

Planning Committee

Agenda 13 September 2019

10.00am

Yare House, Thorpe Road, Norwich, NR1 1RY

Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 16 August 2019** (Pages 3 - 13)
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

Matters for decision

6. **Chairman's announcements and introduction to public speaking**
Please note that there is no public speaking for this agenda as there are no planning applications to consider.
7. Request to defer applications included in this agenda and/or to vary the order of the agenda
8. To consider applications for planning permission including matters for consideration of enforcement of planning control:

There are no planning applications on this agenda.

Enforcement

9. **Enforcement update** (Pages 14 - 16)
Report by Head of Planning

Policy

10. **Consultation: Draft Statement of Community Involvement** (Pages 17 - 18)
Report by Planning Policy Officer

11. **Consultation: Draft Marketing and Viability Supplementary Planning Document** (Pages 19 - 23)
Report by Planning Policy Officer
12. **Consultation: Flood Risk Supplementary Planning Document** (Pages 24 - 26)
Report by Planning Policy Officer
13. **Safety by the water guide (draft)** (Pages 27 - 28)
Report by Planning Policy Officer
14. **Extinguishment of public rights of way** (Pages 29 - 34)
Report by Head of Planning

Matters for information

15. **Appeals to the Secretary of State update** (Pages 35 - 37)
Report by Administrative Officer
16. **Decisions made by Officers under delegated powers** (Pages 38 - 42)
Report by Head of Planning
17. **Circular 28/83: Publication by Local Authorities of information about the handling of planning applications.** (Pages 43 - 49)
Report by Planning Technical Support Officer
18. **To note the date of the next meeting – 11 October 2019 at 10.00am at Yare House, 62/64 Thorpe Road, Norwich**

Planning Committee

Minutes of the meeting held on 16 August 2019

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Present

Jacquie Burgess, Harry Blathwayt, Bill Dickson, Andree Gee, James Knight, Tim Jickells, Leslie Mogford (Minutes 1 – 10), Vic Thomson, Melanie Vigo di Gallidoro, Fran Whymark.

In attendance

Natalie Beal – Planning Policy Officer (For minute 11), Sandra Beckett – Administrative Officer (Governance), Steven Bell – Solicitor and Monitoring Officer, Jack Ibbotson – Planning Officer (For minute 10.1), Cheryl Peel – Senior Planning Officer, and Marie-Pierre Tighe – Director of Strategic Services.

Members of the public in attendance who spoke:

Mr Jerry Stone – Agent for application BA/2019/0112/FUL Land adjacent to Cordova Cottages, the Staithe, Stalham.

Mr Mark Alsop – Vice-Chair of Wroxham Parish Council and Fergus Bootman – agent on behalf of applicant - for application BA/2019/0214/FUL Redundant car park (serving former Windboats Marine site), Grange Walk, Wroxham

1. Apologies and welcome

The Director of Strategic Services welcomed everyone to the meeting.

Apologies had been received from Julie Brociek-Coulton, Lana Hemsall, Bruce Keith, Tristram Hilborn and Vic Thomson.

2. Appointment of Chair

The Director of Strategic Services reported that, in accordance with standing order procedures, nominations had been invited for the Chair and Vice-Chairman by 2 August 2019, 14 days before the meeting. A nomination for the Chair of the Committee had been received for Melanie Vigo di Gallidoro, proposed by Bill Dickson and seconded by Jacquie Burgess. Melanie Vigo di Gallidoro had confirmed that she was willing to stand. As no other nominations had been received,

It was resolved to appoint Melanie Vigo di Gallidoro as Chair of the Planning Committee for the year 2019/20.

Melanie Vigo di Gallidoro in the Chair.

3. Appointment of Vice Chair

The Chair stated that a nomination for the Vice-Chair of the Committee had been received for Bruce Keith, proposed by Jacquie Burgess and seconded by the Chair. Although Bruce was not in attendance today, he was willing to be appointed.

It was resolved to appoint Bruce Keith as Vice-Chair of the Planning Committee for the year 2019/2020.

4. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered. The Chairman declared an interest on behalf of all members at Minute 10.2 for application BA/2019/0214/FUL as the applicant was a member of the Planning Committee.

5. Minutes of the Planning committee meeting held on 19 July 2019

The minutes of the meeting held on 19 July 2019 were approved as a correct record and signed by the Chairman.

6. Points of information arising from the minutes

The Senior Planning Officer reported on the following items at Minute 8 (1) and (2) of the previous meeting:

- (1) BA/2019/0118/FUL Former Marina Quays, Caister Road, Great Yarmouth - The Section 106 Agreement was being drawn up.
- (2) BA/2018/0149/FUL Broadlands Marina, Marsh Lane, Oulton Broad.
The conditions were being agreed.

7. To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

8. Chairman's announcements and introduction to public speaking

Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wished to speak were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented.

9. 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.

10. Applications for planning permission

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

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

(1) BA/2019/0112/FUL Cordova Cottages, Stalham Staithe

Erection of 3 terraced houses and associated parking and storage

Applicant: Mr John Stares

The Planning Officer explained that the application was before members as it involved a departure from Local Plan policies. It was a resubmission of a previous application which had included a fourth dwelling and a bungalow to the rear of the site and had been withdrawn.

The Planning Officer provided a detailed presentation of the application for a block of three south-facing terraced houses within the Stalham Staithe Conservation area along the site boundary with Staithe Road but outside the development boundary. The proposals would include a new vehicular access into the communal parking area along the eastern side of the site onto Staithe road. The scheme involved the removal of the hedge along the southern and western boundaries.

The Planning Officer assessed the application taking account of the key issues of principle, particularly relating to the fact that the application site was outside the development boundary but within a sustainable settlement, housing need, design and impact on the conservation area and amenity. The Planning Officer explained that technically the proposal was outside the development boundary where there was a presumption against residential development. The question of the development boundary had been thoroughly assessed during the Local Plan process and the site had not been specifically allocated for housing. The application was required to be considered on its merits and given that it was located within a sustainable settlement with easy access to the town, the Highways Authority had not objected and there had been no other objections, it was considered to be in accordance with the principles of the NPPF and reasoned justification of Policy DM35 of the Local plan.

The Planning Officer concluded that the proposal would not result in unsustainable development nor have an adverse impact upon the character and appearance of the Conservation Area or the amenity of the residents; the design was considered to be of high quality and in keeping with the local setting and make a positive contribution to the Conservation Area. It would not cause significant harm to the objectives of the policy or wider plan as departure from the development plan nor create an undesirable precedent. No objections have been received and therefore he recommended that the proposal be approved subject to conditions.

The Planning Officer clarified that the site had been used as a garden and the proposed dwellings were for residential purposes, not for affordable housing or holiday cottages. Anglian Water had not responded to the consultation with regard to foul and surface water drainage but the agent would confirm this with the applicant if the application was approved. The area was connected to mains drainage and the scheme was acceptable under Environment Agency criteria.

Jerry Stone, the agent for the applicant, thanked the Authority's Planning Officer and Historic Environment Officer as well as the officer from the Highways Authority for their advice on the application. He explained that within the Conservation Area Appraisal for Stalham Staithe, it was noted that there had originally been 4 cottages on the application site and latterly it had been used as domestic garden. He referred to the views of the Historic Environment Manager, where he considered that the now amended scheme was considered to result in a positive contribution to the Conservation Area.

Some members were concerned about the site being adjacent to the busy A149 and the access to the main town of Stalham. Although acknowledged, it was clarified that the pedestrian access to the town was already used by many and the Highways Authority had no objections.

Members were appreciative of the comments from the Historic Environment Manager, particularly relating to the Conservation Area, and considered that the development was in keeping with other development on Stalham staithe. A member commented that it was pleasing to note that suitable car parking provision had been made to the rear of the proposed properties.

Jacquie Burgess proposed, seconded by Bill Dickson and **it was resolved** unanimously

To approve the application subject to the conditions outlined within the report and Informatives relating to requirement to gain IDB consent for SUDs, requirement to gain Highways Authority Consent for works to highway and requirement to clarify with Highways Authority the Highway boundary.

The application is considered acceptable as a departure from adopted Policy DM35 of the Local Plan for the Broads but is in accordance with Policy DM11, DM21, DM23, DM43 and SP15 of the Local Plan for the Broads and having due regard to statutory requirements of the LPA in considering planning applications within Conservations Areas as set out within section 72 of the Planning (Listed Building and Conservation Areas) Act 1991 the proposal is considered preserve the character and appearance of the Conservation Area.

(2) BA/2018/0214/FUL Redundant Car Park (serving former Windboats Marine Site) Grange Walk, Wroxham.

Erection of two dwellings.

Applicant: Mr James Knight for LEF Trading Ltd

The application was before members as a Director of the application company was a member of the Broads Authority and the Planning Committee. Having declared an interest, James Knight left the room for this item.

The Senior Planning Officer gave a detailed presentation and assessment of the application for the erection of two detached residential dwellings on the site of a redundant car park which had served the former Windboats Marine. She provided the context of the application site and emphasised that it was currently classified for commercial and employment use. It was clarified that the adjacent former Windboats Marine site was in the same ownership as for the application site and had prior approval for permitted development to demolish some of the redundant buildings. This was apart from one parcel of land that had been sold to the adjacent Broads Tours. As the application site formed part of the larger commercial site, Policy DM26 of the Local Plan was relevant and a sequential approach to permitting change of use for redevelopment was required. Although the issues of the design, residential amenity and flood risk were given consideration and were acceptable, the overriding consideration was the principle. The Senior Planning Officer confirmed that with regards to possible contamination of the site, the Environmental Health Officer would require a condition addressing this matter, if planning permission was to be granted.

The Senior Planning Officer concluded that the proposal for two residential properties on an existing commercial employment site was considered to be premature as it had not been robustly marketed for a continuous period of 12 months, the unviability of the site had not been demonstrated or justified, and the sequential approaches defined in Policies DM26 and DM28 of the Local Plan for the Broads had not been followed. Due to the importance to the local economy, the benefits of any proposed change of use needed to be demonstrated. Therefore, the proposal was recommended for refusal as being contrary to Policies.

Malcolm Alsop, Vice-Chairman of Wroxham Parish Council, referred to the Localism Act and empowerment of local communities to provide Local Plans and shape their own futures. He commented that this application spoke to the heart of the Wroxham Local Plan that had been adopted by the Authority. The parish council did not wish for or consider there was a need for more commercial operations in this brownfield landlocked site. They wished members to consider the Windboats Marine site in its totality. The aspiration was for more residential dwellings for the elderly since many of the residents in larger houses wished to downsize but remain within the vicinity. This would free up the larger houses for families and help to rejuvenate the area with younger people. The need identified in the Local Plan was for high quality smaller residential units. This former Windboats site appeared to be the only viable site for such development in Wroxham. The parish council wished to support this application subject to a legally binding covenant to restrict the dwellings for people of 55 and over. From discussions with the applicant, it was understood that it was his intention to develop the adjacent site and he had given written assurances that he would be willing to provide suitable properties with serviceable facilities for the elderly. Therefore, the parish council had withdrawn this proviso for this application from its initial comments. Mr Alsop urged the Committee to be flexible and honour the democratic process and listen to the local residents and their needs. He considered that to refuse the application would be contrary to Policy

HBE2 of the Wroxham Neighbourhood Plan. He urged the Committee to agree this application as a prelude to a full-scale development of the rest of the site and for the Authority's officers to work with the applicant to develop the housing the community desperately needed. In response to a member's question referring to paragraph 6.4 in the report where the Neighbourhood Plan discussed the lack of larger community facilities, Mr Alsop confirmed that the site was not considered suitable for resource reasons. Other sites, such as the library site which had been designated as a community asset, would be more appropriate and practical. He emphasised that the priority was for residential properties for the elderly.

Fergus Bootman, the applicant's agent, stated that the applicant had acquired the site when the previous business on the site had found it to be restrictive for its needs and relocated. The applicant was looking for opportunities to develop the site given the dilapidated state of the redundant buildings and the views of the residents contained in the emerging policies of the Neighbourhood Plan. The agent commented that it had been difficult to obtain pre-application feedback and advice from officers on the whole of the site, although the principle of the policy relating to commercial use was understood. He confirmed that the remainder of the former Windboats marine site was being marketed for commercial purposes for the 12-month requirement but within the last 10 months there had been very limited interest. The advertising time period for the adjacent site to the car park was coming to an end. The current application was submitted in order to progress matters, so that development could be progressed more quickly which would present no conflict with policy and could be designed to be developed independently or fit in with a master plan for the area if no viable commercial use was forthcoming. He emphasised that the site was within a residential area, had been identified for residential use and was within a sustainable location within the development boundary of Wroxham. It had previously been part of the residential site of the Grange and was not considered as part of the commercial site or in employment use but was cited as a residential site. He stated that part of para 6.9 of the officers' report was incorrect in that it implied the applicant had subdivided the plot and sold off the access to the water. The site has no access to the water and this had been the case for a number of years. It was a car park serving independent commercial use. It was considered that the application was the redevelopment of a redundant brownfield site within a development boundary in accordance with the policies of the Local Plan and the Wroxham Neighbourhood Plan and the NPPF para 18. He emphasised that regard must be given to the other policies in the Broads Local Plan and urged the Committee to approve the application.

The Senior Planning Policy Officer commented that the Authority had adopted the Broads Local Plan and the fundamental principles and policies required the necessary sequential approach to be taken. Justifiable evidence demonstrating that the existing use was not viable was required in advance of consideration or detailed discussion on other aspects.

The Solicitor commented that members needed to confine consideration to the specific site and the application before them which was for two residential houses.

Members were generally very sympathetic to the needs of the Wroxham residents and fully supported the policies within the Neighbourhood Plan, recognising that it was a sensitive site.

Some members considered that the application should be approved on the grounds that it was in accordance with the Wroxham Neighbourhood Plan policy, there were no objections from residents or the Highways Authority and there was unlikely to be demand for other commercial uses given the state of flux of the boating industry. Other members, being mindful of the Broads Local Plan especially given that most of the Windboats marine site was within one ownership, considered that a more strategic approach was required. On the basis that no justifiable evidence had yet been received, some members considered that the current application was premature.

The Solicitor emphasised and reiterated that members were required to consider the specific application before them, and that there was no application before them for the wider site to consider.

Leslie Mogford proposed, seconded by Harry Blathwayt to approve the application as it was considered an appropriate form of development for the site and on the basis of an alternative interpretation of the policies and a material consideration.

On being put to the vote, the motion was lost by 3 votes in favour and 4 against, the Chairman did not vote.

Bill Dickson proposed, seconded by Andree Gee and it was **resolved** by 5 votes in favour and 3 against

To refuse the application for the following reasons:

The application seeks full planning permission for the erection of two detached dwellings on an existing commercial employment site. Policies DM26 and DM28 of the Local Plan for the Broads follow a sequential approach which requires the marketing of the site for a period of twelve months and a statement completed by an independent chartered surveyor which demonstrates that other employment uses, community facilities or tourism and recreation uses have been fully considered but are unviable. The application confirms that the site has not been marketed either in association with the wider, former Windboats Marine site or separately and it therefore fails to comply with Policies SP11, DM26 and DM28 of the Local Plan for the Broads (2019), Policy HBE1 of the Wroxham Neighbourhood Plan 2019 and the National Planning Policy Framework (2019).

Leslie Mogford left the meeting. James Knight returned to the meeting

11. Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. The Senior Planning Officer provided further updates on

(1) Former Marina Quays site - referring to Minute 6. Progress on the Section 106 Agreement as a condition for planning permission BA/2018/0118/FUL was being made.

(2) Land at Beauchamp Arms, Public House, Ferry Road, Carleton St Peter - A site inspection had taken place on 15 August 2019 as part of the monitoring. It was confirmed that the static

caravans were not in use and no action was required. Officers would continue to monitor the site.

Fran Whymark proposed, seconded by James Knight and **it was resolved** unanimously

To include dates when actions were taken within the Enforcement schedule.

It was resolved to note the report.

12. Norfolk Strategic Planning Framework version 2 - endorsement

The Committee received a report on the Norfolk Strategic Planning Framework version 2 (NSPFv2) with the amendments to version 1 highlighted as track changes. The Planning Policy Officer explained that the document was to illustrate how the Norfolk Local Authorities were cooperating on cross boundary/strategic matters, mainly through agreements on these various strategic issues. This was the second version before members (with the first being in Spring 2018) and would be a living document that would need regular updates. Work was already being undertaken on Version 3 to involve reference to climate change and facilities and housing for the elderly. The Committee had also received an update on additional minor amendments that were proposed by the New Anglia Local Enterprise Partnership to reflect the most up to date position. These were:

- i. Change the references from SEP to Norfolk and Suffolk Economic Strategy on Pages 35 and 40 and in Table 8
- ii. Change page 33: “Additionally, local authorities within Norfolk are working to produce a local industrial strategy” To: Additionally, local authorities are working with the New Anglia LEP to support the production of a local industrial strategy.
- iii. Change page 40: “Following the formation of the Combined Authority (in part replacing the old LEP organisation for greater Cambridgeshire and Peterborough, including some surrounding authorities)” To: “Following the formation of the Combined Authority (replacing the old LEP organisation for Greater Cambridgeshire and Peterborough, which included some surrounding authorities)”.’

It was confirmed that the Chairman and/or Vice-Chairman of the Planning Committee attended the Norfolk Strategic Planning Member forum.

Members were supportive of the amendments.

It was resolved unanimously to note and endorse the Norfolk Strategic Planning Framework version 2 for recommendation to the Authority.

13. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since 1 January 2019, of which there were five. The Senior Planning Officer reported that a decision on the appeal at

Riversdale Cottage, the Shoal, Irstead had been received from the Planning Inspectorate this morning. This was an appeal against the Authority's decision of refusal to remove planning conditions (Application BA/2018/0364/COND). The appeal was dismissed and the Authority's decision upheld. Details of the decision would be circulated to Members.

It was resolved to note the report.

14. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 8 July 2019 to 5 August 2019.

It was resolved to note the report.

15. Date of next meeting

The next meeting of the Planning Committee would be held on Friday 13 September 2019 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. The meeting would be followed by training on planning for Planning Committee Members.

The meeting ended at 11.54 am

Signed by

Chairman

Appendix 1

Declaration of interests Planning Committee, 16 August 2019

| Member | Agenda/minute | Nature of interest |
|--|---------------|---|
| Melanie Vigo di Gallidoro on behalf of all Members | 10(2) | Application BA/2019/0214/FUL Redundant car park (serving Windboats Marine site) Grange Walk, Wroxham. Applicant a Member of the Authority and the Planning Committee. |
| James Knight | 10(2) | BA/2019/0214/FUL Pecuniary interest |
| Fran Whymark | 10(2) | BA/2019/0214/FUL District and County Councillor. At Wroxham Parish Council saw plans, discussed with James Knight |

Planning Committee

13 September 2019

Agenda item number 9

Enforcement update report

Report by Head of Planning

Summary

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

Recommendation

That the report be noted.

| Committee date | Location | Infringement | Action taken and current situation |
|----------------|------------------------------------|---------------------------|---|
| 31 March 2017 | Former Marina Keys, Great Yarmouth | Untidy land and buildings | <ul style="list-style-type: none"> Authority granted to serve Section 215 Notices. First warning letter sent 13 April 2017 with compliance date of 9 May. 26 May 2017: Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued. Monitoring 15 June 2017. |

| Committee date | Location | Infringement | Action taken and current situation |
|-------------------|--|------------------------------|---|
| | | | <ul style="list-style-type: none"> • Further vandalism and deterioration. • Site being monitored and discussions with landowner. • Landowner proposals unacceptable. Further deadline given. • Case under review. • Negotiations underway. • Planning Application under consideration December 2018. • Planning application withdrawn and negotiations underway regarding re-submission. • Works undertaken to improve appearance of building. • Revised planning application submitted 1 April 2019. • Resolution to grant planning permission at Planning Committee 19 July 2019. • Arson at building, with severe damage 18 August 2019. • Discussions around securing building and partial demolition 19 August 2019. |
| 14 September 2018 | Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter | Unauthorised static caravans | <ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. • Site being monitored. • Planning Contravention Notices served 1 March 2019. • Site being monitored 14 August 2019. |

Author: Cally Smith

Date of report: 30 August 2019

Planning Committee

13 September 2019

Agenda item number 10

Consultation: Draft Statement of Community Involvement

Report by Planning Policy Officer

Summary

The Broads Authority's Statement of Community Involvement (SCI) has been reviewed and updated and is now subject to public consultation.

Recommendation

To endorse the draft SCI and recommend that the Broads Authority approves the SCI and permits public consultation.

1. Introduction

- 1.1. Local Planning Authorities must produce a Statement of Community Involvement (SCI) and review it every 5 years to make sure it is up-to-date. The Broads Authority's SCI was adopted in 2014 and is now under review.
- 1.2. The SCI sets out how the Authority will engage with stakeholders and the local community in the production and review of the Broads Local Plan and Broads Plan, and in the planning application process.

2. Statement of Community Involvement (SCI)

- 2.1. National Planning Policy Guidance states that:

'Local planning authorities must set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan-making, specifically survey stage and Local Development Scheme. This does not apply to those plans which have passed Regulation 18(1) stage of the Town and Country Planning (Local Planning) (England) Regulations 2012 before 31 July 2018 in respect of that particular plan / Statement of Community Involvement. Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement. A

local planning authority may review and update their Statement of Community Involvement at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan’.

3. Consultation

- 3.1. It is proposed that the Authority consults on the draft SCI, together with the other documents presented for consultation at this Planning Committee, for a period of 8 weeks, likely to be from 27 September to 22 November. We will contact all stakeholders on our consultation database about this consultation.
- 3.2. Although there is no requirement to consult on the SCI, the Authority consulted on the last version and it is proposed that this approach is repeated. The reason for consulting on the SCI is to ask stakeholders if they want to suggest any other ways for us to consider engaging and involving them.

4. Next steps

- 4.1. We will log and respond to all representations on the draft SCI. Any changes to the SCI will also be logged. It is intended that the final draft SCI, together with consultation responses to the consultation, will be presented to Planning Committee and subsequently to the Broads Authority for adoption.

Author: Natalie Beal

Date of report: 29 August 2019

Appendix 1 – [Statement of Community Involvement 2019](#)

Planning Committee

13 September 2019

Agenda item number 11

Consultation: Draft Marketing and Viability SPD

Report by Planning Policy Officer

Summary

The Marketing and Viability Supplementary Planning Document (SPD) has been produced to help with the interpretation and implementation of the Broads Local Plan.

Recommendation

To endorse the draft Marketing and Viability SPD and recommend that the Broads Authority approves the draft SPD and permits public consultation.

1. Introduction

- 1.1. Now that the Broads Local Plan is adopted, it is considered that some requirements or policies would benefit from supporting guides or Supplementary Planning Documents (SPDs) to help with their interpretation and implementation.
- 1.2. A guide and two Supplementary Planning Documents (SPDs) are presented to this meeting, with the intention that they will be published for public consultation and the final version of the documents adopted at a future meeting.
- 1.3. This SPD is about marketing and viability.
- 1.4. Several policies in the Local Plan will require applicants or agents to carry out a robust marketing strategy and/or a viability assessment if the proposed scheme is promoting something different to the adopted policy position. This SPD explains what is meant by marketing and viability, and which Local Plan policies have this requirement.

2. About SPDs

- 2.1. National Planning Policy Guidance states that: 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. [Regulations 11 to 16 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) set out the requirements for producing Supplementary Planning Documents. In exceptional circumstances a

[Strategic Environmental Assessment](#) may be required when producing a Supplementary Planning Document.'

3. Strategic Environmental Assessment

- 3.1. SPDs are required to be screened for impacts on the environment with the 'Consultation Bodies' of Natural England, Environment Agency and Historic England.
- 3.2. The Consultation Bodies were consulted on the screening, as set out in Appendix 1. Their responses are below.
 - a) Historic England: 'Given the nature of the SPD and on the basis of the information provided in this consultation, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA'.
 - b) Environment Agency: 'It elaborates on already adopted policy. We therefore agree with the conclusions you have drawn in that a SEA likely is not required'.
 - c) Natural England: No response received
- 3.3. A full SEA has not been completed, reflecting the responses from the Consultation Bodies and the SEA screening at Appendix 1.

4. Consultation

- 4.1. It is proposed that the Broads Authority consults on the draft Marketing and Viability SPD, together with the other documents presented for consultation at this Planning Committee, for a period of 8 weeks, likely to be from 27 September to 22 November.

5. Next steps

- 5.1. We will log and respond to all representations on the draft SPD. Any changes to the SPD will also be logged. It is intended that the final draft SPD, together with consultation responses to the consultation, will be presented to Planning Committee and subsequently to the Broads Authority for adoption.

Author: Natalie Beal

Date of report: 30 August 2019

Appendix 1 – Strategic Environment Assessment screening of marketing and viability SPD

Appendix 2 – [A Supplementary Planning Document on marketing and viability assessment requirements](#)

Appendix 1

Strategic Environment Assessment screening of marketing and viability SPD

Broads Authority

Strategic Environmental Assessment

Marketing and Viability SPD

August 2019

The Strategic Environmental Assessment (SEA) Directive is a European Union requirement that seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes. Its aim is “to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”

With regards to an SPD requiring a SEA, the NPPG says:

Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the [Local Plan](#).

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.

The following is an internal assessment relating to the requirement of the Draft Marketing and Viability SPD to undergo a Strategic Environmental Assessment.

Table 1

Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004

| The Environmental Assessment of Plans and Programmes Regulations 2004 requirement | Assessment of the Marketing and Viability SPD |
|--|--|
| Is on or after 21st July 2004. | Yes. The SPD will be completed in 2019. |

| The Environmental Assessment of Plans and Programmes Regulations 2004 requirement | Assessment of the Marketing and Viability SPD |
|--|--|
| The plan or programme sets the framework for future development consent of projects. | No. It elaborates on already adopted policy. |
| The plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects. | See assessment in tables 2 and 3. |

Criteria for determining the likely significance of effects on the environment

Table 2

The characteristics of plans and programmes

| The Environmental Assessment of Plans and Programmes Regulations 2004 requirement | Assessment of the Marketing and Viability SPD |
|---|--|
| The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources. | The SPD expands on adopted policy. It will be a material consideration in determining planning applications. It is considered that the subject of the SPD does not negatively impact this criterion. |
| the degree to which the plan or programme influences other plans and programmes including those in a hierarchy | The SPD does not influence other plans, rather expands on adopted policy. That is to say, it has been influenced by other plans or programmes. |
| the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development | It is considered that the subject of the SPD does not negatively impact this criterion. |
| environmental problems relevant to the plan or programme | It is considered that the subject of the SPD does not negatively impact this criterion. |
| the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection). | It is considered that the subject of the SPD does not negatively impact this criterion. |

Table 3

Characteristics of the effects and of the area likely to be affected

| The Environmental Assessment of Plans and Programmes Regulations 2004 requirement | Assessment of the Marketing and Viability SPD |
|---|--|
| the probability, duration, frequency and reversibility of the effects | It is considered that the subject of the SPD does not negatively impact this criterion. |
| the cumulative nature of the effects | It is considered that the subject of the SPD does not negatively impact this criterion. |
| the transboundary nature of the effects | The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries. It is considered that the subject of the SPD does not negatively impact this criterion. The requirements will relate to a specific scheme and site. |
| the risks to human health or the environment (for example, due to accidents) | It is considered that the subject of the SPD does not negatively impact this criterion. |
| the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) | The SPD will cover the Broads Authority which includes 6,000 permanent residents. There are also visitors throughout the year. |
| the value and vulnerability of the area likely to be affected due to: <ol style="list-style-type: none"> 1. special natural characteristics or cultural heritage; 2. exceeded environmental quality standards or limit values; or 3. intensive land-use; | <ol style="list-style-type: none"> 1. The Broads is special in its natural characteristics and cultural heritage. 2. Unsure if standards or limits have been exceeded in the Broads 3. Not relevant |
| The effects on areas or landscapes which have a recognised national, Community or international protection status. | The area to which the SPD applies is the Broads with an equivalent status to that of a National Park. |

Planning Committee

13 September 2019

Agenda item number 12

Consultation: Flood Risk Supplementary Planning Document (SPD)

Report by Planning Policy Officer

Summary

The Flood Risk Supplementary Planning Document (SPD) has been reviewed and updated to help interpret and implement the Broads Local Plan.

Recommendation

To endorse the draft Flood Risk SPD and recommend that the Authority approves the SPD for public consultation.

1. Introduction

- 1.1. Now that the Broads Local Plan is adopted, it is considered that some requirements or policies would benefit from supporting guides or Supplementary Planning Documents (SPDs) to help with their interpretation and implementation.
- 1.2. A guide and two Supplementary Planning Documents (SPDs) are presented to this meeting, with the intention that they will be published for public consultation and the final version of the documents adopted at a future meeting.
- 1.3. This SPD is about flood risk.
- 1.4. The Flood Risk SPD adopted in 2017 needs reviewing as the policy it is based around is no longer in place. We have also taken this opportunity to update and amend various parts of the SPD.

2. Supplementary Planning Documents (SPDs)

- 2.1. The NPPG says: 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary

Planning Documents. In exceptional circumstances a Strategic Environmental Assessment may be required when producing a Supplementary Planning Document.'

3. SEA Assessment

- 3.1. SPDs are required to be screened for impacts on the environment with the 'Consultation Bodies' of Natural England, Environment Agency and Historic England.
- 3.2. The Consultation Bodies were consulted on the screening, as set out in Appendix 1. Their responses are below.
 - a) **Historic England:** In terms of our area of interest, given the nature of the SPD and on the basis of the information provided in this consultation, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would advise that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.
 - b) **Environment Agency:** we are satisfied that in itself the SPD will not have additional significant environment effects further than those assessed as part of the Local Plan. The SPD outlines the approach to take in order to comply with the Local Plan. Therefore, our view would be that the Flood Risk SPD does not require a specific SEA to be undertaken.
 - c) **Natural England:** I agree with your assessment, as set out in your email dated 1 July 2019, that a SEA is not required for the Broads Flood Risk SPD, and have cut and pasted the same response that we gave last time below. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan on sensitive sites that Natural England has a statutory duty to protect.
- 3.3. A full SEA has not been completed, reflecting the responses from the Consultation Bodies and the SEA screening at Appendix H of Appendix 1.

4. Consultation

- 4.1. It is proposed that the Broads Authority consults on the draft Flood Risk SPD, together with the other documents presented for consultation at this meeting, for a period of 8 weeks, likely to be from 27 September to 22 November.
- 4.2. We will log and respond to all representations on the draft SPD. Any changes to the SPD will also be logged. It is intended that the final draft SPD, together with

consultation responses to the consultation, will be presented to Planning Committee and subsequently to the Broads Authority for adoption.

Author: Natalie Beal

Date of report: 29 August 2019

[Broads Plan](#) objectives:

Appendix 1 – [Broads Flood Risk Supplementary Planning document](#)

Planning Committee

13 September 2019

Agenda item number 13

Safety by the Water guide (draft)

Report by Planning Policy Officer

Summary

A Safety by the Water Guide is being produced to help implement the Broads Local Plan.

Recommendation

To endorse the draft Safety by the Water Guide and recommend that the Broads Authority approves the draft guide and permits public consultation.

1. Introduction

- 1.1. Now the Broads Local Plan is adopted, it is considered that some requirements or policies will benefit from guides or supplementary planning documents to help with their interpretation and implementation.
- 1.2. The draft guide in Appendix 1 is about safety by the water. It has been produced by the Planning Policy Officer with input from the Head of Safety Management, Head of Ranger Services, Development Management Officer and Rivers Engineer.
- 1.3. Policy DM46 of the Local Plan addresses the importance of considering water safety management for schemes that result in more people being by the water, or that make it more difficult for people to get out of the water.

2. Consultation

- 2.1. The guide will be discussed at the September Navigation Committee and comments will be reported verbally to Planning Committee. If Planning Committee endorse the Guide for consultation, the Guide will then go to Broads Authority who will be asked to endorse the guide for public consultation. If approved, consultation dates are likely to be 27 September to 22 November. We will inform stakeholders on our contact database and publish the consultation on our website.

3. Next steps

- 3.1. We will log and respond to all representations received and record any changes to the draft guide. The final guide, along with consultation responses, will be brought back

to Navigation Committee and Planning Committee before being taken to the Broads Authority for adoption.

Author: Natalie Beal

Date of report: 19 August 2019

Appendix 1 – [Safety by the water guide](#)

Planning Committee

13 September 2019

Agenda item number 14

Extinguishment of Public Rights of Way

Report by Head of Planning

Summary

To apprise Members of the current situation regarding the Public Rights of Way (PROWs) which have been diverted as a consequence of the Broadland Flood Alleviation Project (BFAP) and advise them of the need to extinguish the previous routes.

Recommendation

To endorse the preparation of Public Path Extinguishment Orders for the PROWs which have been diverted under the BFAP and refer this to the Authority for approval at their meeting on 27 September 2019

Contents

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1. Introduction

- 1.1. The Broadland Flood Alleviation Project (BFAP) was set up in 2001 as a long-term project to provide a range of flood defence improvements, maintenance and emergency response services within the tidal areas of the Rivers Yare, Bure, Waveney and their tributaries. It was initiated and funded by the Environment Agency, who appointed Broadland Environmental Services Ltd (BESL) to deliver these services. Over the subsequent years BESL, in partnership with the Agency, has been implementing the 20-year programme of works. The initial 12 years of the project saw the completion of the major works, with the remaining 7 years focused on maintenance.

The programme is due to finish in May 2021, after which the defences must have a further life of at least 7 years.

- 1.2. The main aim of the work has been to strengthen existing flood defences and restore them to a height that existed in 1995 (defined by the Environment Agency) and make additional allowances for sea level rise and future settlement of the floodbanks. This has been achieved through:
 - Strengthening the existing floodbanks by restoring them to agreed levels where excessive settlement has occurred;
 - Replacing existing erosion protection that is in a poor condition using more environmentally acceptable methods wherever possible;
 - Providing new protection where erosion is currently threatening the integrity of the flood defences; and
 - Carrying out works at undefended communities.
- 1.3. These improvements have been maintained by monitoring crest levels and undertaking crest raising where further settlement has occurred.
- 1.4. In total, improved protection against flooding has been provided to approximately 240km of floodbanks which protect approximately 21,300 hectares of Broadland containing more than 1,700 properties of which more than 1,000 are residential.

2. The effect of the work on Public Rights of Way

- 2.1. There are three main techniques which have been used in the works, comprising on-line strengthening, roll back and set back:
 - Strengthening is usually used where there is still a good band of rond (vegetated area on the front side of the flood bank) between the river and the floodbank. It involves strengthening the existing floodbanks in their present locations by putting material on the back and/or front slope.
 - Set back is usually used where the river is already hard up against the floodbank and the flood defence is protected by erosion protection, such as piling. This solution involves building a new clay floodbank inland from the river edge with the floodbank set back far enough from the existing line of flood defence so that a new rond can be created and natural vegetation established. The existing erosion protection will then be removed once the new floodbank is in place and the new rond has become established.
 - Rollback is similar to set back and is usually used when rond/erosion protection is insufficient to allow for just bank strengthening and where ground conditions do not permit full setback. It is similar to setback, however, the distance the floodbank is moved inland is considerably less.

- 2.2. As can be seen from this, the techniques of setback and rollback involve the physical relocation of the flood defence inland, with the actual distance of the relocation dependent on factors including ground conditions.
- 2.3. Many of the Broadland rivers have footpaths running beside them, which may be either formal Public Rights of Way (PROWs) or permissive paths. Typically these paths run along the top of the flood bank as this is usually the highest and driest route and therefore the safest and most convenient one. It can be seen, therefore, that the relocation of a flood bank will also require the rerouting of any associated PROW or permissive path onto the line of the new bank in order to continue to provide a safe and convenient route. It may also be required because the previous bank is no longer physically present or because the previous route is now underwater as the flood defences have been moved inland.
- 2.4. There are two legal mechanisms which can be used for the formal re-routing of a PROW:
- Section 257 of the Town and Country Planning Act 1990 allows for a PROW to be stopped up by a Local Planning Authority (LPA) if this is necessary to allow a development which has been granted planning permission to take place. It must be undertaken prior to the substantial completion of the development that requires it and the LPA can create a replacement route if it is satisfied that it should do so.
 - Section 25 of the Highways Act 1980 is an alternative approach. It allows for the diversion of a PROW where this is not associated with development or where the associated development has been substantially completed. It is a more collaborative approach and involves written agreements and undertakings with landowners and the formal dedication of a route.
- 2.5. The responsibility for securing the diversions lies with the developer and this is done through a formal Dedication Agreement signed by the landowner(s).
- 2.6. A permissive path is operated under an agreement with the landowner and any diversion or relocation of such a route is usually done through an informal, negotiated process.

3. The current position on Public Rights of Way diversions from the BESL works

- 3.1. The BESL Works have resulted in the need to divert sections of PROW in 13 locations. These are:
- Compartment 1 (FP1 at Upton with Fishley);
 - Compartment 2 (FP1 at South Walsham);
 - Compartment 9 (FPs 4 and 5 at Ashby with Oby);

- Compartment 10 (FP10 at West Caister);
 - Compartment 11B (FP6 at Acle and Stokesby with Herringby and FP12 at Mautby);
 - Compartment 12 (FP18 at Cantley and FP1 at Reedham);
 - Compartment 21 (FP5 at Langley with Hardley); and
 - Compartment 37 (FP5 at Acle and FP4 at Upton with Fishley).
- 3.2. The process for the legal diversion of seven PROWs and the completion of the Dedication Agreements has been completed in respect of the following Compartments:
- Compartment 10 (FP10 at West Caister);
 - Compartment 11B (FP6 at Acle and Stokesby with Herringby and FP12 at Mautby);
 - Compartment 12 (FP18 at Cantley);
 - Compartment 21 (FP5 at Langley with Hardley); and
 - Compartment 37 (FP4 at Upton with Fishley).
- 3.3. The process for the legal diversion of the remaining six PROWs is underway, with the process being well advanced for most of them.
- 3.4. It is noted that all of these PROWs are in Norfolk.

4. The principle of extinguishment of the existing Public Rights of Way

- 4.1. When the formal diversion process has been completed the new route becomes the legal PROW and is entered as such on the Definitive Map, which is held by the relevant County Council, which is, in these cases, Norfolk County Council.
- 4.2. The previous route, however, needs to be formally extinguished. If it is not formally extinguished then it continues to have a legal status as a PROW, meaning that there is an obligation on the part of the landowner to keep it clear and on the relevant authority (usually the County Council) to maintain it.
- 4.3. The formal legal process for the extinguishment of a PROW is a Public Path Extinguishment Order and this is set out under section 118 (1) of the Highways Act 1980. There is only one ground for making an extinguishment order and this is:
- “Where it appears to the council as respects a footpath, bridleway or restricted byway in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.”

- 4.4. The Act goes on to state that neither the Secretary of State or Local Planning Authority should confirm an extinguishment order unless they are satisfied it is expedient to do so having regard to the likelihood of the PROW's being used by the public and the effect the extinguishment would have on the land served by the existing PROW; there is also a requirement to take account of the provisions around compensation set out in section 28 of the Highways Act 1980.
- 4.5. The question of whether a path is or is not needed for public use hinges on whether there is a viable alternative route that would be more likely to be used by the public. In this case, the process for the creation of replacement routes is underway, with seven in place and six underway, so it is clearly the case that there are or will in each location be a viable alternative route in place. It is also the case that the alternative route will be more likely to be used by the public because the routes being extinguished have already been removed or otherwise made unusable by the works (certainly at high water) so are not available. On this basis, it is considered that the tests set out in section 118 are met.
- 4.6. With regard to the provision for compensation within the legislation, the PROWs being created are replacement rather than new routes and there would be no depreciation in land value resulting from the extinguishments. On this basis, it is considered that the requirement of section 28 is met.

5. The process for extinguishment of the existing Public Rights of Way

- 5.1. There is a formal legal process for the extinguishment of a PROW and this is set out in section 118 of the Highways Act 1980. It requires consultation with all other local authorities in the area affected by the orders and Natural England prior to the making of an order. There is no statutory requirement to consult users, landowners or local councils, although it is considered best practice to do so. The form of order is set out in the regulations and the orders must be advertised in accordance with the regulations.
- 5.2. If no objections are received the Authority can confirm the orders as unopposed orders. If objections are received, and not withdrawn, and the Authority decides to proceed with them they would have to send the orders to the Secretary of State and ask him to confirm them. At that stage the power of decision goes to the Secretary of State. He may make the decision after considering written representations from the order-making authority and objectors or by convening a local public inquiry at which an inspector would hear the evidence and make a decision.
- 5.3. If confirmed, the confirmation would then need to be advertised and the confirmed orders served on a list of bodies and organisations prescribed in the regulations.
- 5.4. The authority to divert or stop up public paths is delegated to the Planning Committee from the Authority under 2 (6) (viii) of the Authority's Terms of Reference

of Committees, but the authority to extinguish such routes is retained by the Authority.

6. Financial implications

- 6.1. There is a significant staff cost associated with the negotiation and preparation of the Dedication Agreements required to create the replacement routes. This has been borne by BESL.
- 6.2. There is also a significant cost associated with the preparation of the Public Path Extinguishment Orders, including preparation and consultation. This is anticipated to be £1,850 per order and would therefore amount to £24,050 for 13 orders. There is no established protocol over where these costs should be borne. It is noted that there is no benefit to the developer (BESL) in the existing paths being diverted, as they have met their obligations in providing replacements. There would be a potential cost to Norfolk County Council were the existing paths not to be extinguished, as they would have a statutory responsibility to maintain them, despite the impracticality of this.
- 6.3. The Authority has offered to share the costs of this work equally with BESL and Norfolk County Council. BESL have confirmed that this is acceptable to them and Members will be updated verbally of the position of Norfolk County Council.

7. Conclusion

- 7.1. The BFAP is reaching the end of its programme and BESL is completing the contracted works. The major engineering works have been concluded and the final stages of the monitoring works is underway. At the conclusion of the project in May 2021 the responsibility for the flood defences will be handed back to the Environment Agency and the County Councils will take on the maintenance and management of the PROWs.
- 7.2. One of the final tasks is to complete the PROW diversions, which is underway, and to extinguish the routes which are no longer necessary.
- 7.3. If the Authority approves to extinguish the PROWs listed in section 3.1, the officers will proceed with the formal legal process for the seven PROWs for which a Dedication Agreement is completed. Officers would proceed with the six PROWs for which the legal diversion is under way only once their Dedication Agreements are completed.

Author: Cally Smith

Date of report: 29 August 2019

[Broads Plan](#) objectives: E 6.1

Planning Committee

13 September 2019

Agenda item number 15

Schedule of Appeals to the Secretary of State received since 11 January 2019

Report by Administrative Officer

Summary

This report sets out the position regarding appeals against the Authority since 11 January 2019.

Recommendation

To note the report.

| Application reference number | Applicant | Start date of appeal | Location | Nature of appeal/ description of development | Decision and dates |
|---|--------------------|--|---|---|---|
| APP/E9505/W/19/3220113 BA/2018/0259/OUT | Mrs Gillian Miller | Appeal received by BA on 11 January 2019. Start Date 11 March 2019. | Nursery View Burghwood Road Ormesby Great Yarmouth | Appeal against refusal of planning permission: Erect 4 no. detached dwellings of 1.5 | Delegated Decision on 3 October 2018. Notification letters by 18 March 2019. Statement sent by 15 |

| Application reference number | Applicant | Start date of appeal | Location | Nature of appeal/ description of development | Decision and dates |
|--|------------------------|--|---|--|---|
| | | | | storeys high, with garages and access. | April 2019. |
| APP/E9505/D/19/3221263 BA/2018/0364/COND | Mr Andrew Lodge | Appeal submitted 27 January 2019. Start date 10 July 2019. | Riversdale Cottage The Shoal Irstead | Appeal against refusal to remove planning condition. | Committee Decision on 9 November 2018 Notification letters and Statement by 31 July 2019. Appeal Dismissed on 15 August 2019. |
| APP/E9505/W/19/3226955 BA/2018/0303/FUL | Mr Grant Hardy | Appeal submitted 17 April 2019. Start Date 1 May 2019. | Thatched Cottage Watergate Priory Farm Beccles Road St Olaves Norfolk | Appeal against refusal of planning Permission: Erection of dwelling | Delegated Decision 20 December 2018. Notification Letters by 8 May. Statement by 5 June 2019. |
| APP/E9505/W/19/3233093 BA/2018/0460/FUL | Wayford Marina Ltd. | Appeal submitted 12 July 2019. Start date from Inspector 29 July 2019. | Wayford Marina Wayford Road Wayford Bridge Wayford | Appeal against refusal of planning permission: Erection of 5 holiday lodges. Enlarge boat wash facilities | Delegated Decision 12 February 2019. Notification Letters by 5 August 2019. Statement of Case by 2 September 2019. |

Author: Sandra Beckett

Date of report: 29 August 2019

Background papers: BA appeal and application files

Planning Committee

13 September 2019

Agenda item number 16

Decisions made by Officers under Delegated Powers

Report by Head of Planning

Summary

This report sets out the delegated decisions made by officers on planning applications from 6 August to 28 August 2019.

Recommendation

That the report be noted.

| Parish | Application | Site | Applicant | Proposal | Decision |
|------------------------|---------------------|--|--------------------------------|---|---|
| Beccles Town Council - | BA/2019/0198/APPCON | 73 Northgate Beccles NR34 9AY | Mr W Bent | Details of: Condition 3: refuse/recycling bin areas of permission BA/2019/0018/FUL | Approve |
| Beccles Town Council - | BA/2019/0203/ADV | Morrisons George Westwood Way Beccles NR34 9EJ | WM Morrison Supermarket PLC | Internally illuminated store totem | Refuse due to impact on landscape and dark skies |

| Parish | Application | Site | Applicant | Proposal | Decision |
|----------------------------------|---------------------|--|-------------------|---|--|
| Cantley, Limpenhoe And Southwood | BA/2019/0065/FUL | Barn End Grimmer Lane Cantley Norwich Norfolk NR13 3SB | Mr D Cook | Steel portal frame building for pig rearing on straw based system for 500 pigs. | Refuse due to insufficient information on air quality impact, amenity, landscape and highways impact |
| Cantley, Limpenhoe And Southwood | BA/2019/0066/FUL | Barn End Grimmer Lane Cantley Norwich Norfolk NR13 3SB | Mr D Cook | Steel portal frame building for pig rearing on straw based system for 500 pigs. | Refuse due to insufficient information on air quality impact, amenity, landscape and highways impact |
| Claxton Parish Council | BA/2019/0150/HOUSEH | Claxton Manor The Street Claxton Norfolk NR14 7AS | Mr John Heathcote | Installation of 7 x rooflights and 3 x gable windows to former stables (retrospective). | Approve Subject to Conditions |
| Dilham Parish Council | BA/2019/0228/HOUSEH | Mill Cottage Mill Road Dilham NR28 9PU | Mrs Rowlands | Proposed Oak Frame Extension to replace existing Conservatory | Approve Subject to Conditions |
| Filby Parish Council | BA/2019/0219/HOUSEH | Dawn-Dew Main Road Filby NR29 3AA | Mr Dale Ward | Erection of Edwardian conservatory | Approve Subject to Conditions |

| Parish | Application | Site | Applicant | Proposal | Decision |
|---------------------------|---------------------|--|--------------------------|---|--------------------------------------|
| Fleggburgh Parish Council | BA/2019/0206/COND | Broadland Sports Club Bridge Farm (Track) Fleggburgh NR29 3AE | Mr Tony Hendon | Change to building entrance, number of ventilation panels, wall & roof cladding materials & eaves height. Variation of Condition 2 of permission BA/2017/0466/FUL | Approve Subject to Conditions |
| Horning Parish Council - | BA/2019/0183/HOUSEH | Bureside Estate, Plot 30B Crabbetts Marsh Horning Norfolk NR12 8JP | Mrs J Hurren | Extension and alterations | Approve Subject to Conditions |
| Horning Parish Council - | BA/2019/0211/FUL | Mooring Plot 4 River Thurne Thurne | Mrs Thelma Gascoyne | Replacement quay heading | Approve Subject to Conditions |
| Hoveton Parish Council - | BA/2019/0189/NONMAT | Hoveton Great Broad Lower Street Hoveton Norfolk | Mrs Deanna Auker | Change of design and engineering of viewing platform, non-material amendment to permission BA/2018/0325/FUL | Refuse due to not being non-material |
| Hoveton Parish Council - | BA/2019/0223/APPCON | Wilderness Meadow Drive Hoveton NR12 8UN | Ms S Myhra & Mr M Cooper | Details of: Condition 9: Foul water drainage scheme of permission BA/2018/0248/FUL | Approve |

| Parish | Application | Site | Applicant | Proposal | Decision |
|-----------------------------------|---------------------|---|----------------------|--|---|
| Ludham Parish Council - | BA/2019/0220/COND | Hall Common Farm Hall Common Ludham Norfolk NR29 5NS | Mr And Mrs Pitkethly | Use new tiles on east elevation & modify parapet to accommodate lead flashing, variation of condition 2 of permission BA/2017/0457/FUL | Approve Subject to Conditions |
| Ludham Parish Council - | BA/2019/0221/LBC | Hall Common Farm Hall Common Ludham Norfolk NR29 5NS | Mr & Mrs Pitkethly | Use new tiles on east elevation & modify parapet to accommodate lead flashing, variation of condition 2 of permission BA/2017/0457/FUL | Approve Subject to Conditions |
| Ormesby St Michael Parish Council | BA/2019/0200/COND | The Boathouse Eels Foot Road Ormesby St Michael Norfolk NR29 3LP | Mr Mike Minors | Remove condition 4 of permission BA/2012/0356/FUL requiring establishment of reedbed | Refuse due to lack of justification and impact on visual amenity and biodiversity |
| Strumpshaw Parish Council | BA/2019/0195/NONMAT | Pumping Station Low Road Strumpshaw Norwich Norfolk | Mr T Strudwick | Reinstate window to original pattern, non-material amendment to permission BA/2017/0496/FUL. | Approve |

| Parish | Application | Site | Applicant | Proposal | Decision |
|--------------------------|---------------------|---|----------------------|---|----------|
| Thurne Parish Council - | BA/2019/0196/APPCON | Mill View The Street Thurne Norfolk NR29 3AP | Mr Jonathan Molineux | Details of: Conditions 8: flood response plan, 9: details of site access of application BA/2009/0245/FUL | Approve |
| Wroxham Parish Council - | BA/2019/0226/APPCON | Hartwell House 17 Hartwell Road Wroxham Norwich Norfolk NR12 8TL | Mr David Sutton | Details of: Condition 3: Details of key materials and Condition 4: Design details of specific features of permission BA/2018/0520/HOUSEH | Approve |

Planning Committee

13 September 2019

Agenda item number 17

Circular 28/83 Publication by Local Authorities of information about the handling of planning applications

Report by Planning Technical Support Officer

Summary

This report sets out the development control statistics for the quarter ending July 2019.

Recommendation

To note the report.

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1. Development Control Statistics

- 1.1. The development control statistics for the quarter ending are summarised in the tables below.

Table 1

Number of applications

| Category | Number of applications |
|---|------------------------|
| Total number of applications determined | 53 |
| Number of delegated decisions | 50 |
| Numbers granted | 48 |

| Category | Number of applications |
|--|------------------------|
| Number refused | 5 |
| Number of Enforcement Notices | 0 |
| Consultations received from Neighbouring Authorities | 17 |

Table 2

Speed of decision

| Speed of decision | Number | Percentage of applications |
|-------------------|--------|----------------------------|
| Under 8 weeks | 30 | 56.6% |
| 8-13 weeks | 4 | 7.5% |
| 13-16 weeks | 4 | 7.5% |
| 16-26 weeks | 2 | 3.8% |
| 26-52 weeks | 1 | 1.9% |
| Over 52 weeks | 0 | 0% |
| Agreed Extension | 8 | 15.1% |

Table 3

National performance indicators: BV 109 The percentage of planning applications determined in line with development control targets to determine planning applications.

| National target | Actual |
|---|--------|
| 60% of Major applications ¹ in 13 weeks (or within agreed extension of time) | 100% |
| 65% of Minor applications ² in 8 weeks (or within agreed extension of time) | 62% |
| 80% of other applications ³ in 8 weeks (or within agreed extension of time) | 77% |

Author: Thomas Carter

Date of report: 30 August 2019

Appendix 1 – PS1 returns

Appendix 2 – PS2 returns

¹ Majors refers to any application for development where the site area is over 1000m²

² Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc.)

³ Other refers to all other applications types

Appendix 1

PS1 returns

| Measure | Description | Number of applications |
|---------|--|------------------------|
| 1.1 | On hand at beginning of quarter | 59 |
| 1.2 | Received during quarter | 49 |
| 1.3 | Withdrawn, called in or turned away during quarter | 4 |
| 1.4 | On hand at end of quarter | 51 |
| 2. | Number of planning applications determined during quarter | 53 |
| 3. | Number of delegated decisions | 50 |
| 4. | Number of statutory Environmental Statements received with planning applications | 0 |
| 5.1 | Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992 | 0 |
| 5.2 | Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992 | 0 |
| 6.1 | Number of determinations applications received | 0 |
| 6.2 | Number of decisions taken to intervene on determinations applications | 0 |
| 7.1 | Number of enforcement notices issued | 0 |
| 7.2 | Number of stop notices served | 0 |
| 7.3 | Number of temporary stop notices served | 0 |
| 7.4 | Number of planning contravention notices served | 2 |
| 7.5 | Number of breach of conditions notices served | 0 |
| 7.6 | Number of enforcement injunctions granted by High Court or County Court | 0 |
| 7.7 | Number of injunctive applications raised by High Court or County Court | 0 |

Appendix 2

PS2 returns

Table 1

Major applications

| Application type | Total | Granted | Refused | 8 weeks or less | More than 8 and up to 13 weeks | More than 13 and up to 16 weeks | More than 16 and up to 26 weeks | More than 26 and up to 52 weeks | More than 52 weeks | Within agreed extension of time |
|--|----------|----------|----------|-----------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------|---------------------------------|
| Dwellings | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Offices/ Light Industry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Heavy Industry/Storage/Warehousing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Retail Distribution and Servicing | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Gypsy and Traveller Sites | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All Other Large-Scale Major Developments | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total major applications | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |

Table 2

Minor applications

| Application type | Total | Granted | Refused | 8 weeks or less | More than 8 and up to 13 weeks | More than 13 and up to 16 weeks | More than 16 and up to 26 weeks | More than 26 and up to 52 weeks | More than 52 weeks | Within agreed extension of time |
|--------------------------------------|-----------|-----------|----------|-----------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------|---------------------------------|
| Dwellings | 5 | 5 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 2 |
| Offices/Light Industry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| General Industry/Storage/Warehousing | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Retail Distribution and Servicing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gypsy and Traveller Sites | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All Other Minor Developments | 15 | 15 | 0 | 11 | 1 | 2 | 0 | 0 | 0 | 0 |
| Minor applications total | 21 | 21 | 0 | 11 | 2 | 2 | 2 | 0 | 0 | 2 |

Table 3

Other applications

| Application type | Total | Granted | Refused | 8 weeks or less | More than 8 and up to 13 weeks | More than 13 and up to 16 weeks | More than 16 and up to 26 weeks | More than 26 and up to 52 weeks | More than 52 weeks | Within agreed extension of time |
|---|-----------|-----------|----------|-----------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------|---------------------------------|
| Minerals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Change of Use | 6 | 4 | 2 | 1 | 1 | 1 | 0 | 1 | 0 | 0 |
| Householder Developments | 20 | 17 | 3 | 17 | 1 | 0 | 0 | 0 | 0 | 2 |
| Advertisements | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Listed Building Consent to Alter/Extend | 4 | 4 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 2 |
| Listed Building Consent to Demolish | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Certificates of Lawful Development | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Notifications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other applications total | 30 | 25 | 5 | 19 | 2 | 2 | 0 | 1 | 0 | 4 |

Table 4

Totals by application category

| Application type | Total | Granted | Refused | 8 weeks or less | More than 8 and up to 13 weeks | More than 13 and up to 16 weeks | More than 16 and up to 26 weeks | More than 26 and up to 52 weeks | More than 52 weeks | Within agreed extension of time |
|--------------------------|--------------|----------------|----------------|------------------------|---------------------------------------|--|--|--|---------------------------|--|
| Major applications | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Minor applications total | 21 | 21 | 0 | 11 | 2 | 2 | 2 | 0 | 0 | 2 |
| Other applications total | 30 | 25 | 5 | 19 | 2 | 2 | 0 | 1 | 0 | 4 |
| TOTAL | 53 | 48 | 5 | 30 | 4 | 4 | 2 | 1 | 0 | 8 |
| Percentage (%) | - | 90.6 | 9.4 | 56.6 | 7.5 | 7.5 | 3.8 | 1.9 | 0 | 15.1 |