

Planning Committee

Agenda 11 October 2019

10.30am

Yare House, Thorpe Road, Norwich, NR1 1RY

Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 13 September 2019** (Pages 3 - 11)
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

Matters for decision

6. **Chairman's announcements and introduction to public speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. Request to defer applications included in this agenda and/or to vary the order of the agenda
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
BA/2018/0505/COND Aldeby Model Flying Club, St Mary's Lane, Aldeby (Pages 12 - 24)

Enforcement

9. **Enforcement update** (Pages 25 - 26)
Report by Head of Planning

Policy

10. **Consultation documents update and proposed response: Great Yarmouth Borough Council** (Pages 27 – 30)
Report by Planning Policy Officer

Matters for information

11. **Appeals to the Secretary of State update** (Pages 31 – 33)
Report by Administrative Officer
12. **Decisions made by Officers under delegated powers** (Pages 34 – 37)
Report by Head of Planning
13. **To note the date of the next meeting – Friday 8 November 2019 at 10.00am at Yare House, 62/64 Thorpe Road, Norwich**

Planning Committee

Minutes of the meeting held on 13 September 2019

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Bill Dickson, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight (Up to and including Minute 14)

In attendance

Natalie Beal – Planning Policy Officer (Up to and including Minute 14) Sandra Beckett – Administrative Officer (Governance), Steven Bell – Solicitor and Monitoring Officer, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Apologies received from Jacquie Burgess, Julie Brociek-Coulton, Andree Gee, Tristram Hilborn and Fran Whymark

The Chairman welcomed Lewis Treloar, the newly appointed Waterways and Recreation Officer as an observer.

Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the meeting would be recorded in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting. Copies of the recordings were available on request from the Governance team.

A Member queried why the recordings were not put on the website immediately after the meeting as he considered this would make it more accessible to all. The Director of Strategic Services replied that it had been the Broads Authority's decision not to do this.

2. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

3. Minutes of Planning Committee 16 August 2019

The minutes of the meeting held on 16 August 2019 were approved as a correct record and signed by the Chairman subject to noting that Vic Thomson had apologised and was not in attendance.

4. Points of information arising from the minutes

Minute 8(1) 19 July Application BA/2019/0118/FUL Former Marina Quays, Port of Yarmouth Marina, Caister Road, Great Yarmouth: The Head of Planning referred to an email that had been sent to all members advising them of the fire to the main building and subsequent liaison with Great Yarmouth Borough Council over the appropriate course of action and that it had been agreed that the remainder of the building should be demolished.

The planning permission had not yet been issued due to the need to complete the Section 106 Agreement which was in preparation. The planning application approved by the Committee had included the conversion of the former Marina Quays building and therefore there would need to be an application for a variation of the original application. Members would be kept informed.

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

There were no items of urgent business

6. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that there would be no public speaking as there were no applications to consider.

7. Requests to defer applications and/or vary the order of the agenda

Item 13 Water Safety Guide: The Chair stated that the Navigation Committee had requested legal advice on liability concerning the Water Safety Guide and therefore this was deferred. The guide would be presented to the Committee at a later date.

8. Applications for planning permission

There were no applications to consider.

9. Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

Former Marina Quays: The Head of Planning referred to Minute 4 above.

Land at Beauchamp Arms Public House, Ferry Road, Carleton St Peter: Monitoring of the site was continuing.

Members were pleased to note that dates were now included in the schedule when action had been taken and reported.

It was resolved to note the report.

10. Consultation: Draft Statement of Community Involvement

The Committee received a report on the Draft Statement of Community Involvement (SCI), which had been reviewed and updated since it was last adopted in 2014, in line with the requirement for a review every five years. The SCI set out how the Authority will engage with

stakeholders and the local community in the production and review of the Broads Local Plan and Broads Plan, and in the planning application process. Although there was no requirement to consult on the SCI, the Authority previously did so and it was proposed to continue with this approach. The aim was to give stakeholders the opportunity of suggesting alternative ways to communicate and involve them. The consultation period of 8 weeks on the draft SCI would be from 27 September to 22 November 2019 (subject to approval by Broads Authority). There were no major changes since the previous publication although it did include additional information about General Data Protection Regulations (GDPR) and some sections had been re-worded to make things clearer. The final draft SCI together with consultation responses to the consultation, would be presented to Planning Committee and subsequently to the Broads Authority for adoption.

It was suggested that the review of the SCI take place before the review of the Local Plan. The next review of the Local Plan was due in 18 months' time. This suggestion was noted and logged for action nearer the time of the review of the Local Plan. Some members also suggested that the changes to any consultation documents be highlighted by track changes. In terms of future consultation documents, in response, it was clarified that in some cases this would be possible. However, given the number of consultation stages through which the Local Plan processed, this would not always be appropriate or practical. In these instances, a summary document of the changes would be more appropriate. In terms of documents like the SCI and Flood Risk SPD, considering the age of the documents being reviewed and that stakeholders and indeed the membership of the Planning Committee and Broads Authority had changed, it was decided to not highlight the changes but send out the documents as they were presented so the entire documents could be considered.

Members noted that the consultation list was very comprehensive. This was regularly reviewed and officers were satisfied with the extent and quality of the consultation responses received.

A member suggested that instead of links in the covering report to the main documents for consultation, listed as appendices, these be included as part of the whole agenda. Officers would look into this.

It was resolved to endorse the draft SCI and recommend that the Broads Authority approves the SCI and permits public consultation.

11. Consultation: Draft Marketing and Viability Supplementary Planning Document (SPD)

The Planning Policy Officer commented that now the Broads Local Plan had been adopted, it was considered that some policies would benefit from supporting guides or Supplementary Planning Documents (SPDs) to help with their interpretation and implementation. The first of these was the Draft Marketing and Viability SPD designed to provide guidance for those policies where marketing and viability assessment was required for proposed schemes that promoted something different to the adopted policy. It was proposed that the Authority

consults on this draft SPD (together with other documents) for an 8-week period between 27 September to 22 November 2019.

A member expressed several concerns about the document particularly about the interpretation and definition of viability. He considered that the criteria and requirements of the assessments were too onerous and prescriptive. He considered that a 12-month period was too long and could negatively affect businesses and properties within the Broads area, particularly small businesses. In addition, the reference to a longer period of 18 months, if the market was stagnant was also onerous. The definition of stagnant also required clarification. He therefore suggested that the document should not be published for consultation in its present state but required further discussion.

The Planning Policy Officer and Head of Planning commented that the policies requiring viability and marketing assessment were already included within the recently adopted Local Plan which had been through a number of consultations as well as rigorous examination by the Planning Inspector. The time period of 12 months was included within those policies. The proposed draft SPD set out how to apply those policies. The only way to alter the policies was through the local plan process. There might be a requirement for more flexibility and therefore the purpose for consulting on the draft SPD was to gauge response.

Some members expressed sympathy with the concerns and considered that further clarification was needed. They were also mindful of the Authority's core purposes and objectives in relation to protecting the environment, the landscape and navigation, as well as the economic and social fabric of the area. Members debated proceeding with the consultation and ensuring that it involved a wide group of stakeholders in order to obtain as much relevant expertise and input as possible as well as highlighting certain areas within the document with some specific questions to identify where comments would be most welcome. It was suggested that following consultation, the comments should be collated, proposed responses and potential amendments to the SPD prepared and a further report setting this out presented to Planning Committee for full discussion. It was suggested that the report could be discussed in a workshop type format. Following that session, an amended SPD would be agreed with the potential for it to go out to consultation again if required. A member suggested that it would be useful to understand the scale of potential businesses or properties which might be affected.

Tim Jickells proposed, seconded by Bruce Keith and

It was resolved by 6 votes to 1 against

- (i) to endorse the draft Marketing and Viability SPD for consultation and recommend that the Broads Authority approves the draft SPD for public consultation.**
- (ii) The Planning Committee to consider a further report following the consultation which included the comments received, proposed responses and potential amendments to the SPD. Consideration to be given in specific workshop style format.**

12. Consultation: Draft Flood Risk SPD

The Committee received the reviewed and updated Flood Risk SPD to support and help interpret the policies within the newly adopted Broads Local Plan 2019. The Flood Risk SPD adopted in 2017 needed reviewing as the original policy it was based around was no longer in place. Historic England, the Environment Agency and Natural England had all been consulted on the screening of the SPD, their responses being set out in the document's Appendix H. They had considered the amended SPD was unlikely to result in any significant environmental effects and would provide further guidance on the existing policies within the Local Plan. Therefore, they had all concurred that the Flood Risk SPD did not require a specific Strategic Environmental Assessment to be undertaken. It was noted that the Environment Agency, both lead Local Flood Authorities and Anglian Water Services had been involved in the review of the SPD and their comments had been taken on board when drafting the amended Flood Risk SPD.

It was resolved unanimously to endorse the draft Flood Risk SPD and recommended that the Broads Authority approves it for public consultation.

13. Safety by the Water Guide (Draft) Deferred

The item was deferred to seek legal advice. (See Minute 7 above)

14. Extinguishment of Public Rights of Way

The Committee received a report about the need to extinguish a number of Public Rights of Ways (PROWs) which had been diverted as a consequence of the completion of the Broadland Flood Alleviation Project (BFAP) works. The report set out the effect of the work on the PROWs, the current position on the PROW diversions from the BESL works, the principle of extinguishment, the process and financial implications.

The Head of Planning explained that the BFAP's aim was to strengthen existing flood defences, replacing areas of protection in poor condition and providing new protection where the integrity of existing defences was threatened. Where this work required the relocation of a flood bank, it was necessary to reroute the associated PROW or permissive path on the line of a new bank and formally extinguish the original footpath. Illustrations of the various types of work were provided. The current position following BESL's works in carrying out the BFAP was the need to divert sections of PROW in 13 locations. The process for the legal diversion using dedication agreements had been completed for seven sections. The process for the legal diversion of the remaining six PROWs was underway.

The BFAP was due to end in May 2021 and the responsibility for flood defences would revert to the Environment Agency, with the County Councils taking on the maintenance and management of the PROWs. One of the final tasks was to complete the PROW diversions and extinguish those routes that were no longer relevant.

Members considered the costs involved and the parties to bear those costs for the necessary legal processes to be carried out, BESL having agreed to contribute. The Head of Planning

commented that Norfolk County Council had suggested that there were alternative ways to manage the process for extinguishment that could reduce the costs and officers would continue discussions with both Norfolk County Council and the Environment Agency in this regard. Members agreed that a pragmatic approach should be taken to finalise and conclude these as part of the completion of the whole BFAP. The benefits of concluding the diversions would not only be for the parties involved such as landowners, BESL as the contractors for the project, Norfolk County Council, and the Authority but also the Broads area generally and the wider public, especially those using the footpaths.

Tim Jickells proposed, seconded by Harry Blathwayt and

It was resolved unanimously to endorse the preparation of Public Path Extinguishment Orders for the PROWs which have been diverted under the BFAP and refer this to the Authority for approval at its meeting on 27 September 2019.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since 11 January 2019. Particular attention was drawn to:

Appeal Re **BA/2018/0364/COND Riverdale Cottage adjacent to The Ice House, the Shoal, Irstead**. The appeal was against refusal to remove the planning condition which stipulated the use of particular cladding materials. The decision by the Inspector had been welcomed by the Authority as it related to an enabling development in association with a listed property. Following a number of appeals at other locations having been allowed, thereby enabling the use of upvc, the Authority had reviewed its approach to ensure that it took a site-by-site approach and paid particular regard to the local context. In the case of the Ice House, it was pleasing that the Inspector had upheld the Authority's views.

Appeal Re **BA/2018/0460/FUL Wayford Marina**, the two outstanding issues as to why the application had been refused concerned highways and landscaping. The Authority had now agreed a landscaping scheme with the applicant/appellant and submitted a Statement of Common Ground covering this. Therefore, this left highway concerns to be resolved and considered as part of the appeal.

It was resolved to note the report.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 6 August to 28 August 2019.

It was resolved to note the report.

17. Circular 28/83: Publication by Local Authorities of information about the handling of planning applications Quarter

The Committee received the development control statistics for the quarter ending July 2019. It was noted that although the Authority had met the targets for major applications, it had just fallen short of the targets for the minor and other applications. This was partly due to dealing with the end of a backlog of applications, but also the relatively small number of actual applications being dealt with which meant that one or two applications could have a disproportionate impact.

It was resolved to note the report.

18. Date of next meeting

Members of the planning committee were required to attend two training sessions per year. Given that a number of members were not able to attend the scheduled training following the 13 September meeting, it was agreed that the training be deferred possibly until the following meeting. It was agreed that the training would begin at 9.30am before the Planning Committee, for one hour, the date being subject to the availability of the Solicitor.

The next meeting of the Planning Committee would be held on Friday 11 October 2019 starting at **10.30 am** at Yare House, 62- 64 Thorpe Road, Norwich, different to that originally published.

The meeting ended at 12.14 pm

Signed by

Chairman

Appendix 1

Declaration of interests Planning Committee, 13 September 2019

Member	Agenda/minute	Nature of interest
Harry Blathwayt	12 General	Member of Internal Drainage Board
James Knight	3	Minutes of Planning Committee 16 August 2019 Application BA/2019/0214/FUL (Applicant)
James Knight	12 General	Member of Internal Drainage Board

Planning Committee

11 October 2019

Agenda item number 8

BA/2018/0505/COND Aldeby Model Flying Club, St Mary's Lane, Aldeby

Report by Planning Officer

Proposal

Amendment to approved flying hours, variation of condition 3 of permission
BA/2015/0055/COND.

Applicant

Mr Richard Smith

Recommendation

Approve subject to conditions

Reason for referral to committee

Objections received

Application target date

05 March 2019

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1. Description of site and proposals

- 1.1. The application site comprises an area of land of approximately 1.5 acres which is used for the flying of model aeroplanes. It is located on the southern side of St Mary's Road which lies at the top of the northern slope of the Waveney Valley. The site is situated to the south-east of the village of Aldeby and is surrounded by agricultural fields. The north-eastern, south-eastern and south-western boundaries of the site are defined by high field hedges, whilst there is a minor road along the north-west boundary. Access to the site is from St Mary's Road via a corner entrance with a metal gate leading into a designated off road parking area, which is matted to ensure safe access for off road parking in all weather conditions.
- 1.2. The site has the appearance of a grassed field with some low level fences and picnic tables. The grass across the field is kept short, with particular areas (the runway, viewing and parking areas) being especially closely mowed and c with trails linking these areas as well as to the club hut sited adjacent to the road boundary. The fences are timber post and rail fences which provide an operators' box and a safety fence between the flying/runway area and the parking and observation areas. The club hut is a large wooden shed which also provides a mower garage and toilet compartment.
- 1.3. The site is located approximately 800 metres to the north of the Barnby Broad and Marshes SSSI.
- 1.4. This site has been used by the Waveney Model Flying Club since 2005 as an airfield from which to fly model aircraft. The models are either powered by internal combustion engines or by rubber or electric motors. Some are totally silent, such as gliders. Those planes that are powered by rubber or electric motors and gliders are classified as 'silent craft' by the British Model Flying Association.
- 1.5. In 2008 planning consent was granted for the permanent operation of the Waveney Model Flying Club from this site (BA/2008/0212/CU). This consent included conditions which stipulated when the aircraft could be flown from the site and also how many aircraft could be flown at any one time. This consent also identified where the models could be flown and also restricted the maximum noise level from any individual engine. These conditions were all imposed to ensure the ongoing protection of the local amenity.

- 1.6. In 2015 the club applied to vary condition 3 to allow for an extension to the approved hours (2015/0055/COND). This application was considered by Planning Committee following an objection from the Parish Council and two local residents. The application was approved and condition 3 was amended as follows:

“No craft shall be operated on site other than during the following permitted hours:”

Table 1

1 May to 31 August inclusive

Day	Times
Monday	14:00 to 21:00 hours (silent flight only as detailed in Condition 4)
Tuesday/Wednesday/Thursday	14:00 to 21:00 hours
Friday	14:00 to 21:00 hours (silent flight only as detailed in Condition 4)
Saturday	13:00 to 19:00 hours
Sunday	10:00 to 14:00 hours 16:00 to 20:00 hours (silent flight only as detailed in Condition 4)

Table 2

1 September to 30 April inclusive

Day	Time
Monday	13:00 hours to dusk (silent flight only as detailed in Condition 4)
Tuesday/Wednesday/Thursday	13:00 hours to dusk
Friday	13:00 hours to dusk (silent flight only as detailed in Condition 4)
Saturday	13:00 to 19:00 hours
Sunday	10:00 to 14:00 hours 16:00 to dusk (silent flight only as detailed in Condition 4)

Reason: In the interest of local amenity.

- 1.7. Condition 4 of this planning permission states:

“During permitted hours there shall be no more than six craft flown at any one time, comprising three powered craft (internal combustion) and three silent craft (electric and/or gliders); with the exception of Sundays between the hours of 16:00 and 20:00 when only silent craft may be flown.”

- 1.8. Consent is now being sought to amend Condition 3 of planning permission BA/2015/0055/COND to amend the hours and this proposal has been subject to a good deal of negotiation with the applicants. The proposed hours as originally submitted were subject to consultation in January 2019. The comments received were discussed with the applicants who responded by proposing reduced hours and this was subject to a second consultation in April. Further comments were received and these again were discussed with the applicants. A further reduction in hours was proposed and these were subject to a third consultation in June. Unfortunately the hours advertised were not correct and a final consultation took place in August.

- 1.9. These proposed hours, subject of this assessment, are as follows:

Table 3

1 May to 31 August inclusive

Day	Time	Difference to approved hours
Monday	1300 to 2100 (silent flight only as detailed in Condition 4)	+1
Tuesday	1030 to 1300 (silent flight only as detailed in Condition 4) 1400 to 2100	+2.5
Wednesday	1030 to 1300 (silent flight only as detailed in Condition 4) 1400 to 2100	+2.5
Thursday	1030 to 1300 (silent flight only as detailed in Condition 4) 1400 to 2100	+2.5
Friday	1300 to 2100 (silent flight only as detailed in Condition 4)	+1
Saturday	1100 to 1700	0
Sunday	1000 to 1400	-4

Combined total difference to approved hours: +5.5 hours

Table 4

1 September to 30 April inclusive

Day	Time	Difference to approved hours
Monday	1200 to sunset (silent flight only as detailed in Condition 4)	+1
Tuesday	1000 to 1200 (silent flight only as detailed in Condition 4) 1300 to sunset	+2

Day	Time	Difference to approved hours
Wednesday	1000 to 1200 (silent flight only as detailed in Condition 4) 1300 to sunset	+2
Thursday	1000 to 1200 (silent flight only as detailed in Condition 4) 1300 to sunset	+2
Friday	1200 to sunset (silent flight only as detailed in Condition 4)	+1
Saturday	1000 to 1700 (or sunset whichever is earlier)	0
Sunday	1000 to 1400	-1

Combined total difference to approved hours: +7 hours

2. Site history

- 2.1. In 2005 temporary consent was granted for change of use of agricultural land to land for the use by a model flying club. (District ref 2005/1475/CU).
- 2.2. In 2008 Members undertook a site visit to review BA/2008/0212/CU - Change of use of agricultural land to model flying club.
- 2.3. In 2008 consent was granted a change of use of agricultural land to model flying club. (BA/2008/0212/CU).
- 2.4. In 2009 consent was refused for retention of a non-residential static caravan for use as a club hut and storage unit and portable WC for club use. (BA/2009/0040/FUL).
- 2.5. In 2009 consent was granted for the siting of a wooden shed for use as a club hut, mower garage and toilet compartment (BA/2009/0268/FUL).
- 2.6. In 2015 consent was granted for the variation of condition 3 on pp BA/2008/0212/CU to allow electric silent flight only on Mondays and Fridays (BA/2015/0055/COND)

3. Consultations received

Parish Council

- 3.1. Councillors are still mindful that there is still considerable concern from residents over the noise levels.

At least one day at the weekend should be electric-only flying, preferably the Sundays.

There is a dislike and indeed mistrust of the one-hour "break".

The most recent set of proposals makes no stipulation of what they propose will be flying on Summer Sundays, and throughout the weekends in the Winter.

We cannot see that an ageing and dwindling Club membership (their words) needs to extend its hours beyond those already permitted, because the majority of members must surely be retired and can therefore fly as and when they like.

To sum up, we OBJECT most strongly to any increase in hours, and wish to impose more restrictions on I/C engine aircraft flying at weekends.

Compromise proposals were submitted (response 2 dated 15/4/19).

Natural England

- 3.2. Replied stating no comment.

Norfolk County Council (NCC) Highways

- 3.3. I note from the summary provided that the amended proposed flying hours now include an hour break between morning and afternoon sessions (Mon-Fri), which addresses the Highway Authority's previous comments. Therefore subject to any grant of variation of condition reflecting the stated amended hours the LHA raise no objection.

South Norfolk Council Environmental Protection

- 3.4. Please note that South Norfolk Council Environmental Protection were consulted but no response was received.

4. Representations

- 4.1. Eleven people from ten addresses responded. Two responses were in support of the application and nine responses raised objections.
- 4.2. The support is summarised as follows:
- No issues of noise or disturbance in six years
 - In terms of noise, the area supports much heavy agricultural activity, machine noise, and organised game shooting and wildfowling.
 - Electric models are very quiet indeed, as are the gliders.
- 4.3. The objections are summarised as follows:
- Constant loud and intrusive noise during flying hours
 - Noise is now louder, longer, and more intrusive than ever
 - The club does not adhere to no fly zones
 - Dependent on wind direction it can be heard all over the parish
 - The flying club claim they can not fly for 50% of the available time due to inclement weather, when the weather is nice and they are flying this is the same time residents would be outside enjoying the weather.

- Weekend flying happens when most people are likely to be at home, so IC flying then is at its most annoying.
- I would like to see total non IC flying but at the least there should be one clear day at the weekends.
- Electric models, while they may be quieter than combustion engine models, are certainly not silent.
- My own recommendation would be for a reversion to the earlier more restrictive time periods.
- The aircraft are becoming bigger and noisier.
- I cannot sit outside during the times the aircraft currently fly due to the persistent noise.
- The club's claim that no complaints have been recorded previously is false.
- In a quiet rural area the noise is extremely intrusive especially at weekends and when the weather is quiet or the breeze comes from the south.
- The noise results in very real irritation and indeed distress.
- The proposed flying of I.C. aircraft only at weekends, when most residents seek peaceful respite from the effects of the working week, should be carefully considered.
- Noise levels from each plane vary some are louder than others but they all share the same pitch and structure. EEEEEEEEEEEEEEEEEEEEEEE. Imagine this throughout the day and carrying on just as the stillness and quiet descends on Aldeby.
- A solution might be for the planes to fly east. I believe there are only fields in that direction so this could be a good accommodation.
- The current noise from the aircraft can be heard at least 1km away as there is no other background noise, so the sound carries a considerable distance which already causes significant annoyance.
- A continuous high pitched, whining noise is annoying, irritating and ruins the peace of the countryside.
- The very real distress caused to residents by the noise is genuine.

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:
 - Local Plan for the Broads (2019)

SP6 - Biodiversity

SP7 - Landscape Character

DM13 - Natural Environment

DM21 - Amenity

DM23 - Transport, Highways, and Access

- Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

6. Assessment

- 6.1. The proposal is for an amendment to condition 3 of the existing planning permission to allow for a change in the hours allowed for flying of model aircraft, these hours being divided between internal combustion powered planes, and electric powered planes and gliders (known as 'silent'). The main issues in the determination of this application are the impact on amenity, and highways safety.
- 6.2. The Waveney Model Flying Club has been operating with planning approval at this site since 2008, with the permitted hours and type of craft permitted during those hours specified in planning conditions attached to the planning approvals. The number of permitted hours was extended in 2015 through an application which was determined by Planning Committee following objections from the Parish Council and two local residents.
- 6.3. Through the consultation to this current application the level of objection from local residents has increased, and the Parish Council have maintained their opposition to any increase in hours. Whilst this local opposition is noted, the existence of the Model Flying Club at this location is established and the assessment of this proposal can only consider the proposal in hand, namely alterations to the approved hours.
- 6.4. In assessing the previous application to amend the approved flying hours it was accepted that the Model Flying Club activities are weather dependent, on average only 50% of the hours permitted were suitable for flying, and it was reasonable to add Monday and Friday to the approved 5 permitted flying days to allow flying 7 days a week for greater flexibility. The trend of there being only limited days suitable for flying has continued and in the last full year prior to application (2017) flying was only undertaken on 139 out of a possible 357 days, or 39%.
- 6.5. It is noted that the club have summer and winter hours stipulated on Condition 3, and it is proposed to alter these in the same way, but with slightly different overall hours due to dusk being that much earlier in winter. For example, whilst in summer the approved finish time is 9pm, in winter it is dusk which is on average around 5pm. In the context of

this application, this means fewer additional hours on weekdays but also a lesser reduction in hours at weekends. For the purpose of this assessment it is considered reasonable to concentrate on summer hours as due to the nature of the weather residents are more likely to have their windows open or be outside in the garden during summer which increases the potential for noise to impact on their amenity.

- 6.6. As originally submitted the current application sought an additional 4 hours on each weekday, along with 3 additional hours on Saturday and 2 additional hours on Sunday. Whilst the justification for the previous approval is still relevant and applicable – i.e. the activities are weather dependent and in practice only 50% of permitted hours are actually suitable - amending the hours further to the extent that the majority of each day would be permissible for flying had to be considered very carefully, particularly in light of the strength of local opposition to the proposal. In providing such a degree of flexibility as that originally proposed in this application, which allows for model aircraft flying at most times, it was noted that this could lead to an unacceptable lack of respite for local residents, and has the strong potential to further aggravate local residents who have written quite extensively on the issues regarding the noise of working model aircraft.
- 6.7. In addition to the local opposition, which comprised nine local residents from eight addresses and Aldeby Parish Council, it is noted that Norfolk County Council as Highways Authority maintained an objection to continuous hours across single days. This was on the basis that such hours would increase the likelihood of vehicles heading away from the site encountering vehicles approaching the site, with the unclassified road serving the site considered to be inadequate to cope with this.
- 6.8. The local opposition and highways objection were discussed with the applicant who was invited to consider amending the proposed hours. The proposal was subsequently amended (for the first time), to split the weekday flying hours into two segments with a lunchtime break, and to reduce the weekend flying hours. The amended proposal was subject to consultation, in response to which the highways objection was withdrawn. The local opposition, however, was maintained and in light of this and the daily coverage of hours further discussions took place, resulting in the discussion of (and consultation on) a number of proposed amendments.
- 6.9. The formal revision to the proposed hours, and the one which is being assessed in this report, is for a further reduction to the additional hours as proposed. It effectively adds three morning sessions to the weekdays, whilst retaining afternoon sessions on all five weekdays. An earlier start by one hour is proposed for afternoon only sessions on Monday and Friday. The duration on Saturday remains the same but with the start and finish moved two hours earlier. The Sunday session has been halved with a reduction of 4 hours.
- 6.10. Overall the proposed additional hours have been reduced from an original submission total of +25 summer hours compared to the existing hours, to a second revision total of +5.5 hours compared to the existing hours. Albeit that this is still an increase, it

represents a significant reduction from the original proposal and one which appears to reflect a consideration by the applicants of the amenity of neighbouring residents, and a reflection on the hours which are most suited to the club membership, with regard to the years of experience in running a club of this type.

- 6.11. A final consultation was carried out and the objectors were made aware of the reduction in hours. Five responses were received all maintaining their objections, and suggesting that Sundays should be silent. The Parish Council proposed that Sundays be electric only.
- 6.12. It is noted that the operation of the Club does have an impact on residential amenity locally, and it is understandable that local residents would wish to protect their amenity. It is also the case that the objective of the Club to increase flexibility and opportunity for members, particularly in light of over half the potential flying hours being lost due to unsuitable flying conditions, is not in principle unreasonable. Achieving a balance between the two competing positions is required.
- 6.13. Flying is already permitted on every day of the week and this will have a certain level of impact on the amenity of local residents. The essence of this application is whether the addition of three weekday morning sessions of 2.5 hours each along with an extra hour on the other two weekdays is sufficiently balanced by the removal of the Sunday afternoon session.
- 6.14. In terms of the weekday flying times, it should be noted that the additional hours proposed are for electric planes or gliders only which are less noisy than internal combustion planes. Whilst internal combustion planes would still be flown at weekends this is the same as the permitted hours, and with the Sunday afternoon electric only session removed there is an overall reduction of 4 hours in weekend flying time.
- 6.15. It should also be noted that whilst there have been 9 responses from 8 addresses objecting to the proposal, each one raising the issue of noise impact, no complaints have been received by either the Broads Authority or South Norfolk Council. This cannot be used as evidence to suggest that local residents do not experience a noise disturbance, what it does suggest is that the disturbance has not been considered as severe enough to warrant complaint to a relevant authority. It also means that no investigation has taken place of alleged breaches of the no-fly zone, so any such claims cannot be substantiated.
- 6.16. The proposed hours do represent a potential increase in activity at the site, but over the course of the week and at 5.5 hours in total, the increase is not considered unreasonable or excessive. The proposed hours are all for 'silent' flight which, although not absolutely silent, does represent the less intrusive of the two approved classifications of flight. The most important of the proposals is the three additional 2.5 hour morning sessions. These would take place on weekdays, whereas the reduction in hours is proposed for Sundays. The absence of an afternoon session on what is generally perceived as the quietest day of the week, and seemingly the day when the

largest proportion of people will be enjoying their homes, this would arguably make a more significant contribution to residential amenity than the addition of weekday mornings.

- 6.17. It is noted that additional hours are also proposed in the winter, totalling an increase of 7 hours per week. This would comprise an additional 1 hour on Monday and Friday mornings achieved by starting at midday instead of 13.00 and an additional 2 hours (10.00 – 12.00) on Tuesday, Wednesday and Thursday mornings, all of which would be silent flight. There would be no change on Saturday and the Sunday afternoon flying would cease at 14.00. On balance, and particularly because of the nature of the flying, it is considered that the impact of the additional hours through the week would be offset by the reduced impact on Sunday afternoon.
- 6.18. The site is located approximately 800m north of Barnby Broad and Marshes SSSI and questions have been asked regarding the impact on this designated area. Natural England have been consulted and replied stating no comment. It is noted that they raised no objection to the previous application. Given that model aircraft flying is an existing activity in this location, the absence of concern from Natural England is considered a reasonable measure of the acceptability of the club's activities in this location.
- 6.19. The Local Highway Authority raised an objection to the hours as initially proposed and requested a 1 hour break to ensure that opposing traffic movements are kept to a minimum. Amendments to the proposed hours have responded to this by providing a 1 hour break and the Local Highways Authority have removed their objection to the proposed additional hours.

7. Conclusion

- 7.1. The flying of model aircraft at the Waveney Model Flying Club site is established and permitted and the hours during which aircraft may be flown are well defined. The proposed amendment to the approved flying hours at the Waveney Model Flying Club site would increase the potential flying hours per week by 5.5 hours (7 hours in winter), this includes establishing morning sessions on three weekdays, and reducing flying hours on Sunday by removing the afternoon session. The proposed additional hours are all for 'silent' flight, and the removal of the Sunday afternoon session will make a significant contribution to residential amenity which is considered to strike a reasonable balance against the additional morning sessions. Whilst local opposition is acknowledged, it is not considered that there would be sufficiently significant adverse impacts on neighbouring amenity to justify a refusal of planning permission. Overall the addition of 5.5 hours (7 hours in winter) is considered to be a reasonable and minor addition. The proposal is considered acceptable with regard to potential impacts on highways and designated sites. It is therefore considered that the proposed hours are acceptable with regard to Policies DM13, DM21, and DM23 of the Local Plan for the Broads.

8. Recommendation

8.1. Approve subject to conditons

- i. Standard time limit;
- ii. In accordance with submitted plans;
- iii. Operation only during permitted hours;
- iv. Limit on number of craft and definition of craft type;
- v. No flying within 200 metres of noise sensitive premises including any domestic curtilage
- vi. Limit on noise emitted by individual craft;
- vii. Access, parking and fencing details on site to be maintained as approved; and
- viii. Written record maintained of site use.

9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM13, DM21, and DM23 of the Local Plan for the Broads (2019), and the National Planning Policy Framework (2019) which is a material consideration in the determination of this application.

Author: Nigel Catherall

Date of report: 27 September 2019

Background papers: Application File BA/2018/0505/COND

Appendix 1 – Location map

Appendix 1

Location map



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Planning Committee

11 October 2019

Agenda item number 9

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

That the report be noted.

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

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Site being monitored and discussions with landowner. • Landowner proposals unacceptable. Further deadline given. • Case under review. • Negotiations underway. • Planning Application under consideration December 2018. • Planning application withdrawn and negotiations underway regarding re-submission. • Works undertaken to improve appearance of building. • Revised planning application submitted 1 April 2019. • Planning Committee 19 July 2019: Resolution to grant planning permission • Arson at building, with severe damage 18 August 2019. • Discussions around securing building and partial demolition 19 August 2019
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. • Site being monitored. • Planning Contravention Notices served 1 March 2019. • Site being monitored 14 August 2019 • Further caravan on-site 16 September 2019

Author: Cally Smith

Date of report: 27 September 2019

Planning Committee

11 October 2019

Agenda item number 10

Consultation documents and proposed response

Report by Planning Policy Officer

Summary

This report outlines the proposed officer response to recently received planning policy consultations, and invites comments or guidance from members.

Recommendation

To note the report and endorse the proposed response.

1. Introduction

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

Author: Natalie Beal

Date of report: 27 September 2019

[Broads Plan](#) objectives

Appendix 1 – Planning policy consultations received

Appendix 1

Planning policy consultations received

Organisation: Great Yarmouth Borough Council

Document: Consultation on the Great Yarmouth Draft Local Plan Part 2 - Further Focused Changes <https://great-yarmouth-consult.objective.co.uk/portal/lpp2/2019>

Due date: 6 October 2019 – extension agreed

Status: Draft Local Plan focused changes

Proposed level: Planning Committee endorsed

Notes

The current consultation follows an initial consultation that took place between August and September 2018 on the Council's Draft Local Plan Part 2 (Development Management Policies, Site Allocations and Revised Housing Target). Following representations received during the 2018 consultation, it has been considered necessary to obtain views on several 'significant' changes to the emerging Draft Local Plan Part 2 before the Council prepares its Proposed Plan, i.e. the one it proposes to adopt.

These 'further focused changes' include a number of additional site allocations, new detailed policies, and some specific significant amendments to previously consulted policies. **Views are being sought on these 'further focused changes' only.** Views are not being sought on the draft policies or allocations included in the 2018 Draft Local Plan Part 2 consultation, other than where they have been identified as significant amendments subject to the 'further focused changes' consultation.

All comments received through this consultation (and alongside those submitted during the 2018 consultation) will inform refinements and amendments to the Local Plan Part 2, before it is finalised by the Council for submission to examination. Once it is completed and adopted, the Local Plan Part 2 will provide the detailed policies to help achieve the general type and distribution of development for the plan period up to 2030 already decided by the Core Strategy (Local Plan Part 1), which the Council adopted in 2015.

Proposed response

ADP4 (page 56) – criterion 1 – need to weave in impact on setting of heritage assets and also setting of the Broads

Note and support that some sites near or adjacent to the Broads are not allocated – pages 90, 94, 100

Organisation: Norfolk County Council

Document: Great Yarmouth Transport Strategy

<https://norfolk.citizenspace.com/consultation/great-yarmouth-transport-strategy/>

Due date: 11 October 2019

Status: Draft

Proposed level: Planning Committee endorsed

Notes

Transport improvements are fundamental to achieving sustainable housing and economic growth in Great Yarmouth, tackling inequality, improving health and supporting regeneration. Improving walking, cycling and public transport will enable existing and future, residents, visitors and employees to choose cleaner and healthier ways to travel. Great Yarmouth therefore needs a strategy to enhance existing transport networks that will support existing and new communities.

The Great Yarmouth Transport Strategy sets out the transport vision for Great Yarmouth, highlighting the challenges and opportunities along with the transport infrastructure that needs to be delivered within the short, medium and long-term to enable growth to come forward sustainably as well as supporting existing local communities.

Proposed response

Page 2, right hand column, second box and para 2.2.1 – isn't single occupancy car use the issue? Car sharing is good?

Page 3, left hand column, bullet points – what have the last five bullets got to do with transport?

3.1.2 – say 'Broads' or 'Norfolk and Suffolk Broads'

3.1.14 – why is uptake low?

Page 12 – second column box – tourism is not mentioned – section 3.2.4 quotes it as important to the economy.

Page 13 – the previous section had major employment destinations. What are the destinations that the community go to? Also, what are the major tourist destinations?

3.3.1 – What do you mean: **are** highly attractive or **should be** highly attractive – as in lots of people already walk and cycle or could? Does 3.4.2 data show a very good trend?

3.3.7 – how will the third river crossing affect this?

3.3.11 – I don't think 'amenity' is a great word... what does it actually mean in this instance?

3.3.13 - how will the third river crossing affect this?

Page 28 – what severity of accidents are included and how many make a ‘cluster’? Map could be seen as misleading without some context.

3.3.22 – presentation issue – why is the fourth fatal accident not a square bullet?

3.3.31 – 8 years old – does this need updating?

Page 31 – pie chart is blurry

Page 33 – could say that the Local Plan for the Broads Authority is the other Local Plan relevant to the area, although it has much smaller housing requirement. You could also refer to our adopted policy on Acle Straight SSA47.

Page 39 and 46 and 54 and 65 – the order of the projects is car first. I would have expected that to be last as ideally more people should use active travel as suggested in 3.3.1.

Pag 42 – SC15 – what about retrofitting travel plans to businesses and communities already in place? Think MA2, page 81 might address this?

Some of the actions are further studies and some are actual on-site projects – suggest this is made obvious.

Section 4 has some projects. Section 6 has more projects. What is the difference and why in two different chapters?

Page 58, SS1 – is cost an issue with the trains, as discussed earlier in the document?

Page 62, SA3 – Do you need to do a walking and cycling network first using origins and destinations to determine key routes and then identify changes?

Page 63, SA5 – do all the induction loops pick up cyclists at junctions? If they don’t it leads to cyclists being ignored and leading to jumping red lights

Section 6.5.1 onwards – Not evidenced that increasing capacity of junctions will promote modal shift

Page 74, MS1 – dis-benefit would be impact on protected landscape (Broads) and conservation area and area of good dark skies etc. The Broads Authority need to be identified as a stakeholder.

7.2.1, 7.5.2 – also include the Broads Authority

Work needed to look at measures to address potential conflict between different users – cars, cyclists and pedestrians. Patterns of behaviour can exacerbate this, so there would be scope for education on behaviours or community projects (‘softer’ projects) within the strategy.

Community projects could also address speeding.

No mention of police enforcement of traffic laws.

Changing the way tourists travel to Great Yarmouth would have real impact on greenhouse gas reduction and congestion.

Planning Committee

11 October 2019

Agenda item number 11

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

Report by Administrative Officer

Summary

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

Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
APP/E9505/W/19/3220113 BA/2018/0259/OUT	Mrs Gillian Miller	Appeal received by BA on 11 January 2019. Start Date 11 March 2019.	Nursery View Burghwood Road Ormesby Great Yarmouth	Appeal against refusal of planning permission: Erect 4 no. detached dwellings of 1.5 storeys high, with garages and access.	Delegated Decision on 3 October 2018. Notification letters by 18 March 2019. Statement sent by 15 April 2019. Appeal Dismissed 25 September 2019

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
APP/E9505/W/19/3226955 BA/2018/0303/FUL	Mr Grant Hardy	Appeal submitted 17 April 2019. Start Date 1 May 2019.	Thatched Cottage Watergate Priory Farm Beccles Road St Olaves Norfolk	Appeal against refusal of planning Permission: Erection of dwelling	Delegated Decision 20 December 2018. Notification Letters by 8 May. Statement by 5 June 2019. Inspector site visit scheduled for 15 July 2019, but postponed by Planning Inspectorate. New date awaited.
APP/E9505/W/19/3233093 BA/2018/0460/FUL	Wayford Marina Ltd.	Appeal submitted 12 July 2019. Start date 29 July 2019.	Wayford Marina Wayford Road Wayford Bridge Wayford	Appeal against refusal of planning permission: Erection of 5 holiday lodges. Enlarge boat wash facilities	Delegated Decision 12 February 2019. Notification Letters by 5 August 2019. Statement of Case by 2 September 2019.
APP/E9505/W/19/3237552 BA/2019/0214/FUL	James Knight LEF Trading Ltd	Appeal submitted 19 September 2019. Awaiting start date from Planning Inspectorate	Land off Staitheway Road, Wroxham	Appeal against refusal of planning permission: Erection of two dwellings	Committee decision 16 August 2019 and decision issued 21 August 2019.

Author: Sandra Beckett

Date of report: 27 September 2019

Background papers: BA appeal and application files

Planning Committee

11 October 2019

Agenda item number 12

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 29 August to 27 September 2019.

Recommendation

That the report be noted.

Parish	Application	Site	Applicant	Proposal	Decision
Beccles Town Council -	BA/2019/0134/FUL	The Quay Fen Lane Beccles Suffolk NR34 9BH	Mr Charlie Middleton	Renewal of 85m of piling and quay heading along the eastern bank of the River Waveney to the south of the A146 Road Bridge	Approve Subject to Conditions
Beccles Town Council -	BA/2019/0202/ADV	Morrisons George Westwood Way Beccles NR34 9EJ	WM Morrison Supermarkets PLC	Sign 1 - 900mm Morrisons Letter with Core logo, sign 2 - internally illuminated motif box, sign 3 - internally	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
				illuminated motif box, sign 4 - 900mm Morrisons Letters with Condensed logo, sign 6 - internally illuminated motif box, sign 7 - internally illuminated canopy sign, sign 8 - internally illuminated kiosk sign, sign 9 - internally illuminated car wash sign.	
Cantley, Limpenhoe And Southwood -	BA/2019/0232/HOUSEH	Belmont Marsh Road Cantley Norwich NR13 3HU	Mr P Dunthorne	Single storey extension to west elevation.	Approve Subject to Conditions
Haddiscoe And Toft Monks PC	BA/2019/0233/FUL	Land At Low Road Haddiscoe NR14 6AA	Mr Shirley	Erection of a replacement building that is currently insecure	Approve Subject to Conditions
Haddiscoe And Toft Monks PC	BA/2019/0167/FUL	Piling Left Bank Of Haddiscoe Cut North Of Haddiscoe Dam (A143) Northern River Edge	Mr Mitchelmore	Driving/removal/maintenance of piling & re-grading 126m of the river's edge.	Approve Subject to Conditions
Horning Parish Council -	BA/2019/0251/COND	Sunrise, Mooring Plot 6, Cold Harbour Road Thurne	Mr Habgood	Change of composting toilet location, variation of condition 2 of permission BA/2017/0307/FUL	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Hoveton Parish Council -	BA/2019/0212/COND	Summerville Brimbelow Road Hoveton Norfolk NR12 8UJ	Mr Bran & Mrs Susan Cadamy	Remove occupation restriction, condition 2 of permission BA/1987/3541/HISTAP.	Approve Subject to Conditions
Hoveton Parish Council -	BA/2019/0250/HOUSEH	5 Palmers Lane Hoveton NR12 8JJ	Mr Tom Laxon	Two storey side, single storey front & rear extensions	Approve Subject to Conditions
Oulton Broad Parish Council -	BA/2019/0146/HOUSEH	Driftway Broadview Road Lowestoft Suffolk NR32 3PL	Mr & Mrs Jones	Demolish conservatory & erection of replacement garden room. Replacement outbuilding and alteration to studio.	Approve Subject to Conditions
Oulton Broad Parish Council -	BA/2019/0260/HOUSEH	Pegasus Lodge Pegasus Mews Lowestoft Suffolk NR32 3PE	Mrs Rebecca Clement	Replace windows & balcony to the south & east elevations. Renew chimney flaunching and increase chimney height. Replace windows to the north elevation with uPVC.	Approve Subject to Conditions
Oulton Parish Council	BA/2019/0222/FUL	Oulton Dyke Fisher Row Oulton Broad Lowestoft Suffolk	Mr Mitchelmore	15m piling driven into the river bed. The tie rods, whaling, and anchors removed. Retained pile downstream returned to the bank. Erosion protection installed if required.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Reedham Parish Council	BA/2019/0184/HOUSEH	The Pink House 36 Riverside Reedham Norwich NR13 3TF	Mr M Church	New extension to east and west of dwelling, raising of roof, first floor front extension including balcony and removal of front dormers and creation of balcony.	Approve Subject to Conditions
Thorpe St Andrew Town Council	BA/2019/0230/FUL	Norfolk Garden Supplies 54B Yarmouth Road Thorpe St Andrew Norwich NR7 0HE	Mr Matthew Hales	Regularisation of existing uses and buildings for car wash, offices and garden centre and construction of new buildings/structures for waiting area, showrooms, offices, and car wash area.	Approve Subject to Conditions
Trowse With Newton Parish Council	BA/2019/0238/FUL	Whitlingham Outdoor Centre Whitlingham Lane Trowse Norfolk NR14 8TR	Norfolk County Council	Recladding of existing cabins (pod no's 1 and 3).	Approve Subject to Conditions
Wroxham Parish Council -	BA/2019/0258/HOUSEH	The Summerhouse Beech Road Wroxham Norwich NR12 8TP	Mr & Mrs Elbourne	Single storey extension, conversion of roof space & erection of outbuilding	Approve Subject to Conditions

Author: Cally Smith

Date of report: 27 September 2019