemented. This is intended to discourage landbanking and sites where the barriers to development are insurmountable. Views are being sought on whether a developer’s previous record of building-out sites (or not) should be taken into account, although this would only apply for major developers on large sites. A reduction in the life of a planning permission from three to two years is also being considered as a means of bringing sites forward faster, as well as greater use by LPAs of Compulsory Purchase Powers on stalled sites.

Commentary

- 2.23 In considering delivery and barriers to building out sites, the White Paper recognises that the planning system is only part of the problem and this realism is welcome. Supplementing the blunt tool that is the 5 year land supply calculation with the more nuanced approach of the housing delivery test should enable a better understanding of why development doesn’t get built and prompt more achievable sites to come forward. This mechanism should spread the responsibility for unbuilt sites between LPA and developer –ie if it doesn’t get started then the planning permission will not be renewed – and could, if drafted and applied effectively, help to reduce landbanking. The penalties for an LPA failing to allocate or permit sufficient land to meet the housing targets are clear and a continuation of the current approach.
- 2.24 The announcement of more resources for planning departments through ring-fenced fee increases is welcome, although somewhat ironic given the swingeing cuts experienced by many planning teams in recent years resulting from cuts in local authority budgets. It will take time to rebuild capacity.

- 2.25 Finally, the matter of planning conditions is always rolled out as an explanation for delays in bringing forward development and some comment is needed. It is the case that applications for planning permission need to be accompanied by sufficient information for the development to be properly assessed, and then certain works need to be done before substantive development can commence, for example the provision of sewerage infrastructure or access. If the developer does not provide all the necessary information up front at the application stage, the LPA will need to require it by condition to be submitted subsequently – usually prior to commencement. If the developer does not provide a detailed schedule and timetable of all the works to be done, particularly including necessary infrastructure, the LPA will need to require it by condition to be submitted subsequently – usually prior to commencement. The requirement for pre-commencement conditions to be agreed by a developer will not speed up the provision of the information, which is the cause for the delay, but may instead introduce further delay whilst this matter is negotiated. The most effective remedy for delays around the provision of information is for the preparation and collation of this to be done at an early stage in the process, ideally at pre-application, and for LPAs and agents to agree the scope of this then.

Diversifying the Market

- 2.26 This section of the White Paper focuses on facilitating a step change in the housing market. The section summary explains “We want to diversify the market to achieve the amount, quality and choice of housing that people want. This includes supporting new and different providers, more innovation in methods of construction, and developing new investors into residential development”.
- 2.27 The first matter considered is the need to support and expand the number of small and medium sized builders, who registered only 18,000 homes in 2015 which is a fall of over 60% since 2007. Provision of small sites is identified as a key to expanding this sector and whilst it is not proposed to require LPAs to maintain a ‘small sites register’, as previously considered, an Accelerated Construction Programme is proposed in which Government will work with developers, owners of public land, lenders and manufacturers to bring forward sites quickly. This will include promoting more custom and self-build.
- 2.28 The White Paper also looks at how to diversify the housing sector to offer better tenure choices. The private rented sector is identified for growth, with plans to amend the NPPF to require LPAs to plan proactively for Build to Rent. To support housing associations to build more, the Government will set out a rent policy for social housing landlords (housing associations and local authority landlords) for the period beyond 2020 to help them to borrow against future income, and will undertake further discussions with the sector before doing so. There is a commitment to work with local authorities to understand all the options for increasing the supply of affordable housing.
- 2.29 Finally the scope for increasing productivity and innovation is considered. The house building industry is identified as being less productive than the

wider economy, having been slow to modernise, but there is potential for considerable growth and the build-offsite model is discussed and promoted.

Commentary

- 2.30 The matters raised in this section of the White Paper go beyond previous discussions on housing shortages, which has focused mainly on numbers, and takes a more comprehensive look at the extent of and reasons for sectoral failure. The recognition of this is welcome.
- 2.31 Given the nature of the Broads and the preponderance of small sites, the issues discussed here are relevant and it is likely that custom and self-build will become increasingly common in the area.

Helping people now

- 2.32 This section of the White Paper focuses on immediate actions which will be taken by Government to address immediate housing issues. The section summary explains “The housing market is creating challenges for households across the country. The long-term solution is to build more homes but that will take time ... (the) Government will help people now, tackling some of the impacts of the housing shortage on ordinary households and communities”.
- 2.33 A number of measures are outlined which aim to support people to buy their own home, including the £8.6BN Help to Buy Equity Loan scheme. Affordable private rental (i.e. not available through a Registered Social Landlord) will be brought into the definition of affordable housing, as will Starter Homes. Discounted starter homes are part of the proposals and these are aimed at first time buyers with a household income of less than £80,000; and a repayment clause will apply if the house is sold within 15 years, in order to prevent speculation. The NPPF will be amended to encourage more starter home development on brownfield land, with the definition of brownfield extended for this purpose to include unused leisure centres and retail sites. Furthermore, the NPPF will be amended to ensure that any proposal on employment land that has been vacant, unused or unviable for a period of five years, and is not a strategic employment site, should be considered favourably for starter home-led development. A £1.2Bn Starter Home Land fund will be used to promote starter and other affordable housing on brownfield land, whilst in rural areas partnerships with local authorities are expected to bring land forward. Starter homes, with appropriate local connection tests, can be acceptable on rural exception sites. The mandatory requirement for starter homes on all developments over a certain size, which had been proposed, has now been dropped, but there is instead a requirement for all housing development to include a minimum of 10% of affordable units.
- 2.34 Looking at the rented sector, support is also proposed for affordable rent and Rent to Buy properties, along with safeguards for tenants.
- 2.35 The recently set up Community Housing Fund aims to provide new housing in areas affected by high levels of second home ownership, and local authorities

are encouraged to make better use of their powers to bring empty homes back into use.

- 2.36 Finally, the Government is introducing a new statutory duty through the Neighbourhood Planning Bill for the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people.

Commentary

- 2.37 The recognition in the White Paper that providing affordable housing (in the widest sense of the word) is not simply about building starter properties, but in making them affordable (in the widest sense of the word) and is welcome in that it looks at multiple aspects of the problem. The availability of finance to complement increased provision of lower cost housing should also make that housing more attractive to developers to construct. Whilst this may be positive, it should, however, be noted that the provision of affordable housing will always be subject to viability arguments.
- 2.38 It is relevant to note here that the Government is also consulting on a proposal to create new permitted development rights which would allow the conversion of agricultural buildings to residential. It is proposed that this would allow conversion of up to 750sqm, for a maximum of 5 new dwellings, each with a floor space of no more than 150sqm. The Government is seeking views on how best to ensure these properties meet local need. Were this proposal to go ahead it could have a significant impact on the Broads.

3.0 Conclusion

- 3.1 The Housing White Paper seeks to take a broad and comprehensive approach to the issue of housing and identifies various factors around planning, construction and affordability/sales which impedes delivery. It is notable that it does not simply seek to blame the planning system, but apportions responsibility for the failure across all sectors. A number of the measures are positive, particularly for rural areas and at the lower cost end of the market, and the commitment to the development plan is welcome. In addition, LPAs are being encouraged to be more proactive as well as working more closely with their communities.
- 3.2 Overall the White Paper is balanced. It is noted that the proposals are simple principles of intent at this stage and the content of the detailed regulations will need to be looked at carefully.
- 3.3 The White Paper is a consultation document, with the consultation period closing on 2 May 2017. It is accompanied by a set of 38 questions. A proposed response to the questions will be provided for the meeting on 31 March 2017.

Background papers:

Author: Cally Smith
Date of report: 16 March 2017

Broads Authority response to Housing White Paper consultation

Question 1

Do you agree with the proposals to:

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

The plan-led system relies on this approach, which is supported in principle, however in areas such as the National Parks and Broads (identified under footnote 9), this approach is neither achievable or desirable. Other mechanisms are more appropriate, including duty to co-operate on providing housing need and windfall sites.

- b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

Yes.

- c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

Yes. This will also help to support the preparation of Neighbourhood Plans. However, will the evidence be limited to this definition or will there be scope to address locally important issues?

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

No comment

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

Yes. Greater emphasis on Building for Life would complement this.

- b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

Yes, in principle. The calculation of OAN for the Broads (and the National Parks) has been complex due to the boundaries not following parishes or settlements or even postcodes and the absence of projections and demographic data at this level. Clarification of how this should be undertaken would be welcome.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?

Yes. The definition of “suitable” land will need to be clear and should prioritise previously developed land.

- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?

Yes. The definition of areas of restraint should be reinforced.

- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

Yes. Strongly agree. But please remove the brackets around the Broads. By virtue of having its own Act to protect the landscape, it is at the same level as National Parks. There is no reason to have brackets.

- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

No comment other than to say the numbering should be continued throughout the document to help with ease of reference.

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

Yes. This would be a useful adjunct to increased land assembly powers.

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

No comment

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Yes.

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?

Yes, but need to be in conformity with the Local Plan otherwise development may be unsustainably located.

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?

Yes, in general this can be supported, but infrastructure could be an issue for some areas. Better to approach this through the 10% small-sites allocation so infrastructure can be addressed.

c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?

This has a role to play, but should not be an opportunity for excessive development in the countryside and should be considered only when all other options have failed. If such sites are available they should be coming through the Local Plan process.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?

The principle is acceptable and will help to diversify the market which is important for delivery in rural areas. Caution should be exercised to ensure that this would not result in unsustainable allocations simply to meet the 10% target. It is noted that in the Broads, where development is constrained by flood risk and other designations, a 0.5ha site would actually be quite large.

e) expect local planning authorities to work with developers to encourage the sub-division of large sites?

Yes, where this will expedite development coming forward. Regulations on how this will be achieved, and the definitions, will be required

f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

These do not seem to be the most appropriate mechanisms for small sites as they are time consuming to prepare. Small sites may be better addressed through the Local Plan or Neighbourhood Plan approach, or as an exception site..

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

No comment.

Questions 10 & 11.

No comment

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?

Currently SHMAs do not calculate at a parish level, so the standardised methodology will need to address this. There are concerns about the accuracy and validity of breaking data down to such a level in rural areas, and the data will need regular updating to remain valid

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?

Yes.

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?

Yes.

d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?

Yes. Encouragement of local design codes produced in liaison with local communities will reassure communities.

e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

Yes

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?

In principle yes, but regard must be had to the local surroundings.

b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?

No comment

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?

Yes in particular affecting the setting of protected landscapes.

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

Yes.

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

No comment

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

No comments

Question 16

Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?

No. It is not clear why this is required and there is already a buffer (of 5% or 20%).

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

Yes. The Planning Inspectorate need to be resourced to provide this in a timely manner at a reasonable cost to the LPA.

c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

It could be either; the former would be preferable.

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

- a) a requirement for the neighbourhood plan to meet its share of local housing need?

Potentially, but this is likely to be a disincentive to Neighbourhood Plan production in some areas and could increase the cost. Habitats Regulation Assessments will need to be undertaken for example. Further, if this route were to be taken forward then Neighbourhood Plans would need to be in conformity with all policies of the Local Plan rather than just the strategic policies to ensure sustainable development. The examination process will need to be changed to become more akin to the Local Plan process to reflect the consequences of allocating or not a site for development.

- b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

Yes.

- c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

No preference.

Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

- a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

It could be related to the application fee, as is a ground (a) appeal against an Enforcement Notice

- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful;

The purpose of the fee is to discourage frivolous appeals and a refund arrangement will not support this. There is already a costs mechanism which is effective.

- c) whether there could be lower fees for less complex cases.

Yes.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

Yes. Again, the setting of nationally important landscapes will be a crucial factor to consider.

Question 20

Do you agree with the proposals to amend national policy so that:

a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?

No comment.

b) authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

No comment.

Question 21

Do you agree that:

a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?

It would be useful, although how these would be enforced is questionable

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?

Such monitoring data would be useful for calculating OAN.

c) the basic information (above) should be published as part of Authority Monitoring Reports?

Yes but who comes up with the proforma for housebuilders to fill out? A national one? What will make the housebuilder respond and to our deadline?

d) that large housebuilders should be required to provide aggregate information on build out rates?

It would be useful, although there would need to be guidance provided on the basis of the calculations.

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

Yes

Question 23

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

Yes, this could be useful in bringing sites forward.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

No comment

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

This approach would be supported.

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

No comment.

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

No comment

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

Yes

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

No comment. We have no experience of being without a local plan.

c) Net annual housing additions should be used to measure housing delivery?

Yes. There is no other appropriate mechanism. However when this says 'additions' does this mean 'completions' and/or 'permissions'?

d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17

Yes

Question 29

Do you agree that the consequences for under-delivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?

No comment

b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?

No comment

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?

No comment.

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?

No comment.

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

No comment.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

Delivery in the Broads is steady and meets the annual need. There is a need for more affordable housing, but local land values frustrate this and so too does the more than ten dwelling threshold (as our average size of residential applications is around 2).

Question 31

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?

Yes, the increased diversity is welcome.

b) introduce an income cap for starter homes?;

Yes, but the income cap should reflect local circumstances and be related to average wages.

c) incorporate a definition of affordable private rent housing?

Yes.

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

Yes

Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

Yes. This is welcomed.

b) that this policy should only apply to developments of over 10 units or 0.5ha?

No – in the Broads most sites are under this threshold (average of 2 dwellings per application). There could be provision for a commuted sum for sites under 3 units.

With regards to A127 – please clarify between guidance. The NPPG says that ‘contributions should not be sought from developments of 10-units or less’ which is 11 or more. This sentence says that the 10% AH amount should be applied to sites of 10 units or more. So here is a contradiction that needs clarifying.

Question 33

Should any particular types of residential development be excluded from this policy?

Build-to-Rent and exception sites.

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy

Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

Yes.

Question 35

Do you agree with the proposals to amend national policy to:

a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

Yes.

b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

Yes – this is especially important in the Broads

Question 36

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

Yes

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

Yes

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

Yes

Other comments on the White Paper

- 2.44 – replace local planning authorities with another term. The Broads Authority is a Local Planning Authority but does not have CPO powers.
- A52 – suggest this is clarified by what is meant by ‘small undeveloped sites within settlements’. Are open spaces at risk? Are Local Green Spaces at risk? Is amenity space at risk? Are gardens at risk? Or should this be previously developed land?
- A136 says ‘We therefore propose to make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change’. But unlike other such commitments where it is obvious what to do and how to do this or there is the potential for a methodology (such as OAN for Neighbourhood Plans) this seems to not have any guidance committed to on how to do this. How would we do this?

Appeals to the Secretary of State: Update and Annual Review
Report by Head of Planning and Administrative Officer

Summary:	This report sets out the current position regarding appeals against the Authority and provides an annual summary of the decisions received from the Secretary of State from April 2016.
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Recommendation:	That the report be noted.
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1 Introduction

- 1.1 The attached table at Appendix 1 shows an update of the current position on appeals to the Secretary of State against the Authority since January 2017.
- 1.2 The attached schedule at Appendix 2 shows a summary of the decisions by the Secretary of State on appeals in the last year since April 2016 – 31 March 2017.
- 1.3 Between 1 April 2016 and 31 March 2017 the Authority has received decisions on 7 appeals from the Planning Inspectorate. The decisions concerned five appeals against refusal, four of which were on decisions made by Officers under delegated powers, the other being on a Committee decision. Of these, two were dismissed and three allowed. The remaining two appeals were appeals against Enforcement Action, one of which was dismissed and one allowed. The table below provides a comparison with the number of decisions in 2015/16.

<u>2015/2016</u>	<u>2016/2017</u>
Decisions: 6 Allowed: 4 Dismissed – Award for Costs: 2	Decisions: 7 Allowed: 4 Dismissed: 3

- 1.4 The recent appeals record is disappointing. It is particularly disappointing in the context of the impending monitoring by CLG of appeal decisions as an indicator of the quality of decision making.
- 1.5 A full report on the recent appeal decisions will be prepared for the 28 April meeting of the Planning Committee.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files.

Author: Cally Smith/ Sandra A Beckett
Date of report 21 March 2017

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Schedule of Current Outstanding Appeals to the Secretary of State since January 2017
APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2016.

APPENDIX 1

**Schedule of Outstanding Appeals to the Secretary of State
since January 2017**

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
25 January 2017	P/E9505/W/16/3164553 BA/2016/0007/REF Land at Griffin Lane, Thorpe St Andrew BCK Marine	Appeal against refusal Boatshed, storage container and shelter	Delegated Decision 24 June 2016 Questionnaire submitted 31 January 2017 Statement of case sent 24 February 2017
Awaited	APP/E9505/W/17/3169091 BA/2016/0284/CU Violet Cottage, Irstead Road, Neatishead Mr Simon Ciappara	Appeal against refusal Retrospective application to use annexe building as holiday accommodation	Delegated Decision 3 October 2016 Awaiting start date
Awaited	APP/E9505/W/17/3170595 BA/2016/0343/FUL The Workshop Yarmouth Road LUDHAM NR29 5QF Dr Rupert Gabriel	Appeal against refusal Change of use of outbuilding (MT Shed) to residential dwelling	Delegated Decision 20 January 2017 Awaiting start date

BROADS AUTHORITY

Schedule of Decisions on Appeals to the Secretary of State since April 2016

Start and Decision Date	Location Description of Development Nature of Appeal	Decision and Date
31 March 2016	APP/E9505/16/3145873 BA/2016/0001/ENF Staithe n Willow Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016
9 January 2017	Appeal against Enforcement Notice	DISMISSED and Enforcement Notice upheld 9 January 2017
10 May 2016	APP/E9505/W/16/3147689 BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby Proposed change of use of annexe to separate unit for holiday accommodation	Delegated Decision 1 April 2016
29 July 2016	Appeal against Refusal	DISMISSED 29 July 2016
2 August 2016	APP/39505W/16/3154806 BA/2014/0408/COND Hall Common Farm, Hall Common Ludham Breach of conditions 2 and 3 and unauthorised installation of metal roller shutter door	Committee Decision 4 December 2015
6 January 2017	Appeal against Enforcement	ALLOWED and Enforcement Notice quashed 6 January 2017
12 October 2016	APP/E9505/W/16/3158503 BA/2016/0026/COND 50 Riverside Estate, Brundall Variation of condition to retain upvc windows and doors	Delegated Decision 24 March 2016

Start and Decision Date	Location Description of Development Nature of Appeal	Decision and Date
13 January 2017	Appeal against refusal	ALLOWED and Planning permission granted 13 January 2017
23 December 2016	APP/E9505/D/16/3163616 BA/2016/0263/HH 70 Riverside Estate, Brundall Retrospective application for retention of replacement cladding	Delegated Decision 26 August 2016
14 February 2017	Appeal against refusal	ALLOWED and planning Permission granted 14 February 2017
9 December 2016	APP/E9505/D/16/3163088 BA/2016/0260/FUL Slad Lane, Woodbastwick, Salhouse Change of use of ground floor cottage to tea room (class A3)	Committee Decision 17 October 2016
20 February 2017	Appeal against refusal	ALLOWED and planning permission granted 20 February 2017
9 December 2016	APP/E9505/W/16/3163872 BA/2016/0276/FUL Gunton Lodge, Broad View Road, Oulton Broad New dwelling and replacement garage Mr Lloyd Crisp	Delegated Decision 20 September 2016
20 February 2017	Appeal against refusal	DISMISSED 20 February 2017

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

31 March 2017

Agenda Item No.15

Summary: This report sets out the delegated decisions made by officers on planning applications from 15 February 2017 to 14 March 2017
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Beccles Town Council				
BA/2017/0027/NONMAT	Derbys Quay Bridge Wharf Gillingham Dam Gillingham Beccles Norfolk NR34 0PA	Mr J Tubby	Change balustrading from partially open to fully boarded, a non-material amendment to pp BA/2013/0171/EXT8W.	Approve
Carlton Colville Parish Council				
BA/2017/0037/NONMAT	Pegasus Marine Caldecott Road Lowestoft Suffolk NR32 3PH	Mr Ed Gilder	Revised siting of Block F - Plots 17-19 to accommodate removal and replacement of boundary trees, including minor window revisions, a non-material amendment to permission BA/2016/0151/COND.	Approve
Filby Parish Council				
BA/2016/0431/FUL	Riding Centre Croft Farm Thrigby Road Filby NR29 3DP	Miss Sharon Pegg	Portakabin	Approve Subject to Conditions
Horning Parish Council				
BA/2016/0445/CLEUD	Eagles Nest Ferry Road Horning NR12 8PS	Mr Robert King MBE	Exterior cladding.	CLUED Issued
BA/2017/0013/HOUSEH	Plot 27 Bureside Estate Crabbetts Marsh Horning Norfolk NR12 8JP	Mr Richard Smith	Extension.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Mautby Parish Council				
BA/2016/0442/APPCON	Poplar Farm Church Lane Runham Mautby NR29 3EL	Mr Jonathan Green	Details of condition 6: contamination report, of permission BA/2016/0065/FUL.	Approve
Rockland St Mary With Hellington PC				
BA/2016/0265/FUL	The Broad 1 Lower Road Rockland St Mary Norfolk NR14 7HS	Mr A Burt	Replacement dwelling	Approve Subject to Conditions
Upton With Fishley Parish Council				
BA/2017/0028/APPCON	Dyke End 53 Boat Dyke Road Upton Norwich Norfolk NR13 6BL	Mr William Leonard-Morgan	Details of Condition 4: Biodiversity Enhancements, Condition 5: Flood Resilience Scheme, and Conditions 6 and 7: Flood Response Plan of permission BA/2016/0034/HOUSEH.	Approve