

Planning Committee

AGENDA

Friday 20 July 2018

10.00am

- | | Page |
|--|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 22 June 2018 (herewith) | 3 - 15 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

BA/2018/0137/FUL Lynwood, Irstead Road, Neatishead,
NR12 8BJ

16 – 24

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9. Enforcement Update Report by Head of Planning (herewith)	25 – 28
10. Flood Risk and Strategic Flood Risk Assessment SFRA : Updated Joint Position Statement with Environment Agency Report by Planning Policy Officer (herewith)	29 – 34
11. Confirmation of Tree Preservation Orders TPOs Report by Historic Environment Manager (herewith)	35 – 39
12. Article 4 Directions Report by Planning Policy Officer and Head of Planning (herewith)	40 – 83
13. Consultation Documents and Proposed Responses: Norfolk County Council Suffolk County Council Report by Planning Policy Officer (herewith)	84 – 91

MATTERS FOR INFORMATION

14. Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	92 – 93
15. Decisions made by Officers under Delegated Powers Report by Head of Planning (herewith)	94 – 95
16. To note the date of the next meeting – Friday 17 August 2018 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich NR1 1RY	

Broads Authority
Planning Committee

Minutes of the meeting held on 22 June 2018

Present:

In the Chair - Mrs Melanie Vigo di Gallidoro

Prof J Burgess
Mr W Dickson
Ms G Harris
Mr B Keith

Mr P Rice
Mr H Thirtle
Mr V Thomson

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (Minute 12/8(2))
Mr D Harris – the Solicitor and Monitoring Officer
Mrs K Judson – Planning Officer (Minute 12/8(3) & (4))
Mr C Pollock – Planning Assistant
Ms C Smith – Head of Planning
Mrs M-P Tighe – Director of Strategic Services

Members of the Public in attendance who spoke:

**BA/2018/0152/FUL Mill View, Meadow Chapel Road, Runham,
Mautby**

Mr Graham Lindsay	Objector
Mr David Watts	Applicant

BA/2017/ 0168/FUL 4 Bureside Estate, Crabbetts Marsh, Horning

Mr Peter Jackson	Applicant
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12/1 Apologies for Absence and Welcome

The Chair welcomed everyone to the meeting.

Apologies had been received from Mr Mike Barnard, Mrs Lana Hemsall and Mr John Timewell.

12/2 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.

The Chair introduced and welcomed Calum Pollock as the new Planning Assistant.

12/3 Minutes: 25 May 2018

The minutes of the meeting held on 25 May 2018 were agreed as a correct record and signed by the Chair.

12/4 Points of Information Arising from the Minutes

Greater Norwich Development Partnership

The Chair reported that she had attended the meeting of the Greater Norwich Development Partnership Forum on Tuesday 19 June 2018. The Forum was not a decision making body but made recommendations to the three Local Planning Authorities (Broadland, Norwich and South Norfolk). The Authority was involved as an interested partner and as part of the Duty to Co-operate. The main items of discussion had been the outcome of the consultations on the Greater Norwich Local Plan focussing on the proposed 7,200 houses for 2036, with over 4,000 responses received; and the time line for the next steps. The partnership had recommended that the plan be extended to 2021 so as to take account of the newly submitted sites and to give opportunity for further consultation.

Broads Local Plan

The independent public examination was due to take place between 2 – 6 July 2018 and 16 – 20 July 2018. Members had been notified of the dates and all were welcome to attend as observers at some stage if they wished.

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

No items of urgent business had been proposed.

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

(1) The Openness of Local Government Bodies Regulations

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

(2) Public Speaking

The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee and members of the public were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented. They were reminded that as the meeting was being recorded, any information they provided should be appropriate for the public. They were requested not to give out any sensitive personal

information unless they felt this was necessary to support what they were saying and would not mind others being aware of it.

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

No requests to defer consideration of any applications had been received. The Chair commented that she did not intend to vary the order of the agenda.

12/8 Applications for Planning Permission

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

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

- (1) BA/2018/0152/FUL Mill View Meadow, Chapel Road, Runham, Mautby** 4 Glamping pods and associated facilities
Applicant: Mr David Watts

The Head of Planning provided a detailed presentation and assessment of the application to develop a parcel of agricultural land of less than an acre, to site four cedar clad glamping pods and associated facilities including car park. The purpose was to provide a form of farm diversification. The site had views out across the marshes to the river and the glamping pods would be provided with all facilities including those for cooking, washing and toilet and would be connected to a septic tank, therefore avoiding the need for a separate shower/toilet block on site. The majority of the site would remain open and the pods would be situated at the back of the site in order to reduce the visual impact into the landscape and they would be well screened. The applicant had prepared a management plan for the site, which included a proviso that there should be no noise after 10pm.

The Head of Planning drew attention to the consultations received stating that one further letter had been received since the report had been written in support of the application on the basis that the development would help to encourage local tourism.

The Head of Planning pointed out that the paragraphs 28 and 115 of the NPPF and DP14 were most relevant in assessing the application and carefully took into account each of the criteria.

The Head of Planning concluded that the proposal for 4 glamping pods and associated car park was acceptable in principle. Although there were landscape impacts these were not considered to be of such a

magnitude as to justify a refusal of planning permission, and there were also benefits to the rural economy. There would also be no significant impact on the highway network, ecology or neighbouring amenity. The proposal was therefore considered to be in accordance with the relevant Development Plan Policies, in particular satisfying the criteria of Policy DP14, the NPPF and it was recommended for approval.

Mr Graham Lindsey, a local resident explained that although he objected to the current application, he considered that it might be more acceptable if certain aspects were addressed. These included a more detailed and sensible layout of the site to take account of the proximity of neighbours, restriction on tents and any other camping provision, appropriate noise restrictions, and a rejection of all year round use, the latter points being of considerable concern to the parish council.

Mr David Watts, the applicant explained that he farmed 200 acres of predominantly arable land and there was a considerable need to diversify due to the removal of the farm payments. He considered that being within the Broads National Park, the site was geographically well placed to provide some form of tourism facility, being an attractive meadow site especially with its open marsh views. The current use of the site had limited income generation. He had examined other locations but none were as suitable either practically, as attractive or any further away from residential properties. He had no intention of further expansion as he wished to maintain a peaceful character for the site, attracting those who appreciated it as such and wished to have quiet enjoyment. He explained that the site would be well screened and the indicated layout was the most suitable. Having taken advice from others with experience, only 1 car parking space per pod was to be provided in the informal car park area, and this was considered appropriate. There could be other space available within his operation if required. He explained that he lived within the village not far from the proposed site and he would be the point of contact if there were any problems. It was intended to employ local people to help manage the site. He assured the Committee that the site would operate a no noise after 10pm policy which would be monitored.

Members expressed some concerns about the management of the site, possible noise management and its enforcement and had sought reassurances from officers and the applicant on these points. They took account of the distances of the proposal from other residential properties. In general they supported the application since it appeared to be an appropriate form of development in the context of the whole site and was a suitable diversification conforming to sustainable tourism. It was an opportunity to enjoy the national park landscape in a quiet way. They were assured that the owner was located within the vicinity and accepted that the quiet use being advocated was appropriate. The fact that the development would contribute to local employment and the local economy was helpful. They considered that the conditions for the management of the site should specifically

include the display of contact details of the owner, and highlight the policy of no noise after a specific time, but did not propose further conditions to this effect.

Jacquie Burgess proposed, seconded by Vic Thomson and it was RESOLVED by 6 votes to 0 with 1 abstention.

that the application be approved subject to the conditions outlined within the report, taking account of the concerns about management and noise. The proposal is considered to be acceptable in respect of Planning Policy and in particular in accordance with the National Planning Policy Framework and Policies DP1, DP2, DP4, DP11, DP14, DP15 and DP28 of the Development Management DPD, as the development is considered an appropriate form of farm diversification protecting rural employment, with no significant adverse impact on the landscape, neighbouring amenity, highway network or ecology subject to the recommended conditions.

(2) BA/2017/0168/FUL 4 Bureside Estate, Crabbetts Marsh, Horning
Single storey dwelling for holiday accommodation use
Applicant: Dr Peter Jackson

The Planning Officer provided a detailed presentation and assessment of the application to provide a single storey three bedroomed dwelling for holiday accommodation on a site that had extant planning permission (granted in 1997). Officers were satisfied that the development had commenced with the provision of piles for the approved dwelling and these would be used for the new proposed dwelling. The application was before Committee as a number of local objections had been received. The Planning Officer explained that the proposed building was to be set slightly further back from the river than the original proposed dwelling, would provide a more contemporary standard of accommodation by increasing the size and making alterations to the appearance. There was a mix of residential and holiday dwellings in the area and it was not unusual for holiday accommodation. The proposal also included extending the cut further into the land and removing the slipway. Therefore the works would not impede navigation of this stretch of the river.

The Planning Officer drew attention to the neighbour objections, reading out the main details, as set out in the report.

In assessing the application the Planning Officer gave consideration to the main issues relating to the site. The site was outside the development boundary, however, it benefited from extant planning permission (BA/1997/2191/HISTAP) and was in effect an application to vary a condition on the consent, and the principle had been established. The other main issues were design, landscape, amenity, flood risk, impact on the Horning catchment water recycling centre,

biodiversity and trees. The Planning Officer emphasised that the site benefited from an extant permission, sought to update the design which was simple and of a reasonable scale. Therefore it would not be detrimental to the character of the area and would not unduly impact on the amenity and privacy enjoyed by neighbouring residents. In conclusion the Planning Officer recommended approval subject to conditions.

Mr Peter Jackson the applicant explained that he had purchased the plot in 2016 and at every stage had sought the advice of the Authority's officers for which he expressed appreciation. He confirmed that he was intending to use the existing piles and aimed to update the design of the property to make it more economically viable. He had been advised that his original proposed height for 1 ½ storeys would not be appropriate and therefore he had amended the design which also helped to minimise overlooking. He also proposed to install a grey water recycling system as suggested and in accordance with the Environment Agency's details. He considered the revised proposal would meet with the Authority's policies.

Members were mindful of the objections but accepted that planning permission already existed. They considered that the plot was in a very prominent site and had been derelict for some time creating an eyesore in the river scene. They considered that the proposal was an improvement on the extant permission and would bring the development into the 21st century. The grey water recycling scheme was to be welcomed. They supported the application.

Paul Rice proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined in the report. The proposal is considered to be in accordance with Policies CS1 and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP12, DP13, and DP28 of the Development Plan Document (2011), Policy HOR1 of the Site Specific Policies Local Plan and the Joint Position Statement on Development in the Horning Water Recycling Centre Catchment, and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

(3) **BA/2018/ 0154/FUL Former site of the Broads Hotel Cottage, Station Road, Hoveton**

Temporary 5 year approval for 38 space public car park, plus widening of footpath

Applicant: Mr E Roy

The Planning Officer provided a detailed presentation and assessment of the application for a temporary 38 space public car park with

associated landscaping whilst a percentage of the car parking for the Roy's Department Store (Forge House) was displaced due to works being undertaken to construct a sizeable extension at the store. Part of the proposal also included widening of the footpath along Station Road. The site was at present being used as a temporary works compound under permitted development rights, but it was intended to move this to the main Roy's car park. It was not proposed to use the land for car parking on a permanent basis only to help with the shortfall for parking whilst the main development for the extension to Roys was taking place. It was noted that the proposal did conflict with the development plan in relation to expansion of car parking areas and would therefore be a departure, but was in compliance with other relevant policies which helped to weigh in favour of a temporary use.

The Planning Officer drew attention to the representations received particularly those from the Highways Authority and the objections from Wroxham Parish Council.

The Planning Officer took account of the main issues to be considered – the principle of the development, the need for the use, landscaping and design, highways, flood risk and amenity. In conclusion the Planning Officer was of the view that the use of the site as a temporary car park could be justified and potential future development of the site would not be restricted. She therefore recommended approval subject to conditions.

Members concurred with the Officer's assessment, considering that the proposal would make good use of the site in the interim, given its untidy state at present and the need for car parking spaces with the loss as a result of the ongoing construction of Roys. They were concerned that any approval for a temporary use did not set a precedent around a permanent car parking use, but were advised that the fact that this was being treated as a Departure from policy was an indication of the particular circumstances applicable here at this time and would not prejudice future options. They supported the application, particularly on the basis that it was only temporary.

Paul Rice proposed, seconded by Jacquie Burgess and it was

RESOLVED unanimously

that the application be approved for a temporary 5 year time limit or as required as temporary replacement parking for the duration of the use of the site at Forge House for the works compound, whichever is the shorter and subject to other conditions as outlined within the report and the Highways Informative. The principle of the proposal is considered to be in conflict with a number of policies but the proposal meets the three tests of compliance with other policies, the question of harm and would provide other benefits. The Proposal is in compliance with other relevant Policies DP2, DP4, and DP28 and DP29 of the Development

Management DPD, and HOV1 of the Site Specifics and Policy PUBHOV3 of the emerging Local Plan and there are material considerations which weigh in favour of a temporary use as replacement parking.

(4) **BA/2015/0393/FUL Ferry View Boatyard, Ferry View Estate, Horning**

Retrospective application for a new toilet block
Applicant: Richardson's Leisure Ltd.

The Planning Officer explained that the application was before the Committee as the Managing Director for the applicant was a Member of the Authority. The Solicitor and Monitoring Officer had confirmed that the matter had been dealt with in accordance with normal processes and procedures.

In conclusion the Planning Officer was of the view that the application was acceptable in respect of the impact of the principle of the development, sewerage, drainage, design, flood risk, access and amenity and therefore was recommended for approval.

Members concurred with the officer's assessment.

Haydn Thirtle proposed, seconded by Paul Rice and it was

RESOLVED unanimously

That the application be approved subject to the conditions as outlined within the report. The application is considered acceptable and to be in accordance with the NPPF and Policies DP3, DP4, DP11, DP20, DP28 and DP29 of the Development Management Policies DPD and Policies HOR1 and HOR7 of the Site Specific Policies DPD.

12/9 Enforcement Update

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

Barnes Brinkcraft (the non-compliance with a planning condition), An application had been received and the Navigation Committee had been consulted. They had agreed not to raise an objection provided that encroachment into the navigation did not extend beyond the limit of the barge originally moored in that location. Officers were looking into this.

Members thanked the officers for the updates.

RESOLVED

that the report be noted.

12/10 Duty to Cooperate: Broads Local Plan Habitats Regulations Assessment –amended version

The Committee received a report on the amended version of the Habitats Regulation Assessment (HRA) for the Local Plan for the Broads, originally adopted by the Authority in September 2017, after a recent Court of Justice of the European Union judgment relating to Habitat Regulation Assessments. The Inspector appointed to conduct the examination into the Broads Local Plan had specifically requested that the Authority take this into account and revisit the HRA that had been undertaken. It was noted that Natural England had described the original completed work on the HRA by Footprint Ecology as exemplary. Footprint Ecology in liaison with Natural England assessed the situation and provided a way forward as set out in an appendix to the report and proposed that the HRA be amended in light of the Judgement. This had been sent to the Planning Inspector in draft format as the Authority, as the Competent Authority needed to endorse the HRA .

RESOLVED unanimously

that the Planning Committee endorse the approach to meeting the requirements of the HRA Judgement and

RECOMMEND to Full Authority

that the revised HRA for the Local Plan for the Broads be endorsed.

12/11 Duty to Cooperate: Norfolk Strategic Planning Framework (NSPF) update

The Committee received a report providing the required update on the Norfolk Strategic Planning Framework, which had been endorsed by all the Local Planning Authorities in Norfolk in March 2018. As required by the emerging NPPF, a review had commenced with the aim of turning the NSPF into a Statement of Common Ground.

The Chair of the Authority reported that National Parks England and the Chair of the National Parks were endeavouring to ensure that National Parks and special landscape areas were protected and not weakened within the revised NPPF. A letter had been sent to Lord Gardner, Parliamentary Under Secretary of State for Rural Affairs and Biosecurity (Minister for landscape and National Parks).

RESOLVED

that the report be noted; and the work that is planned to review the NSPF and turn it into a Statement of Common Ground, plus additional work be endorsed.

12/12 Barnby Neighbourhood Plan: Designating Barnby as a Neighbourhood Area

The Authority received a report introducing the Barnby Neighbourhood Area with a view to developing a Neighbourhood Plan. It was noted that the proposed area was the entire parish including the Broads and there were no known or obvious reasons to not agree the Neighbourhood area.

Members recognised that producing a Neighbourhood Plan was challenging and involved a great deal of work, along similar lines for producing a Local Plan. Funds were available if the area fell within a Local Authority area. However, most of the areas of the Neighbourhood Plans adopted or to be undertaken within the Broads were not wholly within the Broads area.

RESOLVED

to approve Barnby becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

12/13 Neighbourhood Plan – Application for Area and Forum The Cathedral, Magdalen Street and St Augustine’s, Norwich

Gail Harris had declared a personal interest in the item and left the meeting.

The Committee received a report setting out the legal background to the designation of neighbourhood areas and neighbourhood forums, and in particular the issues regarding the proposed designations in Norwich, with special reference to the application for area and forum for the Cathedral, Magdalen Street and St Augustine’s. It was noted that the area within the Broads within the proposed Neighbourhood area was very small. Because Norwich is not parished, a Neighbourhood Forum needed to be set up. The Neighbourhood Forum membership was consulted on but it was concluded that the membership was not representative. It was noted that the Ward Member who was in the Forum has not been re-elected and it was a requirement of a Forum to have a Ward Member. Members noted that Membership had changed to be more representative but due to data protection concerns, the details of the membership were not able to be put into the public domain at this time. In addition the proposed area in question was considered to be too diverse and disparate in character for a Neighbourhood Area. Norwich City Council had therefore refused the application for a designation of a Neighbourhood area to cover the Cathedral, Magdalen and St Augustine’s and also the application for the Neighbourhood Forum to become the Designated Body as proposed. Officers recommended that the Authority supports the City Council’s decision for the reasons within the report.

Members had sympathy for those involved in the proposed Forum and commended them for wishing to become involved and for the amount of work already undertaken. However, they accepted the recommendation, noting that the alternative proposed smaller scale area would be more appropriate and

noting that the Broads Authority will not be involved in a decision making capacity for the new Neighbourhood Area because it did not include the Broads. Members thanked the Officers for the clear explanation of a complex situation.

Haydn Thirtle proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

- (i) to refuse the application for designation of the Cathedral, Magdalen and St Augustine's neighbourhood area for the reasons set out at paragraph 7.1 of Appendix A to the report; and,
- (ii) to refuse the application for designation of the Cathedral, Magdalen and St Augustine's neighbourhood forum as an appropriate body for neighbourhood planning for the reasons set out in paragraph 9.1 of Appendix A to the report.

12/14 Customer Satisfaction Survey 2018

The Committee received a report on the Customer Satisfaction Survey carried out from 1 January to 31 March 2018 as part of the Authority's commitment to best practice in delivery of the planning service. This involved a questionnaire to all applicants and agents who had received a decision on planning application during this period.

Although the number of responses had been slightly disappointing the overall feedback had been very positive and Members congratulated the staff on the outcome.

RESOLVED

that the report be noted.

12/15 Appeals to the Secretary of State

The Committee received a schedule of decisions to the Secretary of State since 1 June 2018. This was an appeal concerning the conditions attached to the outline permission for development at Hedera House, Thurne. A start date from the Inspectorate had not yet been received.

RESOLVED

that the report be noted.

12/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 9 May 2018 to 6 June 2018. It was noted that two of the applications dealt with under delegated powers had come through the

condition monitoring process. Members noted that the development for Bureside, Water Works Lane, Horning had been reduced and modified in scale from that which had been originally approved at Committee following a site visit in 2017.

RESOLVED

that the report be noted.

12/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 20 July 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich

The meeting concluded at 12.40 pm

CHAIRMAN

APPENDIX 1**Code of Conduct for Members****Declaration of Interests****Committee:** Planning Committee**Date of Meeting:** 22 June 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
W A Dickson	-	None other than those already declared
Paul Rice	Item 12/8(2) and (4) Item 12/9	Chairman Broads Society Chair of Horning Flood Forum. Ludham Bridge – attended site for NNDC
Haydn Thirtle	12/8(1)	Borough and County councilor for the area. Attended Parish meetings concerning the application. BA/2018/0152/FUL Mill View Meadow, Chapel Road, Runham
Bruce Keith	-	None other than those already declared
Gail Harris	12/13 Application for Neighbourhood area and Forum for the Cathedral Magdalen and St Augustine's Norwich	Personal interest- (non-pecuniary). Item was discussed at Norwich City Council recently where I had declared an interest and will follow suit here. I will leave the meeting and not take part in the debate or vote.

Reference:

BA/2018/0137/FUL

Location

Lynwood, Irstead Road, Neatishead

BA/2018/0137/FUL Lynwood, Irestead Road, Neatishead



Application for Determination
Report by Planning Officer (Compliance and Implementation)

Target Date	26.06.2018
Parish:	Neatishead Parish Council
Reference:	BA/2018/0137/FUL
Location:	Lynwood, Irstead Road, Neatishead, NR12 8BJ
Proposal:	Replacement dwelling
Applicant:	Mrs Christine Breden
Recommendation:	Approve subject to conditions
Reason for referral to Committee:	District Member request and objections received which raise material considerations of significant weight

1 Description of Site and Proposals

- 1.1 The application site contains a single storey residential bungalow within the rural Parish of Neatishead. The site sits on Neatishead Road, to the south of Limekiln Dyke and forms part of the Neatishead Conservation Area. A single storey bungalow is situated to the immediate west and a two storey dwelling sits to the immediate east. The plots are characterised by long linear rear gardens which stretch north to Limekiln Dyke, with the properties' main elevations facing the road to the south. Dwellings along this stretch of the road vary slightly in size but many are one and a half to two storeys high and are of a medium scale. The age of the properties also vary with older traditional dwellings being interspersed by newer properties.
- 1.2 The application is for the replacement of the single storey bungalow with a 1 and a half storey dwelling house. The existing dwelling is a 1960's construction, constructed with red brick and a concrete tiled roof. The replacement dwelling house is proposed to be constructed in red brick with clay pantiles. The joinery is proposed to be powder coated aluminium. The

existing road access is proposed to be retained. The design has been amended since the original submission following advice from our Conservation Officer and responding to a number of concerns raised by consultees and neighbours.

2 Site History

- 2.1 BA/1988/3390/HISTAP – Rear Extension to Bungalow – Approved subject to conditions

3 Consultations

- 3.1 Consultations received

Response to original plans

District Member- Irstead Road is a prominent and attractive route used by countless holidaymakers and visitors as they walk to the village shop, pub and village hall. It is important that any new build should be sensitive to the existing character and integrity of this road. From the present plan, it is my concern that the design does not reflect this.

Parish Council- The Parish Council would like to comment on the application BA/2018/0137/FUL, Lynwood, Irstead Road, Neatishead NR12 8BJ

The Parish Council are concerned by the size of the proposed extension and some concern was raised that the original footprint of the property includes paving that surrounds the property. The paving slabs should not be included in the original footprint.

This proposed extension to the front of the existing property will not be appropriate to the road in which it sits. It is not in the same style as the other properties and the houses sit back from the road, with the proposed extension this will change the visual aspect of this road.

There have been a number of concerns raised as to how the proposed extension may have impact to the neighbouring properties and feel that the concerns raised in the letter to you dated 14th May are genuine and many valid points have been raised that need to be seriously addressed. Therefore the parish council supports the comments raised in the letter and cannot approve the plans as they currently stand and would urge that as well as the issues raised in the letter be addressed but that the applicant reviews/alters their plans this.

Response to amended

District Member: To be reported orally

Parish Council: To be reported orally

3.2 Representations received

Response to original plans

2x Neighbour objection on grounds of:

- Location
- Building Line
- Scale
- Mass
- Height
- Design
- External Appearance
- Impact on Conservation Area
- Amenity – overlooking, overshadowing and visual amenity

Response to amended plans

1x Neighbour support

4 Policies

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

NPPF

Development-Management-DPD2011

DP1- Natural Environment

DP2- Landscape and Trees

DP4- Design

DP11- Access on Land

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

DP5- Historic Environment

DP28- Amenity

4.3 The following Policies have been assessed for consistency with the NPPF and have found to not accord with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

DP24- Replacement Dwellings

5 Assessment

- 5.1 In terms of the assessment of this proposal the main matters to be considered include the principle of the development, design, impact on the character of the Conservation Area, amenity, trees, access and ecology.

Principle

- 5.2 Policy DP24 allows for the replacement of existing dwellings on a one for one basis so long as the existing dwelling has a lawful residential use. This dwelling has an established residential use and as the proposal is for a single replacement it is considered acceptable in principle. Policy DP24 has other criteria covering design, replacement on the same footprint and the existing dwelling having no historic or architectural significance making it worthy of retention, which will be assessed below.

Design

- 5.3 In terms of design, Policy DP24 highlights that the replacement should be located on the same building footprint as the existing dwelling, or in an area which would make it less visually prominent. The replacement is proposed to be on the same building footprint as the existing dwelling which is considered appropriate and in character with the existing building line of the street. The existing dwelling, which is of a simple 1960's construction, is of no particular historic or architectural merit making it worthy of retention. It is therefore considered that the proposal does accord with the design criteria of policy DP24 also.

Impact on the Character of the Conservation Area

- 5.4 Turning to wider design matters, covered by Policies DP4 and DP5, it is acknowledged that a number of the concerns highlighted by consultees and neighbours concentrate on the design of the proposed dwelling. The design has been amended since the original submission following advice from our Conservation Officer and responding to a number of concerns raised by consultees and neighbours. One neighbour has now withdrawn their objection and supports the proposal following the submission of the amended plans leaving one objection from a neighbour. Although it is appreciated that the proposed dwelling will be larger in scale than the existing bungalow, the scale is considered appropriate given the high percentage of one and a half to two storey dwellings which exist in the immediate area. Originally the replacement was proposed to take the full width of the footprint of the bungalow to one and a half storeys high. The proposal was amended to reduce the width of the one and a half storey element which significantly breaks the massing of the building. A garage element has been removed, the proposed dormers have been re-designed to take on a more sympathetic form, and a front single storey element has been re-designed to be of a more traditional form, consistent to the more traditional character of the street and wider Conservation Area. An integrated panel of photovoltaics (PV) are proposed for the front elevation. The fact that the panel will be integrated, rather than

retro fitted, will improve the visual impact. Additionally, a number of properties along the road have PV panels installed under permitted development rights and their inclusion on the replacement dwelling is therefore considered acceptable. The brickwork, tile roof and powder coated joinery proposed is considered appropriate. However, it is considered that design detailing such as materials, hard and soft landscaping, joinery details, should be conditioned to ensure the details are appropriate. The proposal is therefore considered consistent with Policies DP4 and DP5 of the Development Management Policies DPD.

Amenity

- 5.5 Turning to impact on amenity, the dwelling to the immediate west is a single storey bungalow and the dwelling to the immediate east is a two storey dwelling house. The application was amended to reduce the massing of the proposed replacement dwelling, and consequent impact on amenity. The proposal was also amended to remove windows from the east elevation of the property, which faces the bungalow, to reduce overlooking. Obscure glazing is proposed for the west elevation, which faces the two storey dwelling house, which is considered appropriate subject to the details being submitted via condition. Whilst it is appreciated that the increase in scale of this dwelling will leave a single storey bungalow in between two x one and a half storey dwellings, given the orientation of the proposed replacement dwelling, which sits in-line with the two neighbouring dwellings (slightly behind the neighbour to the immediate east), and the spaces which exist in between the dwellings, it is not considered that the replacement dwelling will be overbearing or cause significant overshadowing. Taking into account the amendments which have been submitted it is not considered that there will be an adverse impact on amenity as a result of the proposals. It is therefore considered that the proposal accords with policy DP28 of the Development Management Policies DPD (2011). For clarification, whilst objections were received from two neighbouring properties, the neighbour in the bungalow (ie one of the closet properties) was not one of these; furthermore one of the neighbours who originally objected on amenity grounds has withdrawn their objection following the submission of the amended plans.

Trees

- 5.6 Large trees do exist on site and do contribute significantly to the wider character of the Conservation Area, it would therefore be preferable for them to be retained. The proposal does not include the removal of any trees, and trees close to the development are proposed to be protected through the course of development which is welcomed. Additional planting is proposed in the rear garden which is welcomed. There are currently concerns regarding the accuracy of the information provided, particularly regarding trees closest to the development site and additional information has been requested in this regard. Subject to the additional information being submitted and allaying concerns over accuracy, it is considered that there will be no adverse impact on trees as a result of the proposal, in accordance with Policy DP2 of the

Development Management Policies DPD (2011). Members will, however, be updated verbally on the proposed impact on trees.

Access

- 5.7 The same site access is proposed to be retained and given that, it is not considered that the use of the site will significantly increase as a result of the proposal and the retention is considered appropriate. It is therefore considered that there will be no adverse impact on highway safety as a result of the proposal. It is therefore considered that the proposal accords with policy DP11 of the Development Management Policies DPD (2011).

Ecology

- 5.8 An ecological report was submitted with the application which found that there was a small potential for disturbance of nesting birds if works are undertaken in the bird breeding/nesting season; it also recommended biodiversity enhancements. Therefore, subject to a condition covering timing of the works and enhancements to be agreed it is not considered there would be an adverse impact on ecology as a result of the proposal. The additional planting proposed in the rear garden has been designed with a strong emphasis for biodiversity gain which is welcomed. It is therefore considered that the proposal accords with policy DP1 of the Development Management Policies DPD (2011).

6 Conclusion

- 6.1 In conclusion the replacement dwelling is considered appropriate by virtue of its massing, location, design and is considered in character with immediate street scene and the wider character of the Conservation Area. It is not considered there will be an adverse impact on amenity, trees, access or ecology.

7 Recommendation

Approve subjection to conditions

1. Standard Time Limit
2. In accordance with amended plans and documents (including Arboricultural Survey) submitted
3. Hard and soft landscaping scheme to be submitted
4. Materials to be submitted
5. Details of obscure glazing to be submitted
6. Large scale joinery details to be submitted
7. Details of solar panels to be submitted
8. Bat boxes to be checked prior to development
9. Timing of works (outside of bird breeding/nesting season) unless checked prior
10. Biodiversity Enhancements to be agreed prior to commencement of development

Informative-
Bats and Light Pollution

8 Reason for Recommendation

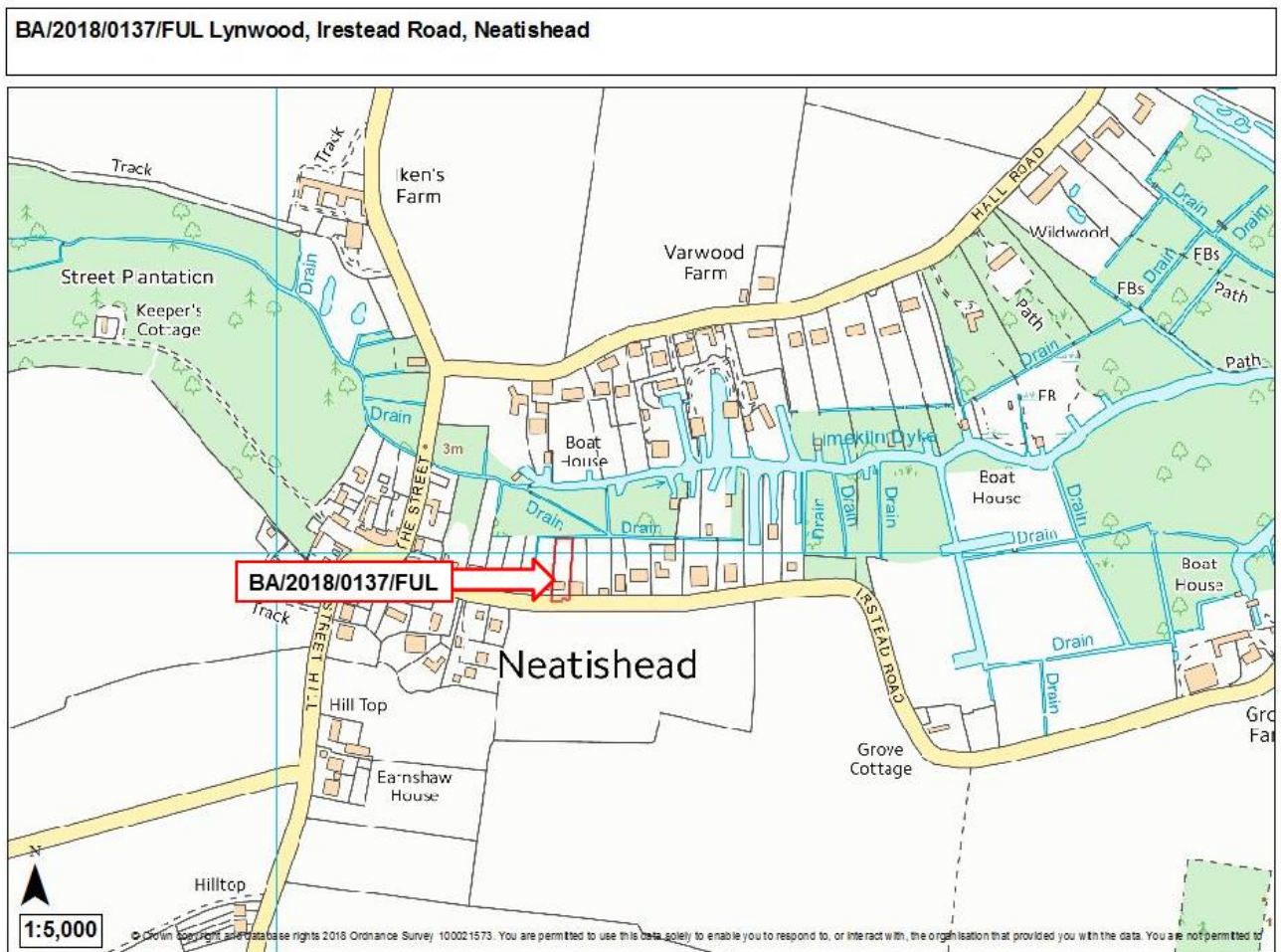
8.1 In the opinion of the Local Planning Authority the development accords with the NPPF and policies DP1, DP2, DP4, DP5, DP11, DP24 and DP28 of the Development Management Policies DPD (2011).

Background papers: BA/2018/0137/FUL

Author: Kayleigh Judson

Date of report: 5 July 2018

Appendices: Appendix 1 – Site location plan



Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016 and under

Committee Date	Location	Infringement	Action taken and current situation
			<p>consideration</p> <ul style="list-style-type: none"> • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required • Application for extension submitted 10 July 2017, including comprehensive landscaping proposals (BA/2017/0237/FUL) • Further details under consideration. • Application approved and compliance to be monitored in autumn • In monitoring programme
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential curtilage	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL; • if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution. • Enforcement Notice served on 8 March 2017 with compliance date 19 July 2017. • Appeal against Enforcement Notice submitted 13 April 2017, start date 22 May 2017 (See Appeals Schedule) • Planning application received on 30 May 2017 for retention of works as built. • Application deferred pending appeal decision. • Application refused 13 October 2017 • Appeal dismissed 9 January 2018, with compliance period varied to allow 6 months. • Compliance with Enforcement Notice required by 9 July 2018. • Site inspected on 21 February in respect of other

Committee Date	Location	Infringement	Action taken and current situation
			<p>conditions.</p> <ul style="list-style-type: none"> • Site monitoring on-going, with next compliance deadline 31 March 2018 • Site inspected 8 May 2018. Compliance underway in accordance with agreed timescales. Next monitoring scheduled for July 2018.
<p>31 March 2017</p> <p>26 May 2017</p>	<p>Former Marina Keys, Great Yarmouth</p>	<p>Untidy land and buildings</p>	<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. • Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued. • Monitoring • Further vandalism and deterioration. • Site being monitored and discussions with landowner • Landowner proposals unacceptable. Further deadline given. • Case under review • Negotiations underway
<p>5 January 2018</p>	<p>Barnes Brinkcraft, Riverside Estate, Hoveton</p>	<p>Non-compliance with planning condition resulting in encroachment into navigation of moored vessels</p>	<ul style="list-style-type: none"> • Authority given to negotiate solution • Meeting held 17 January and draft scheme to limit vessel length agreed in principle. Formal confirmation awaited. • Report to Navigation Committee on 22 February 2018 • Planning application required • Planning application in preparation • Planning application under consideration

Committee Date	Location	Infringement	Action taken and current situation
23 March 2018	Rear of Norfolk Broads Tourist Information and Activity Centre 10 Norwich Road Wroxham	Unauthorised development: free standing structure and associated lean-to.	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of the freestanding structure and associated lean- to with a compliance period of 6 months. • Enforcement Notice served 3 April 2018, with compliance date of 3 October 2018.
27 April 2018	Land north of Bridge Cottage, Ludham	Unauthorised retention of hardstanding and structures, plus erection of workshop	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring removal of the all unauthorised uses on site, the unauthorised hardstanding and removal of all the unauthorised structures including the fence surrounding the site, the shed, portacabin and shipping container and restoration of the land in accordance with condition 7 of planning permission BA/2009/0202/FUL with a compliance period of 3 months. • Enforcement Notice served 3 May 2018, with compliance date of 14 September 2018

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith

Date of report 4 July 2018

Appendices: Nil

**Flood Risk and Strategic Flood Risk Assessment
Updated Joint Position Statement with the Environment Agency**
Report by Planning Policy Officer

Summary:	The Joint Position Statement with the Environment Agency on flood risk has been updated.
Recommendation:	That the report is noted and the amended Joint Position Statement is endorsed.

1. Introduction

- 1.1 In May 2017 a Joint Position Statement was produced by the Broads Authority and Environment Agency. This can be found here:
http://www.broads-authority.gov.uk/_data/assets/pdf_file/0005/953402/App-C-Broads-Local-Plan-SFRA-Strategic-Flood-Risk-Assessment-Position-Statement-pc260517.pdf
- 1.2 The purpose of the Statement was to explain that part of the Broads will not be shown in detail in forthcoming Strategic Flood Risk Assessments (SFRA). This is because the area subject to the Broads Flood Risk Alleviation Project did not have an up to date model covering the area. The Statement explains that a model covering this area does exist but is out of date and that the Environment Agency intended to acquire the model and update it and that this would be completed by mid-2019.
- 1.3 This report provides an update on this process which has resulted in amendments to the Joint Position Statement.

2. Changes to the Joint Position Statement

- 2.1 The Joint Position Statement has been updated to reflect the following:
 - a. That the Norfolk SFRAs are completed and a link is included to the webpage hosting these SFRAs.
 - b. That until the Waveney SFRA is completed the Norfolk SFRA should be used to inform the Local Plan and determining Planning Applications as they provide information for Waveney District Council area as well.
 - c. To clarify the approach to flood zone 3b for both the Norfolk and Waveney SFRAs in areas where there is no modelling.
 - d. That the BESL model will not be available for use until around 2021 because the amendments needed to bring the model into a usable format are greater than expected.

2.2 A tracked version of the Joint Position Statement is attached at Appendix A and this shows the changes that have been made. On agreement by Planning Committee a final version not showing the tracked changes will be placed on the website and submitted to the Planning Inspector examining the Local Plan for the Broads.

3. Commentary

3.1 This delay in the model is regrettable, but the opinion of the Environment Agency and the Broads Authority is that this does not necessarily present an issue for the Local Plan and in determining planning applications as the Norfolk and Waveney SFRA promote a pre-cautionary approach anyway. The fundamental thrust of the original Statement (that the Local Plan's approach is acceptable in terms of flood risk even though flood risk to part of the Broads is not known in detail) is still valid despite the two year delay.

3.2 The final completion to updating the model could coincide with the next update to the SFRA which may be prudent in around three years' time in order to keep the strategic flood risk data up to date.

4. Financial implications

4.1 There are no financial implications as a result of the Joint Position Statement. The Authority may need to contribute to a revised Strategic Flood Risk Assessment around the time the model is ready to be used.

5. Recommendation

5.1 That Members note the report and endorse the amended Joint Position Statement.

Background papers: None

Author: Natalie Beal

Date of report: 5 July 2018

Appendices: Appendix A: Amended Joint Position Statement with the Environment Agency.



Strategic Flood Risk Assessment Position Statement
Produced by the Broads Authority and the Environment Agency
~~May 2017~~ July 2018

Introduction

The NPPF says *'Local Plans should be supported by a Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards'*.

The NPPG defines a Strategic Flood Risk Assessment (SFRA) as *'a study carried out by one or more local planning authorities to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk'*.

The NPPG goes on to say that Local Planning Authorities should use the SFRA to:

- *'determine the variations in risk from all sources of flooding across their areas, and also the risks to and from surrounding areas in the same flood catchment;*
- *inform the sustainability appraisal of the Local Plan, so that flood risk is fully taken into account when considering allocation options and in the preparation of plan policies, including policies for flood risk management to ensure that flood risk is not increased;*
- *apply the Sequential Test and, where necessary, the Exception Test when determining land use allocations;*
- *identify the requirements for site-specific flood risk assessments in particular locations, including those at risk from sources other than river and sea flooding;*
- *determine the acceptability of flood risk in relation to emergency planning capability;*
- *consider opportunities to reduce flood risk to existing communities and developments through better management of surface water, provision for conveyance and of storage for flood water'.*

The SFRA provides more detail than the Environment Agency Flood Map for Planning. For example, the current Broads SFRA modelled overtopping of the flood defences so it shows actual flood risk, based on data available at the time of assessment, whereas the defined flood zones don't take account of any defences. The current Broads SFRA also includes the effects of a breach in terms of likely hazard at a predetermined coastal location, shows areas of Functional Floodplain (flood zone 3b), and indicates how climate change is likely to lead to an increase flood risk.

SFRAs are very important when preparing a Local Plan as well as when determining Planning Applications.

This Position Paper seeks to explain the SFRA situation as it relates to the Broads Authority Executive Area and the production of the Broads Local Plan.

Strategic Flood Risk Assessment ~~2017-2018~~ update

~~The current SFRA that covers the Broads Authority Executive Area was produced in 2007/8 as part of a joint study also involving Broadland, Norwich, North Norfolk and South Norfolk. Due to its age, it does not include the most recent flood modelling data or climate change allowances. Furthermore, the 'BESL area' (as discussed later) was not assessed as part of this 2008 work (as defence work was being undertaken). As such, the Local Planning Authorities in Norfolk (except Breckland Council who had already completed their SFRA) decided to work together to produce an updated SFRA for most of Norfolk. The SFRA should be completed for this entire area by October 2017.~~

~~With regards to Waveney District Council, they were also producing a SFRA for their entire district (including that which is the Broads) at the time of writing with reporting on a similar time scale to the Norfolk SFRA.~~

~~SFRAs for Broadland, South Norfolk, Norwich, Great Yarmouth and North Norfolk have been produced and are adopted and can be found here: <http://www.broads-authority.gov.uk/planning/planning-policies/sfra/sfra>~~

~~At the time of writing, Waveney District Council were finalising their SFRA which will be of relevance to the Broads.~~

Until the Waveney SFRA is in place and adopted, the Environment Agency has agreed that the Broads Authority will use the Norfolk SFRAs that provide information for the Waveney part of the Broads. Those submitting planning applications will also be advised to follow this approach.

The 'BESL' model

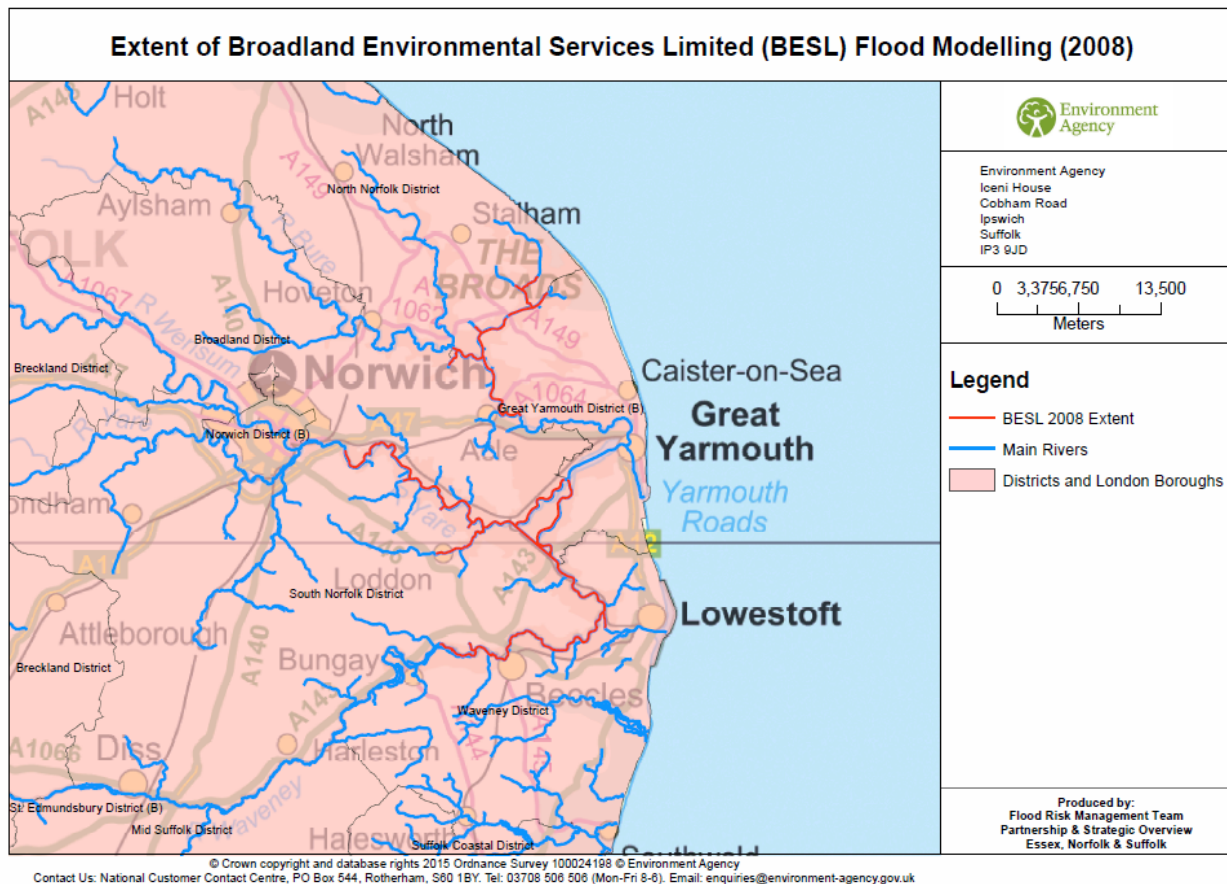
When compiling the Project Brief for the Norfolk SFRA and assessing the status of the flood risk models which the consultant would need to use to produce the SFRA, it became obvious that there was an issue with a model that covered a large area of Norfolk, centred mainly on the Broads.

The model in question is the 'Broads BESL model'. BESL stands for Broadland Environment Services Limited. This organisation was commissioned by the Environment Agency to deliver the Broadland Flood Alleviation Project which is a 20-year programme of flood defence improvement and maintenance works in the Norfolk and Suffolk Broads¹.

At the time of writing, the model is not owned by the Environment Agency, ~~so is not freely available to use. It also~~ but it will be transferred in due course. The model however requires further work to enable it to inform an SFRA.

¹ <http://bfap.org.uk/>

The area that is covered by the BESL model is shown in red on the following map. It can be seen that a large area of ~~the central part of~~ the Broads is covered by this model and therefore ~~will was not be~~ assessed as part of the current SFRA updates (both the Norfolk SFRA and the Waveney SFRA).



The agreed way forward

The following way forward has been agreed with the Environment Agency.

The Environment Agency intends to obtain the BESL model and ~~intend to~~ have it updated by ~~around the end of June 2019~~ 2021. They will run the model to effectively produce an equivalent to ~~the thea~~ SFRA level 1 ~~information. information that is being produced as part of the current ongoing SFRA updates for Norfolk and Waveney.~~

The current SFRA updates for Norfolk and Waveney ~~will provides~~ SFRA ~~level 1~~ information for the parts of the Broads not covered by the BESL model. In Norfolk, for the parts of the Broads covered by the BESL area, a precautionary approach is taken whereby the high risk flood zone (Flood Zone 3) risk is classed wholly as 'indicative Flood Zone 3b – functional floodplain'. This means that applications within this area will are likely to require a site-specific flood risk assessment to confirm the nature of the flood risk to the site and ensure that only appropriate development is considered. The Waveney SFRA adopts a similar approach, with the Report section making clear that Flood Zone 3 should be considered as Flood Zone 3b where there is not detailed modelling available.

~~By September 2017, some of the Broads Authority Executive Area will be assessed with flood risk data for zones 1, 2, 3a, 3b plus climate change being produced. The rest of the area (that covered by the BESL model) will be assessed with the same flood zone information by around June 2019.~~

Summary and Conclusions

SFRAs are very important for the production of Local Plans. ~~Work is currently underway to provide up to date~~ There are updated SFRAs for most of Norfolk together ~~as well as and work is nearing completion for the~~ -Waveney area. However a large area of the Broads will not be assessed in detail as part of this work because the BESL model needs to be ~~obtained and~~ updated by the Environment Agency and the model run to produce SFRA equivalent information by around ~~June the end of 2019~~ 2021.

The timing of the work means that the ~~SFRAs that cover the Broads do not have modelled data to inform the BESL area. As such, the Local Plan for the Broads will be examined and potentially adopted without a fully detailed SFRA in place Broads Local Plan will go to the Publication stage of its production (at around September/October time) without a complete revised SFRA having been produced for the entire area (as because the BESL model will not be ready to use in an SFRA around June until 2019-2021), which could even be after Examination of the Local Plan).~~

The lack of an updated SFRA for much of the Broads ~~will not hold back or affect~~ has not held back or affected the Local Plan for the Broads for the following reasons:

- A suitable and pragmatic way forward has been agreed with the Environment Agency ~~– that a precautionary approach will be used in Norfolk and xxx in Suffolk~~² where detailed flood modelling is not currently available.
- More fundamentally, the majority of the Broads is at risk of flooding and so flood risk is a usual constraint which development in the Broads is required to address at the application stage through a site specific Flood Risk Assessment.
- The Local Plan policies and adopted Flood Risk SPD continue to provide detail on the flood risk characteristics of the Broads and the approach required from those promoting development.
- Typically, a Level 1 SFRA helps Local Planning ~~Authorites~~ Authorities identify areas of differing flood risk across a district to inform choices about allocating growth. In the case of the Broads that is possibly less of an issue because the extent of flooding limits opportunities to place development in areas of low flood risk, meaning that a more detailed consideration will always be required, and the levels of growth/development required are much less than for other local planning authorities.
- A Sequential Test for the sites allocated for development has been produced in liaison with the Environment Agency, using the Environment Agency flood risk information.

² The Waveney and Suffolk Coastal approach is similar to the Norfolk SFRA for Flood Zone 3b. They state within the SFRA report that FZ3 should be used as 3b where there is not detailed modelling available. The only difference is that this is not mapped as 'indicative 3b' but just as FZ3.

Confirmation of Tree Preservation Orders
Report by Historic Environment Manager

Summary:	<p>Members will be aware that the review of trees worthy of preservation and the protection of such trees by means of a Tree Preservation Order (TPO) is an ongoing process and TPOs are authorised by the Planning Committee. The Authority reviewed its existing TPOs in 2016. As a result a total of 34 Orders were confirmed. Subsequently a further 15 TPO's have been re-drafted and were re-issued for consultation in April 2018.</p> <p>The purpose of this report is to provide Members with the feedback from the consultation and to make a recommendation on the confirmation of the new TPOs and revocation of the existing ones</p>
Recommendation:	<p>Members confirm 15 new Tree Preservation Orders that have been issued and revoke the corresponding existing orders.</p>

1 Introduction

- 1.1 As part of its obligation as a Local Planning Authority (LPA) the Broads Authority is required to serve Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and are at threat. There are criteria set out in The Town and Country (Tree Preservation) (England) Regulations 2012 against which a tree must be assessed before it can be considered for preservation.
- 1.2 Under the legislation all TPOs require confirmation by the LPA before they finally come into force.
- 1.3 The Broads Authority's scheme of delegation requires that all new and any amendments to existing TPOs will be determined and confirmed by the Planning Committee.

2 TPO Procedure

- 2.1 As previously stated the Broads Authority is obliged to protect trees worthy of preservation by means of TPOs. There are national criteria set out against which a tree should be assessed in order to determine whether it is worthy of preservation.

- 2.2 When trees are considered potentially worthy of protection, they will be assessed against the prescribed criteria and if the tree meets these criteria then a provisional TPO will be served.
- 2.3 The TPO does not come into force until it is confirmed by the LPA.
- 2.4 After the initial (provisional) serving of the TPO there is an opportunity for interested parties to comment on or object to the new orders prior to their confirmation and also appeal against their confirmation.
- 2.5 Should an objection be lodged against the serving of a TPO, the Authority's procedure is that a Planning Committee site visit will be undertaken, during which the objection will be assessed. A further report will be taken to Planning Committee prior to a decision being made in respect of the confirmation of the order.
- 2.6 The Authority's procedure also requires that each TPO will be brought before the Planning Committee for decision as regards confirmation of the TPO, irrespective of whether or not there has been an objection.
- 2.7 Once confirmed a TPO remains in place in perpetuity unless expressly revoked, however this will not necessarily prevent the owner of the tree from carrying out appropriate works provided they have approval from the LPA.

3 Application for consent to carry out works to protected trees

- 3.1 At present, any application to carry out the work to protected trees (either TPO trees or trees within a Conservation Area) is submitted on a standard form setting out reasons for the application and including any justification / reports from relevant experts.
- 3.2 The application is then assessed by the Broads Authority arboricultural consultant, and as long as the work is deemed to constitute sound arboricultural practice it can proceed. Work that is deemed unnecessary or considered to damage the amenity value of the tree will generally be resisted. If the tree is dead, dying or dangerous then the appropriate measures will be permitted including if necessary the felling of the tree. In this instance replacement planting will often be required.
- 3.3 It is not the intention to issue a TPO on every tree in the Broads Authority area which is of value because, as previously stated, there are strict criteria to be met before a tree is considered worthy of a TPO. The purpose is to ensure that those trees which contribute most significantly to the landscape and character of the area are protected in order to maintain that character.

4 The 2018 Review of Existing Orders

- 4.1 In 2016 and 2017 the Broads Authority carried out a review of all its existing TPOs to assess them against current legislation and to ensure accuracy and consistency between the Orders.

- 4.2 As a result of this review 34 TPOs were reserved and confirmed in 2017 and the Authority's arboricultural consultant recommended that a further 15 of the existing TPOs required re-serving. Whilst still valid, re-serving the orders would strengthen the Authority's position in case of potential challenge as well as enable it to update and strengthen the citation.
- 4.3 The Authority re-served the 15 TPOs on 9th April 2018 and these new orders then became provisional orders. The process of service comprises placing a notice on or near the tree as well as writing to the owner advising them of the reserving. In many cases, neighbouring properties were also notified. Under the relevant legislation owners have a 6 week period to lodge any objection to the provisional order. The provisional orders then require formal confirmation within 6 months of the date that they were served, at which point they become final TPOs.

5 Consultation and confirmation

- 5.1 During the consultation period none of the 15 provisional TPOs received an objection. A total of 2 representations were received. One representation was received relating to an issue with the BA boundary (BA/2018/0002/TPO). This order was re-served on 13th April 2018 as a new order (BA/2018/0019/TPO) correcting the anomaly with the boundary. The second representation was in support of the order (BA/2018/0018/TPO).
- 5.2 The Authority's adopted procedure requires TPO's going forward for confirmation to be agreed by Planning Committee even if no objection is received. The adopted procedure goes on to state that if an objection is received there is a requirement for Planning Committee to undertake a site visit prior to the determination of the TPO.
- 5.3 As no objections were received it is recommended that all 15 TPOs are confirmed. A list of these trees and TPOs is attached at Appendix 1.
- 5.4 In the case of the TPO where queries were raised about the BA boundary, (see 5.1 above), this order previously straddled the boundary between the Authority's area and the adjoining District with one of the trees falling outside the Broads (BA/2018/002/TPO). The order has been re-served omitting the tree in question as BA/2018/0019/TPO. The District has been informed of this. In this case it is therefore recommended that order as re-issued is confirmed (BA/2018/0019/TPO) and that order as initially issued is left unconfirmed and to expire after 6 months (BA/2018/0002/TPO).

6 Financial implications

- 6.1 A major review of all existing TPOs was completed in 2016. These new (2018) orders are a result of the continuing need to ensure that all existing TPOs are compliant with the current legislation and are accurate and consistent. There is a minor financial implication in terms of officer time

committed to this continual review process and the re-issuing of the new TPO's if confirmed and in the monitoring and administration of them.

- 6.2 Given the Broads Authority's responsibility for protecting the special character of the area and that in the main trees worthy of protection will be identified through the existing planning process and Authority's landscape character review it is considered that the modest financial implication is justified.
- 6.3 The Broads Authority has an existing annual budget of £30,000 for the provision of Arboricultural and Historic Building advice.

7 Conclusions

- 7.1 Broads Authority has a duty to identify trees that are of amenity value and are at risk, and if the trees meet the necessary criteria protect them by means of a Tree Preservation Order.
- 7.2 It is considered that the trees identified in Appendix One meet the strict criteria contained in the statutory guidance the amenity value and the conservation value of the trees in question and therefore orders have been reserved on them.
- 7.3 No objections have been received within the statutory period in the case of the 15 TPO's identified in Appendix One.
- 7.4 Therefore, it is recommended that;
- 7.5 Members confirm 15 new Tree Preservation Orders that have been issued, (listed in Appendix one) and revoke the corresponding existing orders and that one order (BA/2018/0002/TPO) is left unconfirmed.

Appendices: Appendix 1 – List of Tree Preservation Orders for confirmation
Background Papers: Nil
Author: Ben Hogg
Date of Report: 5 July 2018

List of Tree Preservation Orders for confirmation

- BA 2018/0001/TPO** Cracklewood, St Olaves Road, Herringfleet – No comment
- BA 2018/0003/TPO** Car park adj Station Cottages, Station Road, Hoveton - No comment
- BA 2018/0005/TPO** 2 Holly Farm Road, Reedham – No comment
- BA 2018/0006/TPO** The Rectory & Joseph House, Church Road, Reedham – No comment
- BA 2018/0007/TPO** Hall Farm, Low Road, Strumpshaw – No comment
- BA 2018/0008/TPO** Sandy Lane, West Somerton – No comment
- BA 2018/0009/TPO** Church Farm, Church Road, Wickhampton, Freethorpe – No comment
- BA 2018/0012/TPO** Marton House, Low Road, Mettingham – No comment
- BA 2018/0013/TPO** Castle Villa, Church Road, Burgh Castle – No comment
- BA 2018/0014/TPO** Trinity Barn, Thrigby Road, Filby – No comment
- BA 2018/0015/TPO** Dunburgh House, Geldeston – No comment
- BA 2108/0016/TPO** Hill Farm House, Yarmouth Road, Gillingham – No comment
- BA 2018/0017/TPO** Bureside Lodge, Bure Court, Marsh Road, Hoveton – No comment
- BA 20180018/TPO** The Maltings, Wayford Road, Wayford Bridge – 1 letter of support
- BA 2018/0019/TPO** Meadow Drive, Hoveton – No comment

Article 4 Directions
Report by Head of Planning

Summary: The planning team have carried out a review of the existing Article 4 Directions in the Broads. Of the 24 Directions, 15 have been retained and Members resolved to consider the removal of 7. This report details the results of that consideration.

Recommendation: That existing Article 4 Directions be retained in respect of.

- (i) Retail sales from moored vessels- 23 moorings
- (vi) Caravans, camping and temporary uses - Anchor Street, Coltishall
- (viii) Works to unadopted streets - Anchor Street, Coltishall

That existing Article 4 Directions be removed in respect of:

- (iii) Temporary uses of land - Brundall Riverside
- (iv) Holding of markets, motor and motorcycle racing and clay pigeon shooting - Church Road, Hoveton
- (v) Erection of boundary treatments - Holly Lodge in Wroxham
- (x) Travelling shows and camping - Halvergate

1. Background

- 1.1 In 2016 and 2017 the planning team reviewed the Article 4 Directions in the Broads Executive Area. Article 4 Directions restrict permitted development rights in the Broads and it is good practice to review these periodically.
- 1.2 The review identified 24 Article 4 Directions in the Broads, of various ages dating from 1954 to 1998 and covering a variety of development types. These are summarised as follows:

	<u>Direction</u>	<u>Area</u>
i	Retail sales from moored vessels	23 moorings
ii	Householder permitted development rights, including outbuildings and boundary treatments	Beccles
		Bungay
iii	Temporary uses of land	Brundall Riverside

iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Haddiscoe Marshes
		Church Road, Hoveton
		Gillingham Swan Motel
v	Erection of boundary treatments	Crabbetts Marsh, Horning
		Boathouse Lane, Oulton
		Anchor Street, Coltishall
		Nobbs Loke, Wayford
		Oulton Marsh
		Riverside Park, St Olaves
		Holly Lodge in Wroxham
Surlingham and Bramerton		
vi	Caravans, camping and temporary uses	Horsey, Winterton and Sea Palling
		Crabbetts Marsh, Horning
		Anchor Street, Coltishall
		Smallburgh
vii	Agricultural development	Limpenhoe
		Gillingham Dam
viii	Works to unadopted streets	Anchor Street, Coltishall
ix	Forestry development	Laundry Cottages, Bramerton
x	Travelling shows and camping	Halvergate

1.3 A report was presented to the 3 March 2017 meeting of the Planning Committee. The report recommended the following actions:

- a) Retain Article 4 Directions as below. It should be noted that the report enumerated these as 14 Directions to retain, but actually there are 15 as follows:

	<u>Direction</u>	<u>Area</u>
ii	Householder permitted development rights, including outbuildings and boundary treatments	Beccles
		Bungay
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Haddiscoe Marshes
v	Erection of boundary treatments	Crabbetts Marsh, Horning
		Boathouse Lane, Oulton
		Anchor Street, Coltishall
		Nobbs Loke, Wayford
		Oulton Marsh
Surlingham and Bramerton		
vi	Caravans, camping and temporary uses	Horsey, Winterton and Sea Palling
		Crabbetts Marsh, Horning
		Smallburgh
vii	Agricultural development	Limpenhoe
		Gillingham Dam

ix	Forestry development	Laundry Cottages, Bramerton
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b) Remove 7 x Article 4 Directions at:

i	Retail sales from moored vessels	23 moorings
iii	Temporary uses of land	Brundall Riverside
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Church Road, Hoveton
v	Erection of boundary treatments	Holly Lodge in Wroxham
vi	Caravans, camping and temporary uses	Anchor Street, Coltishall
viii	Works to unadopted streets	Anchor Street, Coltishall
x	Travelling shows and camping	Halvergate

c) Review Article 4 Directions as below. It should be noted that the report enumerated these as 3 Directions to review, but actually there are 2 as follows:

	<u>Direction</u>	<u>Area</u>
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Gillingham Swan Motel
v	Erection of boundary treatments	Riverside Park, St Olaves

1.4 Members resolved to agree the recommendation with the exception of the Article 4 Direction covering retail sales from moored vessels, which they considered potentially still relevant and useful. It was resolved that the views of Navigation Committee be sought on this matter.

1.5 A copy of the report which was presented to the 3 March 2017 Planning Committee is attached at Appendix 1.

2. Subsequent actions

2.1 Further to the resolution of the Planning Committee notifications were sent out in respect of the 15 Article 4 Directions to be retained. These were sent to landowners and the relevant Parish Councils and advised that the Local Planning Authority had reviewed its Article 4 Directions and proposed to retain the one to which the letter referred. The process for this group of Article 4 Directions is now complete.

2.2 In respect of the Article 4 Direction covering retails from moored vessels, a report seeking their views on the matter was presented to the meeting of the Navigation Committee on 14 December 2017. The Committee resolved as follows:

The Committee collectively agreed to show support in retaining the Article 4 direction concerning retail sales from moorings subject to another review when appropriate.

- 2.3 The recommended actions following the consultation are discussed below.
- 2.4 In respect of the Article 4 Directions proposed for removal, in June 2018 consultation was undertaken on the proposed removal in accordance with the statutory requirements. This included written notification to landowners and relevant Parish Councils and the erection of site notices. The results of the consultation and proposed actions are discussed below.

3. Consultation and proposed way forward

- 3.1 The responses to the consultations are set out below in summary form, along with the proposed actions in respect of the relevant Article 4 Direction. Full details of the responses received are set out in the schedule attached at Appendix 2.

(i) Retail sales from moored vessels – 23 moorings

- 3.2 The Navigation Committee strongly supported the retention of this Direction, which is of use to the Authority's ranger team and has helped to manage use of the Authority's 24 hour visitor moorings.
- 3.3 Members will be aware that a valid planning justification is required in order to impose an Article 4 Direction, and a similar test will apply when considering whether to retain one following review. In this case, there is strong support for its retention from the Authority's ranger team who use it regularly, plus from the Navigation Committee in support of the officers. There are currently no other mechanisms (such as byelaws) which could be used as an alternative so there is a risk that removal of the Direction could result in activities which are unwanted and unacceptable.
- 3.4 It is proposed therefore that the Direction be retained on the 23 moorings to which it applies.

(iii) Temporary uses of land - Brundall Riverside

- 3.5 This Direction prohibits the temporary use of land by recreational organisations at Brundall Riverside Estate and dates back to 1954.
- 3.6 In response to the consultation, Brundall Parish Council have no objections to the proposed removal of the Direction. A number of telephone calls enquiring about the content and effect of the Direction were received.
- 3.7 Since the Direction was served Brundall Riverside estate has developed and now comprises a densely built area with a mix of commercial, recreational and residential uses. There is little open space or capacity for such a use and nor is the LPA aware of any such pressures. It appears unlikely that there would be a sudden (and unacceptable) increase in this activity if the Direction were to be lifted. There is no strong planning justification for retaining the Direction, particularly given the similarity with other areas in the Broads.

3.8 It is proposed therefore that the Direction be removed.

(iv) Holding of markets, motor and motorcycle racing and clay pigeon shooting - Church Road, Hoveton

3.9 This Direction prevents the holding of markets on a site off Church Road, Hoveton and was served in 1973. No formal responses have been submitted in respect of the consultation.

3.10 The reasons for the Direction are now lost, so it is assumed this was served in response to a particular proposal or to end an ongoing activity. The site has now been partly developed and a small, occasional market on the remainder would be unlikely to cause any significant adverse impacts in this busy, commercial area. There is no planning justification for the retention of this Direction.

3.11 It is proposed therefore that the Direction be removed.

(v) Erection of boundary treatments - Holly Lodge in Wroxham

3.12 Directions prohibiting the erection of gates, walls, fences or other means of enclosure have been widely issued across the Broads at various points in time, the purpose of which was usually to protect the openness of land at and around leisure and mooring plots due to the important contribution this makes to the character and appearance of the landscape. This particular Direction, however, was unusual, being prompted by enforcement action and the need to retain control over any replacement boundary treatment once an unauthorised and unsympathetic structure had been removed. The site forms part of the residential curtilage of one dwelling, plus the boundary of a dyke in the curtilage of the adjacent dwelling, and extends to the river. It is visible from the river and from the adjacent public open space of Caen Meadow.

3.13 No formal responses have been submitted in respect of the consultation, although a letter was received on behalf of one of the affected landowners' enquiring about the content and effect of the Direction. A full response was provided, but no further comments have been received.

3.14 In terms of an assessment as to whether this Direction remains justified, it is noted that it is unusual for individual properties to be managed in this way and the site is now better screened by surrounding vegetation. Since the Direction was served, the Wroxham Conservation Area has been designated which further justifies any additional level of control over development, however, the case for retaining this Direction is finely balanced particularly as it is unusual for a Direction to apply to a single property. On balance, it is considered that there is no strong planning justification for retaining the Direction, particularly given the similarity with other properties in the Broads.

3.15 It is proposed therefore that the Direction be removed.

(vi) Caravans, camping and temporary uses - Anchor Street, Coltishall

- 3.16 A Direction relating to temporary uses and buildings and caravan sites was served on land at Anchor Street, Coltishall in 1982 and it is understood that this was in response to a particular threat. The Direction covers a relatively small and discrete area of riverside meadow land which is currently used for grazing on the edge of the settlement of Coltishall and within the Conservation Area. Access is via an unsurfaced public footpath.
- 3.17 A total of 46 responses have been received in respect of this Direction and the one listed below at '(viii) works to unadopted streets', also at Anchor Street. The responses, all objections, request that the LPA retain the Directions and cite multiple reasons for the objection to their removal including:
- The ecological value of the land, which would be compromised by any camping etc use;
 - The amenity value of the site, which is well used, and would be compromised by any commercial or formal recreational use;
 - Inadequate access to the site would result in traffic congestion and highway disruption, including to residents seeking to access their properties;
 - Poor ground conditions make the site unsuitable for camping etc;
 - Impact on public footpath and other areas used for informal access;
 - Loss of or damage to traditional and historic grazed meadow;
 - Site is within Conservation Area and such use is inappropriate;
 - Restriction should be retained as a precaution.
- 3.18 A number of the respondents comment that the Article 4 Direction has served as a useful and effective deterrent to inappropriate uses, and the current absence of development pressures should not be taken as evidence of no such pressure but, instead, to confirm the value of the restriction.
- 3.19 In addition, Coltishall Parish Council has raised an objection on grounds of the impact of any development on the character, amenity and environment of the meadow. They also refer to a petition in objection to the removal of the Direction, which has over 100 signatures. They also raise a number of points about process.
- 3.20 It is clear from a number of the responses that there is some misunderstanding about precisely what would be the effect of removing the Article 4 Direction – ie that the permitted development rights would be reinstated, but that this would not necessarily mean that development would take place – and there is clearly widespread concern about the risk of development.
- 3.21 The concerns raised do all relate to planning matters and are material. It is concluded that there is a planning justification for retaining the Direction here.
- 3.22 It is proposed therefore that the Direction be retained.

(viii) Works to unadopted streets - Anchor Street, Coltishall

- 3.23 The Direction served at Anchor Street, Coltishall covered at 3.16 above also included a provision to prevent works to the unadopted street or private way. The reason for the Direction is not known, and the only access is via an unsurfaced public footpath.
- 3.24 Many of the objections received in respect of the Article 4 Direction at 3.16 above (and detailed above) refer also to the access and it is clear that the areas function together. Given this it is appropriate to retain this Direction also in order to protect the access to the above site from inappropriate 'improvement'.

(x) Travelling shows and camping - Halvergate

- 3.25 In 1959 a Direction was issued covering Halvergate Marshes, preventing travelling shows and camping. There is no surviving documentation covering the reasons for the Direction, nor is the full extent and effect of it known, although the area can be identified as within the Conservation Area.
- 3.26 In response to the consultation, Acle Parish Council advised that they would wish for the restriction to remain. In a telephone conversation with the landowner, who farms much of the marshes at Halvergate, the LPA was advised that the land was unsuitable for any of the uses covered by the Direction as this would be incompatible with the agricultural use and the support payments received.
- 3.27 Whilst this landscape is very sensitive to change as well as being constrained by access and flood risk, it is not atypical of many marshland landscapes across the Broads. In the absence of any specific threat, and mindful that the threat of travelling shows in particular is very different now to what it might have been in 1959, plus taking into account the comment received by the landowner it is concluded on balance that there is no strong planning justification for retaining the Direction.
- 3.28 It is proposed therefore that the Direction be removed.

Summary

- 3.29 In summary, it is proposed to:
- Retain the following Directions:
 - (i) Retail sales from moored vessels- 23 moorings
 - (vi) Caravans, camping and temporary uses - Anchor Street, Coltishall
 - (viii) Works to unadopted streets - Anchor Street, Coltishall
 - Remove the following Directions:
 - (iii) Temporary uses of land - Brundall Riverside
 - (iv) Holding of markets, motor and motorcycle racing and clay pigeon shooting - Church Road, Hoveton
 - (v) Erection of boundary treatments - Holly Lodge in Wroxham

- (x) Travelling shows and camping - Halvergate

4. The statutory processes associated with removing Article 4 Directions

- 4.1 As advised in the report to the 3 March 2017 meeting of the Planning Committee, there is a statutory process covering the creation of new Article 4 Directions and existing Directions must be cancelled or modified in the same way as serving a new Direction.
- 4.2 There are two types of Directions - immediate and non-immediate - and whilst they both include a statutory consultation, each has a slightly different process. An immediate Direction will come into effect as soon as it is made, whilst a non-immediate Direction will come into effect on the date specified in the Direction, which will be within a period of between 28 days after the start of the consultation and two years. The processes are set out at Appendix 3.
- 4.3 It is proposed to deal with the removal of the four Article 4 Directions above as non-immediate Directions as there appears to be no justification to use the urgent powers provided for under the immediate Direction procedures.
- 4.4 Subject to the resolution of the Planning Committee approving the recommended approach it is anticipated that the consultation and notification process can commence in late summer and the Directions cancelled by the end of 2018.

5. Financial implications

- 5.1 There will be financial implications, resulting from the cost of consultation and advertising. This will be met from within the existing planning budget.

6. Conclusion and recommendation

- 6.1 A review of the Article 4 Directions in the Broads area is underway, in accordance with the advice and guidance in the Planning Practice Guidance.

The result of the second phase is that the following is recommended:

Retain Article 4 Directions for:

- (i) Retail sales from moored vessels- 23 moorings
- (vi) Caravans, camping and temporary uses - Anchor Street, Coltishall
- (viii) Works to unadopted streets - Anchor Street, Coltishall

Remove Article 4 Directions for:

- (iii) Temporary uses of land - Brundall Riverside
- (iv) Holding of markets, motor and motorcycle racing and clay pigeon shooting - Church Road, Hoveton
- (v) Erection of boundary treatments - Holly Lodge in Wroxham
- (x) Travelling shows and camping - Halvergate

6.2 Work will commence on phase 3 which is the review of the Directions listed under 1.3 (c) in due course.

6.3 It is recommended that Members agree the above approach.

Background papers: Existing Article 4 Directions

Appendices: Appendix 1: Report to 3 March 2017
Appendix 2: Consultation responses
Appendix 3: Processes associated with Article 4 Directions

Author: Cally Smith
Date of report: 5 July 2018

APPENDIX 1

**Broads Authority
Planning Committee**
3 March 2017
Agenda Item No 14

Article 4 Directions

Report by Planning Officer and Head of Planning

Summary: The planning team have carried out a review of the existing Article 4 Directions in the Broads. Of the 24 Directions, it is proposed to retain 14, remove 7 and review 3.

Recommendation: That the approach be agreed.

1.0 Introduction

- 1.1 The planning team has been reviewing several of its planning policies, procedures and provisions as it is appropriate to do periodically. Members will be aware of the outcomes of some of this work, for example the ongoing work on the Local Plan and the Local Enforcement Plan which was adopted last year, whilst other work will have solely internal impacts.
- 1.2 As part of this work we have been looking at the Article 4 Directions which restrict permitted development rights in the Broads and this report covers this topic.

2.0 Background and legislation

- 2.1 Planning permission is required for any development, with development defined in s55(1) of the Town and Country Planning Act 1990 as:
- “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.
- 2.2 The definition of development is very broad, so in order to prevent the planning system getting bogged down dealing with large numbers of applications for very minor development, the law introduces the concept of ‘permitted development rights’ whereby planning permission is automatically granted for certain types of development. The permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which explains the rights and the limitations and the conditions which apply.
- 2.3 Over the last 10 years permitted development rights have been extended considerably as the Government has sought to streamline and modernise the planning system. Permitted development rights in the Broads remain more

limited than outside the Broads, but they too have been extended and certain developments which formerly required planning permission, such as roof mounted solar panels, are now permitted development.

- 2.4 While permitted development rights automatically allow development subject to certain restrictions/conditions, there is a contrary provision which can remove permitted development rights. This is known as an Article 4 Direction and enables a Local Planning Authority (LPA) to withdraw permitted development rights by serving a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The effect of this is that the development specified in the Direction which would usually benefit from permitted development rights would now require express planning permission from the LPA.
- 2.5 Members should also be aware that there is a further provision which allows an LPA to develop and apply its own permitted development rights for its area, so that development which is not normally covered by a permitted development right has that status locally. This is done under a Local Development Order, the procedures for which are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This provision is mentioned here purely for completeness.

3.0 The purpose and effect of Article 4 Directions

- 3.1 An Article 4 Direction gives the LPA the ability to manage development which would not otherwise require planning permission and to consider developments in detail, including taking into account the views of the local community and other consultees, before it can proceed. As permitted development rights are set nationally, there may be particular local circumstances which mean some types of development can have a greater impact in some areas than others. National Parks, the Broads, Areas of Outstanding Natural Beauty and Conservation Areas do benefit from some additional controls and exemptions from permitted development rights. However, Article 4 Directions provide an additional mechanism to respond in the interests of protecting amenities and landscapes.
- 3.2 For a landowner, the withdrawal of permitted development rights means that, where Article 4 Directions are served, planning permission is required for the specified development in the specified area when it would not otherwise be required. This does not mean that planning permission will not be granted, but that it is necessary to submit an application and allow the LPA to consider and consult on the proposal. There is, however, no fee to pay for such applications, or indeed any subsequent appeals following a refusal of planning permission.

4.0 Reviewing the existing Article 4 Directions in the Broads

- 4.1 There has previously been no comprehensive review of the existing Article 4 Directions. It is good practice to review these periodically and to consider which should be retained and which should be cancelled. It is also

appropriate to consider periodically whether any of the existing Directions should be extended and whether any new Directions are necessary.

4.2 Together these three reviews would constitute a major piece of work, so it is proposed to take a phased approach. This report considers the existing Directions only, and further reports on the possible extension of the existing Directions and any new Directions will be presented in due course as phases two and three respectively.

5.0 Existing Article 4 Directions in the Broads

5.1 There are 24 existing Directions within (or partly within) the Broads area and these have mostly been inherited from the constituent district and borough councils prior to the Authority being established. The existing Article 4 Directions cover permitted development rights relating to retail sales, householder development, boundary treatments, temporary uses and agricultural and forestry development. The sites covered include large areas of marshes, Conservation Areas, commercial areas and moorings. A summary table is set out below:

	<u>Direction</u>	<u>Area</u>
i	Retail sales from moored vessels	23 moorings
ii	Householder permitted development rights, including outbuildings and boundary treatments	Beccles
		Bungay
iii	Temporary uses of land	Brundall Riverside
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Haddiscoe Marshes
		Church Road, Hoveton
		Gillingham Swan Motel
v	Erection of boundary treatments	Crabbetts Marsh, Horning
		Boathouse Lane, Oulton
		Anchor Street, Coltishall
		Nobbs Loke, Wayford
		Oulton Marsh
		Riverside Park, St Olaves
		Holly Lodge in Wroxham
Surlingham and Bramerton		
vi	Caravans, camping and temporary uses	Horsey, Winterton and Sea Palling
		Crabbetts Marsh, Horning
		Anchor Street, Coltishall
		Smallburgh

vii	Agricultural development	Limpenhoe Gillingham Dam
viii	Works to unadopted streets	Anchor Street, Coltishall
ix	Forestry development	Laundry Cottages, Bramerton
x	Travelling shows and camping	Halvergate

5.2 Each of the Directions applies to a specific area and none cover the entire Broads. It is noted that Directions can be, and have been, used to respond to a particular threat of development or set of circumstances and these may no longer apply. In considering whether to retain the Directions, it is necessary to look at each in turn and consider the factors which justified its making, the continued relevance of these and any current factors, plus whether any alternative controls are available.

5.3 Each of the Directions has been reviewed and an assessment and recommendation is set out as follows.

i. Retail sales from moored vessels

5.4 The prohibition of retail sales from moored vessels covers 23 sites across the Broads, which are mainly around bridges, dykes and staithe. The Direction was issued in 1972/3.

5.5 The origins of the Direction, issued over 40 years ago, are unknown. There is no current issue with retail sales from moored vessels, however this may be as a result of the Direction as around 5 or 6 enquiries about trading from moorings are received each year and the enquirers are normally discouraged by the need to apply for planning permission. There are no byelaws which specifically cover this matter, although the operators would need to demonstrate how they would trade safely and without impacting on navigation; they would also be bound by the 24 hour restriction at Broads Authority moorings.

5.6 The above notwithstanding, there is a risk that managing any such use would have an impact on the ranger service, whilst the mooring of vessels used for trading might reduce the availability of public moorings. These, however, are not strictly planning matters and the PPG is clear that Article 4s should be used only where they are necessary to protect amenity or the wider area and it is arguable whether this is applicable here. On balance, there is no strong planning justification for retaining the Direction. There may be an argument for developing a byelaw to cover these uses.

ii. Householder permitted development rights, including outbuildings and boundary treatments

5.7 Directions removing permitted development rights for householder alterations, extensions, outbuildings etc, and boundary treatment and exterior painting on land fronting highways, waterways and open spaces, including demolition were issued in 1998 and cover the Conservation Areas in Beccles and Bungay. They were served by Waveney District Council, which is why they

cover only the Conservation Areas in the towns in that district rather than Conservation Areas widely in the Broads.

- 5.8 This Direction manages the alterations on the most prominent aspects of dwellings within the Conservation Areas. There is a duty to preserve and enhance Conservation Areas so the rationale for withdrawing permitted development rights in these areas is stronger, and it is noted that despite the various national changes to permitted development rights the protection of Conservation Areas has been retained. There is a strong planning justification for retaining this Direction. Further, it may be a good model to expand to other Conservation Areas and this will be considered in the next phase of this work.

iii. Temporary uses of land

- 5.9 This Direction, which prohibits the temporary use of land and its use by recreational organisations, applies at Brundall Riverside Estate. It was served in 1954 and its origins are unknown.
- 5.10 This area is densely developed with a mix of commercial, recreational and residential uses and is at risk of flooding with a constrained access. There are not known to be any particular pressures or demands for temporary uses here, but the impacts could be significant depending on the use. This notwithstanding, there is limited open space for any such uses to occur and, additionally, the area is not dissimilar to many other areas in the Broads – for example the riverside at Hoveton, Beccles and Horning.
- 5.11 It appears unlikely that there would be a sudden (and unacceptable) increase in this activity if the Direction were to be lifted. There is no strong planning justification for retaining the Direction, particularly given the similarity with other areas in the Broads.

iv. Holding of markets, motor and motorcycle racing and clay pigeon shooting

- 5.12 This Direction applies at Haddiscoe Marshes and was imposed in 1992 in response to a specific proposal to use the land for a variety of temporary uses which was considered would be alien and visually intrusive to the landscape, affect amenity in the village and give rise to traffic issues.
- 5.13 The area is currently in use for grazing marshes and arable farming. These fields are no different in character and appearance to the surrounding marshes, or indeed much of the marshland across the Broads. There are not known to be any present proposals to use the land in this way, but the impacts would be the same as when the Direction was served and these would be unacceptable. Whilst there is no immediate threat, a planning justification can be made due to the severity of the potential impacts. If it is considered necessary to retain this Direction, it would be a good model to expand to other areas as the impacts of the development covered would be

equally severe elsewhere. This will be considered in the next phase of this work.

- 5.14 A further Direction preventing the holding of markets was served on a site off Church Road, Hoveton in 1973. The reasons for the Direction are now lost, so it is assumed this was served in response to a particular proposal or to end an ongoing activity. The site has now been partly developed and a small, occasional market on the remainder would be unlikely to cause any significant adverse impacts in this busy, commercial area. There is therefore no planning justification for the retention of this Direction.
- 5.15 A similar Direction was issued at the Gillingham Swan Motel in 1991 in order to bring an existing use into planning control. As a consequence of the Direction, a series of temporary permissions were granted, replaced in 1997 by a permanent planning permission (1997/0069 as amended by 1999/0835). It is understood this market continues to operate, although not in full compliance with the permission. The use of land limited by the Direction is no longer necessary, but the Direction maintains control over the erection of temporary structures. It would be appropriate, therefore, to modify this Direction if it is considered necessary to retain it.

v. Erection of boundary treatments;

- 5.16 Directions prohibiting the erection of gates, walls, fences or other means of enclosure have been widely issued across the Broads at various points in time – at Crabbetts Marsh in Horning in 1972, Boathouse Lane in Oulton in 1981, Anchor Street, Coltishall in 1982, Nobbs Loke at Wayford, Oulton Marsh and Riverside Park, St Olaves in 1990, Holly Lodge in Wroxham in 1992 and Surlingham and Bramerton in 1993.
- 5.17 The purpose of these Directions has been to protect the openness of land at and around leisure and mooring plots due to the important contribution this makes to the character and appearance of the landscape. Some were served in response to a particular threat (Nobbs Loke, Oulton Marsh, St Olaves, Wroxham and Surlingham/Bramerton), whilst others were precautionary.
- 5.18 The Direction served at Holly Lodge, Wroxham was unusual, being prompted by enforcement action and the need to retain control over any replacement boundary treatment once an unauthorised and unsympathetic structure had been removed. The site forms the residential curtilage of a dwelling and extends to the river, being the only form of built development at the riverside and is also visible from the adjacent public open space of Caen Meadow. It is unusual for individual properties to be managed in this way and the site is now better screened by surrounding vegetation. Since the Direction was served, the Wroxham Conservation Area has been designated which further justifies any additional level of control over development, however, the case for retaining this Direction is finely balanced particularly as it is unusual for a Direction to apply to a single property. On balance, there is no strong planning justification for retaining the Direction, particularly given the similarity with other properties in the Broads.

- 5.19 The Direction at Boathouse Lane, Oulton has not been complied with nor enforced and the result is a series of enclosed mooring plots and views of the water from the PROW are blocked. Many of the existing boundary treatments may now be immune from enforcement action. It is considered necessary to retain this Direction and enforce its provisions in order to raise awareness and bring any future changes under control
- 5.20 The Direction at Oulton Marsh sought to prevent a subdivision of the marshes, which was a particular threat due to the popularity of the area for horse grazing. The Direction controlled the spread of this to a degree, but was not consistently enforced. Much of the land has now been purchased by Suffolk Wildlife Trust so it would be appropriate to review the Direction and its boundaries.
- 5.21 The Direction at Riverside Park in St Olaves has not been enforced and there is a prevalence of boundary treatment, the majority of which is likely to be immune from enforcement action. It would be appropriate to review this Direction.
- 5.22 In the main, the Directions have been effective in protecting the areas from the excessive enclosure of land and the visual effect of this. There remains a strong justification to retain many of these Directions and review some others, with the exception of at Holly Lodge above which can be removed.
- 5.23 There are a number of other areas where an Article 4 Direction might be justified to protect the characteristic openness of the area. These include upstream of Beccles, Brundall Riverside, Dilham, the north shore of Oulton Broad, Potter Heigham and Repps with Bastwick and downstream of the bridge at St Olaves. It would be necessary to undertake a survey of these areas prior to a decision being made on this. This will be considered in the next phase of this work.

vi. Caravans, camping and temporary uses

- 5.24 A number of Directions have been served covering camping and caravanning and associated uses. The Direction preventing camping, caravans and temporary uses at Horsey, Winterton and Sea Palling was served in 1964 and whilst it is not known why this was originally served, the entire site is within the AONB and the majority is within SAC and SSSI designations.
- 5.25 This sensitivity of this site, in terms of both ecological and landscape interest, is such that there remains a strong planning justification for retaining the protection offered by the Direction. On a purely practical level, the Direction also extends outside the Broads area and cancelling or amending it would require collaboration with Great Yarmouth Borough Council and North Norfolk District Council, neither of which have approached us about this.
- 5.26 A Direction relating to temporary uses and buildings and caravan sites on land to the north west of Crabbetts Marsh at Horning was issued in 1972. Access

is very constrained here and the area is at risk of flooding, so uses such as a caravan site would be inappropriate and there is a strong planning justification for retaining the Direction.

- 5.27 A similar Direction was served on land at Anchor Street, Coltishall in 1982, where the constraints are similar. It covers a relatively small and discrete area of riverside meadow land which is currently used for grazing on the edge of the settlement of Coltishall and within the Conservation Area. Access is via an unsurfaced public footpath. It is understood that the Direction was served in response to a particular threat. Whilst the site is inappropriate for a caravan site use, the severely constrained access reduces the probability of this happening and there is not a strong justification for retaining the Direction.
- 5.28 A Direction was served on land to the west of the A149 in Smallburgh in 1989. This parcel of land is no different in character or appearance to those surrounding it so it is assumed this Direction arose from a particular threat of development. It is an area of grazing marsh where use for a caravan site is likely to be inappropriate due to adverse landscape impacts, high flood risk and inadequate access. The Direction is considered on balance to be worth retaining, although there is not known to be any current threat of development, and if it is retained it may be worth expanding to adjacent parcels of land. This can be considered in the next phase of this work.

vii. Agricultural development

- 5.29 The Secretary of State served a Direction in 1984 at Limpenhoe when a management agreement to stop this area of grazing marsh being drained could not be agreed upon. The intention of the Direction was to introduce a requirement for planning permission for any drainage work constituting development that was undertaken by the farmer, but the Direction covers all agricultural development. Although circumstances may have changed, agricultural permitted development rights allow for quite substantial buildings which would have an adverse landscape impact.
- 5.30 A Direction removing agricultural permitted development rights was served at Gillingham Dam in 1988. This was in response to an intention to erect a large cattle building on the site as the area was considered to be part of a grazing marsh of considerable landscape importance, vulnerable to damage by intrusive development and the prior approval provisions were not considered to give sufficient control.
- 5.31 The principles and objectives surrounding both of these Directions are the same – to control agricultural development which would have an adverse impact on the local landscape. Although there are not known to be any current proposals on either site, these considerations remain valid and the impacts of any development would be the same as when the Direction was served. On this basis, there is a strong planning justification to retain both Directions.

- 5.32 Given, however, that the marshes at both Gillingham and Limpenhoe are typical of many marsh areas across the Broads, if it is considered necessary to retain these Direction, there is likely to be a planning justification to use these as a model to expand to other areas as the impacts of this type of development would be equally severe elsewhere. This can be considered in the next phase of this work.

viii. Works to unadopted streets

- 5.33 The Direction served at Anchor Street, Coltishall covered at 5.27 above, also included a provision to prevent works to the unadopted street or private way. The reason for the Direction is not known, and the only access is via an unsurfaced public footpath. There does not seem to be a strong justification for the retention of this part of this Direction.

ix. Forestry development

- 5.34 A Direction was served on land adjacent to Laundry Cottages, Bramerton in 1987 in response to a proposal to erect a building for forestry purposes under permitted development rights on the land, which includes broadleaved woodland and riverside marsh. This area was considered to be of exceptional landscape significance, providing visual amenity when viewed from the land, water and adjacent footpaths. Although the intention to erect a building here may have passed, the Direction is considered worthy of retention due to the sensitivity of the site to built development.

x. Travelling shows and camping

- 5.35 In 1959 a Direction was issued covering Halvergate Marshes, preventing travelling shows and camping. There is no surviving documentation covering the reasons for the Direction, nor is the full extent and effect of it known, although the area can be identified as within the Conservation Area.
- 5.36 Whilst this landscape is very sensitive to change as well as being constrained by access and flood risk, it is not atypical of many marshland landscapes across the Broads. In the absence of any specific threat, and mindful that the threat of travelling shows in particular is very different now to what it might have been in 1959, there is a rationale for removing it. Alternatively, if the Members consider that the Direction should be retained, given that the landscape and constraints on Halvergate are typical of those across much of the Broads it would be appropriate to consider the purpose and contents of the Direction here, as well as whether it should rolled out across a wider area. This can be considered in the next phase of this work.

Summary

- 5.37 In summary, the following is therefore recommended with regard to the existing Article 4 Directions:

	<u>Direction</u>	<u>Area</u>	<u>Action</u>
i	Retail sales from moored vessels	23 moorings	Remove
ii	Householder permitted development rights, including outbuildings and boundary treatments	Beccles	Retain
		Bungay	Retain
iii	Temporary uses of land	Brundall Riverside	Remove
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Haddiscoe Marshes	Retain
		Church Road, Hoveton	Remove
		Gillingham Swan Motel	Review and possibly modify
V	Erection of boundary treatments	Crabbetts Marsh, Horning	Retain
		Boathouse Lane, Oulton	Retain
		Anchor Street, Coltishall	Retain
		Nobbs Loke, Wayford	Retain
		Oulton Marsh	Retain
		Riverside Park, St Olaves	Review
		Holly Lodge in Wroxham	Remove
vii	Caravans, camping and temporary uses	Surlingham and Bramerton	Retain
		Horsey, Winterton and Sea Palling	Retain
		Crabbetts Marsh, Horning	Retain
		Anchor Street, Coltishall	Remove
vii	Agricultural development	Smallburgh	Retain
		Limpenhoe	Retain
		Gillingham Dam	Retain
viii	Works to unadopted streets	Anchor Street, Coltishall	Remove
ix	Forestry development	Laundry Cottages, Bramerton	Retain
x	Travelling shows and camping	Halvergate	Remove

6.0 The processes associated with Article 4 Directions

6.1 There is a statutory process covering the creation of new Article 4 Directions. There are two type of Direction - immediate and non-immediate - and whilst they both include a statutory consultation, each has a slightly different

process. An immediate Direction will come into effect as soon as it is made, whilst a non-immediate Direction will come into effect on the date specified in the Direction, which will be within a period of between 28 days after the start of the consultation and two years. The processes are set out at Appendix 1.

- 6.2 Existing Directions can be cancelled or modified in the same way as serving a new Direction.
- 6.3 As detailed above, it is proposed to retain 14 of the 24 existing Article 4 Directions in the Broads. There is no statutory requirement for any action (for example consultation) to be taken in respect of a proposal to retain Directions, but it would be useful to advise the relevant Parish Councils and District Councils that the Authority has reviewed them and decided to make no changes. It is noted that the National Planning Practice Guidance advises that the LPAs should review their Article 4 Directions regularly.
- 6.4 As detailed above, it is proposed to remove seven of the 24 existing Article 4 Directions in the Broads and to review three. These 10 Directions will need to be subject to the statutory processes. It is proposed to deal with them as non-immediate Directions as there appears to be no justification to use the urgent powers provided for under the immediate Direction procedures.
- 6.5 The 10 Directions which will be subject to this are as follows:

	<u>Direction</u>	<u>Area</u>	<u>Action</u>
i	Retail sales from moored vessels	23 moorings	Remove
iii	Temporary uses of land	Brundall Riverside	Remove
iv	Holding of markets, motor and motorcycle racing and clay pigeon shooting	Church Road, Hoveton	Remove
		Gillingham Swan Motel	Review and possibly modify
v	Erection of boundary treatments	Oulton Marsh	Review
		Riverside Park, St Olaves	Review
		Holly Lodge in Wroxham	Remove
vii	Caravans, camping and temporary uses	Anchor Street, Coltishall	Remove
viii	Works to unadopted streets	Anchor Street, Coltishall	Remove
x	Travelling shows and camping	Halvergate	Remove

- 6.6 With regard to the Directions which it is proposed to remove, it is anticipated that the formal process will commence in April 2017, with confirmation later in 2017.

6.7 With regard to the three Directions which are to be reviewed, the approach will depend on the outcome of the assessment. If they are proposed to be retained, the Parish Council will be informed as it will be for the others to be retained (as at 6.3 above). If they are proposed to be removed, this will be the subject of consultation in exactly the same way as for the others proposed for removal (as at 6.6 above). If it is proposed to modify them following assessment, they will be rolled forward and dealt with in the second phase of the work along with any proposals to extend other Directions.

7.0 Financial implications

7.1 There will be financial implications, resulting from the cost of consultation and advertising. This will be met from within the existing planning budget.

8.0 Conclusion and recommendation

8.1 A review of the Article 4 Direction in the Broads area is to be undertaken, in accordance with the advice and guidance in the Planning Practice Guidance. It is to be separated into three phases, with the first phase looking at existing Article 4s.

8.2 Of the 24 existing Article 4 Directions it is proposed to retain 14, remove 7 and review 3. Those which are to be removed will be the subject of consultation, expected to start in spring 2017.

8.3 It is recommended that Members agree the above approach.

Background papers: Existing Article 4 Directions

Appendices: Appendix 1: Processes associated with Article 4 Directions

Author: Maria Hammond/Cally Smith

Date of report: 21 February 2017

Appendix 1

	Immediate directions*	Non-immediate directions
Contents of notice	<ul style="list-style-type: none"> • A description of the development and area to which the direction relates; • A statement of the effect of the direction; • Specification that the direction is made under article 1(4) of the GPDO; • The name of a place where a copy of the direction and map can be viewed; and • A period of at least 21 days within which representations can be made. 	<ul style="list-style-type: none"> • A description of the development and area to which the direction relates; • A statement of the effect of the direction; • Specification that the direction is made under article 1(4) of the GPDO; • The name of a place where a copy of the direction and map can be viewed; • A period of at least 21 days within which representations can be made; and, • The date on which it is proposed the direction will come into force, at least 28 days from the start of the consultation period, but no more than two years.
Consultation	<ul style="list-style-type: none"> • Local advertisement; • Site notices at no fewer than two locations within the area to which the direction relates; and • Serve notice on the owner and occupier of every part of land within the area to which the direction relates (unless it is considered that individual notice is impracticable because not all owners can be identified or located, or it is impracticable due to the number of owners of occupiers). 	<ul style="list-style-type: none"> • Local advertisement; • Site notices at no fewer than two locations within the area to which the direction relates; and • Serve notice on the owner and occupier of every part of land within the area to which the direction relates (unless it is considered that individual notice is impracticable because not all owners can be identified or located, or it is impracticable due to the number of owners of occupiers).
Notification	<ul style="list-style-type: none"> • Secretary of State • 	<ul style="list-style-type: none"> • Secretary of State •
Confirmation	<ul style="list-style-type: none"> • Take into account any representations received. • No sooner than 28 days after latest date notice served, or such longer period specified by SoS. • Within six months of serving, otherwise it expires. • Give notice of confirmation in the same manner as the consultation, including to SoS in most 	<ul style="list-style-type: none"> • Take into account any representations received. • No sooner than 28 days after latest date notice served, or such longer period specified by SoS. • Give notice of confirmation and the date it will come into effect in the same manner as the consultation, including to SoS in most circumstances.

	circumstances.	
Effect	Immediate.	On the specified date when confirmed.

*. Immediate directions can only be used to withdraw permitted development rights for Parts 1 to 4 and Classes B and C of Part 11 of the GPDO (dwellinghouses, minor operations, changes of use, temporary buildings and uses and demolition of buildings) where such development is considered to be prejudicial to the proper planning of their area or constitute a threat to the amenities of the area and to certain rights in parts of, or whole, Conservation Areas.

Article 4 Directions - Phase 2: Proposed removals
Consultation responses

General response	
1.	Thanks for your letter of 29 May regarding 'Article 4 directions removing permitted development rights in your area.' I am responding as this falls under my area of responsibility. Highways England has no comment /objection to the Article 4 directions.

Anchor Street, Coltishall Works to unadopted streets ; Caravans, camping and temporary uses	
1.	<p>I am writing to object to the proposed lifting of the Article 4 Directions on the meadow adjoining Anchor Street in Coltishall that falls within the conservation area for the following reasons:</p> <p>Access: Significantly the Authority has suggested the meadow doesn't need the protections afforded by Article 4 because access is limited to a footpath. In fact the meadow can be accessed by vehicles from both Anchor Street and the Wroxham Road. The Authority has actually used the Wroxham Road access to bring a large amphibious vehicle onto the meadow. Further, there is land adjacent to the Wroxham Road point of entry that could be made available by the current landowner for parking, in the event of development of the meadow for the purposes of caravans, camping and other uses.</p> <p>Wildlife: Currently there are four families of geese on the meadow as well as a resident heron. The Authority, at some expense, has gone to the trouble of planting reeds in order to shore up the banks which have fallen victim to erosion. Camper vans, caravans and tents on the site would have a negative impact on the integrity of the meadow and its wildlife.</p> <p>Environmental Concerns: Right now the meadow serves as a giant sponge and so as a first line of defence in the event of flooding. Action to drain the meadow with a view towards development could have catastrophic consequences.</p> <p>Value as an Amenity: The meadow is an amenity for the entire community. It is used by ramblers, runners, dog walkers and nature lovers. No one wants to have to walk or run through a tent or caravan city.</p> <p>There are other issues of course, in terms of maintenance, litter, noise and security that support the retention of the Article 4 directions.</p> <p>Significantly the Directions were put in place in response to a perceived "threat." Given that circumstances have not changed there is nothing to suggest that the "threat" could not resurface, making Article 4 as relevant today as it was in 1982. The protection afforded by the directions is specifically meant to preclude action taken without permission that could be detrimental to the site, and to the community in which it is situated. Certainly it is easier to prohibit harmful action before rather than after the fact. Given that permissions sought must be posted, there have been none in the last ten years. This suggests that the Article 4 Directions have served as a useful deterrent.</p> <p>The Authority has taken the decision to retain the Article 4 Directions at Smallburgh and at Crabbetts Marsh, Horning which represent similar "inappropriate" situations relating to "landscape impacts," and "risk of flooding," as noted in its review of the Directions. We would ask that you afford the same protections to the meadow at Anchor Street. Therefore we object strongly to the lifting of the Article 4 Directions and would ask that they remain in place.</p>
2.	I wish to object to the removal of Article 4 Directions at Anchor Street, Coltishall. Allowing the meadow beyond Anchor Street to be used for 'Caravans, camping and other uses' would damage a much loved amenity in this <i>area</i> , where wildlife flourishes, and the public footpath is used extensively by ramblers, bird watchers, locals and

	<p>visitors.</p> <p>In your proposal you state that access to the meadow is 'via an unsurfaced public footpath'. In fact vehicular access is already possible via the Wroxham Road. Thus caravans could - and would - become a nuisance and disturbance to wildlife and residents of Anchor Street.</p> <p>The sensitivity of this site in terms of ecology and natural beauty is such that there is a strong planning justification for retaining the protection offered by the Article 4 Direction.</p>
3.	<p>I understand that The Broads Authority is considering lifting the Article 4 Direction which prevents the use without planning consent for camping, caravans and other uses on the meadows between Coltishall and Belaugh. I would like to place on record my strong objection to such action for the following reasons:</p> <ul style="list-style-type: none"> • These meadows are an important wildlife habitat for a variety of species. • They are an important amenity to both locals and visitors to The Broads National Park who enjoy the footpath through them. • They are within the Conservation Area • Use of the site for camping and caravans would provide a Trojan Horse opportunity in the future for further, even more undesirable, development. <p>I would add the following observations:</p> <ul style="list-style-type: none"> • Any change of use to this valued landscape would be totally at odds with the Authority's environmental remit. • If the current Article 4 Direction provides protection for the principles and purposes of the National Parks Act, why lift it in this sensitive area? Who benefits? • The claim that access to these meadows is difficult is inaccurate. There is already road access from Anchor Street, Coltishall, and from the Belaugh end. A developer might argue that such access favours use for camping and caravans; however, both are totally unsuitable for caravan access. Anchor Street is far too narrow for caravan use, and the Belaugh access would have to be from the Wroxham Road where the turning point for caravans is both insufficient and highly dangerous.
4.	<p>As a resident home-owner in Anchor Street, Coltishall, I am writing to you, the chief environmentalist for the Broads Authority, to implore you to not allow the potential tragedy of removing Article 4 from the water meadow at the end of the street.</p> <p>Anchor Street is a narrow dead-end road, so full of resident's vehicles already that is impossible to turn round at the end. The idea of trailers, caravans and still more traffic is simply appalling.</p> <p>For at least six summer months of the year Home-owners would be squeezed in between a tremendously crowded Coltishall Green Common at one end and a probable densely used parking meadow at the other. It is already impossible to manoeuvre cars at the meadow end.</p> <p>At the moment this precious piece of land is a wonderful haven for wild birds, waterfowl and rare species of wild flowers. I strongly oppose the idea of it quickly being degraded by possible Travellers and their vehicles, Caravans, Canoes, Swimmers. I truly believe it would be an Open Invitation for uncaring visitors to destroy the natural beauty by fly-tipping and leaving endless litter in this quiet country refuge. In my opinion it would be a tragedy.</p> <p>Country lovers and residents like myself, who use and love the meadow for walking and savouring the magic peace and tranquility of this treasured space, realised the importance of the work the Broads Authority carried out last year to prevent further erosion to the river bank. We understood it was meaningful to keep the integrity of the meadow environment safe and healthy for posterity. Please God - not then to be ruined by the threat of possible concrete pads being put down by anybody without planning permission. We feel the Article</p>

	<p>was originally put in place in order to prevent caravan use without planning many years ago and we feel there is every reason to honour and maintain that protection.</p> <p>I believe this very precious Sanctuary must be saved at all costs and I pray you will champion the petition against the lifting of Article 4 Directions.</p>
5.	<p>I object to the removal of Article 4 Directions at Anchor Street Coltishall.</p> <ol style="list-style-type: none"> 1. I think there should be a environmental survey before any planning to go ahead, because sensitivity of this site of wildlife, wild flowers using the site of cars and caravans the impact would destroy the plants and the wildlife. being the land is wet land the cars and caravans will get stuck! this would destroy the footpath which is used by ramblers and bird watches, local residents dog walking. 2. To get in and out of the site with caravans would not be possible to pass each other down Anchor Street. Coltishall to Wroxham’s other exit would be dangerous to exit on or off the Wroxham road. also the noise impact to the local residents. 3. When I was at school we use to go along the footpath on nature walks, and to this day i still go along the footpath with my granddaughters teaching them all about the wild flowers and bird watching which they love to do.
6.	<p>I object to the removal of Article 4 Directions at Anchor Street Coltishall.</p> <p>I really do not see the need to have a caravan/camping site in Coltishall.</p> <p>Coltishall is a small village which people like to come and sit near the river for a nice quite time. Then there are the people who like to go on a nice quite walk and look and watch the wildlife.</p> <p>I have lived here for over 40 years and I use the footpath a lot. Looking at the lovely wildflowers listening to the birds. I would like to know if a survey has been done on the wildlife and wild flowers?</p> <p>Also I do not think the village roads will be able to cope with caravans. why would you want to take more green land and wildlife away? What next holiday homes?</p>
7.	<p>We have become aware of a recommendation to remove an Article 4 Notice issued in 1981 relating to the above meadow. Please be advised that as residents of Anchor Street we strongly object to this surprising proposal.</p> <p>The current Article 4 Notice stops any ‘permitted development’ on this land. There is mention of possible caravan and camping use if this Article is removed – and my question is, what is currently included in ‘permitted development’?</p> <p>I understand that permitted development rights are restricted in certain designated areas including National Parks and specifically the Norfolk and Suffolk Broads.</p> <p>We assume that permitted development as a caravan site would not, therefore, be permitted nor a camping or yurt site.... So what would it allow without normal planning considerations.</p> <p>I look forward to response to these questions.</p> <p>My main points of objection must be</p> <ol style="list-style-type: none"> a) The severely restricted access to the meadow along Anchor Street. This is frequently clogged with parked cars particularly in the summer when all dwellings are occupied, some with holiday makers with multiple numbers of vehicles. The possibility of caravans negotiating Anchor Street does not bear thinking about. A site visit would easily demonstrate this. b) The alternative access from the narrow and winding Wroxham to Coltishall road would surely create totally unacceptable risks to motorists and caravanners alike. The meadow

	<p>itself is a tranquil riverside gem, much used by locals and providing a natural and environmentally perfect amenity for villagers and walkers and is a very significant habitat for wildlife, in particular birds, where it is not uncommon to see hundreds of fowl roosting in the evenings.</p> <p>The meadow is always damp or waterlogged and I would suggest, totally unsuitable for normal vehicles and certainly for those towing caravans and trailers.</p> <p>The reasons for retaining this 1981 Article have, of course, changed over the years but only in that the need for such restrictions has surely increased with the pressures on such unique and special areas. Removal of Article 4 Notice would severely threaten the acknowledged importance of this land in the conservation area and constitute a 'material change of use'. Any such 'change of use' would have a most destructive impact on this lovely part of the conservation area for both residents and current users and for the many visitors passing in boats.</p>
8.	<p>I am writing on behalf of Coltishall Parish Council to object to the removal of Article 4 directions from the meadow at Anchor Street, Coltishall.</p> <p>There are three Article 4 directions in place relating to the meadow at Anchor Street under your headings v ('erection of boundary treatments'), vi ('caravans, camping etc.') and viii ('works to unadopted streets') and these have been in place for 36 years. Following a 'periodic' review, you are proposing to remove two of these (vi and viii).</p> <p>Erection of boundary treatments:</p> <p>We note that while you intend to retain this Direction, you provide no additional or specific information as to why (5.16-5.23). We fully support its retention but regret the absence of any specific rationale which might be pertinent to the other matters below.</p> <p>Caravans, camping and temporary uses:</p> <p>Your paper "Article 4 Directions" (March 2017) indicates that you are unaware of, or at least have no official record of, the specific reasons for the imposition of this Article 4 directions (5.27). Noting that the permission of the Secretary of State was required at that time, we must assume that the 'understood' threat was a serious one and it is unfortunate that records relating to it have been disposed of in advance of your periodic review.</p> <p>Turning first to the Authority's rationale for removing this direction, we have quoted your paragraphs 5.26 and 5.27 in full below:</p> <p><i>"5.26 A Direction relating to temporary uses and buildings and caravan sites on land to the north west of Crabbetts Marsh at Horning was issued in 1972. Access is very constrained here and the area is at risk of flooding, so uses such as a caravan site would be inappropriate and there is a strong planning justification for retaining the Direction.</i></p> <p><i>5.27 A similar Direction was served on land at Anchor Street, Coltishall in 1982, where the constraints are similar. It covers a relatively small and discrete area of riverside meadow land which is currently used for grazing on the edge of the settlement of Coltishall and within the Conservation Area. Access is via an unsurfaced public footpath. It is understood that the Direction was served in response to a particular threat. Whilst the site is inappropriate for a caravan site use, the severely constrained access reduces the probability of this happening and there is not a strong justification for retaining the Direction."</i></p> <p>If we might paraphrase:</p> <p>"Crabbetts Marsh has constrained access and is at risk of flooding and use as a caravan site would be inappropriate. Direction to be Retained. The meadow at Anchor Street has constrained access and is at risk of flooding and use as a caravan site would be inappropriate. It is also in the Coltishall Conservation Area. Direction to be Removed."</p> <p>Even leaving aside what follows, we submit that the drawing of diametrically opposed</p>

conclusions from identical evidence is illogical and unreasonable (in the Wednesbury sense (1*)).

The proposal to remove this direction has caused considerable anxiety in the Coltishall community, so much so that we have been informed that a petition against its removal has so far raised over 100 signatures. The sources of this anxiety are three-fold:

- 1) the meadow is an important element of the character of Coltishall as a Broads tourist village where people come to enjoy riverside walking in an idyllic rural setting;
- 2) the meadow is an important amenity for villagers for a range of leisure pursuits;
- 3) the meadow is an important environmental feature, both for its natural beauty and habitats and as a part of the flooding eco-system.

These would seem to be *prima facie* precisely the reasons that UK government would expect Article 4 directions to be imposed:

“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.” (2*)

The Authority makes clear that it has no direct knowledge of the original ‘threat’ that led to the direction, and so, with respect, it can also have no knowledge as to whether that threat continues to exist or not.

The Authority states that “access is via an unsurfaced public footpath”. In fact, there are at least two ways to access the meadow:

- i) Via the so-called unsurfaced public footpath from Wroxham Road. This ‘footpath’ is some 3 metres wide and, we are told, **has been used by the Broads Authority itself** to bring heavy machinery onto the meadow.
- ii) Via a paved access point at the end of Anchor Street. The Parish Council was surprised that this access point is not mentioned in the Article 4 report, not least because we are told **the Broads Authority** has also used it to bring heavy machinery onto the meadow.

Finally, we would respectfully submit that the *probability* of the meadow being used as a caravan site, even leaving aside the above points about access, is not material. The Article 4 directions are in place to ensure that the Broads Authority is empowered to carry out its function in protecting valuable and valued Broads landscapes.

Works to unadopted streets:

Once again, the Authority indicates that it does not know the reasons for imposing this Direction (5.33), but nevertheless appears confident to remove it. Concern has been expressed that the Authority’s characterisation of access to the site may be significantly inaccurate, as stated above.

Conclusion:

In summary, we have a situation where Article 4 directions are in place at Anchor Street meadow to prevent development without further permission. The directions were put in place under the signature of the Secretary of State for the Environment some thirty-six years ago. The Broads Authority has no direct knowledge about why the Directions were put in place, or whether the specific reasons still pertain. Regardless, the Broads Authority rightly states that it views permitted development as inappropriate. The Broads Authority presents evidence that leads it to retain Article 4 directions at Crabbett’s Marsh. It then presents identical evidence in relation to the directions at Anchor Street meadow and proposes their removal. That evidence fails to note that the ‘unsurfaced public footpath’ has apparently been used by the Broads Authority itself to bring heavy machinery onto the meadow. It also inexplicably fails to identify a second, paved, access point that the Broads Authority has used for access to the meadow. In light of all this, it is not surprising that many residents of Coltishall are both bewildered and up

	<p>in arms at these proposals and object strongly to them as does Coltishall Parish Council on their behalf.</p> <p>Process concerns:</p> <p>We also wish to draw attention to process issues that have caused additional and unnecessary problems and workload for the Parish Council in Coltishall. Firstly, it was unfortunate that the Parish Council did not receive notification of this consultation until at least three parish councillors had already received calls from parishioners about it. We note and accept your apology for this. Secondly, it was unfortunate that the Parish Council discussion of this matter on Tuesday 12th June was curtailed by the statement from our District Councillor, who had spoken to Planning staff at the Authority the very same day, that the proposal to remove these Directions had been withdrawn. This statement was subsequently contradicted by Authority staff, but obviously too late to consider the matter at our Parish Council meeting. Finally, given the points raised above we are disappointed that so much work has been generated for so many people in Coltishall to respond to a proposal which seems to us to be fatally flawed from the outset. In contrast, retention of the status quo would seem to meet the stated objectives of all concerned and would generate precisely no work whatsoever barring an unforeseen request for planning permission after a thirty-six year hiatus.</p> <p>1* <i>Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223</i> 2* National Planning Policy Framework, paragraph 200.</p>
9.	<p>I am writing regarding the consultation for the changes to Article 4 Directions, in particular that relating to Anchor Street, Coltishall.</p> <p>Whilst I appreciate the need for this was a historic one, there are concerns that by lifting the Direction there would be a possibility, albeit an unlikely one, that undesirable development of the type originally envisaged could result. Therefore, while we acknowledge the desire to 'tidy up' the various Article 4 Directions, we would suggest keeping this one in place, to ensure future protection of this unspoilt location in the minds of all.</p>
10.	<p>I object to the removal of Article 4 Directions at Anchor Street Coltishall.</p> <p>The meadow is an important amenity and wildlife habitat.</p> <p>The public footpath is used extensively by ramblers, runners ,bird watchers and local residents.</p>
11.	<p>I was disappointed and dismayed to learn of the above action being taken by the Broads Authority. The area, in which the removal is proposed is an important amenity for wildlife, walkers, birdwatchers and local residents as well as providing holiday makers for an opportunity to explore this beautiful area.</p> <p>Caravan use of the area would be entirely inappropriate, the Meadow being a wet marsh, so it would also be inappropriate for camping.</p> <p>Access to this site would either be through Anchor Street, a narrow residential road, or a track off the Wroxham/Coltishall Road. Either access routes are very unsuitable, as mentioned, Anchor Street is a narrow road and route off the Wroxham/Coltishall Road would be dangerous for both vehicles towing caravans and out of the proposed site and traffic on the road, which include large lorries, coaches etc.</p> <p>The site is within a Conservation Area and caravanning and camping would destroy the ecology and wildlife in the area and I am sure that were a thorough ecological survey to be conducted on the site it would produce considerable evidence that this area should have the protection of varied habitat, at present protected by Article 4.</p> <p>I also note that Article 4 protects against 'other uses'. Would these 'other uses' include development for housing in the future?</p> <p>I therefore strongly object to the proposed removal of Article 4, as I am sure other parishioners will do and also reiterate that I am very disappointed and dismayed by this action</p>

	by the Broads Authority. I would be interested to receive an explanation for this action by you.
12.	<p>I strongly object to the removal of the Article 4 protection from the above meadow for the following reasons:</p> <p>The Broads Authority mission statement talks about the need to protect and enhance the natural environment. Removal of Article 4 protection on this meadow is totally contradictory. The public footpath is very much used by locals and organised groups.</p> <p>It is an important wildlife area.</p> <p>Access for caravans or whatever "other uses" might be thought up already exists down Anchor Street where there is a parking problem ; it is very, very narrow anyway, and there is no pavement.</p> <p>It was wrong of you to say the access is off the public footpath from the Wroxham road.</p> <p>This is a fine pastoral meadow landscape and should not to be disfigured by caravan or any other sort of development. It is also within the Coltishall conservation area.</p> <p>I would further point out that not to have informed the parish council of your intention so that the first they heard of it was when a resident of Anchor St. rang up to protest was disgraceful, as is the short time allowed for protests. We do live in a democracy and pay our taxes. We deserve more consideration.</p>
13.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall</p> <p>I picked up a planning leaflet from the new footpath gate by the entrance to the Public Footpath running from Anchor Street (near Coltishall) to the village of Belaugh, where I live. Having just returned after being away for two weeks, I note that my reply has exceeded the deadline, but I hope that my comments may still be considered.</p> <p>I have lived in Belaugh for over twenty five years and walked through these meadows many times. I am a keen naturalist and have chaired the Belaugh Natural History Group for a number of years. Most dog owners are responsible and very rarely have I seen discarded litter of any kind.</p> <p>These attractive and peaceful meadows attract many varieties of wild birds, Fauna and Flora. They are a pleasure to me and many others who reside locally of course, and walk this footpath on a regular basis</p> <p>There are also a constant passage of visitors throughout the year who moor their boats at our local Staithe where overnight free moorings are available. Families regularly pass my house on their walk to Coltishall. A number of walking groups that are either coming from or are heading to Belaugh Green, access the same footpath to enjoy and respect the countryside</p> <p>Without doubt, any form of camping or access to caravans would mar this attractive meadow and the footpath running between the two hamlets that many local people and visitors to the Norfolk Broads have enjoyed for decades.</p>
14.	<p>I am writing to put on record my strong objection to the proposed removal of Article 4 Directions at Anchor Street, Coltishall. The riverside meadow currently protected by Article 4 is an important wildlife habitat for plants, animals and birds. Given that you proudly state on your website that you are "the guardians of Britain's largest protected wetland" I was to say the least disappointed when I looked at your reasons for considering Article 4 was no longer needed and found that you give "constrained access" as one of them. Yet I learnt about your proposal from the notice you have attached to a telegraph pole beside the farm gate giving vehicular access from Anchor Street direct to the meadow. I believe this was the point of access used for remedial work and replanting of the river bank in the meadow only a couple of years ago. Who at the Broads Authority decided that access to the meadow is constrained and therefore the meadow is unsuitable for caravans? I would appreciate your comments on this.</p>

	I believe there is no good reason for removing Article 4 protection from the meadow.
15.	I am writing to object to your proposed removal of Article 4 Directions that are currently in place to protect the field at the end of Anchor Street, Coltishall. I do not believe the reasons you give justify weakening the current protection afforded to this delightful and scenic meadow with its varied wildlife and riverside plants.
16.	<p>We, the undersigned, wish to object in the strongest terms to the proposal to remove the Article 4 Direction protection from the land designated in the notice dated 29th May 2018 outlining the meadow at the far end of Anchor Street, Coltishall.</p> <p>The land extends along the north bank of the river Bure where, very expensively, the Authority has recently carried out extensive conservation work to restore the eroded margin. Back in 1982, in response, it is understood, to a proposal by the then landowner, the Authority issued an Article 4 notice which effectively stopped any permitted development on the land. Now, for unknown reasons, the Authority is proposing to remove the restriction from this parcel of land and six others. This will permit the new landowner, which we understand is a Mr Trafford, to allow camping, caravanning and associated use on the land. The removal of the Restrictions would seriously affect the area in question both from amenity and environmental perspectives in an area which is a Special Area of Conservation.</p> <p>The land has been used for centuries, in all likelihood since the Enclosure Acts, as grazing land for cattle. It is a low-lying meadow which is prone to flooding and provides a valuable amenity for local walkers as well as a significant habitat for native wildlife including the recently-arrived family of otters who have been seen on the bank opposite where it is believed their holt now is after deliberate damage was done by persons unknown to their previous holt on Anchor Moorings island. The area is also an habitual stalking location for herons and kingfishers. The actual meadow itself, being grazed in the traditional way has allowed traditional wildlife flora to remain established and which would be seriously affected by any development of the land as a caravanning or camping amenity. In this regard access and egress from the site by any of the existing paths onto Wroxham Road would be extremely dangerous while access along Anchor Street itself is handicapped by the narrowness of the roadway and the parking of cars on one side of this road as many houses, ours included, have neither vehicular access nor parking space.</p> <p>I believe that this difficulty of access is assumed to be at least one of the reasons for the proposal to lift the existing restrictions in the belief that intending users of the area would be deterred by the difficulty of progress along Anchor Street. This assumes an easily-deterred psyche amongst drivers which is daily contradicted, country-wide, by a willingness to follow satellite navigation instructions in face of the uttermost challenges!</p> <p>The Article 4 restrictions have been in place for 36 years and have, during that time, preserved a valuable amenity for wildlife and local residents each. Nothing has changed to indicate lifting the restrictions would have no effect on the area, in fact the opposite; residents' quality of life would be lowered, wildlife flora and fauna would be compromised, an expensive investment in water margin management would be lost and the way would be open for another gradual erosion of the very tranquillity that many who live and visit the Broads covet.</p> <p>We therefore request that the existing Article 4 Directions be allowed to remain in force.</p>
17.	<p>I am writing to object to the above 'The removal of Article 4 Directions at Anchor St, Coltishall'. The reasons being:</p> <ol style="list-style-type: none"> 1. The meadow is an important habitat for wildlife; 2. The public footpath is used by many people, runners, ramblers and local residents; 3. The site is an important ecological landscape and in my eyes needs to be protected. <p>I hope you will consider the points I have raised.</p>
18.	[2 identical responses received]

I wish to object to the recommendations for removal of the existing Article 4 Direction in respect of:

(vii) Caravans, camping and temporary uses at Anchor Street, Coltishall*

(viii) Works to unadopted streets Anchor Street, Coltishall*

(* From: Summary in Section 5.37 of The Report by the Planning Officer and Head of Planning to the Broads Authority Planning Committee, 3 March 2017 [Agenda Item No 14 Article 4 Directions] MHICISAB/rptpc030317/Pages 9&10 of 14 1210217)

Reasons for objection

My reasons for objection are set out in points 1-3 below.

These discuss and challenge the Authority's justification for removal of the Article 4 Direction noted in Section 5.27 of the above report which states:

'(The Article 4) Direction ...served on land at Anchor Street, Coltishall in 1982,covers a relatively small and discrete area of riverside meadow land which is currently used for grazing on the edge of the settlement of Coltishall and within the Conservation Area. Access is via an unsurfaced public footpath. It is understood that the Direction was served in response to a particular threat. Whilst the site is inappropriate for a caravan site use, the severely constrained access reduces the probability of this happening and there is not a strong justification for retaining the Direction'.

1. Vehicular Access to the site is possible and the Authority's justification for removal of the existing Article 4 Direction is therefore questionable. Access from Coltishall to the 'land at Anchor Street, Coltishall' (the riverside meadow noted above) is over a very short terminal section of the unsurfaced public footpath between Coltishall and the neighbouring conservation area of Belaugh. This section is only a few metres in length and is more than wide enough to allow access for vehicular traffic – as evidenced by the new, wide, field gates at each end of the section. On the Coltishall side of these gates the metalled road of Anchor Street (itself accessed by two side turnings off the main B1354) is in daily use by domestic and service vehicles. It is also in constant use for on-street parking for both residents and visitors. I do not agree that this short, wide, gated section of the footpath represents 'the severely constrained access' which the Authority (Section 5.27 above) has stated as its justification for removal of the Article 4 Direction.
2. Camping and other temporary commercial or leisure uses would not necessarily require vehicular access and the Authority's justification for removal of the existing Article 4 Direction is therefore questionable. The public footpath across this land links the conservation areas of Coltishall and Belaugh and is well used in all seasons of the year. Lying within a wholly rural environment, with river views and (unusually) a complete lack of any visual intrusion from vehicular traffic or commerce, this path and its environs is accessible by, and an important asset to, the local communities of Coltishall and Belaugh as well as visitors to the area. The above report (3rd March 2017 to the Planning Committee) is clear that the site in question (the riverside meadow) is 'inappropriate for a caravan site', but makes no mention of the 'camping and (other) temporary uses' of the original Article 4 Direction. I agree that the site is inappropriate for a caravan site and believe it is equally inappropriate for camping and some other temporary commercial or leisure uses (e.g. parties, group barbeques etc.). Such uses do not necessarily require vehicular access, particularly as parking is available nearby. Access to this land can also be gained from the well-used, navigable stretch of river which forms one of the long boundaries of the site.
3. Removal of the Article 4 Direction will limit the potential for protection of this nationally and locally designated area of land from adverse development. Since access constraints do not appear to be as restricted as the Authority believes (see '1' and '2' above), the

	<p>removal of the relevant Article 4 Direction (1982, approved by the Secretary of State in 1982) seems contrary to the robust protection from adverse development that should surely be accorded to land within both a locally designated conservation area and the nationally designated landscape of the Broads. While an Article 4 Direction does not necessarily preclude the granting of planning permission for the activities/uses outlined by it, it does allow valuable input from planning experts within the Authority, and for the views of the local community to be taken into consideration in reaching a decision on any such proposals. Given that this potential has already been secured, it seems perverse to remove it and so lessen both the protection of this nationally and locally important area of land, and the involvement of the community in any decisions on its future.</p> <p>I therefore urge the Authority to reconsider, and to retain both elements of the above Article 4 Direction in respect of Anchor Street, Coltishall.</p>
19.	<p>[5 identical responses received]</p> <p>I object to the removal of the Article 4 Directions at Anchor Street, Coltishall. This objection is because the return of permitted development rights offering potential for future adverse developments severely conflicts with the conservation and quiet public enjoyment of this area.</p>
20.	<p>We object to the removal of Article 4 Directions at Anchor Street, Coltishall.</p> <p>The proposed changes to access for Anchor Street, Coltishall to Belaugh Meadows, which would allow caravan and related uses in a highly sensitive environment without the need to seek planning permission, will threaten the habitat of many wildlife species.</p> <p>This area is a popular local amenity, which already has vehicular access via Anchor Street and the track connecting to Wroxham Road.</p> <p>The existing restrictions are needed so that:</p> <ul style="list-style-type: none"> • the animals, birds and waterfowl are protected • ramblers, birdwatchers and local residents may continue to access this beautiful area • this ecologically -sensitive area lies within a conservation area and therefore should continue to be protected. <p>As an ex- caravan owner I also believe this often wet area would be substantially damaged by large caravans and other leisure-related vehicles.</p> <p>The small lane would be made extremely dangerous if used by those same large vehicles, as it is used regularly for vehicular access and parking by local residents.</p>
21.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall for the following reasons:</p> <ol style="list-style-type: none"> 1) Removal of the Directions would allow the land to be used for inappropriate caravans and related uses without the need to seek planning permission i.e. the very reason for the Directions being introduced in the first place. 2) The arguments that access is "difficult" and that it is "unlikely" that the land would be used for caravans as the reasons for the removal, of themselves prove that removal is unnecessary. 3) If future usage proposals <u>other</u> than those that you consider "difficult and unlikely" have to be subject to Planning Permission, then they will surely stand or fall upon their own merits. 4) Public entitlement to access, its ecology and amenity within a Conservation area all militate against the removal that you seek.
22.	<p>I strongly object to the proposed new development of Belaugh Meadow and the removal of Article 4 Directions at Anchor Street.</p> <p>I have been walking- with or without the dog- there for over 25 years and I am appalled by this</p>

	<p>cavalier project about which the people have certainly not been properly consulted. You may perhaps have met the minimal legal requirement with that notice at the bottom of Anchor Street but that does not constitute a proper consultation.</p> <p>Has there been an environmental study done? Is it even legal to proceed without one in such a sensitive habitat?</p> <p>This is railroading and is grossly insensitive. You need to rethink this.</p>
23.	<p>We write with reference to the above and we must object most strongly to the removal of the Article 4 protection to the above site.</p> <p>Nothing has changed in relation to the importance of this site since it was given Article 4 Directions status. It is a natural water meadow and there are almost always water logged areas.</p> <p>It still has the well-used footpath for walkers from not only Anchor Street but the wider community.</p> <p>It retains its status as an important wildlife haven.</p> <p>The suggestion that the land is 'unlikely' to be used for caravans and camping especially as we believe there is a means of access from the Wroxham Road, is not a positive enough view to make us feel comfortable with your proposal. In any event camping cyclists and walkers have minimal access requirements.</p> <p>Why store up potential conflicts of interest for the future when a retention of the existing status gives all the parties with an interest in retaining this classic Broadland meadowland all the protection that is needed?</p>
24.	<p>As tenants at the above address we object to the removal of Article 4 Directions at Anchor Street, Coltishall.</p> <p>The road leading to the site is narrow and residents already need to make use of the parking available on the side of the road, If you allow camping to take place on the proposed site there is bound to be parking issues and misuse of private parking areas</p> <p>The proposed site is a beautiful, tranquil meadow to walk through. The wildlife undisturbed. All of this will be taken away.</p>
25.	<p>I am writing to object to the removal of Article 4 Directions on Anchor Street in Coltishall. The meadow in question is a beautiful and peaceful place on the very edge of our Broadland Village. It is a lovely quiet walk used by villagers and visitors who can enjoy views of the river Bure, wildlife and an attractive green landscape. By removing the article 4 directions you will be giving a most unwanted signal to would be developers who care nothing for the countryside only for ways to make money.</p> <p>This proposal has caused consternation in our village. Residents simply cannot understand why the Broads Authority who are charged with protecting this precious National Park would remove an essential layer of protection. In a climate of over development and dubious proposals from the next Greater Norwich Plan our community is rightly concerned and nervous about anything that would have a detrimental effect on our immediate environment. I am afraid that saving a bit of paperwork is no reason to put our village at risk from unwanted development permissive or otherwise. I would also suggest that in future before you embark on consultations likely to upset local communities you at least engage with them beforehand through Parish Councils.</p>
26.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall.</p> <p>I would like to draw to your attention the following:</p> <ol style="list-style-type: none"> 1. The public footpath is used by many residents of Anchor Street, also by Ramblers and nature watchers.

	<p>2. The meadow and associated river bank is an important habitat for wildlife. Any disruption to this would be detrimental to wildlife preservation, one of the Broads Authority's stated goals.</p> <p>3. To spoil this natural habitat by potentially allowing caravan and camping to take place is totally inappropriate and would affect the quality of life of Coltishall residents, visitors, ramblers, and of course, most importantly, the wildlife.</p> <p>I strongly urge you not to lift the restrictions (Article 4).</p>
27.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall.</p> <p>Access along Anchor Street, particularly approaching the fields, would be difficult if not impossible for visiting vehicles.</p> <p>A stream of holiday caravan driven by those unfamiliar with the access is unthinkable, also making the road with no pavement space, unsafe for pedestrians.</p> <p>The public footpath is a favourite walk for many people - ramblers, dog walkers and local residents.</p> <p>The meadow lies within a Conservation Area.</p> <p>The meadow is also a natural habitat for wildlife and is worthy of our protection - providing interest and pleasure for walkers and boaters alike.</p> <p>I am aghast that anyone with eyes and the power of reason would think the suggested field use is possible - never mind plausible.</p>
28.	<p>We <u>object</u> to the removal of Article 4 Directions at Anchor Street, Coltishall. Our reasons for the objection are as follows:</p> <ol style="list-style-type: none"> 1. Anchor Street and the adjoining field in question is within the Coltishall Conversation Area, the withdrawal of Article 4 direction would go against the reasons and purpose of this classification. 2. This meadow land is used consistently by residents, tourists, ramblers and joggers alike and 3. this cannot be compromised by any future planning proposals that could be sanctioned consequent upon the withdrawal of the Article 4 Directions. 4. This and the adjoining lands are agricultural and should remain as such in perpetuity. There is seasonal grazing of cattle. (<i>see page 3</i>) 5. The land is a wild life habitat for numerous species of waterfowl and other birds and must be protected at any cost, walkers and joggers use the permitted footpath through the field and therefore do not disturb the nesting birds, wild flowers etc. (<i>see page 3</i>) 6. This is an area of natural beauty this must be recognised and protected from any form of 7. change of use or development. 8. The access from Anchor Street [being a no-through road] onto this land is fortunately restricted to mainly farm vehicles, this status must remain. This is a narrow lane with finite parking facilities available to residents in Anchor Street as it is, the prospect of regular and increased traffic flow would be inappropriate and unacceptable. 9. The land being the subject of this proposal is persistently waterlogged and totally unsuitable for any alternative uses including camping or as a site for caravans. <p>We are very surprised to learn that no communication between your department and the Conservation Officer had been made before this proposal was put forward.</p> <p>We moved to Anchor Street almost 20-years ago being drawn to this road and area because of the tranquillity and rural flavour that it offers enhanced by the adjacent meadow/farm land.</p> <p>Possibly there is a hidden agenda here and that the removal of the Article 4 Direction is the first step toward the opening of opportunity for the current land owner or tenant?</p> <p><u>Possible impact to environment caused by change of use</u></p>

	<p>Habitat loss</p> <ul style="list-style-type: none"> • Change in species composition and displacement of sensitive species • Loss of conservation value • Reduction in ecological diversity • Risk of damage from spills or leaks of fuel, oil and chemicals • Direct land-take resulting in disturbance or destruction of terrestrial habitat • Change in species composition and displacement of sensitive species • Loss of conservation value • Change in terrestrial community <p>Livestock grazing is essential for the management of wildlife habitats. Grassland, heathland, wood pasture and floodplain - all require some grazing to maintain the structure and composition upon which a variety of plants and animals depend for their survival.</p>
29.	<p>I object to the removal of article 4 Direction at Anchor Street,Coltishall.</p> <p>My reasons are:</p> <ul style="list-style-type: none"> • The area is full of wildlife, we have seen Kingfishers regularly along the banks. • It is a valued footpath for locals and tourists connecting the villages of Coltishall and Belaugh. • It lies within a conservation area. • It is not an appropriate location for camping or caravanning. • Access would be an unfair infringement to local residents. • Finally, if The Broads Authority feel access is difficult and unlikely then why change the existing restriction? Has the land owner indicated their wish for a change, if so why?
30.	<p>We object to the removal of Article 4 Directions at Anchor Street, Coltishall.</p> <p>My wife and I walk the meadow at the end of Anchor Street on a frequent basis, enjoying the wildlife in this attractive green space between Coltishall and Belaugh. Too many of these natural areas are being swallowed up with unwanted development: preservation and enhancement of the Conservation Area, within which this site lies, is crucial.</p> <p>The meadow would be a totally unsuitable site for caravans; access for a towing vehicle is restricted due to the width of Anchor Street: the gate entrance to the field would also be problematic.</p> <p>In terms of ecology and conservation we believe that there is an overriding planning justification for retaining the protection offered by the Article 4 Direction.</p>
31.	<p>I am writing to object to the removal of Article 4 Directions at the above on the following grounds:</p> <ol style="list-style-type: none"> 1) It is an area of great beauty and peacefulness adjacent to the River Bure. This area attracts many people who love using the footpath over the meadow between Coltishall and Belaugh. Those using it include families, walkers, runners, nature lovers, bird watchers and many others. My family has used it since the 1960's. To remove Article 4 Directions could result in a camping and/or caravan site or even a site for development without planning permission thus destroying a priceless area enjoyed by many. 2) It is an important space for wild life. 3) It is part of a Conservation Area. <p>I therefore whole heartedly wish the current situation to remain as existing and Article 4 Directions to remain.</p>
32.	<p>As co-owners of the above property we most strongly object to the removal of the current</p>

	<p>Article 4 restrictions placed on the meadow land at the bottom of Anchor Street Coltishall for the following reasons:</p> <ol style="list-style-type: none"> 1. Principally it would quickly be picked up by the Travelling community and before long we would have a camp site without any of the proper amenities to support it. As country wide experience shows the area then quickly becomes a sight sore with fly tipping, security concerns for neighbours, and all the other problems of health, hygiene, safety etc. that go with temporary camp sites. 2. The very narrow confines of Anchor Street are totally unsuited for caravan traffic and they would quickly pose an access problem for emergency service vehicles. Any increase in traffic would make it more difficult for local residents to access their properties. 3. There is no turning space for vehicles and particularly caravans at the bottom of Anchor Street without encroaching on the privately owned car park and Wherry Quayside. This would soon lead to confrontations as local residents would have their privacy rights disrespected. 4. The whole of the Meadows and the footpath through to Belaugh is an area of Broadland water meadows with its unique natural habitat, enjoyed by ramblers, pet owners, local tourists. All of which will be spoilt by unregulated caravan and tent usage. 5. As virtually the only stretch of open water meadow between Wroxham and Coltishall I cannot believe the Broads Authority are considering lifting this restriction. Broadland residents look to the Authority to preserve what is best and natural in our area, not seek to destroy it.
33.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall. I would like write this email to say that I do not like the sound of a caravan site might be going down Anchor Atreeet. I have lived in around Coltishall more than 40 years now. The field where they wish to a caravan site the field is a very uneven field also lots of animals on the field to going a long with wild life too and a very good footpath through to Belaugh as well. The road going down anchor street is a narrow road and only enough room where a car can get passed a parked car so trying to say I do not think there will be enough room for a caravan to go passed a parked car. Onthe main road goes from Coltishall to Wroxham which I think it's the B1150 is also a narrow road and can have lots or cars use that road going both ways. When the caravan to in and out they will need a little more speed to get out on to the main which a caravan and a car will not have that sort of speed and I think it might cause an accident That's why I have not gone ahead with it and rejected it.</p>
34.	<p>I was recently walking from Coltishall to Belaugh along the Anchor Street footpath that continues over the marshes to Belaugh and discovered the notices announcing your application to have changed, the '1982 Article 4 Directions'.</p> <p>The area indicated is an area of outstanding natural beauty with uninterrupted views of the river Bure and often many grebe, swans and duck.</p> <p>The footpath is much used by walkers and members of the village.</p> <p>The whole experience of being 'down on the marshes' would be utterly ruined by a caravan park or 'other uses'. There are fewer and fewer opportunities for experiences such as natural, unchanged, un-improved environment and it would be the most appalling desecration if this were to be changed and any development allowed.</p> <p>You say in mitigation of your proposals, that any development is unlikely because of the access. Anchor Street is a perfectly good (if somewhat narrow) vehicular metalled road leading straight onto the marshes. And it would not be impossible to access the site from the Wroxham Road, so this argument has no validity at all.</p> <p>There was obviously a reason for your application otherwise you wouldn't be going to the trouble of getting the previous restrictions overturned and that can only be the opportunity to</p>

	<p>turn this site into a positive (monetary) asset.</p> <p>I strongly object to the removal of 'Article 4 Direction at Anchor Street, Coltishall'. The area should remain as it is and has been for the last few hundred years:we all love and cherish and you, as guardians of the Broads should be ensuring that it remains so.</p>
35.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall.</p> <p>Why are the Broads Authority wasting their time and money changing this - whether unlikely or not - it would be prudent to keep the restriction making planning permission necessary if the landowner tried to allow caravans, camping and other uses on the site. There have been rumours of a landowner in the area wishing to start some kind of caravan/camping area and for all I know - it could be this landowner.</p> <p>The meadow is an important local amenity and wildlife habitat within which runs a footpath used by members of the local community including runners, ramblers and bird watchers - or just those choosing to go for a pleasant walk through to Belaugh and caravan/camping use would be completely inappropriate.</p> <p>The protection afforded by Article 4 against those "other uses" must also be retained. Within its proposal, the Broads Authority has misleadingly stated that access is only "via an unsurfaced footpath" when in fact, vehicular access is already possible via the Wroxham Road and Anchor Street. There are works at a farmhouse on Wroxham Road clearly showing a gateway which would lead down to that actual field. Any further vehicle traffic along Anchor Street other than for residents would be completely inappropriate.</p> <p>The meadow lies within the Conservation Area and the sensitivity of this site in terms of ecology and landscape interest is such that there is very clearly a strong planning justification for retaining the protection offered by this Direction.</p>
36.	<p>I wish to object to the removal of the two Article 4 Directions pertaining to the meadow at Anchor Street, Coltishall.</p> <p>In setting out the grounds for retaining the Article 4 Directions, the term '<i>The Report</i>' in the text of this letter refers to the <i>Report by Planning Officer and Head of Planning</i> dated 3 March 2017.</p> <p>Caravans and camping development would be entirely inappropriate.</p> <p>There is little disagreement on this point, and in fact <i>The Report</i> acknowledges this at para 5.27. As you will know, the meadow lies within the Coltishall Conservation Area. A public footpath passes through which is used almost constantly by ramblers, runners, bird watchers and local residents.</p> <p>The meadow is an important wildlife habitat as well as a first line of flood defence. Further, any change in use would impose a hardship on the small farmers who depend on fast disappearing meadows for grazing.</p> <p>There is strong local opposition to use of the meadow for caravans and related activities</p> <p>A petition (attached here) has been signed by more than 100 local residents and other users of the meadow opposed to removal of the Directions. In addition, it is understood that you have received a large number of letters and emails objecting to the proposals.</p> <p>Removing the Article 4 Directions sends a signal to the landowner that however inappropriate, caravans and camping would be allowed as permitted development.</p> <p>Removing the Directions does not make sense for the Planning Department.</p> <p>Far from being 'bogged down' with planning applications, The Authority has received not a single application since the Directions were put in place in 1981. If the landowner subsequently proposed to use the meadow for caravans as a permitted development, the local response would be massive, triggering a flood of objections and likely forcing the Authority to serve <i>new</i> Article 4 Directions. Keeping the Directions in place makes sense!</p>

	<p>The Report's recommendation to remove the Article 4 Directions at Anchor Street is based on entirely incorrect information concerning access to the site.</p> <p>Of the 4 sites where Directions have been served covering caravanning, <i>The Report</i> recommends retaining Article 4 protection at all <u>except</u> the meadow at Anchor Street. The reason given (5.27) is that '<i>..the severely constrained access reduces the probability of (caravan use)</i>'. But the access is not constrained at all. In fact the opposite is true. Although <i>The Report</i> states that "...the only access is via an unsurfaced public footpath', there are in fact two good points of vehicular access:</p> <ol style="list-style-type: none"> 1. Anchor Street itself is used routinely by the grazier to bring cattle and feed on and off the meadow. The Broads Authority itself used this access last year to bring heavy machinery on as part of the Bure bank erosion project. 2. Wroxham Road is connected directly to the meadow via a track which is approximately 3m wide. This route was also used by the Authority last year to bring on an amphibious weed cutter. The photos show agricultural vehicles entering the meadow via the Wroxham Road access as recently as June 12th. <div style="display: flex; justify-content: space-around; align-items: center;">   </div> <p>Static caravans could certainly be moved on without much difficulty. The track and adjacent land are in the same ownership as the meadow. Should the landowner choose to do so, improvement of the 3m track would not be particularly difficult.</p> <p>Thus the Authority's reasoning for singling out the Anchor Street meadow for removal of Article 4 Directions on the grounds of 'constrained access' is without validity.</p> <p>In conclusion, it needs to be borne in mind the threat of caravan use that led to the original Article 4 Directions being served could easily resurface if the protection they afford were to be removed.</p> <p>I strongly urge the Planning Committee to retain the Article 4 Directions at Anchor Street.</p>
37.	<p>I object to the removal of Article 4 Directions at Anchor Street, Coltishall</p> <p>We have just got home after a wonderful week on the Broads and I felt I must contact you about the above. We own a caravan and have spent many years traveling and visiting several places at home and abroad. We have stayed at many sites but we both feel that a site at this location would spoil the calm, peaceful, atmosphere of this area. We have seen on several occasions how the roads to sites can be disrupted and spoilt by inappropriate sites. Anchor Street is a joy to walk down when visiting Coltishall and would be spoilt by extra traffic let alone caravans which would have problems passing each other. Maybe tents wouldn't be such a bad idea, if the Broads Authority feel the need to raise money.</p>
38.	<p>We object to the removal of the Article 4 Direction that covers the meadow at the end of Anchor Street (http://www.broads-authority.gov.uk/ data/assets/pdf file/0004/1227721/Land-at-Anchor-Street,-Coltishall.pdf) for the following reasons:</p> <ol style="list-style-type: none"> 1) It was considered necessary when it was made in 1982 and the conditions have not altered.

2) Removal of the Article 4 Direction may be construed by the landowner as the Broads' Authority's tacit approval of the use of the meadow as caravan site, for which use it is clearly unsuitable. Your officers admit as much in para 5.27 of the report http://www.broads-authority.gov.uk/data/assets/pdf_file/0004/894667/Article-4-Directions-pc030317.pdf Although unwelcome, the development of the meadow as a caravan site would not be impossible. There has already been some tipping of rubble in some places on the meadow to improve vehicular access. If the Article 4 Direction was lifted, hard standing for caravans could be made in a similar way.

3) The above report is misleading in the statement at 5.27, "Access is via an unsurfaced public footpath." Again, in para 5.33 the report is mistaken when it states "the only access is via an unsurfaced public footpath". Please find attached photographs showing the short stretch of unadopted road and two gates leading to the meadow at the east end of Anchor Street.



The existence of a means of vehicular makes the development of a caravan site a distinct possibility. We observe that access would also be possible across the fields from the Wroxham Road and Belaugh.

4) The water meadows between Anchor Street and Belaugh are one unit of unimproved grassland and when, and in places where, these meadows have not been top dressed with nitrogen fertilisers, wild flowers thrive - including Buttercups, Orchids, Marsh Marigolds, Lady's Smock. These meadows are also important habitat for wildlife, not least the Broads iconic species of Kingfishers and Otters. Recent bank restoration on the meadow (http://www.broads-authority.gov.uk/data/assets/pdf_file/0008/537722/BA20140394FUL-Anchor-Street-Coltishall-Top-Road-Belaugh-Skinners-Lane-Wroxham.pdf) has enhanced it as a wildlife habitat.

5) The ancient footpath that leads from Anchor Street to Belaugh is much used by residents and visitors to the Broads National Park. Any development on the meadow would impact negatively on its natural beauty and on that of the Conservation Area.

Taking these factors into account, we believe that removal of the Article 4 Direction is unnecessary, reckless and likely to have unintended consequences. Please reconsider your

	decision and keep the Direction as it applies to the meadow to ensure this unique landscape is protected.
39.	<p>I object to the removal of Article 4 Directions at Anchor Street Coltishall.</p> <p>This is a beautiful and peaceful riverside walk in a conservation area and I frequently walk there enjoying the wildlife. Only this week I took some Austrian visitors through the meadow to show them the typical Norfolk scenery. It would be a tragedy if this was lost or spoilt by caravans.</p> <p>Please do not allow the current restrictions to be removed.</p>

Brundall Riverside Estate
Temporary uses of land

1.	<p>I am writing following a letter received 31.5.18 regarding the above.</p> <p>Having read this letter and spoken to a number of people, including people from professions such as architects and developers we are concerned as we have no idea what this is suggesting. The letter seems contradictory to its self and I would like clarification and simplification of this proposal so that I may have an informed view to be able to comment further to this consultation.</p> <p>[Following correspondence from BA no further response submitted]</p>
2.	<p>The Parish Council [Brundall PC] were happy with the Article 4 changes. Thank you for the extension.</p>

Halvergate

Travelling shows and camping

1.	<p>Thank you for your letter about the proposal to remove the Article 4 directions for travelling shows and camping. The parish council [Acle PC] discussed this at its meeting on Monday.</p> <p>The councillors feel that the restrictions should remain. The restrictions protect a vulnerable area.</p>
2.	<p>[Telephone response from landowner]</p> <p>He owns much of the land covered by the direction and the land is farmed so would not be appropriate for a travelling show. He has no objections to the removal of the Direction.</p>

Hoveton, off Church Road

Holding of markets, motor and motorcycle racing and clay pigeon shooting

No consultation responses received.

Wroxham, Holly Lodge

Erection of boundary treatments

1.	<p>We understand the proposal is to lift a Direction restricting permitted development in respect of the riverside and dyke at this property.</p> <p>We attach copies of plans relating to your Directive together with copies of the Land Registry filed plans for both Holly Cottage and Crowsteps.</p> <p>It is quite clear from inspection of the two Land Registry Plans that the dyke to the north of Holly Cottage belongs to Crowsteps and that the Plan linked to your Article 4 Directive showing the boundary line on the northern side of this dyke is incorrect.</p> <p>If the Broads Authority intend to continue with removal of development restrictions for Holly Cottage, then this should also be available for the owner of Crowsteps.</p> <p>Our client [name removed] has received no notice of the Article 4 Directive and has had no site</p>
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notices in respect of his or the neighbouring land. He did however contact your office at (a gentleman called 'Bob') at 11.30am on Wed 6th June but the issue is yet to be resolved.

What has been suggested is that the lifting of restrictions was to facilitate a Clay Pigeon Shoot, details of which Mr Redgrave was totally unaware. This would clearly be a concern for Mr Redgrave if such a development were to be permitted.

In any event, we invite the Broads Authority to accept that the Land Registry Plans attached accurately reflect ownership details and that the northern dyke is within the Title belonging to [name removed] at Crowsteps and not within the ownership of Holly Cottage which owns the strip of land and dyke to the south only.

APPENDIX 3

	Immediate directions*	Non-immediate directions
Contents of notice	<ul style="list-style-type: none"> • A description of the development and area to which the direction relates; • A statement of the effect of the direction; • Specification that the direction is made under article 1(4) of the GPDO; • The name of a place where a copy of the direction and map can be viewed; and • A period of at least 21 days within which representations can be made. 	<ul style="list-style-type: none"> • A description of the development and area to which the direction relates; • A statement of the effect of the direction; • Specification that the direction is made under article 1(4) of the GPDO; • The name of a place where a copy of the direction and map can be viewed; • A period of at least 21 days within which representations can be made; and, • The date on which it is proposed the direction will come into force, at least 28 days from the start of the consultation period, but no more than two years.
Consultation	<ul style="list-style-type: none"> • Local advertisement; • Site notices at no fewer than two locations within the area to which the direction relates; and • Serve notice on the owner and occupier of every part of land within the area to which the direction relates (unless it is considered that individual notice is impracticable because not all owners can be identified or located, or it is impracticable due to the number of owners of occupiers). 	<ul style="list-style-type: none"> • Local advertisement; • Site notices at no fewer than two locations within the area to which the direction relates; and • Serve notice on the owner and occupier of every part of land within the area to which the direction relates (unless it is considered that individual notice is impracticable because not all owners can be identified or located, or it is impracticable due to the number of owners of occupiers).
Notification	<ul style="list-style-type: none"> • Secretary of State 	<ul style="list-style-type: none"> • Secretary of State
Confirmation	<ul style="list-style-type: none"> • Take into account any representations received. 	<ul style="list-style-type: none"> • Take into account any representations received.

	<ul style="list-style-type: none"> • No sooner than 28 days after latest date notice served, or such longer period specified by SoS. • Within six months of serving, otherwise it expires. • Give notice of confirmation in the same manner as the consultation, including to SoS in most circumstances. 	<ul style="list-style-type: none"> • No sooner than 28 days after latest date notice served, or such longer period specified by SoS. • Give notice of confirmation and the date it will come into effect in the same manner as the consultation, including to SoS in most circumstances.
Effect	Immediate.	On the specified date when confirmed.

* Immediate directions can only be used to withdraw permitted development rights for Parts 1 to 4 and Classes B and C of Part 11 of the GPDO (dwellinghouses, minor operations, changes of use, temporary buildings and uses and demolition of buildings) where such development is considered to be prejudicial to the proper planning of their area or constitute a threat to the amenities of the area and to certain rights in parts of, or whole, Conservation Areas.

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

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

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

2. Financial Implications

- 2.1 There are no financial implications.

Background papers: None

Author: Natalie Beal
Date of report: 11 July 2018

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Norfolk County Council
DOCUMENT:	Norfolk Minerals and Waste – Issues and Options
LINK	https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/norfolk-minerals-and-waste-local-plan-review
DUE DATE:	13 August 2018
STATUS:	Issues and Options version
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	<ul style="list-style-type: none"> Norfolk County Council is the waste and minerals planning authority and determines applications for minerals and waste development. This is the first public consultation stage of the production of the Minerals and Waste Local Plan. The Local Plan will bring together the separate documents on minerals and waste into one place.
PROPOSED RESPONSE:	<p><u>Main document</u></p> <ul style="list-style-type: none"> The Broads has been identified by Historic England as an area with exceptional potential for waterlogged archaeology. Any excavation within or close to the executive area will require particularly robust archaeological evaluation prior to consenting and not rely on a brief desk based evaluation and conditions. For the avoidance of doubt, perhaps say that this covers the entire county of Norfolk. Perhaps something about how it fits with our Local Plans? Something about how Authority is consulted if application in or near to area? We would like to understand how our special qualities and our policies that could be of relevance would be considered in decision making. Page 16, 28 – the Broads has a status equivalent to a national park. Page 23 – suggest A3 landscape. Page 28: Typographical error: ‘Landscape Character Assessments have been carried by the Local Planning Authorities in for Norfolk and they consider where locally designated landscapes of importance are situated’. Page 39: Typographical error: ‘and/or the volumes of waste in each area so low that it would be unviable for a full range of waste management facilities to exist in every area’. Page 41: Typographical error: ‘end-of-live vehicles’ – should this be ‘life’? Page 46: Typographical error: ‘...have similar locational requirements due to their potential to impact on local amenity and the environmental’. Page 49: Typographical error: ‘of waste electronic electrical and electronic equipment (WEEE)’ WP17 and MP10 and MP11 – will you provide GIS layers of these facilities and consultation zones? Page 61: Typographical error: ‘the most recently available date’ The areas on page 67 – the Broads is not mentioned. Presumably this is because silica sand only occurs in West Norfolk Borough? Page 77: Typographical error: ‘will be made by on a case by case basis’. Page 78: Typographical error: ‘Carstone is also a scare resource in Norfolk and therefore it is appropriate for the entire carstone resource to be safeguarded as

	<p>part of the MSA'</p> <ul style="list-style-type: none"> • Page 78 – reference to peat. Whilst extraction is not supported in the NPPF, what about the removal of peat as part of the development related to minerals and waste? Peat has many important qualities and the Authority has a policy relating to peat. How will this be used in determining applications in the Broads? As well as that, you may wish to look at policies relating to peat in terms of its removal and how it is to be treated in relation to its properties. • Page 81 – are there any areas in Norfolk that could be investigated for unconventional hydrocarbons/fracking? • Appendix 4: What about moorings and river bank stabilisation and other such applications that occur in the Broads but probably not elsewhere in Norfolk? • General comment: headers and paragraph numbering would make the document easier to read – pages of text with no breaks was difficult to read. <p>Question 5: MW2</p> <ul style="list-style-type: none"> • Page 26, MW2 could mention dark skies. You could refer to the CPRE Night Blight data as well as our dark skies policy and zones. • Page 27: Dark skies are important in the Broads and elsewhere. Perhaps more could be said about lighting: directing lighting downwards and away from properties and only lighting if needed and temporary versus permanent illumination. • Page 27: 'A baseline ecological survey will be necessary where biodiversity features are present on a proposed site. Such surveys are essential in identifying what exists on a proposed mineral or waste management site and establishing whether such features should be retained and managed'. This is a bit confusing and seems to say that a survey would be needed to see if there are biodiversity features on a proposed site to then need a survey? We recommend that all sites would require baseline ecological survey and assessment of the presence of rare and protected species. • Page 28: 'Local recreation assets, including Public Open Space and other outdoor facilities such as country parks, are protected in District, Borough and City Local Plans'. Also protected in the Local Plan for the Broads. • Page 29: 'whilst others designated at a local level are subject to protection through District, Borough and City Local Plans'. Also mention the Local Plan for the Broads. <p>Question 6: MW3</p> <ul style="list-style-type: none"> • Page 33: 'All proposals for minerals development or waste management facilities must assess and consider positively the potential for non-HGV transportation of materials to and from the facilities, principally by rail or water'. Perhaps you might want to require an assessment that looks into this and shows their considerations? As written, an applicant does not seem to be required to do anything other than think about it. • Page 33: 'The County Council will consider minerals and waste development proposals to be satisfactory in terms of access where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate'. Wonder if this could be worded in a more simple way? <p>Question 7: MW4</p> <ul style="list-style-type: none"> • Uses the word 'should' which is quite weak term. A stronger term similar to use in other policies (like will need to, must, is required to) might be better. • Some aspects repeat MW2 – does that matter?
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Question 9: MW6

- Does MW6 repeats MW2?
- See previous comment about peat. Should peat be mentioned in this policy?

Question 11: WP2

- Page 45: what is 'appropriate transport infrastructure'?
- Page 45: is the five mile requirement as the crow flies or by road/path etc?

Question 12: WP3

- Page 46: 'Policy WP3: Land uses potentially suitable for waste management facilities'. This does not seem an ideal title for the policy; the policy seems to be more about where waste management facilities can go. Not all of the areas listed in the criteria are land uses in the typical sense; they are areas to which such facilities are directed towards.
- Page 46, do criteria d, e, f apply even if the proposal is not within 5 miles of a town as talked about in the previous policy? How do WP2 and WP3 work together?

Question 16: WP7

- WP7: regarding the location, these could be away from urban areas according to some criteria in WP3. Should these be located near to larger urban areas (i.e. near to the source of the waste)?

Question 22: WP13

- Are the areas of these landfills identified and are any in the Broads?

Question 25: WP16

- Should this include reference to MW2? That seems to have relevant and detailed criteria.

Question 28: Policy MP2

- The Broads, which has a status equivalent to a national park, may need to be listed as a planning constraint

Question 29: MP3

- There is no mention of the requirement for restoration.
- In other policies you cross refer to a more detailed policy, but not in this policy. Presumably policy MW2 is of relevance and could be cross referred to?

Question 31: MP5

- Who does the assessment? Does that need to be handed in with the planning application? How will you liaise with the Broads Authority if proposals come forward in the river valleys in the Broads rather than just consult? Why is the Broads not included in the core river valleys? Is a separate policy on the Broads required? Or is it the case that the Broads is not covered by this policy as the Broads Authority Executive Area is shown on the policies map as a landscape designation and so rivers and broads within the BEA not included under core river valleys policy, potentially affording greater protection i.e. development could be acceptable in Core River Valleys? This could usefully be clarified.

	<ul style="list-style-type: none"> • In other policies you cross refer to a more detailed policy, but not in this policy. Presumably policy MW2 is of relevance and could be cross referred to? <p>Question 32: MP6</p> <ul style="list-style-type: none"> • What are the criteria or is there a checklist that helps ascertain if cumulative impacts are unacceptable? <p>Question 33: MP7</p> <ul style="list-style-type: none"> • As well as GI, ecological networks? There is ecological network work underway for the entire county which could be of relevance. • The last part says ‘<u>The</u> Green infrastructure Strategy’ – which strategy is this? The strategy of the district in which the proposal is located? • There is also a Norfolk-wide habitats map that could be of relevance. <p>Question 34: Policy MP8</p> <ul style="list-style-type: none"> • To gain the ecological benefits outlined for many of the sites an outline aftercare strategy for a minimum of ten years, rather than five years is required prior to the determination of the planning application <p>Question 35: MP9</p> <ul style="list-style-type: none"> • It is not clear if the works then need to be removed and form part of the restoration works or are moth-balled. This could usefully be clarified. <p><u>Sites Document</u></p> <ul style="list-style-type: none"> • MIN 38 - land at Waveney Forest, Fritton – the Authority supports the conclusion that this should not be allocated for the reasons as set out in the assessment. Page 169 – the landscape character assessment is also relevant: http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments. Broads Landscape Character Assessment 2016; Land considered as heathland Landscape Character Type (LCT) within the St Olaves to Burgh Castle Landscape Character Area (LCA). Land to the north and west considered to be estuarine marshland LCT within the same LCA. Haddiscoe Island LCA beyond river. The Authority strongly requests that Norfolk County Council liaise with us regarding this site and any future policy prior to the next version of the Local Plan. Strongly support this conclusion and the reasons for it. The current commercial forest operation, whilst not ideal in terms of the HE features within it, offers a degree of continued protection to those features. Page 169 Typographical error: “although food practice for tree felling” presumably should read good practice. • MIN65; support submission of Heritage statement • MIN 209, 210, 211; For information, the Broads Landscape Character Assessment 2016 says that this area is LCA Outney Common and Bath Hills, Industrial / Early post-industrial LCT borders MIN 211. The Authority strongly requests that Norfolk County Council liaise with us regarding this site and the policy prior to the next version of the Local Plan. Support removal of plant site from BA executive area. What will go in its place? • MIN 25; Broads Landscape Character Assessment 2016; Norton Marshes to Haddiscoe Dismantled Railway LCA immediately NE. Adjacent LCT is settlement
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	<p>fringe which would be covered in time by the Broads settlement fringe policy. Support submission of Heritage statement. Whilst this is not within the Broads, the Authority strongly requests that Norfolk County Council liaise with us regarding this site and the policy prior to the next version of the Local Plan.</p> <ul style="list-style-type: none"> • MIN 92; Broads Landscape Character Assessment 2016; Chet Valley LCA, Carr woodland LCT to west and upland LCT to the north and south. Recommended not to support this site going forward (in terms of landscape) for reasons as set out in the supporting text under 'landscape'.
ORGANISATION:	Suffolk County Council
DOCUMENT:	Minerals and Waste Local Plan
LINK	https://www.suffolk.gov.uk/council-and-democracy/consultations-petitions-and-elections/consultations/minerals-and-waste-local-plan-consultation/
DUE DATE:	23 July 2018
STATUS:	Pre-submission consultation
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	<p>The Suffolk Minerals and Waste Local Plan, will replace all three of the existing plans:</p> <ul style="list-style-type: none"> • Suffolk Minerals Core Strategy (adopted 2008) • Suffolk Minerals Site Specific Allocations (adopted 2009) • Suffolk Waste Core Strategy (adopted 2011) <p>The Pre-submission Stage is where the final version of the plan is published for further consultation. This version includes changes made in response to comments made at the Preferred Options Stage. Comments made at this stage are sent together with the submission draft plan and all the supporting documents to the Planning Inspectorate who will hold an Examination in Public. The inspector will then produce a report that includes recommendations to the County Council about any changes that need to be made to the plan. The County Council will then adopt the plan as planning policy.</p>
PROPOSED RESPONSE:	<p><u>General</u></p> <ul style="list-style-type: none"> • Perhaps something about how it fits with our Local Plans? Something about how Authority is consulted if application in or near to area? We would like to understand how our special qualities and our policies that could be of relevance would be considered in decision making. • The maps don't say where they are; they simply have reference numbers on. Strongly recommend they have a title with the location/settlement included. • There is not much detail in there regarding the Broads and how it has a status equivalent to a National Park. There does not seem to be much commentary about other landscape designations either. This might enable better interpretation of the policies in the Local Plan. <p><u>Policies</u></p> <ul style="list-style-type: none"> • There seems to be no guiding restoration policy. MP6 refers to restoration but only emphasises biodiversity net gain rather than giving guiding principles of restoration. Why is there no such guiding policy? • GP4 – The policy should also refer to the setting of protected landscapes. Query the use of 'significant' when referring to adverse impacts; even small negative impacts could cause considerable issues but this policy seems to allow impacts that are less than significant but are still negative impacts. How will a

threshold be defined and upheld? Request this is changed to 'adverse impacts'. We raised this at the last consultation. We would also suggest that the term 'impacts' be amended to 'effects'. The impact is the development itself, the effect the result / consequence of the impact. Suggest amenity value be incorporated into the list. The policy refers to 'appropriate national or local guidelines for each criterion, including reference to any hierarchy of importance' – what are these and where can they be found? How will this policy be used and in particular this part of the policy? How will the special qualities of the Broads be taken into consideration and protected? The Broads has been identified by Historic England as an area with exceptional potential for waterlogged archaeology. Any excavation within or close to the executive area will require particularly robust archaeological evaluation prior to consenting and not rely on a brief desk based evaluation and conditions. Archaeology does not appear to be mentioned here.

- Policy MP6: query the wording 'preference will be given' in relation to proposals that incorporate a net biodiversity gain. Would 'proposals will be supported' or 'proposals need to...' be a better and stronger phrase?
- MP9, MP10, WP18 – will Suffolk County Council send us these consultation zones in GIS file format? Presume this should apply to the Broads Authority as well as we are the Local Planning Authority? Would it be better to use the term 'local planning authority' because as written the Broads Authority don't need to comply with this policy as we are not mentioned?
- Policy MP9. Not sure what is meant by "any mitigation required falls on the development that receives planning permission last". Should the mitigation be instated by whoever implements their permission, whether their permission was given most recently or a year ago? If a development is proposed over an area which is likely to be parcelled up / split into phases / uses then an outline scheme of mitigation and implementation programme which identifies the measures for each phase/area should be provided by the first applicant and implemented / amended accordingly by them or following phases. Wording is not clear.
- WP4 – should these be located near to areas that generate waste i.e towns? What does 'accessible to the public' mean? These sites are designed for household waste so need to be accessed by the public anyway. We raised this as part of the last consultation.
- WP17 – where does landscape impact come into consideration? It is not clear if criterion d relates to landscape? As written, criterion d does not seem comprehensive or clear. Suggest point c to incorporated landscape more explicitly and additional point added for amenity. Could a reference be made to GP4 as in other policies?
- WP18 comments as per MP9 regarding 'Any mitigation required falls on the development that receives planning permission last'.

Typographical/grammatical errors

- Page 9, 'Aim 3: To safeguard minerals and waste development from other development other forms of development by':
- Page 14, 4.13, 'but to provide a general list of issues that would were appropriate be taken into account when reaching a decision upon a particular planning application'.
- Page 16, 'Minerals and waste development will be acceptable so long as the proposals, adequately access and address the potentially significant adverse impacts upon'

- Page 19, 'a proposal for such a facility is included at in the Plan at Cavenham Quarry'.
- Page 20, 'There are licences for the dredging of up to 9 Mt of sand & gravel off the coast of the East Anglia on an annual basis'
- Policy MP8,: 'planning permission will be limited to the end date of the quarry planning permission or the when the indigenous material is no longer being used'
- Page 29, 'The Plan also has to take into account of the potential to receive London Waste'.
- Page 35, 6.16, 'The recycling of construction, demolition of excavation waste'
- Page 36, 6.24, 'This composting has the effected of reducing' and 'The residue is either than landfilled at a reduced taxation rate of processed further to make a fuel'.
- WP18 'or prejudice the use such sites for those purposes unless suitable alternative provision is made'.
- 5.42: 'As important as proposing new minerals development is safeguarding existing, planned or potential facilities from other forms of competing development'. Does not make sense. Should this end with something like 'is equally important'?

Sustainability Appraisal

The SA does not mention any of the Broads Authority documents. This was raised as part of the last consultation but has not been rectified. It is disappointing that these documents have not been reviewed. Why is this?

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

Summary: This report sets out the position regarding appeals against the Authority since 1 June 2018.

Recommendation: That the report be noted.

1 Introduction

1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since June 2018.

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: 5 July 2018

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since June 2018

APPENDIX 1

Schedule of Appeals to the Secretary of State received since 1 June 2018

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
Awaited	APP/E9505/W/18/3204127 BA/2017/1030/OUT BA/2017/0487/COND Hedera House The Street THURNE NR29 3AP Mr Richard Delf	Appeal against grant of Planning Permission with Conditions	Committee Decision on 18 August 2017/ 2 March 2018

Decisions made by Officers under Delegated Powers
Report by Head of Planning

**Broads Authority
Planning Committee**

20 July 2018

Agenda Item No 15

Summary: This report sets out the delegated decisions made by officers on planning applications from 07 June 2018 to 04 July 2018
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Fritton With St Olaves PC				
BA/2018/0192/LBC	Thatched Cottage Priory Farm Beccles Road St Olaves Fritton And St Olaves Norfolk NR31 9HE	Mr & Mrs Hardy	Single storey link	Approve Subject to Conditions
BA/2018/0172/HOUSEH				
Haddiscoe And Toft Monks PC				
BA/2018/0124/CU	Willow Barns Adj White House Farm Thorpe Road Haddiscoe NR14 6PP	Mr James Farman	Change of use to holiday let.	Approve Subject to Conditions
Horning Parish Council -				
BA/2018/0160/ADV	The Swan Hotel 10 Lower Street Horning NR12 8AA	Mr Tyldesley	Installation of 1 x replacement Illuminated hanging sign and 1 x set of individual letters.	Approve Subject to Conditions
Hoveton Parish Council -				
BA/2018/0147/HOUSEH	The Patch Brimbelow Road Hoveton Norfolk NR12 8UJ	Mr Adrian Cook	Single storey extension.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
BA/2018/0141/FUL	Rivers End The Rhond Hoveton Norfolk NR12 8UE	Mr Luigi Orsi	Replacement dwelling	Approve Subject to Conditions
BA/2018/0139/FUL	Bure Court House Marsh Road Hoveton Norfolk NR12 8UH	Mr Martin Gowing	Rebuilding of Bure Court House	Approve Subject to Conditions
Mettingham Parish Council -				
BA/2018/0115/FUL	Green Valley Farm Low Road Mettingham NR35 1TP	Mr Daniel Raven	Extension to existing cattle building.	Approve Subject to Conditions
BA/2018/0114/FUL	Green Valley Farm Low Road Mettingham NR35 1TP	Mr Daniel Raven	Extension to existing cattle building.	Approve Subject to Conditions
Oulton Broad Parish Council -				
BA/2018/0225/APPCON	North Landing Borrow Road Lowestoft NR32 3PW	Mr & Mrs P Roper	Details of: Condition 3: Materials of permission BA/2017/0493/HOUSEH	Approve
Repps With Bastwick Parish Council				
BA/2018/0176/NONMAT	Iris 1 Riverside Repps With Bastwick Norfolk NR29 5JZ	Mr Gary Ellis	Non-material amendment to permission BA/2016/0162/HOUSEH - use galvanised corrugated sheets on extension, change angle of bay windows and add small canopy over side door.	Approve
Smallburgh Parish Council				
BA/2018/0162/COND	Fairview Park Homes Wayford Road Smallburgh Norfolk NR12 9LW	Mr & Mrs L Abbott	Removal of Condition 10 of permission BA/2011/0152/FUL (holiday occupation) to allow permanent residential occupation.	Approve Subject to Conditions