

Planning Committee

Agenda 26 April 2024

10.00am

The King's Centre, 63-75 King Street, Norwich, NR1 1PH

John Packman, Chief Executive – Friday 19 April 2024

Under the Openness of Local Government Bodies Regulations (2014), filming, photographing and making an audio recording of public meetings is permitted. These activities however, must not disrupt the meeting. Further details can be found on the [Filming, photography and recording of public meetings](#) page.

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 01 March 2024** (Pages 3-17)
4. To note whether any items have been proposed as matters of urgent business
5. Chairman's announcements and introduction to public speaking
Please note that public speaking is in operation in accordance with the Authority's [Code of Practice for members of the Planning Committee and officers](#).
6. Request to defer applications included in this agenda and/or vary the order of the agenda

Planning and enforcement

7. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
 - 7.1. BA/2024/0052/FUL - Langley with Hardley Parish - Land to south-west of Hardley Flood - Repairs to two foot bridges and provision of access ramps (Pages 18-29)
 - 7.2. BA/2024/0084/FUL - Reedham - Land to south-west of River Yare - Raise crest and flood bank strengthening (Pages 30-38)
 - 7.3. BA/2024/0103/HOUSEH - Wroxham - Swans Harbour, Beech Road - Replacement boathouse (Pages 39-47)

8. **Enforcement update** (Pages 48-54)
Report by Head of Planning

Policy

9. **Consultation responses** (Pages 55-64)
Report by Planning Policy Officer
10. **Adoption of the Greater Norwich Local Plan** (Pages 65-67)
Report by Planning Policy Officer
11. **Consultation by Department for Levelling Up, Housing & Communities: An accelerated planning system** (Pages 68-81)
Report by Head of Planning

Matters for information

12. **Notes of the Heritage Asset Review Group meeting held on 08 March 2024**
(Pages 82-86)
13. **Decisions on Appeals by the Secretary of State between 1 April 2023 and 31 March 2024 and monthly update** (Pages 87-96)
Report by Head of Planning
14. **Decisions made by Officers under delegated powers** (Pages 97-105)
Report by Head of Planning
15. **To note the date of the next meeting – Friday 24 May 2024 at 10.00am at The King’s Centre, 63-75 King Street, Norwich, NR1 1PH**

For further information about this meeting please contact the [Governance team](#)

Planning Committee

Minutes of the meeting held on 01 March 2024

Contents

1.	Apologies and welcome	2
	Openness of Local Government Bodies Regulations 2014	2
2.	Declarations of interest and introductions	2
3.	Minutes of last meeting	2
4.	Matters of urgent business	2
5.	Chair's announcements and introduction to public speaking	3
6.	Requests to defer applications and/or vary agenda order	3
7.	Applications for planning permission	3
	(1) BA/2023/0468/FUL - Hoveton - Barnes Brinkcraft	3
8.	Enforcement update	5
9.	BA/2023/0020/TPO - Land from north of The Acorns to Fen Hollow, Horsefen Road, Ludham	5
10.	BA/2023/0027/TPO – Crabbett's Marsh, Horning	7
11.	Local Plan - Preferred Options (bitesize pieces)	11
12.	Preferred Options Local Plan for consultation	12
13.	Consultation Responses	13
14.	Biodiversity Net Gain	13
15.	Appeals to the Secretary of State	14
16.	Decisions made by officers under delegated powers	14
17.	Date of next meeting	15

Please note these are draft minutes and will not be confirmed until the next meeting.

Present

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, Tony Grayling, James Harvey, Martyn Hooton, Tim Jickells, Kevin Maguire, Leslie Mogford, Keith Patience, Vic Thomson and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer (items 11-13), Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer (item 7.1), Stephen Hayden – the Authority’s Arboricultural Adviser (items 9-10), Kate Knights– Historic Environment Manager (items 9-10), Jamie Manners – Biodiversity Net Gain Officer (item 14), Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

Richard Jefferies, as an objector, for item 10 – Tree Preservation Order BA/2023/0027/TPO - Crabbett’s Marsh, Horning.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Melanie Vigo di Gallidoro.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

Members indicated that they had no further declarations of interest other than those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 02 February 2024 were approved as a correct record and signed by the Chair.

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Practice for members of the Planning Committee and officers. Those who wished to speak were invited to come to the Public Speaking desk when the Tree Preservation Order they wished to comment on was being presented.

6. Requests to defer applications and/or vary agenda order

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

7. Applications for planning permission

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

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

(1) BA/2023/0468/FUL - Hoveton - Barnes Brinkcraft

Removal of peninsula of land and replacement with floating pontoon

Applicant: Barnes Brinkcraft Ltd

The Planning Officer (PO) provided a detailed presentation of the application that would involve the removal of the majority of a peninsula of land forming part of the eastern bank of the River Bure in Hoveton, approximately 200 metres downstream of Wroxham Bridge, and its replacement with a floating pontoon on the same siting. The site was located within the wider Barnes Brinkcraft site which comprised a commercial boatyard providing hire craft and holiday accommodation services based at Riverside Road, Hoveton. The wider site consisted of moorings on and off the river and dyke, an administrative building, visitor facilities, holiday accommodation and a boat building and repair shed.

The PO indicated that the application was before the committee as the applicant was a Member of the Navigation Committee.

The presentation included a location map, the site marked within a map of Wroxham, the site marked within a map focussing on the River Bure adjacent to Riverside Road, an aerial photograph of the previous map, an aerial photograph centred on the site adjacent to the river showing the site boundary, the same aerial photograph this time without the site boundary to enable the peninsula of land to be fully visible, a plan diagram showing the area of land to be removed and the replacement pontoon within this area, a plan diagram depicting the improved moorings provided by the pontoon, a diagram showing plan and elevation views of the pontoon and the associated three new steel piles and various photographs of the site showing the existing moorings, the fuel tank and the poor condition of the northern end of the peninsula.

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The PO explained that the proposal was to remove the majority of the peninsula and replace it with a floating pontoon on the same siting. A length of 2.6 metres of the peninsula would be retained at its southern end, with the pontoon extending northwards from the stub of retained land. The fuel tank, currently located towards the northern end of the peninsula, would be moved to the retained peninsula land at the southern end of the site.

The pontoon would measure 30 metres in length and 2.5 metres in width, being fixed by 3 piles within the pontoon towards the mooring basin side. The pontoon would have a 'Duragrate' composite material for the deck, with a yellow colour to match the existing pontoons just north of the subject area. The pontoon would maintain the line of the riverbank it replaced, and the mooring provision would not be altered.

The principle of development was considered to be acceptable as it maintained mooring provision at the site and provided an improvement in terms of accessibility and manoeuvrability of craft within the mooring basin.

The pontoon would maintain the line of the defined edge of the river thereby ensuring that the existing width of navigable river was maintained. There was existing side-on mooring which would be re-provided by the pontoon. Pontoons were a feature of the area and were considered to be an acceptable addition in a setting such as this.

The existing peninsula had been assessed as having no suitable habitat on or near the site and therefore the proposed works would have no impact on habitats or protected species.

The proposed works were not expected to result in a disturbance of peat soils however a plan to deal with the discovery of peat soils on the site, in accordance with Local Plan policy DM10 (Peat), had been conditioned.

The Authority's Ecologist had recommended the submission of a Risk Assessment Method Statement (RAMS), to ensure the adoption of measures to prevent waste material entering the water course, and this had been conditioned. The works would require a Works Licence from the Authority and a Flood Risk Activity Permit from the Environment Agency.

The PO concluded that the proposed replacement of a peninsula of land with a floating pontoon was acceptable in principle, would not result in a narrowing of the navigation channel, and would have an acceptable appearance with regard to the site and surrounding area. Therefore, the application was recommended for approval subject to the conditions detailed in section 8.1 of the report.

Given the use of the peninsula of land and the duration of this use Members were concerned about the risk of pollution resulting from its removal. The PO confirmed that the Works Licence, RAMS and the Flood Risk Activity Permit, required for this work to proceed, would provide a basis for ensuring that this work would not harm the water course and that the resulting waste material would be disposed of correctly.

In response to a question the PO confirmed that the Crown Estate would be aware of the application and any matters arising would be raised with the applicant.

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Leslie Mogford proposed, seconded by Fran Whymark and

It was resolved unanimously to approve subject to conditions:

- i. Time limit;**
- ii. In accordance with approved plans;**
- iii. Completion and submission of a Risk Assessment Method Statement (RAMS) ahead of works commencing;**
- iv. Works to stop if any evidence of water vole activities or burrows are found, and seek advice from an independent qualified Ecologist;**
- v. Removal of tarmac before commencing excavation of the peninsula;**
- vi. Process for reuse of peat if found during excavation works;**
- vii. Biodiversity enhancements - bat roost, house sparrow and swift nest boxes;**
- viii. Side-on mooring only to the river side of the approved pontoon.**

8. Enforcement update

Members received an update report from the Head of Planning (HoP) on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

Land at the Beauchamp Arms Public House (Unauthorised static caravans) – The rescheduled Hearing at Norwich Crown Court may be delayed as not all participants were available on 15 March 2024.

Holly Lodge, Church Loke, Coltishall (Unauthorised replacement windows in listed building) – The HoP indicated that the Landowner had engaged an agent and discussions were underway to resolve this matter without recourse to the serving of an Enforcement Notice.

9. BA/2023/0020/TPO - Land from north of The Acorns to Fen Hollow, Horsefen Road, Ludham

The Historic Environment Manager (HEM) presented the report recommending confirmation of a provisional Tree Preservation Order (TPO) on a group of trees at and near The Acorns, The Beeches, The Pines, Broadgate and Fen Hollow, Horsefen Road, Ludham.

The HEM presented a location map, a site map and various photographs of some of the trees associated with provisional TPO BA/2023/0020/TPO as viewed from various locations including Horsefen Road, Womack Staithe and Womack Water. This provisional TPO had been served as part of the Authority's ongoing review of its existing portfolio of TPOs and, for efficacy, this provisional TPO had replaced three previous TPOs with no change to the trees covered or restrictions applied. The provisional TPO covered an area that included a mix of holiday chalets with individual trees dotted across a number of discrete properties and one

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group of five oak trees at The Acorns, adjacent to Horsefen Road (a map was shown detailing the location of the individual trees and group of trees included in the TPO). The provisional TPO would need to be confirmed before it lapsed on 20 March 2024.

The HEM indicated that the TPO assessment had concluded that all of the trees were good specimens with high visual amenity enhancing the setting of the chalets on the site and the wider environment. The amenity value was further increased by the trees as a group, which were visible from Horsefen Road, Womack Water and Womack Staithe. There was a level of threat to the trees due to the fragmented ownership of the site.

An objection had been received from the owners of The Acorns stating that one of the oak trees, which sat to the right hand side of the entrance to their driveway, restricted vehicular access to the drive. Given the growth of the tree and increased traffic on Horsefen Road, since the tree was first protected by a TPO, it was harder to gain entry and leave the property and the objector would like to remove the tree. This oak related to the tree at the eastern end of the group of five oak trees, collectively referred to as G1 within the TPO.

The objection had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee.

At the Planning Committee meeting on 5 January 2024, Members had considered a site visit to view the oak trees at The Acorns and decided that, in this instance, a visit was not justified.

As requested at the 5 January meeting, the HEM provided measurements relating to group G1's eastern oak tree relative to Horsefen Road and the driveway to The Acorns. The entrance to the driveway was 3.75m wide and the driveway narrowed to 3.4m between the oak tree and the property's the southern boundary fence. The oak tree was located 3.5m from the nearest edge of Horsefen Road and the road itself was 4.4m wide at this point. Various photographs were shown of The Acorns driveway and the five oak trees that constituted G1 including images showing a large boat on a trailer parked beside the property.

The Authority's Arboricultural Adviser (AAA) had visited the site and, on inspection, found there was no visible damage to the oak tree and no evidence of collisions with the tree. It was concluded that although the space was restricted it was sufficient to safely ingress to and exit from the property.

The oak tree cited by the objector was assessed to be integral to the G1 group of five oaks and contributed to the amenity value of this group. The G1 grouping contributed to the wider cumulative effect on the visual amenity associated with the TPO.

The HEM explained that, given the objection, there were 3 options relating to the confirmation of the TPO:

1. Confirm the TPO with no amendment.
2. Confirm the TPO but exclude the eastern oak tree from group G1.
3. Do not confirm the TPO.

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The recommendation was to confirm the TPO with no amendment.

In response to a question the HEM confirmed that no objective evidence had been provided to support the objector's assertions.

In response to a question the AAA indicated that the oak trees within group G1 were approximately 60 years old and had plenty of life left. The AAA indicated that this group of trees had been the subject of tree works in the past and that the TPO did not preclude further necessary tree works in the future

The Senior Governance Officer read a statement in support of the TPO provided by Cllr Adam Varley who was unable to attend the meeting.

Members acknowledged the attractive surroundings of the site and the contribution that the trees made to the visual amenity. A Member noted the efforts taken over the years by Ludham to protect this location and believed it was incumbent on the committee to reciprocate.

Leslie Mogford proposed, seconded by Bill Dickson and

It was resolved unanimously to confirm Tree Preservation Order BA/2023/0020/TPO - Land from north of The Acorns to Fen Hollow, Horsefen Road, Ludham.

10. BA/2023/0027/TPO – Crabbett's Marsh, Horning

The Historic Environment Manager (HEM) presented the report recommending confirmation of a provisional Woodland Tree Preservation Order (TPO) for an area of woodland at Crabbett's Marsh, Horning whose subject trees were a part of a large area of wet woodland consisting primarily of alder, willow and birch trees.

The HEM presented a location map, a site map, an aerial photograph of the north-eastern part of the site bounded by South Quays Lane and Woodlands Way Road, an aerial photograph of the southern boundary of the site depicting the chalets at Bureside Estate, an aerial photograph of the southern half of a dyke that intersected the eastern part of the site, photographs of the site as viewed from Horning Road, Hoveton Little Broad, the river Bure and Horning and various photographs of the site.

This provisional TPO had been served as part of the Authority's ongoing review of its existing portfolio of TPOs and replaced a previous TPO dating from 2009 with no change to the area covered or restrictions applied. The provisional TPO would need to be confirmed before it lapsed on 24 April 2024.

The large area of wet woodland covered by the TPO was located to the west of Horning, with Hoveton Little Broad forming its western boundary with the A1062 Horning Road forming the northern boundary and providing access to the site via South Quays Lane. South Quays Lane and Woodlands Way Road formed the eastern boundary of the site, with the southern boundary being to the rear of the riverside chalets at Bureside Estate.

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The woodland had been divided into plots and consequently there were a number of different owners. An unsurfaced private track ran from South Quays Lane, providing vehicular and pedestrian access to the woodland plots and riverside chalets.

The HEM explained that wet woodland was a very rare and important habitat and as such was considered most threatened and requiring conservation action under the UK Biodiversity Action Plan (BAP). The watery nature of the wet woodland in conjunction with decaying wood created a very special ecosystem.

There was considered to be a threat to the woodland due to the incremental clearance by landowners, in particular from plot owners. This was particularly the case on the eastern side of the site where the plots between the access track and dyke were frequently under pressure to perform a use, rather than to remain as a block of undisturbed woodland. This resulted in plots being demarcated, dead wood and undergrowth was cleared to 'tidy' the land and measures were taken to reduce boggy ground conditions in order to allow access to the water and create parking areas (photographs were shown to illustrate these points).

The HEM indicated that the Authority had received 14 representations including 2 objections in relation to this provisional TPO.

These objections had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee. In preparation for this determination, at the Planning Committee meeting on 2 February 2024, Members had decided a site visit would be beneficial and a visit to Crabbett's Marsh was undertaken on 15 February 2024.

One objector believed there was an 8 week wait for applications to carry out works to dead, fallen or falling trees and this delay would be a safety concern to plot holders and residents using the roadway through Crabbett's Marsh.

The HEM confirmed that the TPO would not preclude any necessary tree works as agreed in advance with the Authority. Any trees that posed an immediate risk to persons and property could be removed and, in this circumstance, it was advised that photographs of the trees were taken beforehand to provide documentary evidence of their unsafe state.

The other objector had cited a number of reasons for their objection and the HEM discussed each in turn.

The objector did not believe that the Local Planning Authority (LPA) for the Broads had the authority to serve a TPO. The HEM confirmed that the LPA for Broads was authorised to serve TPOs within its Executive Area.

The objector believed that conservation of the woodland alone was not enough to justify a TPO and Crabbett's Marsh was not a Site of Scientific Special Interest (SSSI). The objector also asserted that as there was no public access to the site there could be no amenity value and therefore no justification for a TPO.

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The HEM explained it was not a pre-requisite of a TPO for the subject location to be a SSSI or have any other form of designation. The amenity value of the trees or woodland covered by a TPO was not determinant on whether the subject trees or woodland were publicly accessible. Government guidance indicated that amenity was not defined in law so LPAs needed to exercise judgement when deciding whether to serve a TPO. The guidance indicated that TPOs should be used to “protect trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public”. The HEM explained that public enjoyment was not limited to being able to physically access the TPO subject trees and woodlands and included being able to view them from public vantage points. The HEM demonstrated, by the use of photographs, that the woodland at Crabbett’s Marsh was visible from a wide surrounding area much of which was accessible by the public. The HEM added that public visibility alone was not enough to justify a TPO. The guidance indicated that the characteristics of the woodland should also be considered as well as other factors such as nature conservation. Given the size of Crabbett’s Marsh, its expected long lifespan, its rarity as a habitat, its significance to the cultural heritage of the Broads, its contribution to the landscape and the inclusion of this type of habitat on the UK BAP, in conjunction with its public visibility, the Authority had concluded that the woodland at Crabbett’s Marsh had a significant impact on the local environment and warranted protection.

The objector had referred to maintaining vehicular access to the site and the HEM confirmed that access had been maintained following the original TPO being served in 2009 and there was no reason for this to change.

The objector had highlighted paragraph 82 of the government’s TPO guidance which they believed entitled them to remove any tree encroaching on their property. The HEM explained that this part of government guidance did enable works to prevent or abate a nuisance, which the guide equated to actual damage, without the Authority’s consent. However, the guidance did add that, in certain circumstances, it might still be appropriate to consult with the Authority to determine the suitability of these tree works and to consider other measures where applicable.

The objector believed the TPO would not improve the navigation and therefore was contrary to the Broads Authority’s statutory role to maintain navigation within the Broads. Clearly the LPA for the Broads undertakes a lot of work that does not directly improve navigation within the Broads, it does not mean that the Authority’s remit has been contravened. In terms of trees that effect navigation, the Authority would seek to work with landowners to ensure the best management of the trees along the riverbank to ensure that unhindered navigation was provided.

The objector believed that plot K, constituted a garden and, as the guidance indicated that it would be unlikely for a garden to be covered by a Woodland TPO, plot K should not be included in the TPO. The HEM indicated that plot K, located approximately midway along the access track and bounded by the dyke to the east, consisted of a large boatshed, that included first floor residential accommodation, on the north of the plot and a garden to the south (plot K was highlighted on an aerial photograph that showed the southern half of a dyke that

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intersected the eastern part of the site). The HEM confirmed that the guidance did indeed indicate it was unlikely for a woodland TPO to cover a garden however it did not preclude this eventuality when it was appropriate. The HEM indicated that plot K was located in the much larger woodland as demonstrated by the photograph and therefore it was appropriate for it to be covered by a woodland TPO.

The HEM concluded that the recommendation was to confirm this provisional TPO and thereby continue the protection of the woodland that had been established in 2009.

A Member asked what the impact clearing the undergrowth from the plots had on the trees and ecosystem. The Authority's Arboricultural Adviser (AAA) responded that this clearance changed the understory and prevented new regrowth. The woodland TPO protected everything that could become a tree and as such, the clearance of the understory, contravened the TPO. Wet woodlands were reliant on decaying matter and the removal of dead trees was not conducive to the conservation of this environment.

A Member, having seen the incremental clearance first hand during the site visit, asked how effective enforcement at the site was. The HEM replied that when the TPO was re-served an information sheet had been included detailing what was important about the wet woodland environment and highlighting the importance of dead and decaying matter to invertebrates. Enforcement was not easy as it was sometimes difficult to verify what the condition of a given plot before clearance had commenced. Clearance may have been confined to reeds and the removal of dead trees, neither of which contravened the TPO, but did have a negative impact on the wider ecosystem. The Head of Planning (HoP) indicated that the site was visited on a regular basis by the Enforcement Officer and the Authority would continue to investigate reports of possible contraventions of the TPO. Given the nature of these plots the HoP believed it was important to educate new plot owners to ensure they were aware of the importance of this habitat and the restrictions imposed by the TPO.

A Member asked, assuming the TPO was confirmed, were there any further plans to educate residents and landowners at the site and whether the residents could be co-opted to help protect this habitat through peer pressure. The HEM responded that this work was underway and that it would not be restricted solely to the woodland but would also consider the use of the plots.

Mr Richard Jefferies spoke as an objector to the TPO and said that he disagreed with the application of a Woodland TPO in the context of plots K and L on the site. He believed the Ordnance Survey map to be the definitive map and that, as the OS map did not show the two plots within the woodland, these plots could not be included in a woodland TPO. He welcomed the improvements sought by this TPO and indicated that he would have no objection to a TPO being served in relation to specific trees located within plot K.

The Senior Governance Officer read a statement in support of the TPO provided by Cllr Adam Varley who was unable to attend the meeting.

Members acknowledged the importance of wet woodland habitat within the Broads. A Member believed that given the lack of public access and the resulting difficulties in observing

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this area it was more important to ensure it was protected. Members were keen to strengthen the environmental protection afforded this area.

Tim Jickells proposed, seconded by Kevin Maguire and

It was resolved unanimously to confirm Tree Preservation Order BA/2023/0027/TPO at Crabbett's Marsh, Horning.

11. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed four new or amended policy areas that were proposed to form part of the Preferred Options version of the Local Plan. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

Designing places for healthy lives

The amendments to policy DM45 (Designing places for healthy lives) highlighted the importance of the scale of development. A Small Sites Healthy Planning Checklist had been developed for use on a self-assessment basis and was intended to encourage applicants to consider how their development would enhance health and wellbeing.

Land on the Corner of Ferry Road, Horning

The PPO indicated that policy HOR8 (Land on the Corner of Ferry Road, Horning) had been brought to committee on 28 April 2023 where the status of the live/work units, when challenged, could not be verified. The Enforcement Officer had since visited the site and confirmed that the live/work units were being operated as intended. The PPO confirmed that the only amendment to this policy reflected the correct current use classes.

Implementation, monitoring and review

The Monitoring and Implementation table (in Appendix 3 of the report) detailed how the usage of Local Plan policies was to be monitored and the approach tended to be the same as for the current Local Plan.

Norfolk County Council Health Profile of the Broads

The Health and Wellbeing Paper (in Appendix 4 of the report) had been produced by Norfolk County Council to provide a picture of the health of residents within the Broads and outline key principles and practical recommendations for promoting health in spatial planning.

Stephen Bolt proposed, seconded by Tony Grayling and

It was resolved unanimously to endorse the NCC Health and Wellbeing Paper as evidence for the Local Plan.

Members' comments were noted.

12. Preferred Options Local Plan for consultation

The Planning Policy Officer (PPO) presented the report which sought approval to issue the Preferred Options version of the Local Plan ready for consultation including its supporting material (Sustainability Appraisal and Habitats Regulation Assessment).

The Preferred Options version of the Local Plan had been assembled from the “bitesize pieces” reports that Members had been consulted on since June 2023. The appendices discussed at item 11 of the agenda would be included. The PPO indicated that the Biodiversity Net Gain (BNG) policy (PODM15) had been updated by the BNG Officer to reflect the BNG regulations that took effect in February 2024 and these changes were marked for the benefit of Members.

A discussion took place regarding the Authority adopting a percentage increase in BNG greater than the 10% mandated by the regulations. The PPO explained that work was required to justify a higher BNG percentage and confirmed this work had commenced. The fruition of this work would be brought to the Planning Committee for consideration. In the meantime, it was agreed to add a comment to the reasoned justification section of this policy indicating that the Authority was investigating a higher BNG percentage.

The PPO explained that in conjunction with the PDF versions of the Policy Maps (Appendix 3 of the report) there would be an online interactive version of these maps that would link to the Local Plan.

The Habitats Regulation Assessment had not been available for inclusion in this report however it had since been completed. The HRA consultants had assessed each bitesize piece that had been before Planning Committee, so their comments had been taken on board.

The 8 week consultation period was due to run from 25 March until 17 May 2024 and included three drop-in events at various locations across the Broads and scheduled for differing days of the week and differing times of the day.

The PPO confirmed the recommendations as detailed on page 1 of the report.

In response to a query, it was agreed to amend Policy POSTO1 item 2.i) to read “The scheme delivers a selection of housing types and sizes ~~agreed~~ *agreed-in consultation* with the Parish Council, *and agreed with* Great Yarmouth Borough Council and Broads Authority”.

Members supported the report and thanked the PPO for her hard work in preparing the Preferred Options version of the Local Plan.

Tim Jickells proposed, seconded by Leslie Mogford and

It was resolved unanimously to:

- i. Endorse the Preferred Options version of the Local Plan, Sustainability Appraisal and Habitats Regulations Assessment.**

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- ii. **Recommend to the Broads Authority that the Preferred Options version of the Local Plan, Sustainability Appraisal and Habitats Regulations Assessment were issued for consultation.**
- iii. **Endorse the proposal that the final Habitats Regulations Assessment would be agreed with the Head of Planning, in consultation with the Chair of the Planning Committee.**
- iv. **Delegate any further typographical, formatting, or minor improvements of the Preferred Options version of the Local Plan, Sustainability Appraisal and Habitats Regulations Assessment to the Planning Policy Officer.**

13. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to the Regulation 16 version of the Loddon and Chedgrave (Chet) Neighbourhood Plan. The PPO had, in conjunction with some minor comments, raised an objection as there was an ambiguity within Policy 1 of this version of the neighbourhood plan regarding where self/custom build properties were to be allowed.

Stephen Bolt proposed, seconded by Fran Whymark and

It was resolved unanimously to endorse the nature of the proposed responses to the Regulation 16 version of the Loddon and Chedgrave (Chet) Neighbourhood Plan.

Leslie Mogford left the meeting.

14. Biodiversity Net Gain

The Biodiversity Net Gain Officer (BNGO) presented the report which provided a summary of the BNG regulations that became mandatory for major developments from 12 February 2024 and would extend to small sites from 2 April 2024. The intention of these regulations was to reverse the decline in biodiversity within the UK.

The BNGO explained the legislative background to BNG (as per section 2 of the report) and then detailed how BNG would work (as per section 3).

The BNGO explained that the only BNG information statutorily required at the application stage was limited to the site baseline BNG information. All the information related to how the BNG would be delivered was left to the pre-commencement stage and required through the imposition of a General Biodiversity Gain Condition. Without more information at the application stage, it was not possible for the LPA to determine with any confidence that the necessary BNG could be delivered in accordance with the statutory requirements.

National guidance had made provision for LPAs to require the submission of additional information through their local validation lists, including on how the BNG would be delivered.

It was proposed that the Authority's Local Validation List be updated to include a requirement for information to be provided on BNG delivery. The required information could include a fully

Please note these are draft minutes and will not be confirmed until the next meeting.

completed post-development metric tool, a draft Biodiversity Gain Plan for certain applications or other types of report on how the BNG requirement would be delivered and/or, where necessary, draft heads of terms for a section 106 or other legal agreement to secure provision and monitoring of BNG for the 30 year period.

The updated validation checklist would need to go through a consultation process before being adopted.

The BNGO confirmed the recommendation to update the Local Validation List and undertake a consultation of this updated document.

A Member asked who was responsible for the monitoring of BNG. The BNGO explained that the legal requirement was with the developer to monitor the BNG over the statutory 30 year period. The Authority would receive the monitoring report and would have to assess whether the gains set out in the Biodiversity Gain Plan were being met.

The Member asked whether developers could subcontract the responsibility for monitoring to a third party. The BNGO explained that if the BNG was to be achieved offsite then the associated credits sold to the developer would also include the cost of monitoring. The provider of the offsite BNG would be responsible for monitoring the BNG and this would be reflected in the price of the associated credits. The onsite provision of BNG would be associated with the land via a S106 agreement. The S106 agreement would be transferred to future owners of that land over the 30 year period. The Head of Planning (HoP) explained that this was another reason for the proposed changes to the Local Validation List and indicated that the information required would be proportionate to the scale of development.

A Member asked if a development exceeded the required BNG target could the developer sell the excess BNG as offsite units? The BNGO explained that was possible and provided an incentive for developers to exceed the BNG target. The HoP explained that due to the hierarchy of BNG solutions then more offsite BNG would be required to offset the preferred onsite BNG.

Vic Thomson proposed, seconded by Tony Grayling and

It was resolved unanimously to endorse the consultation of an amended Local Validation List.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 January 2024 to 16 February 2024 and two Tree Preservation Orders confirmed within this period.

Please note these are draft minutes and will not be confirmed until the next meeting.

17. Date of next meeting

As there were no matters for decision, the meeting scheduled for 22 March would be cancelled. The next meeting of the Planning Committee would be on Friday 26 April 2024 10.00am at The King's Centre, 63-75 King Street, Norwich.

The meeting ended at 12:15pm.

Signed by

Chair

DRAFT

Planning Committee

26 April 2024

Agenda item number 7.1

BA/2024/0052/FUL- Langley with Hardley Parish- Land to south-west of Hardley Flood- Repairs to two foot bridges and provision of access ramps

Report by Planning Officer

Proposal

Repairs to two foot bridges and provision of access ramps. Use of existing hardstanding as temporary site compound.

Applicant

Mr Andrew Middleton - Norfolk County Council

Recommendation

Approval with conditions

Reason for referral to committee

Director's discretion

Application target date

11 April 2024

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	3
	Langley with Hardley Parish Council	3
	Environment Agency	4
	Ecology	5
	Norfolk County Council Public Rights of Way	6
	BA Ecologist	6
	BA Project Support Officer	6
	Planning Committee, 26 April 2024, agenda item number 7.1	1

BA Tree Officer	6
4. Representations	6
5. Policies	6
6. Assessment	7
Principle of development	7
Design and landscape	7
Ecology and designated sites	8
Highways and public rights of way	9
Flood risk and aquatic species	9
7. Conclusion	10
8. Recommendation	10
9. Reason for recommendation	11
Appendix 1 – Location map	12

1. Description of site and proposals

- 1.1. The subject comprises a pair of footbridges which are located on the northern riverbank of the River Chet, to the south-west corner of Hardley Flood, approximately 1km to the east of the village of Chedgrave. The footbridges form part of a public footpath which itself forms part of the Wherryman’s Way, a historic footpath between Great Yarmouth and Norwich. The specific section of footpath in question is Loddon Footpath 4.
- 1.2. The footbridges provide access across dykes or inlets which form part of the wider Hardley Flood system; they link sections of the riverbank to provide a continuous footpath along the northern bank of the River Chet from the confluence with the River Yare to the east, to the village of Chedgrave to the west.
- 1.3. The subject footbridges have been closed for nearly 10 years due to safety concerns, which means that the Hardley Flood section of the Wherryman’s Way has been closed to the public for that period. A lengthy diversion of the public footpath is in place and this includes a section along Hardley Road with no pedestrian provision. No reasonable views of Hardley Flood are possible from the diverted footpath section, and no access to the Parish Council bird hide located on the southern bank of Hardley Flood.
- 1.4. The proposed works to the bridges comprise the following:
 - Bridge 1 - substructure reinforcement, new handrail north side, new ramp access with handrail to both bridge approaches.

- Bridge 2 - decking repairs and new ramp access to bridge approaches with handrail.
- 1.5. An existing hardstanding area approximately 1.5 km to the north-east of the subject bridges would be utilised as a temporary site compound. Due to the remote nature of the bridges all construction materials would be delivered by boat. The hardstanding area is adjacent to a section of private moorings which would allow transfer of materials and plant by river to the bridge locations.
 - 1.6. Hardley Flood comprises a 50 hectare area of tidal lagoon and reedbeds. It is separated from the River Chet, which runs parallel to its southern bank, by a narrow band of land with a width of between 5 metres and 40 metres. Hardley Flood is designated a Broadland Ramsar site and is part of the Hardley Flood SSSI, the Broads SAC, and Broadland SPA. The site lies within flood zone 3. The site is not within a conservation area.
 - 1.7. It is noted that there are four footbridges along the footpath to the south of Hardley Flood, the two subject footbridges, and two footbridges further east along the footpath. The works to the two subject footbridges are part of Phase 1 of the overall repair/replacement works, the other two footbridges are part of Phase 2 which will be submitted for planning consideration at a later date. The full re-opening of this section of the Wherryman's Way will not be possible until Phase 1 and Phase 2 works are complete.

2. Site history

- 2.1. None.

3. Consultations received

Langley with Hardley Parish Council

- 3.1. The Council discussed this planning application at their meeting on 5 March 2024. The Council considers the planning application should be refused. Whilst the Parish Council are supportive of Phase 1, the works to enhance the length of footpath between Chedgrave Common and the bird hide, Phase 2 causes considerable concern.
- 3.2. Phase 2, past the bridge, has been isolated due to bridge failure and has effectively rewilded over time and the habitat has become particularly important to multiple notable and protected riparian species. The report states that "Any proposals which result in the re-instatement of the full footpath length are considered likely to result in significant disturbance to the relevant species. This would be considered likely to represent a permanent significant negative adverse effect upon at least some individuals, and potentially at population level".
- 3.3. The Parish Council's Biodiversity policy is to encourage and protect wildlife for the Parish and it would appear this planning application would have the reverse effect on these protected species.

- 3.4. Extract from draft minutes of the Langley with Hardley Parish Council meeting held on 5 March 2024.

18. Planning:

To receive new planning applications and make comment, To receive results and updates on outstanding applications.

ai) BA/224/0052/FUL Repair to footbridge on Footpath, Hardley Flood.

As Council discussed this application it was recognised that rare, protected mammals will lose their habitat and there are no identified mitigation measures in Phase 2 of the project. This is inconsistent with the biodiversity plan that the Council has recently adopted. Phase 1, the footpath to the current bird hide, will be great for wellbeing and opening up this part of the Wherryman's Way will be a benefit to residents and visitors alike. Not going ahead with Phase 2 will mean that there will be no circular route but opening up the circular route again will destroy the habitat that the mammals have adopted as their home over the prolonged period this part of the route has been closed to the public. Councillors voted on the recommendation to submit comments to the Broads Authority that support the proposals to re-open the route to the Bird hide (Phase 1) but no further to protect the habitat of the rare mammals (Phase 2). Vote for: 4. Vote Against 1. Carried. Clerk to inform the Planning Authority.

Environment Agency

- 3.5. Thank you for your consultation dated February 16 2024. We have reviewed the documents, as submitted, and have no objection providing you have taken into account those flood risk considerations that are your responsibility. We have highlighted these in the flood risk section below. Our letter also includes information relating to ecology.

Flood Risk

- 3.6 The Greater Norwich Strategic Flood Risk Assessment (SFRA) indicates that the site lies in indicative Flood Zone 3b, the functional floodplain. The proposal is for repairs to two existing footbridges and the provision of access ramps which is classified as water compatible development in Annex 3: Flood Vulnerability Classification of the National Planning Policy Framework (NPPF). In accordance with paragraph 079 of the Planning Practice Guidance: Flood Risk and Coastal Change, water compatible development within Flood Zone 3b (functional floodplain), must be designed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

- 3.6. As the proposals are for repairs to existing structures, the development will result in a negligible loss of floodplain storage and will not significantly impact water flows. As a result, flood risk elsewhere will not increase. To ensure that the site remains safe for users during construction, an Emergency Flood Plan must be prepared and submitted

to the Local Planning Authority for review. It is your responsibility to review this plan and determine its appropriateness. Flood Risk Activity Permit (FRAP)

- 3.7. A Flood Risk Activity Permit (FRAP) application has been submitted to the Environment Agency for this development. Construction must not commence until a FRAP has been granted and issued to the applicant.

Safety of Inhabitants - Emergency Flood Plan

- 3.8. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new developments in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Other Sources of Flooding

- 3.8. In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Ecology

- 3.9. We have no objection provided all mitigation and methodologies set out in the submitted Habitat Regulations Assessment are strictly adhered to. The works appear to be a like for like replacement, with additional access and safety enhancements being suggested. The original footprint of these bridges will not be modified or extend further into the river channel or alter the flow, therefore the risk to impacting on migratory fish species in the area is generally considered low. The screening report has shown that migratory species such as river lamprey, European eel, and smelt are present in this location on the River Chet. This location is also known to have resident populations of coarse fish species such as bream, pike, roach, and chub present.
- 3.10. Migratory species will be moving up the river during the spring (typically from March to June) and coarse fish breeding season is from 15 March to June 15 (inclusive), so the proposed piling should not be installed during these dates so as not to interfere with the lifecycles of these species. Excessive vibrations from installing piling can negatively impact on these species during the breeding season.

Norfolk County Council Public Rights of Way

- 3.11. We have no objection in principle to the application but would highlight that the Public Rights of Way, known as Loddon Footpaths 4 and 5, and Langley-with-Hardley Footpath 5 will require a Temporary Closure Order. We require that the legal Temporary Closure Order and the diversion route are both in place for the duration of the proposed works.

BA Ecologist

- 3.12. A Habitat Regulations Assessment (HRA) has been undertaken. The Appropriate Assessment concludes that the project proposal works, both as a stand-alone project and in-combination with other projects, will not result in any Likely Significant Effects (LSE) on habitat sites with the mitigation and precautionary measures detailed.

BA Project Support Officer

- 3.13. Works Licence required. No objection to planning approval.

BA Tree Officer

- 3.14. All the proposed works are considered good arboricultural practice aimed at allowing unhindered access for users of the public footpath and associated maintenance.

4. Representations

- 4.1. Two representations were received in support of the application as follows:
- The Broads Society fully supports the application for the repair works to the path and bridges south of Hardley Flood in order to re-open this part of the Wherryman's Way. This is an important part of the footpath network within the Broads area and it is hoped that this work can progress as soon as possible.
 - The restoration of this path will allow both locals and visitors to enjoy this part of the river and to enhance the Wherryman's Way back to its former route. This in turn will help local businesses with increased footfall. The benefit of enjoying fresh air and nature in these difficult times are well documented. These plans should be supported by everyone.
- 4.2. One representation was received seeking clarification about the route for vehicles delivering materials, with concern expressed regarding use of Pitts Lane. The site location plan was provided and assurance that the site compound was to the opposite side of Hardley Flood to Pitts Lane.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
- DM5 - Development and Flood Risk
 - DM13 - Natural Environment

- DM16 - Development and Landscape
- SP9 - Recreational Access around the Broads
- DM23 - Transport, highways and access
- DM43 - Design
- DM46 - Safety by the Water

5.3. Material considerations:

- National Planning Policy Framework
- Planning Practice Guidance

6. Assessment

6.1. The proposal is for the repair of two footbridges on Loddon Footpath 4 which forms part of the Wherryman's Way footpath; the works also include improved ramp access. The main issues in the determination of this application are the principle of development, the design of the bridges and their appearance in the landscape, ecological issues and designated sites, public right of way access, and flood risk.

Principle of development

6.2. The principle of development is accepted as the bridges form an essential part of the wider footpath provision along this section of the River Chet. The re-opening of these bridges would allow part of the historic route of the Wherryman's Way footpath to be reinstated and provide access for members of the public to the edge of Hardley Flood. The works would also improve the accessibility of the bridges through the provision of better ramp access to them, and, in turn the wider footpath provision. This is in line with Norfolk County Council's obligations under the Equality Act (2010). The proposal has clear and demonstrable public benefits and would facilitate the appreciation of Hardley Flood. The proposal is therefore considered acceptable with regard to Policies SP9 and DM23 of the Local Plan for the Broads.

Design and landscape

6.3. The existing bridges have been in place for a number of years and are considered to be an established part of the landscape and river scene in this location. The works to the bridges predominantly comprise the repair or like-for-like replacement of defective elements such as decking planks and handrails, and the provision of improved access through removal of the steps to the bridges and provision instead of a short, timber access ramp. Bridge 1 is in a poor state of repair and requires reinforcement through a new alternative support frame to the bridge substructure to support the bridge load. This would comprise steel bearing piles driven into the channel as close as is practical to the existing timber piles and installation of a rectangular frame to the underside of the superstructure beams which would be fixed to the H piles. In addition, a new handrail

to the northern edge of the bridge is proposed, and replacement timber fender and pilings.

- 6.4. The proposed works would not alter the design or appearance of the bridges, and the use of matching materials would ensure that the established appearance of the bridges is maintained. The change from steps to ramps would be a marked improvement in terms of accessibility, the use of timber would ensure a suitable appearance in terms of the existing bridges and their setting. The new support structure would include steel piles and frame which would be predominantly unseen from the footpath and bridges but would be visible in part from the river. The use of steel for the supporting structure would provide a measure of longevity which, given the existing issues with the bridges, is considered to be reasonable, and the resulting appearance, given low level of the supporting elements and the natural weathering process, along with the prevalence of timber for the rest of the structures, would ensure that the overall appearance of the bridges is satisfactory.
- 6.5. Taking into account the above assessment, the proposed works to the two bridges are considered acceptable with regard to their design of the bridges, and their appearance in the landscape and river scene, with regard to Policies DM16 and DM43 of the Local Plan for the Broads.

Ecology and designated sites

- 6.6. The application site is within an area covered by a number of important designations and the proposal requires a Habitat Regulations Assessment and an Appropriate Assessment to evaluate whether the proposed works would have a significant impact on the protected features of the designated sites.
- 6.7. The BA Ecologist has described the main habitats within the proposal area as comprising areas of marginal vegetation and swamp on both riverside and lakeside of the path, with a narrow strip of tall ruderals and semi-improved grasslands, with small areas of scrub, and woodland. There is suitable habitat available on the site to support birds, bats, molluscs, and riparian mammals.
- 6.8. A preliminary ecological appraisal, riparian mammal survey, mollusc survey, and the Appropriate Assessment have been submitted in support of the application. The Appropriate Assessment concludes that the project proposal works, both as a stand-alone project and in-combination with other projects, will not result in any Likely Significant Effects (LSE) on habitat sites, subject to the mitigation and precautionary measures detailed.
- 6.9. The BA Ecologist has considered Biodiversity Mitigation and detailed requirements for method statements and supporting plans that will need to be provided before the works commence. It will be necessary to secure this information by planning condition and this has been discussed with the applicant. The response from the BA Ecologist has considered pollution prevention, biosecurity, molluscs, otters, breeding birds and SPA breeding birds, and reptiles and amphibians. The information provided will inform the

planning conditions and informatives which will be necessary to ensure that the proposed works do not result in unacceptable impacts on protected species and habitats.

- 6.10. The Wherryman's Way project has a number of sites that are being developed to reclaim access for the public. Further information was requested regarding these projects. This has been provided and this has confirmed that an assessment of in-combination effects by the LPA will not be necessary.
- 6.11. The comments from Langley with Hardley Parish Council are acknowledged. It has commented on the basis of the overall project to re-open the footpath which runs along the south of Hardley Flood, this comprising two phases. This current application is for Phase 1 works only. The Parish Council has responded positively to Phase 1. The comments regarding Phase 2 are noted, but the Phase 2 works will require a separate application and will be assessed on its own merits. With regard to this application the LPA are satisfied that the Parish Council has clearly expressed support for Phase 1 and this formed part of the minutes of their meeting.
- 6.12. Subject to conditions to secure appropriate method statements and supporting information it is considered that the proposed works are considered acceptable in relation to impacts on ecology, biodiversity, and designated sites, and is therefore acceptable with regard to Policy DM13 of the Local Plan for the Broads.

Highways and public rights of way

- 6.13. The application has been considered by the Norfolk County Council Public Rights of Way team who confirmed no objection in principle to the proposed works. They have highlighted that the Public Rights of Way, known as Loddon Footpaths 4 and 5, and Langley-with-Hardley Footpath 5 will require a Temporary Closure Order. The legal Temporary Closure Order and the diversion route must both in place for the duration of the proposed works. This will be stipulated by condition. It is noted that Loddon Footpaths 4 and 5 are currently closed due to poor state of repair of the bridges which are the subject of this application, and Langley-with-Hardley Footpath 5 is also closed in part for the same reason. The existing diversion along Hardley Road and then along Langley-with-Hardley BR7 and Langley-with-Hardley Footpath 8 will be retained for the duration of the works.

Flood risk and aquatic species

- 6.14. The application has been considered by the Environment Agency (EA) as although comprising predominantly repair works, the site is adjacent to the River Chet. The EA responded raising no objection subject to flood risk considerations. The site is in Flood Zone 3b, the functional floodplain, however the proposed works are classified as water compatible development. The EA have advised that there will be a negligible loss of floodplain storage and the works will not significantly impact water flows, therefore flood risk elsewhere will not increase. To ensure that the site remains safe for users

during construction, an Emergency Flood Plan must be prepared, this will be secured by planning condition.

- 6.15. With regard to migratory aquatic species, the EA advise that these will be moving up the river during the spring (typically from March to June) and coarse fish breeding season is from 15 March to 15 June (inclusive), so the proposed piling should not be installed during these dates so as not to interfere with the lifecycles of these species. This is necessary as excessive vibrations from installing piling can negatively impact on these species during the breeding season.
- 6.16. Subject to conditions regarding the timing of piling works it is considered that the proposed works are considered acceptable in relation to flood risk and impacts on aquatic species and is therefore acceptable with regard to Policy DM5 of the Local Plan for the Broads and paragraph 079 of the Planning Practice Guidance.

7. Conclusion

- 7.1. The proposal is for repairs to two foot bridges to allow them to be reopened along with this section of the Wherryman's Way historic footpath. The proposal is also for the provision of access ramps to both bridges to improve accessibility. The proposal is considered acceptable in principle, in terms of the design, appearance, and use of materials for the repair works to the bridges and for the provision of the access ramps, and in relation to impacts on ecology, biodiversity, and designated sites. The proposed development is therefore considered to be acceptable with regard to Policies DM5, DM13, DM16, SP9, DM23, and DM43 of the Local Plan for the Broads.

8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions:
 - i. Time limit
 - ii. In accordance with plans and supporting documents
 - iii. Details of Emergency Flood Plan for construction phase
 - iv. Details of Work method statement and Pollution Prevention method statement
 - v. Biosecurity Measures for Contractors should be followed.
 - vi. Otter mitigation
 - vii. Piling works outside of coarse fish breeding season (15 March to 15 June inclusive)
 - viii. Checks for nesting/breeding birds for works during the main bird breeding/nesting season
 - ix. Vegetation clearance during reptile active season

- x. Installation of 2 bat boxes

9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM5, DM13, DM16, SP9, DM23, and DM43 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

Author: Nigel Catherall

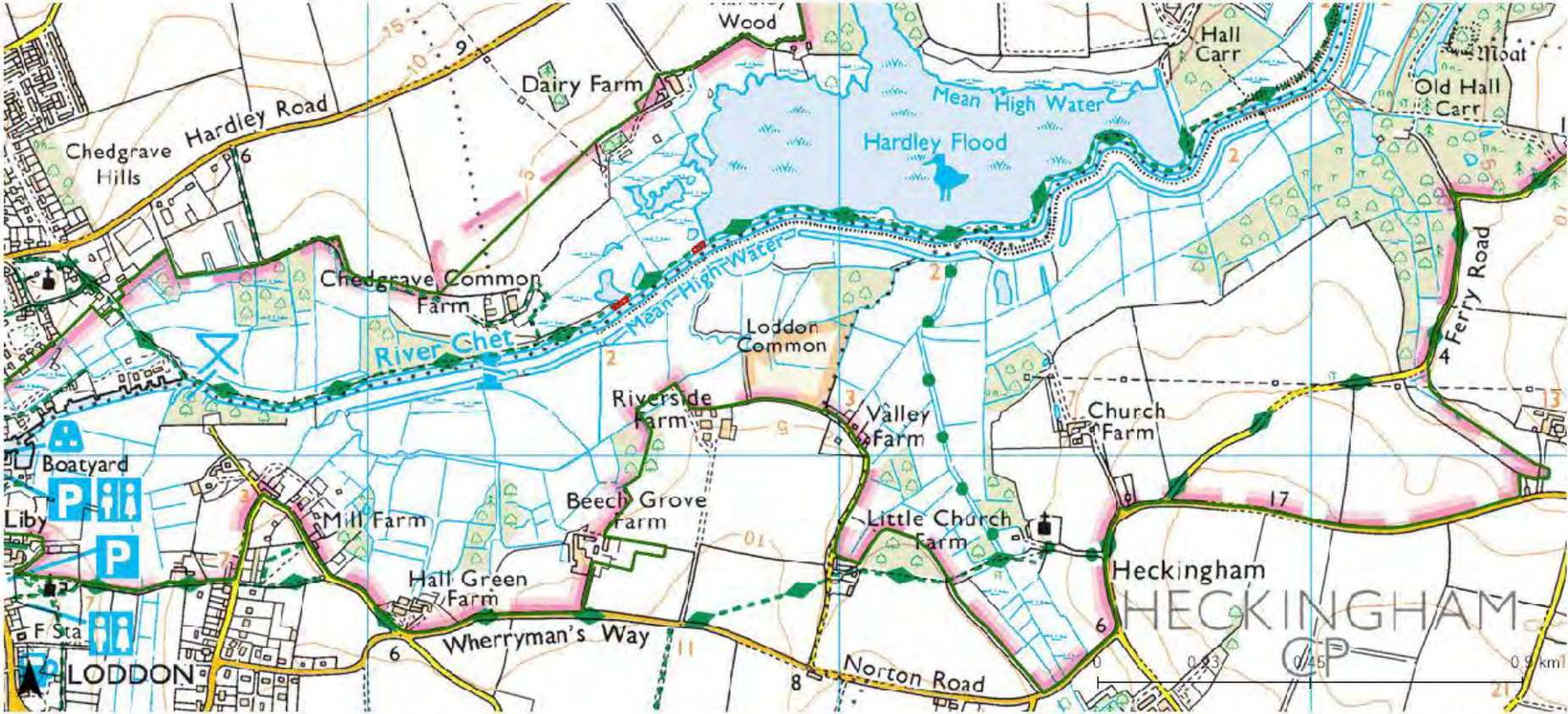
Date of report: 10 April 2024

Background papers: BA/2024/0052/FUL

Appendix 1 – Location map

Appendix 1 – Location map

BA/2024/0052/FUL - Public Right Of Way On Loddon Footpath 4, South-west Of Hardley Flood, Hardley



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Planning Committee

26 April 2024

Agenda item number 7.2

BA/2024/0084/FUL- Reedham- Land to south-west of River Yare- Raise crest and flood bank strengthening

Report by Planning Assistant

Proposal

Widening soke dyke and excavating from existing dykes to win material to raise crest and strengthen flood defence embankment.

Applicant

Mr Marsden – Environment Agency

Recommendation

Approve Subject to Conditions

Reason for referral to committee

Major Development

Application target date

13 May 2024

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	4
	Environment Agency	4
	BA Landscape	4
4.	Representations	5
5.	Policies	5
6.	Assessment	6
7.	Conclusion	7
	Planning Committee, 26 April 2024, agenda item number 7.2	1

8.	Recommendation	8
9.	Reason for recommendation	8
	Appendix 1 – Location map	9

1. Description of site and proposals

- 1.1. This application relates to maintenance of works previously carried out under the Broadland Flood Alleviation Project (BFAP). The BFAP was a 20-year scheme to improve and maintain 240 km of flood defences within the Broads, which aimed to protect and enhance the sensitive wetland areas that are rich in biodiversity, while providing an improved service level in flood defence protection. The £150m BFAP contract was awarded by the Environment Agency in May 2001 to BAM Nuttall Ltd and Halcrow Group Ltd, who worked together in a joint venture capacity as Broadland Environmental Services Ltd (BESL). The major project work was completed in 2017, but there has been a number of subsequent applications for repair work and maintenance.
- 1.2. The application site is located in Reedham Marshes, positioned along the western bank of the River Yare, near its junction with the Haddiscoe Cut and at the eastern edge of Reedham. The nearest property is Seven Mile House, which is located 780m from the closest marsh drain. Reedham village is located 1.3km from the soke dyke, and the Wherryman’s Way runs along the western bank of the River Yare and the Weavers Way runs from the Berney Arms Drainage Mill across the RSPB Reserve towards Halvergate.
- 1.3. The site comprises a reeded rond, a front bank face (river-facing), a crest, a rear bank face (land-facing), folding, and a soke dyke. The site includes a 896m length of flood bank where crest raising is required plus an 8-hectare area of marsh and a 322m length of soke dyke from which the material will be won. The immediate area is characterised by a number of narrow, shallow dykes that run throughout the marshes to the north of the flood embankment, along with a soke dyke that runs immediately adjacent the embankment.
- 1.4. The site falls within Flood Risk Zone 3, according to the Flood Risk Maps provided by the Environment Agency. It lies within the Halvergate Marshes Site of Special Scientific Interest (SSSI) and contributes to the Breydon Water Special Protection Area (SPA) and Breydon Water Ramsar sites, highlighting its ecological significance, as well as being within the Halvergate Marshes Conservation Area.
- 1.5. The Environment Agency (EA) is intending to undertake flood defence maintenance works along the bank of the River Yare between Seven Mile House and Reedham village, consisting of crest raising of the flood bank and repairs. These works can be done under the EA’s Permitted Development Rights. In order to win the material required for these works, it is proposed to excavate from existing dykes, and it is the widening of these dykes for which requires planning permission.

- 1.6. The proposal is for part of the existing soke dyke to be widened and then tapered into the existing alignment. The width of the existing soke dyke currently varies from 11 to 16 metres and it is proposed to widen it over a 322-metre length by up to 7 metres, with a maximum overall width of 18 metres. Planning approval is also being sought for widening two marsh drains by 2m along approximately 195 metres and 278 metre lengths.
- 1.7. Along the embankment's length there are cracks on the landward bankside that will be infilled and compacted with material. With crack repairs, the cracks will be excavated below the existing crack depth to remove any loose and damaged topsoil. The cracks will then be repaired using material that is sourced locally. Grass seed mix will be added upon completion. To facilitate the works, reed vegetation on the front bank face of the flood embankment will be cleared to expose the entirety of the embankment's toe. There will also be reed clearance along areas where soke dyke/marsh drains are to be widened and an area either side of the soke dyke to create a working area for machinery. This clearance work will be undertaken from February 2024 to manage nesting birds, reptile populations and water voles, with the latter displaced under licence where they are present.
- 1.8. Initial access to the marshes and flood embankment will be via Holly Farm Road. Plant will then track along the highlighted route referred to in the [Access and location plan \(pdf | broads-authority.gov.uk\)](#), keeping to the marsh edges and along the crest of the flood embankment. The proposed site compound is located at the entrance of the marshes off the end of Holly Farm Road along a track. If imported material is required it may be necessary to use the concrete access track from Wickhampton church, due to vehicular difficulties in importing material from Reedham village area.

2. Site history

- 2.1. BA/1994/4575/HISTAP - 1. 6 wind pumps for water management
- 2.2. BA/1995/4526/HISTAP - Excavation of soke dyke
- 2.3. BA/2007/0069/FUL - Flood defence improvements - Removal of piling works at Seven Mile House and Five Mile Reach and remove piling and re-profile the edge at the setback area on Haddiscoe Island and also to reptile a 100m length of piling in front of Burnt House windpump.
- 2.4. BA/2017/0207/FUL - 10x scrapes
- 2.5. BA/2017/0356/APPCON - Details of: Condition 4: Written Scheme of Investigation of permission BA/2017/0207/FUL.

3. Consultations received

Environment Agency

- 3.1. Thank you for your consultation dated 27 February 2024. We have reviewed the documents, as submitted, and have no objection. Our letter includes information regarding Waste and Environmental Permitting. If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us. A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WF - any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. A Flood Risk Activity Permit may be needed for the crest raising and embankment repairs part of the works. Although the Environment Agency are protected undertakers, these parts of the works come under an exception from exemption and would need a permit. Schedule 25, Part 1, 3(1), (c) - erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river.

BA Landscape

- 3.2. Thank you for seeking landscape comments on the above application, I have reviewed the details and feel an email response is sufficient as it is simple enough in landscape terms. Adequate information is provided to enable me to review the application for possible landscape impacts, these will amount to the short-term change of appearance to land subject to level changes, which will only be perceivable whilst the ground is lacking vegetation. There will be some disruption to the perceptual qualities in the landscape, with slight disturbance to the usual tranquil qualities of the landscape. These effects will be temporary and short term and outweighed by the longer-term benefits of flood protection. I therefore have no objection on landscape matters, I would recommend that a suitable condition is applied to cover the restrictions on lighting to avoid unnecessary light spill during the works.

Natural England

- 3.3. No objection, subject to mitigation measures being followed. We consider that without appropriate mitigation the application would have an adverse effect on the following designated sites: Breydon Water Special Protection Area (SPA), Breydon Water Ramsar, Broadland SPA, the Broads Special Area of Conservation (SAC), Broadland Ramsar, Breydon Water Site of Special Scientific Interest (SSSI), Halvergate Marshes SSSI. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured: All measures set out in the Habitats

Regulations Assessment (HRA) to mitigate and avoid impacts to designated sites. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Natural England notes that an appropriate assessment of the proposal has been undertaken in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

BA Ecologist

- 3.4. Proposed mitigation is thorough and detailed. The Habitats Screening Assessment and Appropriate Assessment can be adopted by the BA. Further survey should be undertaken to ascertain water vole presence/absence and to inform any licence applications that will be needed. All mitigation as outlined in section 5.3 of the environmental report must be implemented under the supervision of a suitably qualified ecologist. Consideration may be given to seeding the raised banks and creating hibernacula for reptiles. Conclusion - No objection

4. Representations

- 4.1. Broads Society - The Broads Society fully supports the application for crest raising and repair works to the existing flood defences at Reedham Marshes.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
- DM5 – Development and Flood Risk
 - DM13 – Natural Environment
 - DM16 – Development and Landscape
 - DM21 – Amenity

6. Assessment

- 6.1. In terms of the assessment of this application the main issues to be considered are the principle of the development, ecological/biodiversity impact, landscape impact, and flood risk.
- 6.2. In terms of the principle of the development, the scheme is driven by the need to strengthen and raise the crest of the flood bank. The widening of the soke dyke, close to the bank itself, and two of the marsh dykes would provide the material required, with minimum disturbance, avoiding the need for the material to be transported long distances. In addition to providing the material for these works, the scheme will ensure the structural integrity and efficiency of the flood defence embankment for the future. As a result of this, the scheme would help to deliver the RSPB's conservation management objectives for the marshes. It is therefore considered that the principle of this development is acceptable.
- 6.3. The site is located within Flood Risk Zone 3. The EA has confirmed that the development would not increase flooding elsewhere as the excavated material is being removed from the site and used to construct new flood defences. It is therefore concluded that this application is in full accordance with Policy DM5 of the Broads Local Plan.
- 6.4. Policies SP7 and DM16 of the Broads Local Plan seek to ensure that any development proposed would not have an adverse effect on the landscape. In terms of visual changes and landscape character, there would be some degree of change due to the increase of bare earth, and removed vegetation associated with the crest raising and an increased presence of shallow water. These changes, however, would be mainly temporary, occurring during and immediately after the works, and would not have a permanent impact on the local landscape.
- 6.5. The main views of the works would be from the public footpath, from where users would be looking down onto the dyke widening. It is acknowledged that this local impact will be significant, however it would be temporary, and it is considered that the overall impact on the landscape is low as there would be no long-range views of the works and the marshland vegetation provides intervening screening. The extent to which these changes would be observed are therefore limited and would, in any case, be viewed within the context of the existing landscape, within which the appearance of the widening would not be uncharacteristic. It is therefore concluded that this proposal is in accordance with the requirements of both Policy SP7 and DM16 of the Broads Local Plan. and para 20.d, para 135.c, para 158 of the NPPF.
- 6.6. Considering ecology, Policy DM13 of the Broads Local Plan states that all development should:

"protect biodiversity value and minimise the fragmentation of habitats; maximise opportunities for restoration and enhancement of natural habitats; and incorporate beneficial biodiversity and geological conservation features where appropriate."

The site falls within the Halvergate Marshes SSSI and also forms part of the Breydon Water SPA and Breydon Water Ramsar sites. Natural England have confirmed that if the development is carried out as submitted that it would not have a significant effect on the interest features for which the Broadland SPA and Ramsar, the Broads SAC and Breydon Water SPA and Ramsar sites have been designated, and this can be covered by planning condition. Furthermore, the development would not damage or destroy the interest features for which the Halvergate Marshes and Breydon Water SSSI's have been notified. Reptile and water vole mitigation requirements will be undertaken before the start of works, and this too will be the subject of a condition.

- 6.7. Water vole displacement is required along the soke dyke where it will be widened, as well as at the two marsh drains and plant handing over point. This will be undertaken in the water vole displacement window of 15 February to 15 April 2024. The need to undertake water vole displacement is somewhat unfortunate; however, it is not uncommon in locations such as this and there is considerable experience of successful relocations. The Broads Authority Ecologist has noted that further water vole surveys may be required, and this is noted. The final construction programme for the works was not available at the time of this assessment and therefore the assessment was based on an indicative programme, however it is not anticipated that there will be significant changes to the programme. All mitigation as outlined in section 5.3 of the environmental report must be implemented under the supervision of a suitably qualified ecologist. On this basis, the application is considered acceptable in terms of Policy SP6 Biodiversity and DM13 Natural Environment.
- 6.8. In terms of amenity, the site is remote, in area where there are no immediate neighbours or any built structures. The nearest neighbour to the development is at Seven Mile House, some 850m to the nearest marsh drain and 2km from the soke dyke, therefore it is considered that the occupiers will not be negatively impacted by the development. The proposals are therefore in accordance with Policy DM21 – Amenity of the Broads Local Plan.

7. Conclusion

- 7.1. In conclusion, it is acknowledged that it is necessary for the existing flood defences along this stretch of the River Yare to be raised and repaired and that there are benefits to the material being won close to the works site to minimise disruption. The opportunity that the winning of this material presents to achieve biodiversity enhancements in this area is also welcomed, as the dyke widening would help create an enhanced habitat for many wetland species. The development proposed is further considered to be in accordance with all the relevant Development Plan Policies of the Broads Local Plan and the NPPF in terms of landscape, natural environment and flooding considerations.

8. Recommendation

8.1. Approve subject to the following recommended conditions:

- (i) Development to be commenced within 3 years.
- (ii) Development to be carried out in accordance with submitted plans and documentation. Specifically, the submitted HRA.
- (iii) Development to be carried out to avoid bird nesting period.
- (iv) No development to take place other than in accordance with the approved environmental report.
- (v) Restricted hours of working to be 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturday.

9. Reason for recommendation

9.1. In the opinion of the Local Planning Authority the scheme proposed is in full accordance with Policies SP6 Biodiversity, SP7 Landscape Character, Policy DM5 Development and Flood Risk, DM13 Natural Environment, DM16 Development and Landscape, Policy DM18 Excavated Material, Policy DM21 Amenity and the relevant paragraphs of the NPPF.

Author: Callum Sculfor

Date of report: 12 April 2024

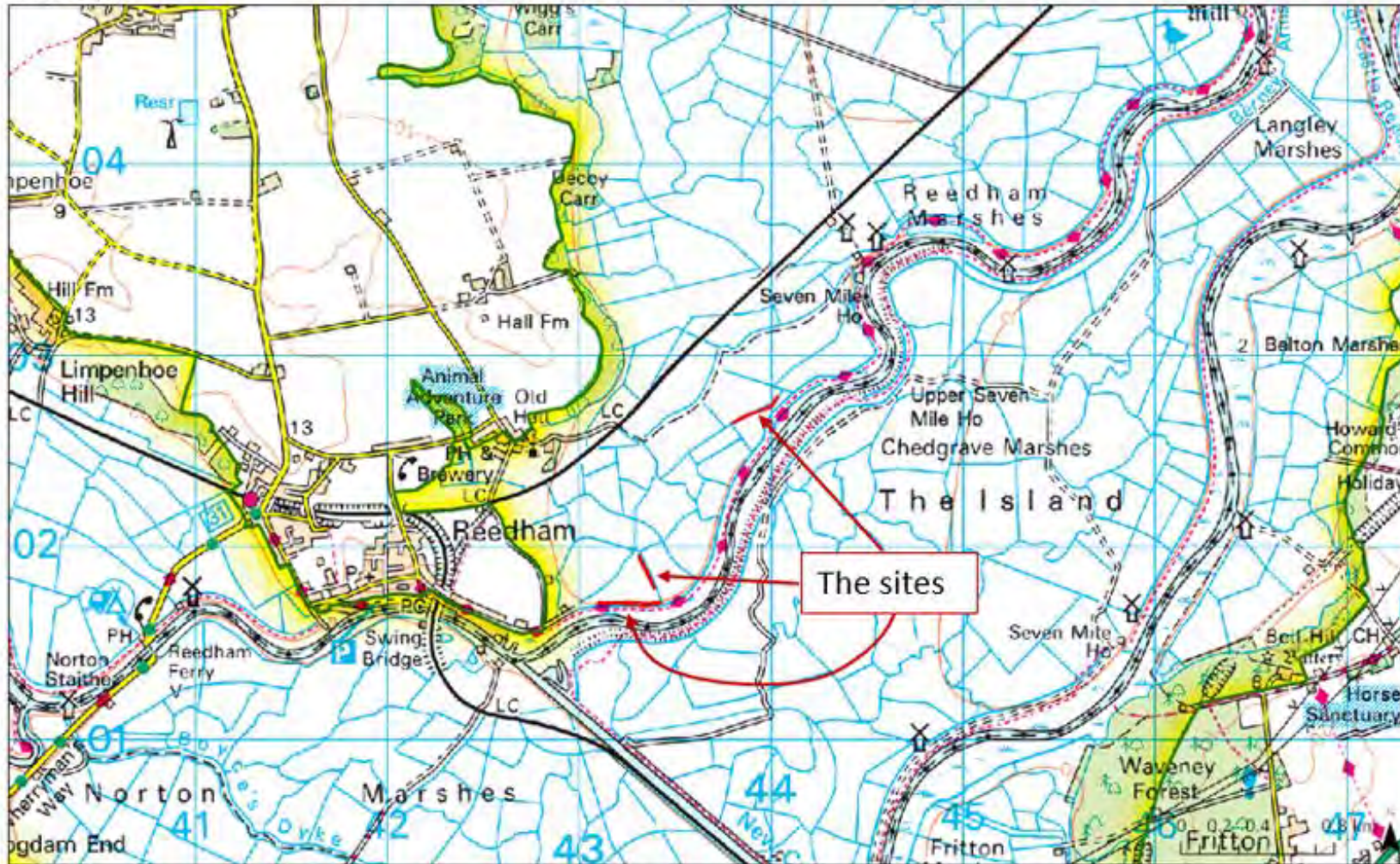
Background papers: BA/2024/0084/FUL

Appendix 1 – [Location map](#)

Appendix 1 – Location map

BA/2024/0084/FUL - Environment Agency Maintained Flood Defence Embankment,

Scale: 1:25,000



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Planning Committee

26 April 2024

Agenda item number 7.3

BA/2024/0103/HOUSEH – Wroxham - Swans Harbour, Beech Road - Replacement boathouse

Report by Planning Officer

Proposal

Replacement boathouse

Applicant

Mr Daniel Thwaites

Recommendation

Approval subject to conditions

Reason for referral to committee

Applicant is a member of Navigation Committee

Application target date

30 April 2024

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	3
	BA Historic Environment Manager	3
	BA Ecologist	4
	Broads Society	5
4.	Representations	5
5.	Policies	5
6.	Assessment	6
	Principle of development	6
	Impact upon the landscape	6
	Planning Committee, 26 April 2024, agenda item number 7.3	1

Design, appearance and materials	6
Ecology	7
Other issues	7
7. Conclusion	7
8. Recommendation	8
9. Reason for recommendation	8
Appendix 1 – Location map	9

1. Description of site and proposals

- 1.1. The subject site comprises a residential plot featuring a detached dwelling house on the northern side of Beech Road. To the north of the dwellinghouse is a fairly sizeable garden and dyke/lagoon area which is divided by various narrow dykes, with foot bridges providing access between the various parts of the garden. The northern boundary of the garden comprises the southern bank of the River Bure. This area is characterised by detached properties with gardens which have inlets/pools and lakes of water, sometimes with structures such as boathouses and garden buildings and often with a natural and well treed character.
- 1.2. The garden configuration is slightly unusual in that it narrows noticeably at approximately the midpoint of the plot and for the remaining land to the north of that point, the result of which being that the applicant only has ownership over the eastern side of the dyke as it runs south from the river up to the approximate midpoint of the plot. Within this section of dyke is the existing boathouse, subject of this application, almost opposite a slightly larger boathouse located on the opposite side of the dyke.
- 1.3. The existing boathouse is a simple rectangular structure with black stained timber walls, a corrugated metal roof at an extremely shallow pitch, and a river facing entrance which is described in the submitted design statement as ‘vertical heavy duty polythene factory cool room strips’. The riverbank is protected with steel piling, this extends along the dyke edges, past the subject boathouse, and up to the approximate midpoint of the plot.
- 1.4. The property is located within the Wroxham Conservation Area.
- 1.5. The proposal is to replace the existing boathouse with a new boathouse of a larger scale and featuring a first floor area and balcony.
- 1.6. Existing boathouse: 10.95m x 6.60m, apex height of 3.54m, eaves height of 3.10m
- 1.7. Proposed boathouse: 13.90m x 7.55m, apex height of 7.50m, eaves height of 2.90m
- 1.8. The application originally proposed the use of fibre cement weatherboard walls; however, the agent has agreed to amend this to timber and has confirmed this in

writing. The other materials comprise a cedar shingle roof, timber doors and windows, and a steel roller shutter boat door.

2. Site history

- 2.1. In 2023 planning permission was granted with conditions for the replacement of existing timber quayheading with steel piling featuring timber capping and waling, and composite/plastic grid type decking (BA/2023/0125/FUL)
- 2.2. In 2019 planning permission was granted with conditions for a single storey rear extension, entrance canopy, and alterations to cladding and windows (BA/2019/0046/HOUSEH).
- 2.3. In 2015 planning permission was granted with conditions to demolish the existing porch to side of dwelling and erect a single storey extension plus cart shed to front of dwelling (BA/2015/0153/HOUSEH). 13
- 2.4. In 2004 planning permission was granted with conditions for the erection of a conservatory (revised proposal) (BA/2004/3871/HISTAP).
- 2.5. In 2004 planning permission was granted with conditions for two and single storey rear extensions (BA/2004/3882/HISTAP).

3. Consultations received

BA Historic Environment Manager

- 3.1. Thank you for consulting me on this application. The site stretches between Beech Road and the river Bure and is within the Wroxham Conservation Area, as well as within the Broads Authority Executive area where a high standard of design is expected.
- 3.2. The proposal is for a replacement boat shed of a slightly larger scale. The existing boatshed is of no architectural or historic significance and does little to contribute to the character of the conservation area. As such, I have no objection to its demolition.
- 3.3. The proposed boatshed is traditional in form and detailing and as such I have no objection to the proposal in principle. However, I do object to the proposal for Cedral lap cladding, rather than a traditional timber.
- 3.4. It is considered that the fibre cement weatherboard will not be in keeping with the otherwise vernacular palette of materials proposed and is not a sustainable material. Although it has an imitation timber texture, this is uniform in appearance, unlike timber, and the material has a sheen, not found in in timber cladding which has a softer, matt finish, more appropriate in this sensitive location.
- 3.5. The Broads Local Plan policy DM43f requires that *'the detailing and materials of a building must be of high quality and appropriate to its context. New development should employ sustainable materials'*. Policy DM43b states that, *'development must complement the character of the local area and reinforce the distinctiveness of the*

wider Broads setting. In particular, development shall respond to surrounding buildings and the distinctive features or qualities that contribute to the landscape, streetscape and waterscape quality of the local area'. The waterside chalets, properties and boathouses along this section of the Bure contribute greatly to the character of the Wroxham Conservation Area, partially due to the use of traditional materials such as timber cladding and shingles and thatch. As such I would like to see timber proposed in this location, in order to preserve and enhance the character and appearance of the conservation area in accordance with Local Plan Policy DM11a and to reinforce the distinctiveness of the wider Broads setting.

- 3.6. To summarise, I would like to see the fibre cement cladding replaced with an appropriate timber finish and would not then have any objection to the proposal.

BA Ecologist

The Ecology summary

- 3.7. The boathouse is unlikely to have lasting ecological impacts and implementation of mitigation measures will prevent any detrimental impacts on the local ecology.

Habitat and species surveys required

- 3.8. Depending on timing, breeding bird checks should be undertaken.

Biodiversity Mitigation

- 3.9. A plan for the control and prevention of pollution and management of COSHH substances within the development area should be submitted for approval before works can begin. This must detail:

- Emergency contact details
- Storage arrangements for chemicals
- Inventory and location of emergency response equipment (spill kits)
- Emergency procedure
- Incident reporting procedure

- 3.10. A biosecurity plan, in line with Broads Authority guidance, should be submitted for approval before works can begin. Biosecurity protocols must be followed by all visitors and contractors on site at all times. Guidance is set out in the following documentation:

- 3.11. Biosecurity Guidance (broads-authority.gov.uk)

- 3.12. Environmental Standard Operating Procedure - Biodiversity (broads-authority.gov.uk)

- 3.13. Biosecurity Measures for Contractors on Broads Authority Sites (broads-authority.gov.uk)

- 3.14. If works are planned to take place within the breeding bird season (1st March – 31st August, inclusive) there must first be a breeding bird check by a suitably qualified

ecologist. If any signs of nesting activity are found, then all work must stop until an ecologist has confirmed that the nesting attempt has reached a natural conclusion.

Biodiversity Enhancements

- 3.15. Prior to the commencement of the development hereby approved, the following shall be provided to the Local Planning Authority for their written approval:
- 3.16. Details and location of 2 Swallow nests
- 3.17. The nests shall then be retained and maintained in full accordance with the approved details for the lifetime of the development.
- 3.18. Consideration should be given to the implementation of a native planting scheme around the boathouse to improve the site for wildlife.

Conclusion

- 3.19. No objection.

Broads Society

- 3.20. The Broads Society fully supports this application for a replacement boathouse in this location. Although larger than the structure that it is replacing, it is considered that the form, detailed design and materials proposed are an improvement on the existing structure and will be compatible with the surrounding character of the area.

4. Representations

- 4.1. None received.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
 - DM5 - Development and Flood Risk
 - DM11 - Heritage Assets
 - DM13 - Natural Environment
 - DM16 - Development and Landscape
 - DM21 - Amenity
 - DM43 – Design
- 5.3. Other material considerations:
 - National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Wroxham Conservation Area character statement

- Broads Local List of heritage assets

6. Assessment

- 6.1. The main considerations in the determination of this application are the principle of development, the design and appearance of the proposed replacement boathouse, the impacts on the Conservation Area, flood risk, and ecology.

Principle of development

- 6.2. The principle of development is considered acceptable insofar as the subject site features an existing boathouse in the same location as the proposed boathouse. In addition, it is noted that boathouses along the southern side of the River Bure in this location are a common presence, with some variation in size and design.

Impact upon the landscape

- 6.3. The existing boathouse does not make a positive contribution to the landscape and river scene in this location. This is partly due to its form with an extremely shallow pitched roof which results in an unusual appearance for a building of this type in this riverside setting. The other element is the river facing opening which the submitted design and access statement describes as ‘vertical heavy duty polythene factory cool room strips’. This appearance is atypical and arguably bizarre, not in keeping with the traditional characteristics of boathouses in this locale, or the overall appearance of the Conservation Area.
- 6.4. The proposed boathouse has a more traditional appearance and detailing, reflecting the design of traditional boathouses of which examples have been provided in the submitted design and access statement. In terms of the principle, the new boathouse would represent an improvement in terms of the appearance of the building, its contribution to the appearance of the site, and to the wider landscape, river scene and Conservation Area. The proposed boathouse is therefore considered acceptable with regard to Policies DM11 and DM16 of the Local Plan for the Broads.

Design, appearance and materials

- 6.5. The proposed replacement boathouse is of a slightly larger scale, this is considered acceptable with regard to the scale of boathouses at adjacent sites. Whilst noticeably taller, the steep pitched roof makes a strong contribution to the design and appearance of the boathouse, and the site is of a size which can accommodate such development. The boathouse includes a first floor element, shown on the submitted first floor plan as ‘solely for storage of marine items’, and at the river facing end a balcony, neither element of which is uncommon in boathouses, and examples exist in the local area.
- 6.6. The design of the proposed boathouse is such that the larger size, increased height, and provision of first floor are comfortably incorporated in a way that does not result in a bulky form of development, or overdevelopment of this part of the site. The appearance overall is traditional which is suitable and appropriate for the site and Conservation Area setting. The proposed materials comprise cedar shingles for the roof

which are considered acceptable. The doors comprise a steel roller shutter facing towards the river, whilst this approach puts a modern edge on an otherwise traditional building, these types of doors have been accepted as a functional and practical alternative to traditional timber doors.

- 6.7. The external wall cladding was proposed as fibre cement weatherboard cladding and a sample was provided. Having viewed the sample and seen numerous examples of fibre cement cladding on buildings, it is noted that such a product has a manufactured, shiny, and obviously machine cut uniform appearance which it is considered detracts from the character and appearance of a building. Discussions around this took place with the agent, who expressed their reluctance at using an alternative product owing to maintenance and perceived sustainability advantages of fibre cement but did then agree to the use of timber. Timber is considered to be suitable for the riverside and Conservation Area setting of the boathouse. The proposed boathouse is therefore considered acceptable with regard to Policies DM11 and DM43 of the Local Plan for the Broads.

Ecology

- 6.8. The proposal is not considered to result in ecological impacts. However, mitigation measures, including the control and prevention of pollution and management of COSHH substances, is required to ensure no detrimental impact. The details of these have been provided by the agent and reviewed by the Authority's ecologist and would be secured by planning condition.
- 6.9. Enhancements are proposed in the form of swallow nests which will be installed on the west elevation of the new building under cover of the overhanging eaves, over water with no land access. The proposed boathouse is therefore considered acceptable with regard to Policies DM13 of the Local Plan for the Broads.

Other issues

- 6.10. The proposed boathouse replaces an existing boathouse in the same location. Whilst an external balcony is proposed, this faces along the applicant's property towards the river. Further to this the separation to the properties to the opposite side of the river is considered sufficient to ensure no undue loss of privacy for residents of those properties. The proposed boathouse is therefore considered acceptable with regard to Policies DM21 of the Local Plan for the Broads.

7. Conclusion

- 7.1. The proposal is for a replacement boathouse with a modest increase in size and a noticeable increase in height by virtue of its steep pitched roof. The proposal is considered acceptable in principle, in terms of its appearance within the landscape, river scene, and Conservation Area, and in terms of its design, appearance, and use of materials. The proposed development is therefore considered to be acceptable with regard to Policies DM11, DM13, DM16, DM21, and DM43 of the Local Plan for the Broads.

8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions:
- i. Time limit
 - ii. In accordance with plans, and email regarding external cladding material
 - iii. First floor to be used for storage only
 - iv. In accordance with mitigation measures, and plan for the control and prevention of pollution and management of COSHH substances
 - v. Provision of 2 Swallow nests
 - vi. If works are planned to take place within the breeding bird season (1st March – 31st August, inclusive) there must first be a breeding bird check by a suitably qualified ecologist. If any signs of nesting activity are found, then all work must stop until an ecologist has confirmed that the nesting attempt has reached a natural conclusion.

9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM11, DM13, DM16, DM21, and DM43 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

Author: Nigel Catherall

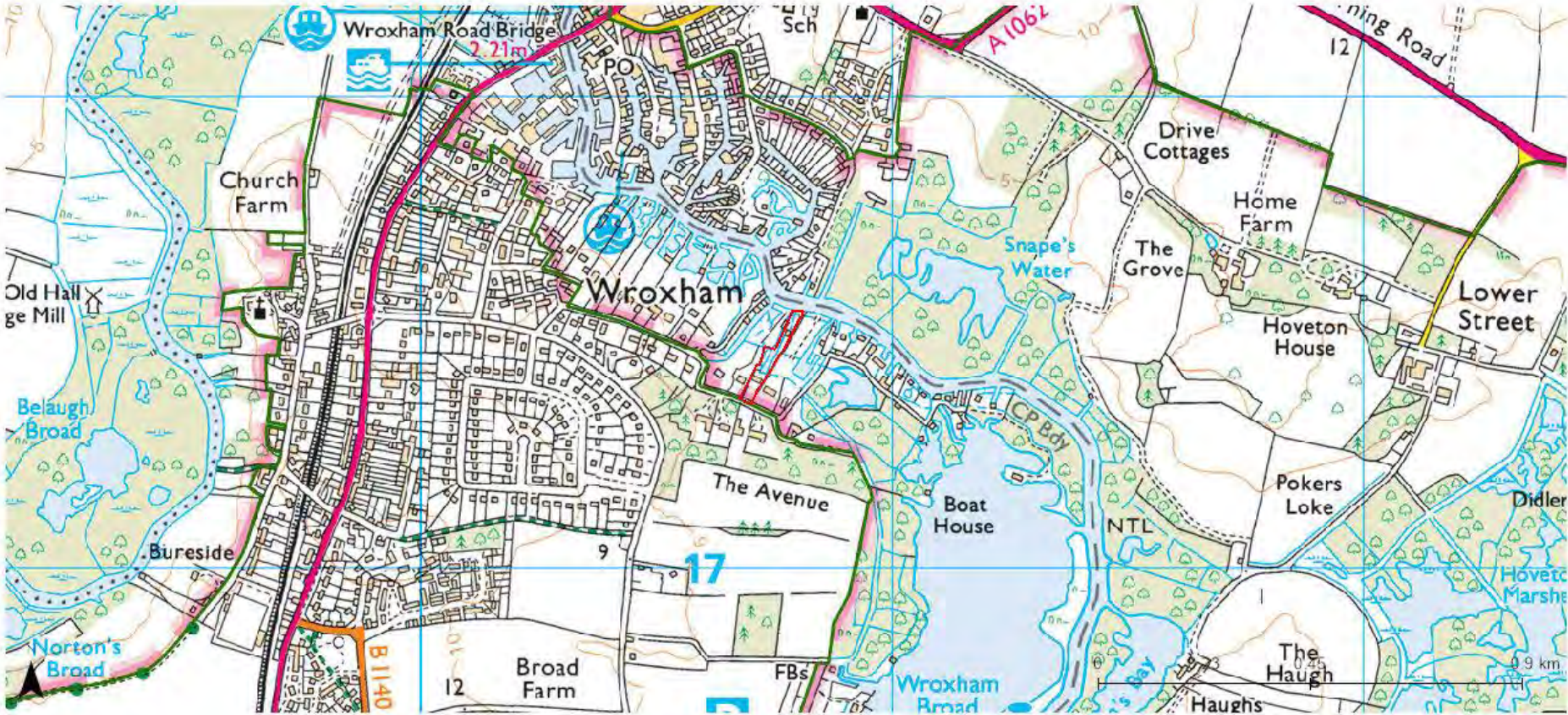
Date of report: 10 April 2024

Background papers: BA/2024/0103/HOUSEH

Appendix 1 – [Location map](#)

Appendix 1 – Location map

BA/2024/0103/HOUSEH - Swans Harbour, Beech Road, Wroxham



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Planning Committee

26 April 2024

Agenda item number 8

Enforcement update

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

To note the report.

Committee date	Location	Infringement	Action taken and current situation
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans (Units X and Y)	<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. October 2018 to February 2019. • Planning Contravention Notices served 1 March 2019. • Site being monitored 14 August 2019. • Further caravan on-site 16 September 2019.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Site being monitored 3 July 2020. • Complaints received. Site to be visited on 29 October 2020. • Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020. • Incomplete response to PCN received on 10 December. Landowner to be given additional response period. • Authority given to commence prosecution proceedings 5 February 2021. • Solicitor instructed 17 February 2021. • Hearing date in Norwich Magistrates Court 12 May 2021. • Summons issued 29 April 2021. • Adjournment requested by landowner on 4 May and refused by Court on 11 May. • Adjournment granted at Hearing on 12 May. • Revised Hearing date of 9 June 2021. • Operator pleaded 'not guilty' at Hearing on 9 June. Trial scheduled for 20 September at Great Yarmouth Magistrates Court. • Legal advice received in respect of new information. Prosecution withdrawn and new PCNs served on 7 September 2021. • Further information requested following scant PCN response and confirmation subsequently received that caravans 1 and 3 occupied on Assured Shorthold Tenancies. 27 October 2021 • Verbal update to be provided on 3 December 2021

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Enforcement Notices served 30 November, with date of effect of 29 December 2021. Compliance period of 3 months for cessation of unauthorised residential use and 4 months to clear the site. 6 Dec. 2021 • Site to be visited after 29 March to check compliance. 23 March 2022 • Site visited 4 April and caravans appear to be occupied. Further PCNs served on 8 April to obtain clarification. There is a further caravan on site. 11 April 2022 • PCN returned 12 May 2022 with confirmation that caravans 1 and 3 still occupied. Additional caravan not occupied. • Recommendation that LPA commence prosecution for failure to comply with Enforcement Notice. 27 May 2022 • Solicitor instructed to commence prosecution. 31 May 2022 • Prosecution in preparation. 12 July 2022 • Further caravan, previously empty, now occupied. See separate report on agenda. 24 November 2022 • Planning Contravention Notice to clarify occupation served 25 November 2022. 20 January 2023. • Interviews under caution conducted 21 December 2022. 20 January 2023 • Summons submitted to Court. 4 April 2023 • Listed for hearing on 9 August 2023 at 12pm at Norwich Magistrates' Court. 17 May 2023 • Operator pleaded 'not guilty' at hearing on 9 August and elected for trial at Crown Court. Listed for hearing on 6 September 2023 at Norwich Crown Court. 9 August 2023.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Hearing at Norwich Crown Court adjourned to 22 September 2023. 1 September 2023. • Hearing at Norwich Crown Court adjourned to 22 December 2023. 26 September 2023. • Hearing postponed at request of Court, to 8 April 2024 rescheduled date. 16 January 2024. • Hearing postponed at request of Court, to 14 May rescheduled date. 10 April 2024.
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers’ site.	<ul style="list-style-type: none"> • Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action. • Correspondence with solicitor on behalf of landowner 20 Nov. 2019. • Correspondence with planning agent 3 December 2019. • Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020. • Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020. • Appeal start date 17 August 2020. • Hearing scheduled 9 February 2021. • Hearing cancelled. Rescheduled to 20 July 2021. • Hearing completed 20 July and Inspector’s decision awaited. • Appeal dismissed with minor variations to Enforcement Notice. Deadline for cessation of caravan use of 12 February 2022 and 12 August 2022 for non-traveller and traveller units respectively, plus 12 October 2022 to clear site of units and hardstanding. 12 Aug 21

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Retrospective application submitted on 6 December 2021. • Application turned away. 16 December 2021 • Site visited 7 March 2022. Of non-traveller caravans, 2 have been removed off site, and occupancy status unclear of 3 remaining so investigations underway. • Further retrospective application submitted and turned away. 17 March 2022 • Further information on occupation requested. 11 April 2022 • No further information received. 13 May 2022 • Site to be checked. 6 June 2022 • Site visited and 2 caravans occupied in breach of Enforcement Notice, with another 2 to be vacated by 12 August 2022. Useful discussions held with new solicitor for landowner. 12 July 2022. • Further site visited required to confirm situation. 7 September 2022 • Site visit 20 September confirmed 5 caravans still present. Landowner subsequently offered to remove 3 by end October and remaining 2 by end April 2023. 3 October 2023. • Offer provisionally accepted on 17 October. Site to be checked after 1 November 2022. • Compliance with terms of offer as four caravans removed (site visits 10 and 23 November). Site to be checked after 31 March 2023. 24 November 2022 • One caravan remaining. Written to landowner’s agent. 17 April 2023 • Gypsy and Traveller Accommodation Needs Assessment commissioned. June 2023

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • New consultants engaged to undertake Gypsy and Traveller Accommodation Needs Assessment. March 2024.
13 May 2022	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised operation development comprising erection of workshop, kerbing and lighting	<ul style="list-style-type: none"> • Authority given by Chair and Vice Chair for service of Temporary Stop Notice requiring cessation of construction 13 May 2022 • Temporary Stop Notice served 13 May 2022. • Enforcement Notice and Stop Notice regarding workshop served 1 June 2022 • Enforcement Notice regarding kerbing and lighting served 1 June 2022 • Appeals submitted against both Enforcement Notices. 12 July 2022
21 September 2022	Land at Loddon Marina, Bridge Street, Loddon	Unauthorised static caravans	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravans. • Enforcement Notice served. 4 October 2022. • Enforcement Notice withdrawn on 19 October due to minor error; corrected Enforcement Notice re-served 20 October 2022. • Appeals submitted against Enforcement Notice. 24 November 2022
9 December 2022	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravan (Unit Z)	<ul style="list-style-type: none"> • Planning Contravention Notice to clarify occupation served 25 Nov 2022. • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravan • Enforcement Notice served 11 January 2023. 20 January 2023. • Appeal submitted against Enforcement Notice. 16 February 2023.

Committee date	Location	Infringement	Action taken and current situation
31 March 2023	Land at the Berney Arms, Reedham	Unauthorised residential use of caravans and outbuilding	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of the caravans • Enforcement Notice served 12 April 2023 • Enforcement Notice withdrawn on 26 April 2023 due to error in service. Enforcement Notice re-served 26 April 2023. 12 May 2023 • Appeal submitted against Enforcement Notice. 25 May 2023
2 February 2024	Holly Lodge. Church Loke, Coltishall	Unauthorised replacement windows in listed building	<ul style="list-style-type: none"> • Authority given to serve a Listed Building Enforcement Notice requiring the removal and replacement of the windows and the removal of the shutter. Compliance period of 15 years. • LPA in discussions with agent for landowner. 10 April 2024

Author: Cally Smith

Date of report: 10 April 2024

Background papers: Enforcement files

Planning Committee

26 April 2024

Agenda item number 9

Consultation responses- April 2024

Report by Planning Policy Officer

Summary

This report informs the Committee of the officer's proposed response to planning policy consultations received recently and invites members' comments and guidance.

Recommendation

To note the report and endorse the nature of the proposed response.

1. Introduction

- 1.1. Appendices 1 and 2 show 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 comments, guidance and endorsement are invited.

Author: Natalie Beal

Date of report: 09 April 2024

Appendix 1 – [Great Yarmouth Local Plan](#)

Appendix 2 – [Great Yarmouth Design Code](#)

Appendix 1 – Great Yarmouth Local Plan

Great Yarmouth Borough Council

Document: [Great Yarmouth Local Plan](#)

Due date: 08 May 2024

Status: Regulation 18 version

Proposed level: Planning Committee endorsed

Notes

The new Local Plan will eventually replace the [Core Strategy](#) and the [Local Plan Part 2](#). The new Local Plan is presented as a single document, rather than being separate Local Plans covering strategy, allocations and detailed policies. The plan includes a strategy for development, including identifying needs for housing and economic development over the period to 2041. The plan also identifies land for development and other site-specific policies, as well as detailed policies to help determine planning applications. The draft local plan sets out the Council's preferred approach, which has been [summarised](#). Consultation at this stage provides an opportunity to suggest changes, or support the preferred approach, before the Council finalises the Local Plan. The emerging plan is supported by documents contained within the Local Plan [Evidence Base](#).

Proposed response

Summary of response

The comments are generally about better reference to the Broads as well as some detailed comments.

Detailed comments

Objective 9 – did you want to refer to resilience to climate change as you do in the climate change policies?

Policy OSS4, strategic infrastructure, bullet 1: **Redevelopment of new** James Paget University Hospital, and associated facilities in accordance with Policy URB15' – should be it be 'Development of the new...'?

In 1.15 you say that 'The borough is the 24th most deprived local authority area in the Country' then in 4.2 you say 20th.

URB4 North Quay

- C says 'town centre seafront areas' but the supporting text only refers to the town centre. Is the 'town centre seafront' an area or should it be 'town centre and seafront areas'?
- Given that the site borders the Broads, the policy needs to refer to early engagement with the Broads Authority please.
- Suggest that the policy refers to making the most of the riverside location.

- Please refer to surface water runoff and the quality of such run off as it enters the river and the Broads. Something about ensuring the quality of surface water runoff is not damaging to the water environment. I see policy HEC5 last paragraph which may address this if I am reading that policy correctly, so perhaps a cross reference to HEC5 might be useful?

Policy URB5 – Cobholm Waterfront Area, Great Yarmouth

- Given that the site borders the Broads, the policy needs to refer to early engagement with the Broads Authority.
- Suggest that the policy refers to making the most of the riverside location.
- Please refer to surface water runoff and the quality of such run off as it enters the river and the Broads. Something about ensuring the quality of surface water runoff is not damaging to the water environment. I see policy HEC5 last paragraph which may address this if I am reading that policy correctly, so perhaps a cross reference to HEC5 might be useful?

Policy URB20 – Great Yarmouth North Denes Airfield

- Please refer to surface water runoff and the quality of such run off as it enters the river and the Broads. Something about ensuring the quality of surface water runoff is not damaging to the water environment. I see policy HEC5 last paragraph which may address this if I am reading that policy correctly, so perhaps a cross reference to HEC5 might be useful?

Policy RUR1 – Overall Strategy for Rural Areas

- On a couple of occasions in the policy, it refers to ‘in accordance with the above proportion’. I know what the words mean, but I am not sure what the phrase in this context actually means.
- I am concerned with the last sentence of this policy ‘Elsewhere in the rural area, in the countryside, small-scale development will come through developments in accordance with Policies RUR2, RUR3 and RUR4 and through Neighbourhood Plans’. This seems to give Neighbourhood Plans the green light to have policies that allow isolated dwellings which we do see in Neighbourhood Plans and which are contrary to the NPPF. Do you mean ‘and allocated through Neighbourhood Plans’ as you say in 6.3? Or should you end with the kind of wording in 6.1? A blanket statement as is currently written is concerning. Because you then say in 6.4 that development will be more limited to what is permitted through other local plan policies.

Policy RUR2 - Self-Build Residential Development in the Countryside

- D – the policy refers to schemes in the countryside, but D refers to a village. 6.236 then refers to rural settlements. Not sure if you want to or need to be consistent with terminology.
- It is surprising that there is no mention of access to services and facilities that the local plan regularly refers to as being important throughout.
- If such schemes are allowed in the countryside, there could be impacts on the Broads, yet the Broads is not mentioned. Please refer to the Broads like RUR6 b.
- Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area

where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.

6.238 expands on policy wording by saying ‘on land which is surrounded by residential development (including its curtilage) on at least two sides (including the opposite side of the highway)’ and then ‘does not encroach further into the countryside and is enclosed by surrounding residential dwellings’ – but the plot could have an existing dwelling on one side and be opposite another dwelling and be deemed to meet the policy requirements. But as it does not have a dwelling on its other side, it is going to be extending into the countryside – as there is nothing on the other side of it.

Policy RUR3: Conversion of rural buildings to residential uses

- ‘The ~~residential~~ conversion or re-use of buildings of heritage or landscape value outside the Development Limits for residential use will be supported where this secures that value in the long term and’
- Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but the policy also refers to amenity, protected species and highways which all have their own policies but are repeated here. It may also be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b

Policy RUR4: Rural worker dwellings

- Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b

Policy RUR5 - Farm Diversification

- Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.

- Please refer to the Broads like RUR6 b

Policy RUR6: Equestrian development

- Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy. I note you mention dark skies in 6.260, but a mention in the policy would be prudent.

6.262 is a good paragraph and you could repeat this paragraph for RUR7, RUR5, RUR4, RUR3, RUR2, HOU5, EMP1, EMP2.

Policy HOU3 Affordable Housing Exception Sites

- Please refer to the Broads like RUR6 b
- Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.

7.21 – did you want to define ‘well related’?

Policy HOU5 – Housing for Older People

- In relation to schemes outside of development limits, which the policy provides for; given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- please refer to the Broads like RUR6 b

7.39 says ‘the policy also allows for accommodation for older people and people with care needs outside of Development Limits but adjacent to the settlements with the best service provision and served by an existing healthcare facility’ – but the policy does not say the words ‘adjacent to’ so this para is different to what the policy says. I presume the policy needs to say ‘adjacent to’.

7.40 – and Scratby like at 7.22?

Policy HOU7 – Houses in Multiple Occupation

- Does this need to refer to needing to be within development boundaries?

Policy HOU10 – Annexes

- 7.92 seems like policy wording – should that be in the policy?

Policy EMP1 - New employment development

- In relation to schemes outside of development limits, which the policy provides for; Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b

Policy EMP2 – Protected Employment Sites

- falling within use
- It would be helpful to show the BA area on the map.
- Given that some of the sites are near to the BA boundary and there could be new development on the edge of the employment sites, given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), or there may already be lighting that causes issues, the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b

Policy TCL1 – Existing Holiday Parks

- Given that some of the sites are near to the BA boundary and there could be new development on the edge of the existing holiday parks and given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b – it is noted that the Broads is referred to in 11.4, but RUR6b wording in the policy would be welcomed.

Policy TCL2 – New Tourist Accommodation

- Given that there could be new development on the edge of settlements or in rural areas, given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and

lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but the policy also refers to topic areas which have their own policies but are repeated here. It may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.

- Please refer to the Broads like RUR6 b – it is noted that the Broads is referred to in 11.13, but RUR6b wording in the policy would be welcomed.

Policy TCL3 – New Tourist Attractions outside of Development Limits and existing tourist areas

- In relation to schemes outside of development limits, which the policy provides for, given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b – it is noted that the Broads is referred to in 11.24, but RUR6b wording in the policy would be welcomed.
- Does it matter that in TCL2 you say ‘New tourist accommodation within areas of the Borough designated as National Landscapes will not be permitted.’ And in TCL3 you say ‘d) are not located within the Norfolk Coast National Landscape Area.’? That is to say that in one you refer to a specific National Landscape and not a specific one in the other?
- Similar to the above, 11.26 and 11.14 are different.

Policy HEC1: Healthy Environments

- Should the Health Protocol be mentioned in the policy? Should the need to fill out the checklist be mentioned in the policy?

Policy HEC4: Community Facilities

- Some facilities could be away from settlements. Given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b

Policy SUT4 - Electric Vehicle Charging

Suggest you refer to light pollution and dark skies as EV charging points can have lights on and be bright in the landscape.

Policy CLC4: Renewable and Low-Carbon Energy Development

- Please refer to the Broads like RUR6 b
- Please be aware that we are producing a wind topic paper and that is going to recommend that we include a similar policy to Central Lincolnshire, South Downs National Park and Northumberland National Park recently adopted local plans that set criteria for wind

turbines. This is in a move to reflect the climate emergency and that wind power could be acceptable in some areas. This may or may not change your stance.

Policy CLC5 – Relocation from Coastal Change Management Areas

- In relation to schemes outside of development limits, which the policy provides for, given that this local plan has assessed the dark skies of the Borough and given that the Broads has intrinsic dark skies, and also that any such schemes could bring light to an area where there is currently no external or internal light (noting that some schemes have lots of glazing which causes internal light to spill), the policy needs to refer to dark skies and lighting policies. You may say that all relevant local plan policies will be considered and not all issues need to be stated, but it may be fair to say that dark skies and light pollution is a new policy area for the Borough and so there are benefits to mentioning it in this policy.
- Please refer to the Broads like RUR6 b

15.19 'There are several hundred sites of archaeological interest recorded on the Historic Environment Record'. – is that in the Borough or county or country?

Policy DHE6 – Advertisements

- Suggest that you refer to dark skies and light pollution in this policy and some signs could be lit.

Policy NAT1 - Protecting Biodiversity and Geodiversity

- Have you considered requiring applicants that are exempt from BNG to still provide some biodiversity enhancements? That is what we are planning to do.

Policy NAT4 - National Site Network designated habitat sites, Ramsar sites, and species impact avoidance and mitigation

- Second part of first para looks like supporting text rather than policy wording,
- have potential **to** impact **the**
- effects on the integrity **of** the habitats sites will be avoided
- Does bullet point a need to have a dot bullet? As written, bullet point a implies there is more than one thing... and there is only one dot bullet point that follows it

Policy NAT6 – Norfolk Coast National Landscape and the Broads

- Support and welcome this policy.
- For this paragraph, see proposed amendment underlined: 'Development proposals which are considered to have a potential adverse impact on landscape character and all major development proposals within the Norfolk Coast National Landscape or are near the boundary of the Broads, should be informed by a Landscape and Visual Impact Assessment that is proportionate to the scale of the development and in accordance with best practice'.
- Perhaps you can refer to early engagement with the Broads Authority for schemes near the boundary?

16.32 – not sure the Acts are correct. It should be noted that the Levelling Up and Regeneration Act, which received Royal Assent on 26 October 2023, amended Section 17A of the Norfolk and Suffolk Broads Act 1988. Section 17A which creates a general duty of public

bodies, and this was amended to replace 'shall have regard to' with 'must seek to further' as follows:

(1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority ~~shall have regard to~~ must seek to further the purposes of—

(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;

(b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and] 2

(c) protecting the interests of navigation.

16.35 – would welcome the selected viewpoints being agreed with the BA please.

Policy NAT9 – Dark Skies

- I can't really see the difference between the different zone areas on the map. You may want to consider a more obvious symbol.
- You might want to say something about lighting needs to be justified in the first place.
- e) ~~granted~~ shall only be granted
- Maybe something about how sport lighting should only be on when needed and turned off when not in use?
- k) Planning permission ~~granted~~ shall only be granted

For Part 11, the policies on Tourism, Culture and leisure

- 1) Policies on transport are fairly vague and limited to supporting "Encouraging the use of active travel".
- 2) They also are open to increasing the volume of traffic generated provided it doesn't have an adverse impact on traffic and highway safety – I would argue that given the core access roads to Great Yarmouth are frequently congested during the peak holiday travel periods, any increase in traffic is likely to have a negative effect. So, a stronger wording around ensuring they are connected to key transport nodes such as the Market Gate bus station or the Railway Station would be useful.
- 3) For accommodation, it would be relevant to consider travel during the stay as well as travel to and from, in particular how they can access visitor attractions in the Broads – primarily connection to bus routes such as the X6 would be relevant.

For Part 14 Climate Change Policies

- 1) Is there not a Norfolk wide approach on going beyond the Future Homes Standard for homebuilding? They seem lacking in ambition here.
- 2) There probably should be a peat policy reference here given there are some strips of peat running into GY on the England Peat Map

Appendix 2 – Great Yarmouth Design Code

Great Yarmouth Borough Council

Document: Great Yarmouth Design Code: [Great Yarmouth Design Code](#)

Due date: 08 May 2024

Status: Regulation 18 version

Proposed level: Planning Committee endorsed

Notes

The draft Local Plan Design Code is a tool to help shape great placemaking across the borough, assisting the policies of the Local Plan.

Proposed response

Summary of response

Main comments relate to lighting and light pollution.

Detailed comments

- 3.1 It also allows indirect daylight to enter so rooms do not become dark.
- 3.1 – what is ‘small power’? Heating uses far more energy than lighting and small power, so reducing carbon emissions from heating is very important.
- 3.1 Direct electric heating (such as electric panel heaters’) is expensive to run, but air-source or ground- source heat pumps are energy efficient so should be used as the heat source where practicable.
- 3.1 an/ord for
- 3.4 I can guess what this means ‘Biodiversity must also be improved through the provision of habitats as part of buildings themselves’ but it may need explaining – I think you are talk about biodiversity enhancements as part of schemes like bat or swift bricks.
- BD8 – it should be more about only providing light when it is needed and then making it well designed. This goes straight to providing light and is contrary to your emerging light pollution policy. The first sentence in this section kind of implies that a need is required to be justified, but not really. But the title is more of a command and will cause issues. But then BD8 goes on to again say provide light. But it is about only being provided when it is needed. I think you really need to check this part of the design guide given your policy. Under policy links, it does not refer to your light pollution policy. As I say, as written, it seems contrary to the policy.
- DDR3 – last bullet. Again, talks of lighting, but does not talk about if needed. Talks of limiting light pollution. This again does not marry with your emerging light pollution policy.

A few times, in relation to lighting, the phrase ‘safe and attractive environment at night’ is mentioned. Why does the night environment need to be attractive? What does this actually mean in practice and is it important for something to look nice at night as it may cause light pollution which is contrary to your emerging local plan policy.

Planning Committee

26 April 2024

Agenda item number 10

Adoption of the Greater Norwich Local Plan

Report by Planning Policy Officer

Summary

The Greater Norwich Local Plan has been examined and found sound subject to modifications. It will be adopted in March by Broadland District Council, Norwich City Council and South Norfolk Council.

Recommendation

To note the report.

1. Introduction

- 1.1. The Greater Norwich Local Plan covers the city and district council areas of Norwich, Broadland and South Norfolk. It allocates land for development and includes strategic policies.
- 1.2. The housing requirement of 40,541 for the Plan period has been identified based on the standard method using 2014-based household projections. In order to meet the need for around 40,541 homes, the Plan allocates new sites, re-allocates some sites allocated in existing plans, and relies on delivery from sites with planning permission as well as windfalls, and smaller sites which may come forward in accordance with policies in this Plan. The Plan identifies a significant supply buffer of around 11% over and above the housing requirement. It states that this higher supply is to assist with the growth ambitions of the Norwich area and to recognise higher rates in the 2018 based projections.
- 1.3. The Plan proposes to allocate around 360 hectares of employment land to aid the delivery of 33,000 additional jobs and to support key economic sectors over the Plan period.

2. Greater Norwich Local Plan – the process

- 2.1. The Greater Norwich Local Plan was the subject of consultation in February 2021 and then submitted for examination in July 2021. The examination process took around 2.5 years largely due to the extension of the examination period as a result of further work and consultation undertaken on potential Gypsy and Traveller site allocations.

3. Inspector's Report and modifications

- 3.1. The report by independent Inspectors Mike Worden BA(Hons) Dip TP MRTPI and Thomas Hatfield BA(Hons) MA MRTPI into the soundness and legal compliance of the GNLP has now been published. The report concludes that the GNLP is sound and can be adopted as part of the local plans for Broadland, Norwich and South Norfolk, subject to the inclusion of the recommended main modifications.
- 3.2. The main modifications can be summarised as follows:
- a) Amending Policies 2 and 3 for clarity, consistency with national planning policy, to reflect updated evidence, and in light of Natural England advice on nutrient neutrality mitigation;
 - b) Amending Policy 7.5 so that it relates solely to self/custom build housing;
 - c) Deleting Policy 7.6 for new settlements;
 - d) Deleting the Costessey Contingency Site Allocation;
 - e) Deleting those site allocations which are not justified;
 - f) Amending site allocation policies to remove ambiguity and clarify development requirements;
 - g) Allocating sites for Gypsy and Traveller needs;
 - h) Updating the housing supply figures and housing trajectory to reflect the evidence;
 - i) Replacing the monitoring framework; and
 - j) A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.
- 3.3. The modifications can be found here:
- [Main Modifications - Strategy | GNLP](#)
 - [Main Modifications - Sites | GNLP](#)
 - [Main Modifications - Annexes | GNLP](#)
 - [Map changes | GNLP](#)

4. Next steps

- 4.1. At the time of writing this report, the Inspector's Report had been published and the final version of the Local Plan incorporating the modifications was being prepared. The Final Local Plan will be taken to the Councils of Norwich, Broadland and South Norfolk Councils to be adopted.
- 4.2. Adoption of the plan will be considered by the GNLP Councils on the following dates:

- Norwich City Council: [Cabinet 6 March 2024](#) and [Council 12 March 2024](#)
- South Norfolk Council: [Cabinet 18 March 2024](#) and [Council 25 March 2024](#)
- Broadland District Council: [Cabinet 19 March 2024](#) and [Council 28 March 2024](#)

4.3. Following adoption, there is a six week judicial review period during which a challenge to the adoption of the Local Plan can be made.

Author: Natalie Beal

Date of report: 14 March 2024

Background papers:

The Inspector's Report and modifications:

[GNLP Inspectors' Report](#) (523.87 KB)

[Appendix 1: Schedule of Main Modifications - Strategy](#) (1.25 MB)

[Appendix 2: Schedule of Main Modifications - Sites](#) (1.88 MB)

[Appendix 3: Schedule of Proposed Map Changes](#) (7.48 MB)

[Appendix 4: Housing Trajectory](#) (217.90 KB)

[Appendix 5: Monitoring Framework](#) (842.12 KB)

Final Local Plan (including modifications)

Part 1 - The Strategy

[The Strategy](#) (8.43 MB)

Part 2 - The Sites Plan

[1. Introduction](#) (95.59 KB)

[2. Strategic Sites](#) (6.90 MB)

[3. Norwich](#) (32.71 MB)

[4. Urban Fringe](#) (38.12 MB)

[5. Main Towns](#) (19.85 MB)

[6. Key Service Centres](#) (24.53 MB)

[7. Broadland Villages](#) (39.82 MB)

[8. South Norfolk Non-Residential](#) (442.21 KB)

[9. Gypsy and Traveller Sites](#) (3.09 MB)

Part 3 - The Monitoring Framework

[The Monitoring Framework](#) (842.31 KB)

[Table showing old and new Local Plan site references](#) (280.76 KB)

Planning Committee

26 April 2024

Agenda item number 11

Consultation by Department for Levelling Up, Housing & Communities: An accelerated planning system

Report by Head of Planning

Summary

The Department of Levelling Up, Housing and Communities (DLUHC) is consulting on proposed changes to the process for determining planning applications. The report summarises the proposed changes and includes proposed responses to the questions asked in the consultation.

Recommendation

To note the report and endorse the nature of the proposed response.

Contents

1.	Introduction.....	2
2.	The Proposal and Comments	2
	An Accelerated Planning Service	2
	Planning Performance and extensions of time agreements.....	5
	A simplified process for planning written representation appeals.....	7
	Varying and overlapping planning permissions.....	8
3.	Conclusion and Recommendation	9
	Appendix 1 – Department for Levelling Up, Housing and Communities consultation on an accelerated planning system	11

1. Introduction

- 1.1. On 6 March 2024 the Department for Levelling Up, Housing & Communities (DLUHC) published a consultation document "[An accelerated planning system](#)".
- 1.2. The consultation outlines a number of proposals aimed at speeding up the planning system and supports the Government's objective to simplify and modernise the planning system. Members will recall previous measures set out in the Levelling Up and Regeneration Act 2023 (LURA) and earlier consultations around changes to permitted development rights.
- 1.3. The proposals in the consultation can be summarised as follows:
 - a) introduce a new Accelerated Planning Service for major commercial applications with a decision time in 10 weeks and fee refunds if this is not met;
 - b) change the use of extensions of time, including ending their use for householder applications and only allowing one extension of time for other developments, which links to a proposed new performance measure for local planning authority speed of decision-making against statutory time limits;
 - c) expand the current simplified written representations appeals process for householder and minor commercial appeals to more appeals; and
 - d) detail on the broadening of the ability to vary a planning permission through section 73B applications and on the treatment of overlapping planning permissions.
- 1.4 The consultation runs to 1 May 2024.

2. The Proposal and Comments

- 2.1. Further details of the proposals and a commentary on each of them are provided below.

An Accelerated Planning Service

- 2.2. All local planning authorities will be required to offer an Accelerated Planning Service (APS) for major commercial applications. Major commercial applications are defined as development which creates 1,000 sqm or more of new or additional employment floorspace and the statutory timescale for determination is currently 13 weeks. For applications dealt with under the APS the applicant would pay a higher planning fee and the LPA would be required to determine the applications within 10 weeks, with a guarantee that the fee would be refunded (either fully or in part) if the application is not determined within this timescale.

- 2.3. DLUHC is exploring two options for the detailed design of this service. Under the first option, the APS would be discretionary and applicants could choose to use it where their application meets the qualifying criteria, rather than use the standard service. A second option is the APS would be mandatory and would be the only available application route for all applications in a given development category. DLUHC consider that this second option would have the benefit of clarity and certainty for applicants and local planning authorities but remove the element of choice for the applicant.
- 2.4. DLUHC propose to exclude the following types of application from the accelerated process:
- Those that are subject to Environmental Impact Assessment (EIA);
 - Those that are subject to Habitats Regulations Assessment (as they require an appropriate assessment to be undertaken and the consideration of mitigation measures);
 - within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites (as they require special considerations);
 - for retrospective development (as the regularisation of unauthorised development should not be prioritised); and
 - minerals and waste development (given the different arrangements for these types of applications).
- 2.5. DLUHC advise that applications dealt with under the APS process would be subject to exactly the same processes as all other applications, including consultation requirements, and that the objective would be to get them prioritised through the local planning authority's own internal processes faster. The purpose of the enhanced fee would be to enable the LPA to resource these faster processes.

Commentary

- 2.6. The idea of a paid-for 'Premium' service is not a new one, having been considered previously for various types of application, but has not been progressed. Planning Performance Agreements (PPA) – whereby an applicant and LPA agree a fixed programme and timetable for the determination of an application – is the only comparable mechanism, but these tend only to be used for larger and/or more complex schemes.
- 2.7. There are two main concerns with the creation of a 'Premium' service: firstly, there can be a perception that applications submitted under the APS will receive less scrutiny than standard applications due to the shorter consideration period and, secondly, the implications for the 'non-accelerated' applications. Were a two-tier system to result in one set of applicants receiving a better service whilst the remainder receive a worse service this does not represent an overall improvement, and, when combined with concerns over scrutiny in the accelerated process, risks undermining public trust in the

system. On this basis, there is an argument that if the planning system needs improving then it needs improving for all.

- 2.8. The objective of the APS is to speed up decision making on commercial applications in order to reduce impediments to economic growth, in accordance with one of the core goals of 'Construction 2025', the UK government's [Industrial Strategy: government and industry in partnership \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/industrial-strategy-2025.pdf), to reduce the time taken to deliver projects by 50%. This is noted, however whilst a faster process may be a valid objective, given the overall time needed to bring major schemes to fruition (i.e. completed on site), it is doubtful whether a reduction of three weeks in the planning system will make a significant difference to developers. Furthermore, if it is certainty of outcome that is sought then for major schemes a better route to this is early pre-application engagement with the LPA and the community so that any issues are identified and addressed prior to submission of an application. Not only will this achieve greater certainty and quicker decisions for the developer, but it involves the community and stakeholders from the beginning of the process.
- 2.9. It is also worth noting that an APS would place greater pressure on consultees, as although the consultation period would be the same, the ability of the LPA to allow additional time where needed would be reduced.
- 2.10. When looking at reasons for delays in determining planning applications, an LPA's resources is a major contributor. In its 'Stronger performance of local planning authorities supported through an increase in planning fees' [consultation February 2023 \(www.gov.uk\)](https://www.gov.uk/government/consultations/stronger-performance-of-local-planning-authorities) the Government accepted that "local planning authorities need more resource in order to perform their critical social, economic and environmental functions on planning effectively"(paragraph 8) and this was the justification for the subsequent increase in application fees, which came into effect in December 2023. The consultation also noted that "Money is not enough; we know that many local planning authorities are struggling to recruit and retain enough staff to deliver the planning service. We want to provide local planning authorities with additional resources to deliver an effective planning service, facilitated by skilled and experienced planners and other technical specialists" (paragraph 9). Further to this, £42.5M funding has recently been made available through a Planning Skills Delivery Fund to enable LPAs to take on new staff to deal with backlogs, a £13M national 'Super Squad' of mobile planners has been created to focus on major housing delivery projects and the routes to a career in planning have been simplified. All of these measures are welcome, but they will take time to become effective and the introduction of an additional (or alternative) process for major commercial applications will divert resources from the wider improvements that need to be made.
- 2.11. Interestingly, the question of a 'Premium' or fast-track service was included in the February 2023 consultation ('Stronger performance of local planning authorities supported through an increase in planning fees'). The Government response to that consultation was published in July 2023 and this stated "A significant number of

respondents from across the different groups said that fast-track services should not be allowed as they are unaffordable for most members of the public and they risk creating a two-tier system” (paragraph 22) and “Respondents from across all groups highlighted the lack of resources in many local planning authorities which prevented the provision of fast-track services and they suggested better resourcing of local planning authorities to enable this” (paragraph 23).

Planning Performance and extensions of time agreements

- 2.12. An extension of time agreement (EOT) is a mechanism by which an applicant can agree an extended time period to determine a planning application, beyond the statutory time limit, with the LPA. This allows more time for the consideration of unforeseen issues raised during the application process and to enable amendments to schemes which would make them acceptable. They are also often used when consultation responses from statutory bodies (or others) are delayed and the application will consequently go over time. Currently, if an application is determined within an agreed extended time period, it is deemed to be determined ‘in time’ and does not count against the overall performance of an LPA. The most recent data shows that EOTs were used in 41.6% of applications in England for the year ending 31 December 2023 ([The councils that used the most extension of time agreements in 2023 | Planning Resource](#)).
- 2.13. DLUHC are concerned that EOTs are being used to mask poor performance and that the EOT mechanism is a disincentive to prompt decision making. It is therefore proposing the introduction of a new performance measure which would differentiate between those applications that are determined within the statutory time limit only and those where an EOT was used. The consultation proposes the following limits for an acceptable level of EOT use:

<u>Application type</u>	<u>Statutory timescale</u>	<u>EOT performance target</u>
Major development – EIA	16 weeks	Less than 50% EOTs
Major development – non-EIA	13 weeks	Less than 50% EOTs
Non-major development	8 weeks	Less than 40% EOTs

- 2.14. DLUHC note that the proposed thresholds do not preclude the use of extension of time agreements and planning performance agreements, but the expectation is that such agreements are used only in exceptional circumstances. It is noted that the proposed threshold is lower for major applications because, in more instances, extension of time agreements may still be required due to the more complex nature of the applications. For this same reason, it is proposed that EOT will no longer apply to householder

applications, as these are identified as being smaller and less complex and therefore more capable of being dealt with within the statutory timescale.

- 2.15. It is the case that sometimes multiple EOTs are used on an application (for example, where negotiations are protracted) and DLUHC are seeking comments on proposals to prohibit this.
- 2.16. The consultation proposes that the new performance measure be introduced on 1 October 2024, with a 12 month assessment period running to October 2025 and the first designation decisions against the new performance measure to take place in the first quarter of 2026.

Commentary

- 2.17. DLUHC has long been concerned about the use of EOTs to mask poor performance. It is certainly true that an EOT will buy some time for an LPA, thus enabling it to delay a decision without adversely affecting the performance statistics, however this does not necessarily mean that EOTs are bad. Used properly, they are very helpful and give both LPA and applicant the time to negotiate amendments, give flexibility for consultations (e.g. for Parish Councils, whose meetings may not coincide with the three week statutory consultation period) and facilitate the balance between speed of decision and quality of decision, as well as the quality of the final development. Used badly, however, they enable either party, applicant or LPA, to prevaricate – on the applicant’s side this might be through delays in the submission of documents, providing responses to questions or agreeing to a site meeting, whilst for an LPA an EOT might be used as a resource management tool when workloads are high.
- 2.18. Restrictions in the use of EOTs will require a culture change from applicants as well as LPAs. The LPA will need to ensure they have all the information required at validation stage, rather than validating an application and allowing the outstanding or further information to be submitted later in the process, which will make this part of the process more onerous. LPAs will also need to be much stricter on timescales given for submission of amended plans and other changes, so applicants/agents will need to be more responsive. The consultation process is a frequent cause of delay, particularly with a number of the statutory consultees, however this is not within the control of the LPA.
- 2.19. The consultation does not propose to prohibit EOTs altogether and this is welcomed because they are useful. As above, early engagement with the pre-application service is the best way to avoid the need for EOTs, and the Broads Authority will continue to promote this. It will need to be recognised by applicants and agents, however, that where negotiations within the application process are either slow or unproductive, the changes to the EOT will mean that the LPA will be more likely to issue a refusal.
- 2.20. The February 2023 consultation (‘Stronger performance of local planning authorities supported through an increase in planning fees’) also mooted the question of restricting the use of EOTs and the July 2023 response noted “We are clear that an

increase in planning fee income and resourcing to local planning authorities must lead to improved performance. It is our intention to introduce a new planning performance framework once we have increased planning fees and invested in supporting the capacity and capability of planning departments. However, we recognise that local planning authorities need a period of adjustment to any new planning performance framework, and we would reiterate our commitment to consult further on detailed proposals, including thresholds, assessment periods and transitional arrangements from the current performance regime” (paragraph 71). Given the fee increase took effect in December 2023 and the capacity and capability funding has only recently been available, it may be unrealistic to expect significant change to be achieved by October 2024.

A simplified process for planning written representation appeals

2.21. A planning appeal can be dealt in one of three ways – Written Representations, a Hearing or an Inquiry – of which Written Representations is the quickest and simplest. The majority of appeals are dealt with in this way. Within this process, there are further simplifications which apply to appeals against householder decisions (the HAS procedure) and minor commercial decisions (the CAS procedure). For the HAS and CAS processes, the Planning Inspectorate will only consider the following documents:

- For the appellant - the appeal documents submitted with the appeal; no further submissions are allowed;
- For the LPA – the consultation responses received, the officer’s report (either the delegated report or the report to Planning Committee) and the decision notice (usually, the refusal of planning permission), plus various factual documents, for example a plan confirming the site is in a Conservation Area or an SSSI;
- For consultees and third parties – the LPA will send any consultation representations received, but no further submissions are allowed.

2.21 It is proposed to extend the simplified process to include the following application types where permission has been refused:

- Full and other applications, including reserved matters;
- listed building consent applications;
- applications for works to protected trees;
- lawful development certificates;
- applications to vary or remove a planning condition;
- applications for the approval of details reserved by condition;
- applications to modify or discharge a planning legal agreement; and
- applications under the Hedgerow Regulations

- 2.22. Appeals against planning conditions would also come under this expedited process.
- 2.23. As with the current service for HAS and CAS appeals, it is proposed that the simplified route would only apply where an application has been determined. Appeals against non-determination or appeals against an enforcement notice would follow the current process to allow further submissions to be made.

Commentary

- 2.24. It is not clear from the consultation whether the proposal to use the simplified process for the majority of appeals is to reduce the pressure on LPAs or on the Planning Inspectorate. Members will of course be aware that the planning appeal process is very slow and the overall performance of the Planning Inspectorate does not meet the national targets set by Ministers. The most recent performance statistics are set out below and these show the performance targets for the various types of appeal and the actual performance:

Procedure type	Last 12 months	February 2024	Target
Written representations	30 weeks	28 weeks	16 – 20 weeks
Hearings	36 weeks	38 weeks	24 – 26 weeks
Inquiries	46 weeks	37 weeks	24 – 26 weeks
All cases	31 weeks	28 weeks	-
Enforcement	54 weeks	51 weeks	-

Source: [Planning Inspectorate statistical release 28 March 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/planning-inspectorate-statistical-release-28-march-2024)

- 2.25. From the Broads Authority perspective, as an LPA, there are no objections to applying the simplified process as the decision report, whether prepared for Planning Committee or as a delegated report, will already have set out an assessment of the application and the reason for the decision, so there is no additional work required.
- 2.26. In terms of community and stakeholder participation, however, this change would limit their involvement to the application stage only. Given the increasing emphasis on involving communities in planning this would appear to be a regressive step.

Varying and overlapping planning permissions

- 2.27. Currently there are two legislative routes under the Town and Country Planning Act 1990 which allow applicants to propose variations to planning permissions:
- section 73 which enables an applicant to vary a planning condition imposed on a planning permission; and
 - section 96A which enables an applicant to make non-material amendments to a planning permission.
- 2.28. These processes can be straightforward, where a developer wants, for example, to make modest changes to the size of a building but can also get very complicated. There

has been recent case law about how an LPA can treat a new application on land which forms part of a larger site on which an earlier permission is in the process of implementation – these so called ‘drop-in’ permissions have often been used as a flexible mechanism to deal with changing circumstances, for instance, where a new developer wants to carry out alternative development.

- 2.29. To address this, DLUHC propose the introduction into the legislation of a new section 73B, which would enable an applicant to apply for a new planning permission for development which is not substantially different to that granted by an existing planning permission. The new section would be subject to certain legal features and restrictions, which are set out in the consultation document. Changes to the planning application fees for a section 73 application are also proposed, to ensure that they are proportionate to the complexity of the application.
- 2.30. The final issue covered in the consultation relates to the matter of overlapping planning permissions. The Courts have held that full planning permissions are not usually severable - that is to say, parts of a full planning permission cannot be selectively implemented. If a new permission which overlaps with an existing permission commences, and as a result of this (i.e. the carrying out of the new permission) it becomes physically impossible to carry out the rest of the existing permission, then the existing permission is in effect superseded. In legal terms, it would be unlawful to continue further development under the existing permission and if someone wanted to change part of the development, they should seek to amend the entire existing permission. This position has recently been upheld in the Supreme Court in the Hillside judgement.
- 2.31. The consultation raises the question of how to deal with this in procedural terms and whether the proposed new section 73B will be adequate. It is worth noting that this is the sort of situation that might arise on a large, multi-phased housing with multiple developers and is not something we are likely to deal with regularly in the Broads area!

Commentary

- 2.32. There are no objections to the introduction of section 73B, although it will involve some minor changes to procedures.

3. Conclusion and Recommendation

- 3.1. The DLUHC consultation sets out a number of proposed changes to the planning system, which are part of the drive to modernise the planning system.
- 3.2. The proposed changes, if enacted, would have an impact on the planning service and would require a number of changes to processes. The planning team is mindful of the direction of travel, particularly with regard to the use of EOTs, and will be making changes to the way it works so that it is prepared for the introduction of the new performance measures in the autumn.

3.3. It is recommended that the responses in Appendix 1 are submitted to DLUHC as the response of the Broads Authority.

Author: Cally Smith

Date of report: 12 April 2024

Appendix 1 – [Proposed response to Department for Levelling Up, Housing and Communities consultation on an accelerated planning system](#)

Appendix 1 – Department for Levelling Up, Housing and Communities consultation on an accelerated planning system

Document: An accelerated planning system - [An accelerated planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/an-accelerated-planning-system)

Due date: 01 May 2024

Status: Draft proposals

Proposed level: Planning Committee endorsed

Proposed response

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

No

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

No

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

No

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes

Question 5. Do you agree that the Accelerated Planning Service should:

a) have an accelerated 10-week statutory time limit for the determination of eligible applications

No

b) encourage pre-application engagement

Yes

c) encourage notification of statutory consultees before the application is made

Yes

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

Yes

Question 7. Do you consider that the refund of the planning fee should be:

~~a. the whole fee at 10 weeks if the 10-week timeline is not met~~

b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks

- ~~c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks~~
 - ~~d. none of the above (please specify an alternative option)~~
 - ~~e. don't know~~
- ~~Please give your reasons~~

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?

The developer should be required to engage early with LPA. Resourcing of statutory consultees needs to be considered

Question 9. Do you consider that the Accelerated Planning Service could be extended to:

a. major infrastructure development

No

b. major residential development

No

c. any other development

No

If yes to any of the above, what do you consider would be an appropriate accelerated time limit?

Question 10. Do you prefer:

~~a. the discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route)~~

~~b. the mandatory option (which provides a single Accelerated Planning Service for all applications within a given definition)~~

c. neither

~~d. don't know~~

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

~~Yes / No / Don't know~~ No comment

Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

~~Yes / No / Don't know~~ If not, please specify what you consider the performance thresholds should be.

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

~~a) the new criteria only — i.e. the proportion of decisions made within the statutory time limit;~~
~~or~~

b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria

~~c) neither of the above~~

~~d) don't know~~

~~Please give your reasons~~

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?

~~Yes / No / Don't know~~ Everything else is done on 24 months – why not this?

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

~~Yes / No / Don't know~~

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

~~Yes / No / Don't know~~ In order to allow recent changes and investments to take effect

Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

~~Yes / No / Don't know~~

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

If EOT use is to be restricted, this would make sense

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

~~Yes / No / Don't know~~ Subject to better arrangements for third part involvement

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded from the simplified written representation appeal route?

~~Yes / No / Don't know~~

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

~~Yes / No / Don't know. Please specify.~~

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

~~Yes / No / Don't know. Please give your reasons.~~

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes / ~~No~~ / ~~Don't know~~

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Yes / ~~No~~ / ~~Don't know~~

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

~~Yes / No / Don't know~~ - Not sufficiently familiar with this to comment

Question 27. Do you have any further comments on the scope of the guidance?

Question 28. Do you agree with the proposed approach for the procedural arrangements for a section 73B application?

Yes / No / Don't know. If not, please explain why you disagree

Question 29. Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?

~~Yes / No / Don't know. If not, please explain why you disagree and set out an alternative approach~~

Question 30. Do you agree with the proposal for a 3 band application fee structure for section 73 and 73B applications?

Yes / ~~No~~ / ~~Don't know~~

Question 31. What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?

Question 32. Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?

~~Yes / No / Don't know~~

Question 33. Can you provide evidence about the use of the 'drop in' permissions and the extent the Hillside judgment has affected development?

Question 34. To what extent could the use of section 73B provide an alternative to the use of drop in permissions?

Question 35. If section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?

Heritage Asset Review Group

Notes of the meeting held on 08 March 2024

Contents

1.	Notes of HARG meeting held on 15 December 2023	1
2.	Historic Environment Team progress report	1
	Conservation areas – update	1
	Listed buildings	2
	Water, Mills and Marshes - update	4
	Matters for information	5
3.	Any other business	5
4.	Date of next meeting	5

Present

Harry Blathwayt – in the Chair, Stephen Bolt, Mark Collins, Bill Dickson, Tony Grayling, Tim Jickells, Kevin Maguire, Keith Patience, and Melanie Vigo di Gallidoro

In attendance

Kayleigh Judson – Heritage Planning Officer, Kate Knights – Historic Environment Manager and Lorraine Taylor - Governance Officer

1. Notes of HARG meeting held on 15 December 2023

The notes of the meeting held on 15 December 2023 were received. These had been submitted to the Planning Committee on 02 February 2024.

2. Historic Environment Team progress report

The Historic Environment Manager and the Heritage Planning Officer presented the report providing an update on progress with key items of work by the Historic Environment Team between 16 December and 08 March 2024.

Conservation areas – update

The Historic Environment Manager (HEM) provided an update on the conservation area review and confirmed that work on the Neatishead conservation area was still ongoing and a structure had been put together for the new document. The HEM said that since the last

meeting, the Historic Environment Team (HET) had visited Limekiln Dyke via boat, as that area was an important aspect of the conservation area, and had met with councillors from Neatishead Parish Council. The Parish Council provided a lot of very useful background information about the area and said that they would spread the word about the conservation area appraisal and talk about it at their next parish council meeting. They would also be providing suggestions for the Management Enhancement Policy that needs to be contained within the conservation area. The Parish Council also suggested that the Broads Authority might consider extending the conservation area boundary to include Threehammer Common and Butcher's Common which, although were separate settlements in terms of their physical location, were part of Neatishead. The HEM pointed out that those two areas contained some very interesting buildings including an 18th century thatched cottage and a Grade II listed generator house. The generator house was a standby generator which was part of the Neatishead radar station and was built in the style of a chapel with an attached belfry to blend into the surrounding countryside as a disguise in the event of any military activity. The HEM advised that she had spoken to North Norfolk District Council (NNDC) as both areas were in the North Norfolk area. NNDC did not think that the buildings had sufficient architectural or historic value.

It was pointed out at the meeting with Neatishead Parish Council that part of the area was within Barton Turf Parish Council and the Historic Management Team were due to meet with them in the near future.

Listed buildings

The Historic Environment Manager (HEM) provided an update on the Quinquennial Survey. Since the last meeting, the Historic Environment Team (HET) had continued to inspect the listed buildings within the Broads Authority area. The HEM said that she had visited the interesting St Peter and St Paul's church at Runham. The building dated from the 14th or 15th century but contained earlier material. It stopped being used in the 1930s and by 1962 it had become derelict and had been subject to decay and vandalism. Because it had never been formally declared redundant, in 1968 the Bishop approved discontinuation of services. In 1980, it was suggested that the church should be kept open and should become a separate parish. Despite being in quite decrepit condition, the Friends of Runham Church was formed and they carried out fundraising to fully repair the building and it was now back in use. The HEM said that the building itself was a prominent building across the wider landscape and it featured a distinctive parapet which could be seen for miles around.

The HET have also visited other buildings since the last meeting:

- Manor Farm cottages in Runham which dated from circa 1850s. Built in the neo-gothic style, they would originally have been farmworkers cottages.
- Glebe Farmhouse on the edge of Stokesby. This building was listed as being early 18th century, however, it was likely that part of the building was much older. The owner was a retired archaeologist and had done a lot of research on the building. He had discovered that the building had belonged to the church and originally the footprint of

the building was larger than it was now, and he therefore intended to do some digging in the garden to see what could be uncovered.

- Stokesby Hall, a 17th century building in part with additions made in the 18th century. On the gable end, there was a date stone which read 1718. The HEM said that it was an unusual building using flint rubble and older brickwork in parts which suggested that the building was built using rubble from an earlier building on the site. Records showed that a family lived on the site from about 1422 and there was some discussion about whether the remains of that building became the foundation of the current building. The HEM added that the building was not in great condition and parts were in need of repair, however, the Broads Authority had granted building consent for the repair of some of the windows in 2020/21 and some of those had been replaced. The Hall was still used as a farm and had a lot of land associated with it as well as a complex of large, thatched barns dating from the 18th century. The HEM said when the last Quinquennial Survey was completed, the barns were derelict, however, they had since been renovated into a complex of barn conversions.

The HEM provided an update on the Locally Listed Buildings and in particular the Eel Set on Candle Dyke which led up to Hickling Broad. The HEM said that it was thought that the Eel Set dated from around the turn of the 20th century and was thought that it was the only functioning eel set in East Anglia and possibly in Great Britain. The HEM said that this was an example of the types of buildings which were on the Local List. Buildings on the Local List were considered heritage assets which were – as defined in the National Planning Policy Framework – buildings, sites, monuments, places, areas, or landscapes that were identified as having a degree of significance and heritage interest which merited consideration in planning decisions. At present, the Local List mainly contained mills, chalets and World War defence structures, along with buildings that were identified through conservation areas.

The HEM referred to the proposed template for the selection process which was attached to the Historic Environment Team progress report submitted to the meeting as Appendix 2. The original template was in need of being updated to make it more robust and less open to the suggestion of it being subjective. It was proposed that the existing template be updated to have a scoring element added so that it could be demonstrated that a building had met the criteria.

The Chair asked whether Members had any comments. A Member asked what would happen if a building on the Local List was sold and whether there was a requirement that the information be passed on to the new owners. The HEM said that this was something that would need to be considered as they would not necessarily know when buildings were sold.

A Member asked whether there was a certain standard that the buildings could fall into to stop it being worthwhile rescuing them. The HEM said that it was not necessarily about the condition of the building, although there was a category for condition, but in terms of the assessment it was more about the importance of the building and its architectural and historical significance.

A Member asked whether the buildings included on the Local List would be added to the interactive map that was being compiled. The HEM said that the Authority did have an internal GIS mapping system where all of the buildings are mapped. She confirmed that any heritage buildings would also be added to the Norfolk Historic Environment Record (HER) and therefore plotted on the Heritage Explorer website that was shown to the group at a previous meeting, and as part of the revised Local Plan, there would be some publicly available mapping which should contain a number of layers such as heritage buildings, TPOs etc.

In response to a question on who the owners of the Eel Set were, the Heritage Planning Officer (HPO) said that there was a complicated ownership agreement surrounding who looked after it and who owned it, and that it was partly managed by the Broads Authority, the Broads Society, and the landowner which was the Cadbury family¹.

The Chair asked if everyone was happy with the proposed changes to the template and there was unanimous agreement.

Water, Mills and Marshes - update

The Historic Environment Manager (HEM) provided an update on the Water, Mills and Marshes project and confirmed that the Mutton's Mill project was almost complete. Some work had been completed since the last meeting which included the installation of the sail bars. Some final touching up of the paintwork was still required, however, this work would have to wait until the weather improved.

A Member asked what happened next for the Mill in terms of maintenance. The HEM replied that the building was owned by two gentlemen and the Mill would be passed back into their hands as soon as the works had been finished. The hope was that they would continue to maintain the Mill, however, as it was a highly graded listed building, if it started to deteriorate, the Authority could step in and request that maintenance works were carried out, but it would have to be in a poor condition before any action could be taken.

A Member asked whether, once the Mill was handed back to the owners, could they sell it and make a lot of money from the repairs. The HEM replied that she did not think that would be the case as the owners loved the Mill and were very enthusiastic about it and added that the Mill could not be converted into a domestic property so it was highly unlikely. There was a legal document between the Broads Authority and the owners which ensured that everyone was aware of the various responsibilities and what would happen if certain circumstances arose.

A Member commented that he hoped that once the Mill had been handed back to the owners that arrangements could be made for the public to visit the Mill.

¹ Since the meeting it has been confirmed that the owner of the Eel Set is the Kinder family and not the Cadbury family as stated in the meeting.

Enforcement

The HEM provided an update on Holly Lodge which was discussed at February's Planning Committee where it was agreed that officers could proceed to serve a Listed Building Enforcement Notice to reverse the unauthorised works. The owner had appointed an agent and there had been some discussion on how to move forward on this issue.

Matters for information

The Heritage Planning Officer (HPO) gave an update on the Grade II* listed Herringfleet Smock Mill in Somerleyton, which was the subject of planning and listed building consent. The application was approved under delegated powers for works which included underpinning and the removal, repair and reinstatement of the sails. The HPO said that the Mill featured in many photographs and was well-loved and well-known by locals and visitors. The Mill had an octagonal timber frame, a wooden clad tower and a traditional boat-shaped timber cap on the top. The Mill had undergone a number of repairs in the past and therefore there was a mix of historic and modern timbers internally. The HPO reported that the Mill had lost two of its sails and the remaining two would have to be removed for safety reasons. The application for the underpinning and repair had been supported and recommended for approval, subject to conditions.

A Member asked whether the Mill was on the Somerleyton Estate. The Historic Environment Manager (HEM) confirmed that it was and added that the Mill was one that had originally been included in the Water, Mills and Marshes project and a schedule of works and a planning application had been drawn up. However, due to time and cost constraints, the works did not go ahead. The Mill was a very important building, being the only Smock Mill in the Broads Authority area, and could be seen across a wide area. The HEM said that the Estate had now set up a Trust to look after the Mill.

The report was noted.

The Chair asked that it be recorded that, as usual, the Committee had received wonderful, professional presentations and added that the Committee was truly spoilt. He thanked the Historic Environment Manager and Historic Planning Officer.

3. Any other business

There was no other business.

4. Date of next meeting

The next HARG meeting would be held on Friday 14 June 2024, at Ludham Village Hall.

The meeting ended at 10:45am

Signed by

Chair

Planning Committee

26 April 2024

Agenda item number 13

Decisions on Appeals by the Secretary of State between 1 April 2023 and 31 March 2024 and monthly update

Report by Head of Planning

Summary

This report sets out the decisions on appeals made by the Secretary of State between 1 April 2023 and 31 March 2024.

There were ten appeal decisions by the Secretary of State, which were against refusal of planning permission or the imposition of a planning condition. Seven have been dismissed. Nine of these had been delegated decisions, the other one being a decision by the Committee.

This report also provides the monthly update on appeals in the process lodged since June 2022 for which decisions have either not yet been received or have been received since last month's update.

There are eleven appeals upon which decisions are awaited.

Recommendation

To note the report.

1. Appeals Completed

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2021/0193/HOUSEH	Dr Peter Jackson	24 January 2023	4 Bureside Estate Crabbetts Marsh Horning NR12 8JP	Erection of fence	Delegated decision DISMISSED 9 May 2023
BA/2021/0253/COND	Mr P Young	1 July 2022	Marshmans Cottage Main Road A1064 Billockby Fleggburgh NR13 3AX	BA/2021/0253/COND	Delegated decision DISMISSED 24 April 2023
BA/2021/0239/FUL	Mr G Church	30 June 2022	Priory Cottage Marsh Lane Aldeby NR34 0BH	Re-submission of application BA/2020/0279/FUL - Use of land for siting 4 No. Bell Tents and 4 No. washsheds with compostable toilets	Delegated decision DISMISSED 9 May 2023

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0112/HOUSEH	Mr M Philpot	21 January 2023	Farmhouse Bridge Farm Main Road A1064 Fleggburgh NR13 3AT	Erection of a dormer window and external balcony to domestic outbuilding including external staircase (Retrospective)	Delegated decision DISMISSED 11 May 2023
BA/2021/0244/FUL	Messrs T A Graham	22 June 2022	The Shrublands Grays Road Burgh St Peter Norfolk NR34 0BB	Proposed retention of timber tepee structure and use as glamping accommodation as farm diversification scheme	Delegated decision DISMISSED 7 July 2023
BA/2022/0022/FUL	Mr M Hales	22 July 2022	Clean & Coat Ltd 54B Yarmouth Road Thorpe St Andrew Norwich NR7 0HE	Appeal against condition requiring details to be kept regarding occupation of buildings	Delegated decision ALLOWED 5 June 2023

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2021/0211/FUL	Mr A Gepp	1 July 2022	Broadgate Horsefen Road Ludham NR29 5QG	Change of use to dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension	Committee decision DISMISSED 20 July 2023
BA/2022/0144/FUL	Mr B Wright	26 April 2023	East End Barn, Annexe East End Lane Aldeby NR34 0B	Change of Use from Residential Annexe to Holiday Accommodation Let Unit	Delegated decision ALLOWED 22 September 2023
BA/2022/0309/COND	Mr B Parks	16 March 2023	Shoals Cottage The Shoal Irstead NR12 8XS	Change of approved roof material, variation of condition 2 of permission BA/2022/0030/HOUSE H	Delegated decision ALLOWED 28 November 2023
BA/2021/0295/FUL	Trilogy (Leamington Spa) Ltd	13 February 2023	Morrisons George Westwood Way Beccles NR34 9EJ	Coffee Shop with Drive Thru Facility	Delegated decision DISMISSED 19 December 2023

2. Appeals Outstanding

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0023/UNAUP2 APP/E9505/C/22/3301919	Mr R Hollocks	Appeal received by the BA on 27 June 2022 Appeal start date 14 July 2022	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against Enforcement Notice - lighting and kerbing	Committee Decision 27 May 2022 LPA statement submitted 25 August 2022 Accompanied site visit scheduled 16 July 2024
BA/2022/0021/UNAUP2 APP/E9505/C/22/3301976	Mr R Hollocks	Appeal received by the BA on 27 June 2022 Appeal start date 14 July 2022	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against Enforcement Notice - workshop	Committee Decision 27 May 2022 LPA statement submitted 25 August 2022 Accompanied site visit scheduled 16 July 2024

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0221/TPOA APP/TPO/E9505/9259	Mr R Stratford	Appeal received by the BA on 25 July 2022 Appeal start date 22 February 2024	Broadholme Caldecott Road Lowestoft Suffolk NR32 3PH	Appeal against refusal to grant permission for works to trees in a Conservation Areas: T9: Sycamore - remove and replace with Silver Birch. T12&T13: Sycamores - remove.	Delegated decision 15 July 2022 LPA statement to be submitted 4 April 2024 Hearing date TBC

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2021/0490/FUL APP/E9505/W/22/3303030	Mr N Mackmin	Appeal received by the BA on 13 July 2022 Appeal start date 2 December 2022	The Old Bridge Hotel Site, The Causeway, Repps with Bastwick	Appeal against refusal of planning permission: 8 one-bedroom & 4 two- bedroom flats for holiday use with restaurant & covered car-park at ground level.	Committee Decision 7 March 2022 LPA statement submitted 6 January 2023 Request from PINS to convert process to Hearing - 15 January 2024 Hearing scheduled 4 March 2024 Hearing held 4 March 2024

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2017/0006/UNAUP1 APP/E9505/C/22/3310960	Mr W Hollocks, Mr R Hollocks & Mr Mark Willingham	Appeal received by the BA on 11 November 2022 Appeal start date 16 November 2022	Loddon Marina, 12 Bridge Street Loddon	Appeal against enforcement notice- occupation of caravans	Committee decision 14 October 2022 LPA statement submitted 21 December 2022 Accompanied site visit scheduled 16 July 2024
BA/2023/0001/ENF APP/E9505/C/23/3316184	Mr R Hollocks & Mr J Render	Appeal received by the BA on 6 February 2023 Appeal start date 8 February 2023	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against enforcement notice - occupation of caravans	Committee decision 9 December 2022 LPA Statement submitted 22 March 2023 Accompanied site visit scheduled 16 July 2024

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0416/FUL APP/E9505/W/23/3321331	Mr Steve Hooper & Ms Mary Alexander	Appeal received by the BA on 2 May 2023 Appeal start date 24 October 2023	Blackwater Carr Land Off Ferry Lane, Postwick	Appeal against refusal of planning permission – Retrospective consent for the use of a yurt on a small, raised platform, securing a table and bench to the ground, the installation of a small staked and woven willow windbreak.	Committee Decision 3 February 2023 LPA Statement submitted 28 November 2023
BA/2023/0004/UNAUP2 APP/E9505/C/23/3322890 and APP/E9505/C/23/3322949	Jeanette Southgate and Mr R Hollocks	Appeals received by the BA 24 and 26 May 2023 Appeal start dates 27 and 29 June 2023	Berney Arms Inn	Appeal against enforcement notice - occupation of caravan	Committee decision 31 March 2023 LPA Statements submitted 9 August and 11 August 2023
BA/2023/0012/HOUSEH APP/E9505/W/23/3326671	Mr M Anwar	Appeal received by the BA 26 July 2023 Appeal start date 23 October 2023	Broadwater House, Main Road, Ormesby St Michael	Appeal against refusal of planning permission – Single storey flat roof, side/rear extension. Timber fence to boundary. Erection of cart lodge.	Delegated decision 5 May 2023 Fast track householder appeal so no LPA Statement submitted.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2023/0343/COND APP/E9505/W/23/3332687	Barnham Leisure Ltd	Appeal received by the BA on 7 November 2023 Appeal start date 24 January 2024.	Pampas Lodge Caravan Park, Haddiscoe.	Appeal against refusal of planning permission – Allow residential occupation of caravans, removal of condition 4 of permission BA/2022/0251/COND	Delegated decision 19 October 2023 LPA Statement to be submitted by 28 February 2024
BA/2023/0309/FUL APP/E9505/W/23/3333375	Mr and Mrs R Baldwin	Appeal received by BA on 29 January 2023 Awaiting start date	Barns at The Street Farm, Hardley Steet, Hardley	Appeal against refusal of planning permission – Change of use of two barns to holiday lets.	Delegated decision 9 October 2023

Author: Cally Smith

Date of report: 10 April 2024

Background papers: BA appeal and application files

Planning Committee

26 April 2024

Agenda item number 14

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 19 February 2024 to 12 April 2024 and Tree Preservation Orders confirmed within this period.

Recommendation

To note the report.

Parish	Application	Site	Applicant	Proposal	Decision
Ashby, Herringfleet And Somerleyton PC	BA/2023/0398/LBC	Herringfleet Marsh Mill And Pumping Shed St Olaves Road Herringfleet Suffolk	Water, Mills and Marshes Landscape Partnership Scheme	Underpinning & repair inc. removal & re-instatement of sails	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Ashby, Herringfleet And Somerleyton PC	BA/2023/0397/FUL	Herringfleet Marsh Mill And Pumping Shed St Olaves Road Herringfleet Suffolk	Water, Mills and Marshes Landscape Partnership Scheme	Underpinning & repair inc. removal & re-instatement of sails	Approve Subject to Conditions
Bungay Town Council	BA/2023/0418/HOUSEH	49 Staithe Road Bungay Suffolk NR35 1EU	Mr & Mrs Jones	Replace timber windows with uPVC Retrospective	Refuse
Bungay Town Council	BA/2024/0034/HOUSEH	Granary House Staithe Road Bungay Suffolk NR35 1EU	Mr Sales	Replacement of timber windows, timber French doors, and a composite door, with uPVC.	Refuse
Cantley, Limpenhoe And Southwood PC	BA/2023/0445/FUL	Cantley Sugar Factory Station Road Cantley Norfolk NR13 3ST	Mr Graham Wright	Replacement of coal-fired boiler and installation of plant items associated with Combined Heat and Power Plant to include 1x turbine, 1x steam generator, 1x compressor station and 1 package boiler inc. stack.	Approve Subject to Conditions
Coltishall Parish Council	BA/2023/0463/HOUSEH	Sunny Bank 41 Wroxham Road Coltishall Norfolk NR12 7AF	Mr J Waterman	Outdoor swimming pool & garden room with steps to existing balcony	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Coltishall Parish Council	BA/2024/0011/APPCON	Woodland Adjacent Church Loke Coltishall Norwich Norfolk	Mr A Paterson	Details of Conditions 3: tree protection plan, 4: engineering design for new access drive, and 5: tree management plan of permission BA/2023/0362/FUL	Approve
Ditchingham Parish Council	BA/2023/0483/FUL	Waveney Valley Business Park Falcon Lane Ditchingham Norfolk NR35 2JG	Mr Steve Cundy	Proposed improvements to surface water drainage system, change of use of land to provide attenuation pond (PART RETROSPECTIVE)	Approve Subject to Conditions
Fritton With St Olaves Parish Council	BA/2024/0063/HOUSEH	Redroof Priory Road St Olaves Fritton And St Olaves Norfolk NR31 9HQ	Mr & Mrs Edward & Jan Warner	Single storey extension to form wet room.	Approve Subject to Conditions
Gillingham Parish Council	BA/2024/0123/FUL	Land At Kings Dam Gillingham Norfolk	Mr Mark Baxter	Erection of hay bale storage building and increase height of existing farm building	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Great Yarmouth	BA/2023/0464/COND	Port Of Yarmouth Marina Caister Road Great Yarmouth Norfolk NR30 4DL	Grandstand Developments Ltd	Amendments to approved drawings for plots 1 to 3, variation of condition 2 of permission BA/2022/0179/COND	Approve Subject to Section 106 Agreement
Horning Parish Council	BA/2023/0471/HOUSEH	Ferrymans Cottage Ferry Road Horning Norfolk NR12 8PS	Mr J Broom	Loft conversion, including raising the existing ridge line and adjusting the roof pitch to provide the new accommodation	Refuse
Horning Parish Council	BA/2024/0021/HOUSEH	Ferrymans Cottage Ferry Road Horning Norfolk NR12 8PS	Mr Kev Monk	Replacement of timber quay heading which has reached end of service life using timber clad multilock plastic piling	Approve Subject to Conditions
Horning Parish Council	BA/2023/0482/FUL	Bunbury Horning Reach Horning Norfolk NR12 8JR	c/o agent – Mr Graham Blyth	Replacement timber quay heading, capping and waling	Approve Subject to Conditions
Hoveton Parish Council	BA/2024/0026/ADV	Riverside Centre, Nisa Stores Norwich Road Hoveton Norfolk NR12 8AJ	Ms Ann-Marie Porter	Illuminated ATM fascia sign and non-illuminated sign	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Hoveton Parish Council	BA/2024/0024/FUL	Riverside Centre, Nisa Stores Norwich Road Hoveton Norfolk NR12 8AJ	Ms Ann-Marie Porter	Installation of an ATM to be installed in the entrance lobby through the right hand window. Move glazed entrance doors to the left to give a new re-glazed 1400mm window to accommodate the ATM.	Approve Subject to Conditions
Mettingham Parish Council	BA/2024/0125/NONMAT	Williamstown Low Road Mettingham Suffolk NR35 1TT	Mr Michael Suffolk	Install dark grey aluminium framed windows and doors rather than white UPVC, non-material amendment to previous permission BA/2022/0161/HOUSEH.	Approve
Mettingham Parish Council	BA/2023/0478/FUL	Green Valley Farm Low Road Mettingham Suffolk NR35 1TP	Mr Daniel Raven	New concrete pad with surrounding wall, underground effluent tank	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2021/0283/FUL	Plot 1 And 2 Boathouse Lane Lowestoft Suffolk NR32 3PP	Mr Mick Whittingstall	Erection of shed (retrospective)	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Oulton Broad Parish Council	BA/2024/0070/LBC	Broad House Nicholas Everitt Park Lowestoft Suffolk NR33 9JR	Lowestoft Museum	Alterations to basement	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2024/0053/LBC	Broad House Nicholas Everitt Park Lowestoft Suffolk NR33 9JR	Lowestoft Museum	Various internal and external works to improve and repair roofs, rainwater shedding, drainage, ventilation and damp issues & installation of solar panels and re-building of chimney.	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2024/0076/LBC	Broad House Nicholas Everitt Park Lowestoft Suffolk NR33 9JR	Lowestoft Museum	Infill basement	Approve Subject to Conditions
Reedham Parish Council	BA/2024/0008/HOUSEH	Seven Mile House The Marshes Reedham Norwich Norfolk NR13 3UB	Mr Andrew Whittle	Erection of greenhouse	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Repps With Bastwick Parish Council	BA/2024/0038/HOUSEH	Raikon Tower Road Repps With Bastwick Norfolk NR29 5JW	Mr & Mrs Travis	Rear single storey extension incorporating the existing single storey kitchen. Formation of new flat roof over existing and new kitchen diner.	Approve Subject to Conditions
Stokesby With Herringby Parish Council	BA/2024/0019/HOUSEH	Summerdown Mill Road Stokesby With Herringby Norfolk NR29 3EY	Mr Richard Ager	Replace 67m of quay heading with steel	Approve Subject to Conditions
Surlingham Parish Council	BA/2024/0016/FUL	Coldham Hall Boatyard Coldham Hall Carnser Surlingham Norfolk NR14 7AN	Mr Samuel Dunning	Replacement workshop and placement of container	Approve Subject to Conditions
Surlingham Parish Council	BA/2024/0002/FUL	Herons Marsh Beerlicks Loke Surlingham Norfolk NR14 7AN	Mr & Mrs G Harris	Replacement dwelling	Approve Subject to Conditions
Thorpe St Andrew Town Council	BA/2024/0044/HOUSEH	Manor House 12 Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EF	Mr Jeremy Clarke	Landscaping including ground works and dismantling/ rebuilding of retaining walls, steps and other structures (part retrospective)	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Thorpe St Andrew Town Council	BA/2024/0045/LBC	Manor House 12 Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EF	Mr Jeremy Clarke	Landscaping including ground works and dismantling/ rebuilding of retaining walls, steps and other structures (part retrospective)	Approve Subject to Conditions
Thorpe St Andrew Town Council	BA/2023/0475/COND	Manor House, Manor Lodge And Well Cottage 12 Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EF	Mr Jeremy Clarke	Amendment to forecourt materials and plan, variation of condition 2 of permission BA/2022/0318/LBC	Approve Subject to Conditions
Trowse With Newton Parish Council	BA/2024/0007/COND	Whitlingham Broad Campsite Whitlingham Lane Trowse Norfolk NR14 8TR	Ms Linda Robey	Replacement of 3 no. bell tents with mezzanine pods and erection of shelter for waste disposal point - variation of conditions 1, 4 and 7 of planning permission BA/2020/0469/COND	Approve Subject to Conditions
Woodbastwick Parish Council	BA/2023/0390/HOUSEH	Malthouse Cottage Broad Road Ranworth Norfolk NR13 6HS	Mr and Mrs K Martyn	Demolition of side extension and erection of side and rear extension	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Wroxham Parish Council	BA/2024/0097/HOUSEH	Riversdale Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr David Abbott	Installation of solar panels & infill swimming pool	Approve Subject to Conditions

Tree Preservation Orders confirmed by officers under delegated powers

Parish	Address	Reference number	Description
Horning	Oakmead Cottage Lower Street Horning Norfolk NR12 8PF	BA/2023/0023/TPO	Tree [T1] English Oak
Horning	The Haven Ropes Hill Dyke Horning Norfolk NR12 8JS	BA/2023/0024/TPO	Tree [T1] Weeping Willow

Author: Cally Smith

Date of report: 15 April 2024