

Planning Committee

AGENDA

Friday 28 April 2017

10.00am

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|--|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 31 March 2017 (herewith) | 3 – 13 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that 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/2017/060/CU Eagle's Nest, Ferry Road, Horning | 14 – 24 |
| • BA/2016/0323/FUL Bureside, Water Works Lane, Horning | 25 – 44 |

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17	To note the date of the next meeting – Friday 26 May 2017 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority
Planning Committee

Minutes of the meeting held on 31 March 2017

Present:

Sir Peter Dixon – in the Chair

Mr M Barnard
Ms G Harris
Mr P Rice

Mr H Thirtle
Mr V Thomson

In Attendance:

Mrs S A Beckett – Administrative Officer (Governance)
Mr B Hogg – Historic Environment Manager (Minute 10/8(2))
Ms A Long – Director of Planning and Resources
Miss S Mullarney (Administrative Officer (Governance))
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2017/0059/CU Horizon Craft, Old Road, Acle

Mr Ryan Mabbott The Applicant

BA/2016/0323/FUL Bureside, water Works Lane, Horning

Prof Erika Denton The Applicant

10/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting. Apologies were received from Prof J Burgess, Mr W Dickson and Mr J Timewell. He also welcomed Sarah Mullarney who had recently joined the Governance team and was attending as an observer.

10/2 Declarations of Interest

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

10/3 Chairman's Announcements and Introduction to Public Speaking

The Chairman reported on the following:

(1) The Openness of Local Government Bodies Regulations

The Chairman gave notice that the Authority would be recording this meeting following the decision by the full Authority on 27 January to record all its public meetings on a trial basis and investigation of ways of making recordings available on the website were being made. The recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The copyright remained with the Authority and the minutes would be as a matter of record.

- (2) **Introduction to Public Speaking** The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

10/4 Minutes: 3 March 2017

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

10/5 Points of Information Arising from the Minutes

None to report

10/6 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

10/7 Requests to Defer Applications and /or Vary the Order of the Agenda

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

10/8 Applications for Planning Permission

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

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

- (1) **BA/2017/0059/CU Horizon Craft, Old Road, Acle Upton with Fishley** Part change of use of boat shed and workshops to a bar and restaurant (Class A3). Installation of 8 shore power posts and extension of gravel walkway.
Applicant: Mr Ryan Mabbott

The Chairman stated that comments had been received from the local Ward member this morning. In accordance with the Authority's procedures, this was after the cut off point for receipt of information and would not normally be taken into account. However, given that this was the Ward Member therefore on this occasion, with Committee approval, an exception was being made. A copy of Mr O'Neill's email was circulated to the Committee.

The Head of Planning provided a detailed presentation of the application including two elements – the first involving a part change of use of a boat shed and workshops at Horizon Craft to a bar and restaurant; the second element of the application included an extension of 140 metres of a gravel walkway and the installation of 8 shore power posts and electric hook up for moored boats. The applicant leased the site from Richardsons with the aim of the providing diversification of the existing business, improve viability and extend the season. Members attention was drawn to the location of the site by the Acle Bridge where there was development at all four corners with a cluster of tourist and marine related businesses and with access off the main distributor A1064 road, a major factor in consideration of the application particularly with regard to the comments from the Highways Authority. The Head of Planning stated that being a main distributor road, the national speed limit was 60 mph with an advisory, not mandatory, speed limit of 30mph on the bridge, which it was noted was a blind summit. It was widely recognised that this limit was poorly observed. She provided the visibility measurements at different locations and the visibility requirements for differing speed limits and pointed out that the main problems occurred when traffic needed to turn right.

Since the writing of the report, additional consultations had been received from:

- Upton Parish Council – no objection
- Acle Parish Council stating that they supported the principle of the application but raised an objection due to the traffic concerns on lack of highways visibility and considered that a traffic survey and impact assessment should be done, and a speed reduction imposed.
- Frank O'Neill Local District Member – Fully Supported the application. Recognised the highway concerns and advocated that the Highways Authority convert the advisory 30mph speed limit to mandatory as well as impose this from Acle Bridge to the roundabout at the junction of the A47.
- Lana Hemsall – District Member for the adjacent ward, Acle. Raised concerns about the access and recommended a site visit and that Highways be pressed to undertake a traffic survey and assessment, that improvements be made and the Authority to make this a strategic priority. She also supported the principle of the application.
- Further correspondence from the Highways Authority which was covered within the presentation.

In providing the assessment, the Head of Planning concluded that the proposals were in accordance with the NPPF, compliant with Broads Authority policies and met the Acle Neighbourhood Plan aspirations, would not have an impact on the landscape or amenity, would increase employment and improve and contribute to the tourism facilities and network generally in the Broads. The main concern, related to the objections from the Highways and the question as to whether the difficulties could be mitigated or the speed limit reduced, both of which the Highways Authority had concluded could not be justified, details being set out at section 5 of the report and in their additional letter. It was stated that Highways could not make speed limit changes to make an unacceptable (in highway terms) development acceptable. They had also stated that the additional costs involved in mitigation including enforcement could not be justified. They also stated that a traffic impact assessment was not warranted.

The Head of Planning commented that the concerns of the Highways Authority had been carefully examined and the risks involved. However, it was concluded that taking into account all material considerations, there was a long established existing use of the site, there were already permitted development rights which could generate considerably more traffic than at present or an intensification of use, without further reference to the Planning Authority. It was unusual to go against the advice of the Highways Authority but the Head of Planning concluded that overall and on balance the recommendation was for approval as the material considerations outweighed the highway objections and the objectives of the plan would not be significantly harmed. Should members wish to approve the application, it would need to be advertised as a departure from policy, since it conflicted with the policy in relation to highway safety.

Mr Mabbott the applicant accepted that there were highway objections and commented that he would love to see traffic calming measures in place. As suggested by members he would support signage and was prepared to pay towards speed warning signage. He pointed out that the previous operator had operated 40- 50 hire boats from the site with associated people movements whereas the applicant had reduced the the number of boats operating from the site to 11 and resulting in fewer people movements and as a result he had increased the number of visitor moorings. In response to a member's concern about the potential impact, Mr Mabbott did not consider that there would be an intensification of road traffic. The intention of the enterprise was to provide a facility that would increase the numbers visiting from the river not the road. Safety was one of the most significant concerns and to mitigate these he proposed to introduce other measures such as changing the check -in times from 3 pm to 2.00pm and limiting change-over days to Fridays and Mondays to limit the concentration of traffic. It was intended to advertise the restaurant from the riverside, operating from 8 am to 11pm in the peak season and 12 noon to 11pm in the

winter months. He explained that they would be supporting events such as fetes and festivals to attract boaters but the number of cars visiting the site would be no more than when Richardsons was operating the premises. He fully supported the Acle Neighbourhood Plan and tourism in the Broads. Having enjoyably visited the Broads for over 30 years, it would be a shame if he was unable to put something back.

Members were supportive of the proposals in principle but were seriously concerned about the road safety in this location and acknowledged the concerns from the Highways Authority. One member commented that the highway objections were so strong that they should be given significant weight and not disregarded. Although it was accepted that this particular business may not result in a significant increase in traffic, it was noted that there were three other businesses operating in the location that could intensify the use and was of considerable concern. Members considered that there appeared to be a contradiction in the advice from the highways objection based on their thresholds requiring traffic assessments and advice concerning speed limits and considered that they should be more pro-active and involved in helping to mitigate the dangers and make the area safer irrespective of this planning application. Members welcomed the offer from the applicant to contribute to the costs of signage. They also noted that the tree at the entrance to the site restricted visibility and considered that if this could be removed it would help to provide some mitigation.

The majority of members did not wish to hinder the development and were minded to approve the application. However, they considered that this should be subject to conditions to include the removal of the tree at the access and details for signage and a mitigation scheme in terms of visibility to be submitted by the applicant. It was also proposed that a liaison group be set up to include the Highways Authority, the local businesses at Acle Bridge and representatives from the Parish Councils as well as involve the local County Council to examine whether anything else could be done in the area to resolve some of the highways issues. This would be similar to that which had been established in consideration of the Upton Dyke application and was for a specific purpose.

RESOLVED by 5 votes with 1 against.

- (i) that the Authority is minded to approve the application subject to the conditions outlined within the report, and additional conditions to remove the tree at the entrance to the site and for submission of details on a signage scheme relating to visibility to be submitted by the applicant to improve awareness of the site. The application is considered as a departure from Development Management Policy DP11 (2011) but is in accordance with Policies DP2, DP14, DP20, DP28 and DP29. It is also considered to be in accordance with Policy CS1 of the Core

Strategy (2007), and the National Planning Policy Framework (2012);

- (ii) that the application be advertised as a departure from policy; and
 - (iii) that a liaison group be established to include the parish councils, and all the businesses at the site together with the Highways Authority to consider the traffic safety at the site with the aim of providing mitigation measures.
- (2) **BA/2016/0323/FUL Bureside, Water Works Lane, Horning NR12 8NP** Replacement dwelling and associated works
Applicant: Prof. Erika Denton and Mr Rupert Cavendish

The Head of Planning provided an outline presentation of the application for the demolition of an existing early 20C dwelling and associated garage, originally associated with the Horning Water works, to be replaced with a new dwelling house of 2 1/2 storeys on a larger footprint sited a short distance to the west and south of the existing, closer to the centre of the site.

The Head of Planning explained that given the prominence of the proposed building and the importance of its setting to its acceptability, it would be beneficial for members to undertake a site visit in order to appreciate the local context prior to determination of the application. It was considered that it would be prudent to view the site from the river as well as from the land in order to see the relationship with the village and other properties, including the water works in the complete context of the landscape as there were different impacts from each.

Professor Denton, the applicant commented that the idea for the re-siting of a property was to make best use of the entire curtilage to be able to overlook the land owned by themselves, rather than land owned by the Water Authority, not create a greater view of the river.

RESOLVED unanimously

that the members undertake a site inspection on Thursday 20 April 2017 starting at 10.00am in order to gain a full appreciation of the site prior to determination.

10/9 Enforcement of planning control: Untidy land and buildings at Marina Quays, Great Yarmouth

The Committee received a report relating to three buildings at Marina Quays, , which were in a very prominent location on the north bank of the River Bure , the only waterborne entrance to Great Yarmouth from the north, where their poor state of repair was having an adverse effect on the amenity of the area. It was noted that this effect was manifested through a significantly detrimental

impact on the appearance of the area, which is accorded the same status as a National Park.

It was noted that Great Yarmouth Borough Council had served notice on the owners under the Local Government (Miscellaneous Provisions) Act 1982 in late 2016 to get the properties boarded up following reports of people gaining access and local concerns. Their Enforcement Board had referred the matter to the Authority. It would be difficult to require demolition of the property but the use of Section 215 Notice would require that the owners undertake works to improve the appearance of the buildings involving replacing the metal boards covering the windows with undamaged boards, repairing the damaged fascias and brickwork, repainting and removing the graffiti. Officers had been engaged with the owners who were interested in redevelopment of the site and there had been pre-application inquiries. The site had also been part of the Local Plan review. It was noted that Great Yarmouth Borough had considerable experience of issuing Section 215 Notices and Officers would liaise closely with them.

RESOLVED unanimously

That authority be given to serve a Section 215 Notice requiring the remedial works to be undertaken to tidy the buildings at Marina Quays.

The Chairman referred to the site at Berney Arms which had been discussed by the Authority last July and requested that Officers look into whether a Section 215 Notice would be an option.

10/10 Enforcement Update

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

Thorpe Island: As was reported at the Broads Authority meeting on 24 March 2017, the sale of Thorpe Island including Jenner's Basin was due to be completed today, 31 March 2017. Members would be kept informed.

Ferry Inn, Horning: Members were pleased to note that the unauthorised development including refrigerated container, portacabin and static caravan had been removed and therefore compliance achieved.

Staithe N Willow: Unauthorised erection of fencing – Further work was still required.

Broad Minded – Plot 9/9A Martham: Mooring of caravan on Floating Pontoon – Members were pleased to note that the structure had now been removed and therefore compliance had been achieved.

Burghwood Barns, Burghwod Road, Ormesby St Michael: Unauthorised development of agricultural land as residential curtilage – Enforcement Notice served on 8 March 2017, compliance to be achieved by 8 June 2017.

RESOLVED

that the Enforcement Update report be noted.

10/11 Norfolk Strategic Framework and Norfolk Strategic Planning Member Forum update

The Committee received a report providing an update on the progress of the Norfolk Strategic Framework (NSF), which was part of the authorities' Duty to Cooperate. The NSF was overseen by the Norfolk Strategic Planning Member Forum, and was attended by the Vice-Chairman of the Planning Committee as the Authority's representative. Members noted that the initial draft was being reviewed by members and would be further updated, the production of Housing and Economic Land Availability Assessments was progressing more slowly than anticipated and further work was required on Green Infrastructure and the Objectively Assessed Housing need.

Members noted the time line for the NSF production noting that the aim was for the Draft for approval for public consultation to be produced in June 2017. There had been some underspending of monies so far due to differing timings from each of the Districts.

The Chairman thanked Paul Rice for attending the NFS Member Forum.

RESOLVED

that the report be noted.

10/12 Consultation Documents Update and Proposed Responses

The Committee received a report on the proposed Authority responses to the consultations received from Great Yarmouth Borough and Highways England on the documents below and as set out in Appendix 1 to the report:

- Draft Great Yarmouth Borough Natura 2000 Sites Monitoring and Mitigation Strategy
- Highways England: A47 Great Yarmouth Junction improvements

Members endorsed the responses.

RESOLVED

That the report be noted and the consultation responses be forwarded to Great Yarmouth Borough Council and Highways England respectively

10/13 Housing White Paper

The Committee received a report outlining the recently published Housing White Paper together with the Authority's proposed responses to the 38 questions as part of the consultation. It was noted that many of the requirements of the proposals would not have a significant effect for the Authority but would have greater impact on its adjoining Districts.

In accordance with the decision by the Authority at its meeting on 24 March 2017 to indicate that it would accept the government's proposed increase in planning fees, a report for Planning Committee members to consider where the additional income should be targeted to provide tangible benefits would be brought to a future meeting prior to consideration by the full Authority. This was likely to be May 2017. It was confirmed that members had advocated that monitoring and enforcement could be areas for consideration.

Members endorsed the proposed response.

RESOLVED

that the report be noted.

10/14 Appeals to Secretary of State Update including Annual Review

The Committee received a report on the current appeals against the Authority's decisions since January 2017 together with an annual summary of the decisions received from the Secretary of State since April 2016.

The Head of Planning commented that the appeal decisions relating to design, involving upvc windows and cladding, and roller shutter doors which could have policy implications would be addressed in a paper to be prepared for the next Planning Committee meeting.

A member commented that using decisions on appeals for the Authority was not the correct metric for measuring performance and service. It was important to examine the quality and circumstances involved rather than bare statistics. Therefore it was important to produce defensible arguments.

RESOLVED

that the report be noted.

10/15 Decisions Made by Officers under Delegated Powers

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

Members praised the results of the monitoring process.

RESOLVED

that the report be noted.

10/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 28 April 2017 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.00 noon.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 31 March 2017

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Haydn Thirtle	Minute 10/9	Member of Great Yarmouth Borough Council. Planning advised on this matter
Paul Rice	Enforcement Minute 10/10	Chair of Broads Society, NSBA member, Mediator for Ferry Inn

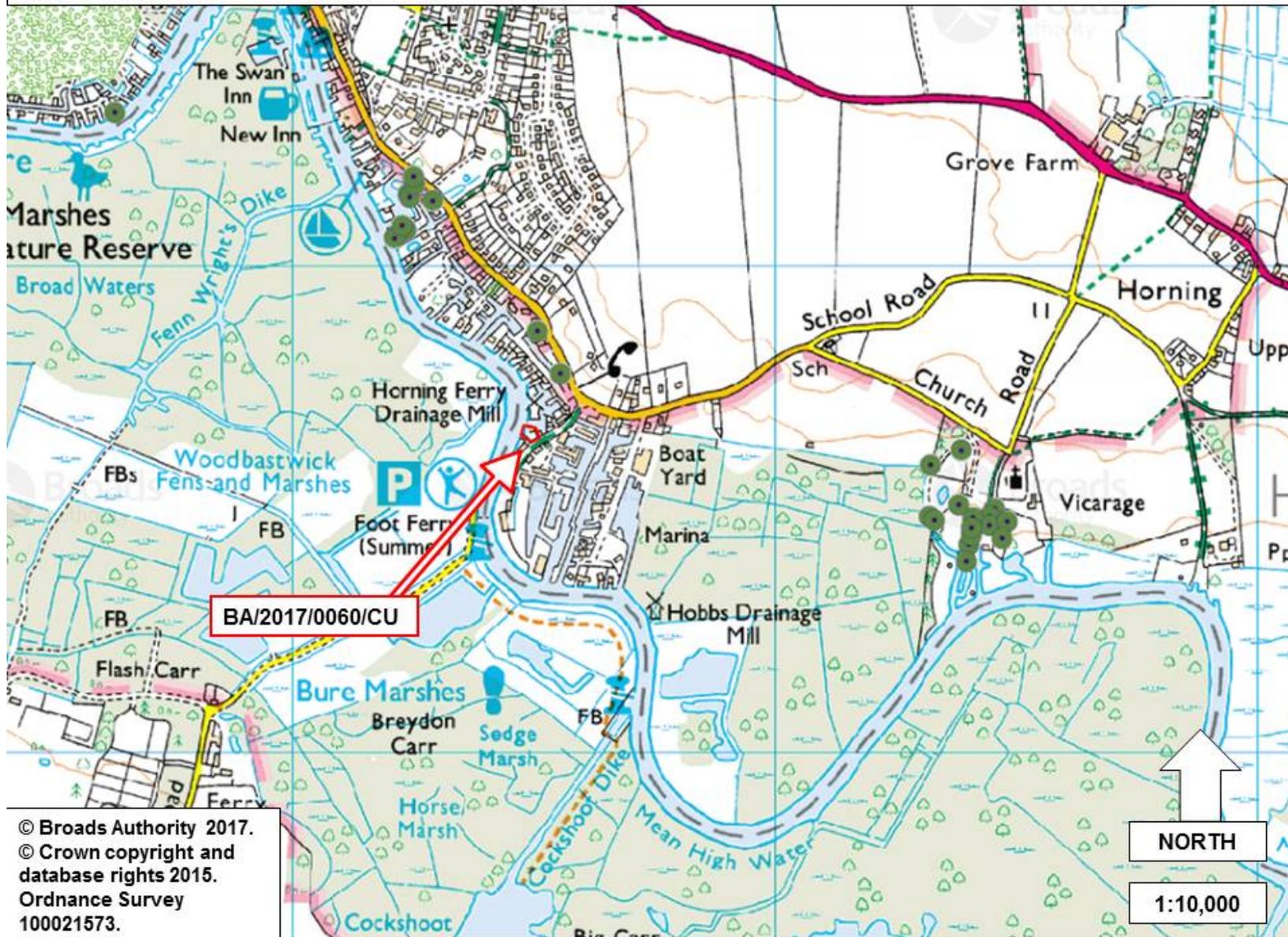
Reference:

BA/2017/0060/CU

Location

Eagle's Nest, Ferry Road, Horning

BA/2017/0060/CU - Eagles Nest, Ferry Road, Horning.



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Ordnance Survey
100021573.

Application for Determination

Parish	Horning Parish Council
Reference	BA/2017/0060/CU Target date 20 April 2017
Location	Eagle's Nest, Ferry Road, Horning, NR12 8PS
Proposal	Change of use of first floor of boathouse to residential manager's accommodation (Class C3) associated with the adjacent King Line Cottages.
Applicant	Mr Robert King MBE
Recommendation	Refuse
Reason for referral to Committee	Director discretion

1 Description of Site and Proposals

- 1.1 The application site is located between Ferry Road and the River Bure within the village of Horning and comprises a detached wet boathouse sited adjacent to Eagle Cottage, a dwelling operated as a holiday-let along with 6 of the properties downstream. The boathouse is sited within a mooring basin and provides mooring and storage for a number of electric boats and equipment associated with the holiday-let properties. These properties – King Line Cottages – are situated south west of the application site and are in the ownership of the applicant. The 6 King Line Cottages properties are promoted as 'accessible self-catering accommodation for the disabled' and are marketed primarily towards persons of limited mobility.
- 1.2 The application site lies outside of the Horning Conservation Area and Defined Development Boundary. The site lies in the Environment Agency Flood Risk Zone 3b (functional floodplain).
- 1.3 The proposal seeks retrospective consent for the change of use of the first floor of the boathouse (known as Eagle's Nest) to residential accommodation (Class C3) associated with the adjacent King Line Cottages enterprise.
- 1.4 The existing boathouse replaces an earlier, much smaller, structure and originally gained consent in March 2010 (BA/2010/0012/FUL) with Condition 6 limiting the use of the boathouse solely for the mooring of boats and storage of equipment required for a purpose incidental to the use of the boathouse for mooring boats. Following the refusal of two previous applications for a larger

replacement boathouse, the application BA/2010/0012/FUL was granted on the basis that the proposed replacement was the minimum size and height required for its intended use housing three electric boats and equipment.

- 1.5 In 2015 the Broads Authority was made aware that the storage area above the boatshed had been converted and was being let for holiday accommodation.
- 1.6 In 2016 an application for a Lawful Development Certificate was submitted, arguing that the conversion and use was exempt from planning control as it had taken place for more than 4 years. The application was refused because the evidence presented did not demonstrate that the flat had been used as a manager's dwelling, including occasional holiday accommodation, for the requisite period.
- 1.7 On the 19 January 2017 the Broads Authority issued a Breach of Condition Notice relating to the breach of condition 6 of permission BA/2010/0012/FUL. The Notice requires compliance with the stated condition by requiring removal of all fittings facilitating the residential use of the first floor and cessation of residential use of the first floor. The compliance date is 19 April 2017.

2 Site History

BA/2009/0126/FUL	Replacement boathouse	REFUSED
BA/2009/0197/FUL Replacement Boathouse	Resubmission of PP BA/2009/0126/FUL for a Replacement Boathouse	REFUSED
BA/2010/0012/FUL WITH CONDITIONS	Replacement boathouse	APPROVED
BA/2016/0261/CLEUD	Application for a Lawful Development Certificate for 4 years continuous use as a Manager's flat including Occasional Holiday Accommodation.	REFUSED
BA/2016/0445/CLEUD	Exterior cladding	ISSUED
BA/2016/0451/COND	Removal of Condition 3: materials and colours of permission BA/2010/0012/FUL	WITHDRAWN

3 Consultation

Parish Council – No comments

North Norfolk Environmental Health Officer - We would strongly advise against granting permission for the application site due to the contents of the recently renewed Joint Position Statement.

Environment Agency response on Flood Risk 21.03.2017 – We object to this application in principle because the proposed development falls into a flood

risk vulnerability category that is inappropriate to the flood zone in which the site is located.

Environment Agency response on Joint Position Statement 31.03.2017 - The application, although not fully clear indicates that connection will be to the mains sewer, what is not recorded is whether the current boat house already has a mains sewer connection. If it does then it is unlikely that the proposed development would increase flow to an amount that would impact significantly on the WRC at Horning Knackers Wood.

4 Representations

Ninety-six letters of representation supporting the provision of manager's accommodation have been received.

5 Policies

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

[Core Strategy Core Strategy Adopted September 2007 pdf](#)

CS24 – Residential Development and the Local Community

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

DP1 – Natural Environment

DP3 – Water Quality and Resources

DP29 – Development on Sites with a High Probability of Flooding

- 5.2 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.

[Core Strategy](#)

CS7 – Environmental Protection

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

DP21 – Conversion of Buildings in the Countryside

DP22 – Residential Development within Defined Development Boundaries

DP26 – Permanent and Temporary Dwellings for Agricultural, Forestry and Other Workers

- 5.3 Other Material Considerations

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the principle of the development, flood risk and water quality.

Principle

- 6.2 As the site is not within a Defined Development Boundary, the proposal for a new dwelling here is contrary to Development Management Policy DP22. There are exceptional circumstances when new dwellings might be permitted outside of the development boundary and these circumstances are identified in Policies DP21 (conversion), DP23 (affordable housing), DP24 (replacement dwellings) and DP26 (rural workers dwellings). DP26 allows residential development outside a development boundary where it is essentially needed in order to support an employment use and this is the only policy which could potentially allow for the dwelling proposed here. In order to meet the requirements of DP26 criteria (a) to (f) would need to be satisfied. This report will consider each of these criteria.
- 6.3 Criterion (a) requires that:

- a) *There is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly*

The application states that given the nature of the business there is a need for an on-site manager, in order to respond quickly during unsociable hours to any requirements of customers, and by living on-site this would allow a satisfactory work/life balance to any manager. The applicant, Mr King, resides approximately 1km from the site and for the last 46 years has employed staff to assist with the running of the cottages. Mr King would be available in the case of an emergency or should tenants need assistance and in recent years a local man was employed between 2001 - summer 2014 to manage the cottages alongside Mr King. The current need, which has precipitated this application, arises as the applicant and owner of the enterprise, Mr King, plans to retire and therefore he will no longer be available to assist with such matters.

- 6.4 Given that the business has been operating without an on-site manager for 46 years and that the level of customer service required for such a business has

been provided by either the owner or employees living locally, the argument of need on the basis of a satisfactory work/life balance is considered insufficient justification to satisfy criterion (a). It should be noted that the requirement of the policy relates to a clear functional need based on economics of the business, not the convenience or personal preferences of the owner and/or his staff. It is not considered that evidence has been provided to demonstrate that there is a need for a full time worker to be available at all times for the enterprise to function properly and criteria (a) has not been met.

6.5 Criteria (b) and (c) require that:

b) *The need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business; and*

c) *Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;*

King Line Cottages is a well-established rural business having been operating for over 40 years and it is acknowledged that a full-time manager is required to run the 6 holiday cottages. Criteria (b) and (c) have been met.

6.6 Criteria (d) requires that:

d) *The functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;*

The site is located within the rural village of Horning with a wide variety of dwellings. The current owner lives within 1 km of the site and has managed the business from this distance for many years, and it is noted that on the 7th April 2017 there were 7 dwellings for sale within 1km of the site, varying from 2 bedroom apartments to 4 bedroom detached dwellings. As the site has previously successfully been operated from an off-site location, it is considered that the functional need can be met by an existing dwelling in the locality and therefore the proposed development does not satisfy criterion (d).

6.7 Criteria (e) requires that:

e) *The dwelling would be commensurate in size and scale with the needs of the enterprise; and*

Assessing criterion (e), whilst the proposed dwelling is considered to be commensurate in size and scale to the needs of the enterprise, it is noted that following two previous unsuccessful applications for a larger replacement boathouse, the existing boatshed was granted planning permission on the basis that the proposed replacement (ie the existing building) was the minimum size and height required for its intended use housing three electric boats and equipment. This application therefore goes against the justification

for the original consent, as the scale is such that the boathouse can accommodate residential accommodation in addition to the three electric boats and equipment. There is also a concern that were part of it to be lost permanently to a residential use, a further application for storage facilities might come forward.

6.8 Criteria (f) requires that the development:

f) *It would not adversely affect protected species or habitats.*

The proposed development is not considered to result in significant adverse effects on protected species or habitats and therefore is in accordance with Criterion (f).

6.9 In summary, the principle of the development cannot be considered acceptable as it is not in accordance with Policies which only allows for such dwellings in exceptional circumstances where all criteria are satisfied.

6.10 It should be noted that, on making this planning application, the applicant notified the existing customers of the application and requested their support for the application. As a result of this request, 96 letters of representation that support on-site manager's accommodation have been received. Whilst the support is acknowledged, it remains the case that the provision of an on-site manager is not considered to be essential to the operation of the business (as required by DP26), but represents an additional level of service offered above and beyond what would be considered essential to the running of the enterprise. That this is appreciated is clear, however this does not justify the establishment of a residential unit contrary to adopted planning policy.

6.11 Given that the site is outside a development boundary and the proposed dwelling cannot be considered to be in an acceptable location in accordance with any of the development plan policies which allow for dwellings in such locations in exceptional circumstances, the principle of the proposal is contrary to the development plan and could only be recommended for approval if there were other material considerations which weighed in its favour.

Flood Risk

6.12 The proposed change of use would increase the flood risk vulnerability of the development from a water compatible use (boat storage) to a more vulnerable use (residential dwelling). As the site lies within the Environment Agency Flood Risk Zone 3b (functional floodplain), a more vulnerable development is not an acceptable form of development and should not be permitted according to Table 3 of the NPPG.

6.13 The NPPG and the Flood Risk SPD (adopted in March 2017) state that "Areas which would naturally flood, but which are prevented from doing so by existing defences and infrastructure or solid buildings, will not normally be identified as functional floodplain." In this case the boathouse by its nature is not

considered a solid building as water can flow unrestricted into and out of the wet boathouse. The Flood Risk SPD continues to say that “the functionality of any part will depend on the way in which the water would behave in times of flood. If flood waters which inundate the site in a 1:20 (5%) annual probability event can pass under or through a building or sit on land this will be defined as functional floodplain, but where an existing building or structure acts as a barrier to flood water then its functionality is compromised and it will not be classified as Flood Zone 3b and can be described as Flood Zone 3a.” This confirms that the site is considered to be located on functional floodplain and the proposed development should not be permitted according to Table 3 of the NPPG.

Water Quality

- 6.14 The Environment Agency, Anglian Water, North Norfolk District Council and the Broads Authority have recently agreed a Joint Position Statement on Development in the Horning Water Recycling Centre Catchment. This is in response to existing problems of flooding in Horning, foul water infiltration into the surface water drains and the fact that the Knackers Wood water treatment plant in Horning is operating at capacity. The agreed approach of the Joint Position Statement is that “new developments or changes to existing properties (commercial or domestic) that could increase foul water flows to the Horning WRC will not be looked upon favourably by the EA”.
- 6.15 The Environmental Health Officer raised an objection to the proposed development based on the Joint Position Statement and the conflict with the principle of that document. On this occasion the Environment Agency did not object in relation to the Joint Position Statement as they consider it unlikely that the proposed development would increase flow to such an extent that would impact significantly on the WRC. This approach is noted, and its pragmatism, however it is the case that the Joint Position Statement takes a principle-based rather than risk- based approach.

7 Conclusion

- 7.1 The National Planning Policy Framework, which should be read as a whole, seeks to avoid isolated new dwellings in the countryside unless there are special circumstances. Such policies of rural restraint are necessary to ensure development is sustainably located and the countryside (especially the Broads, which is a nationally protected landscape) is protected from inappropriate development.
- 7.2 This application proposes a new dwelling to support an existing business operating from the site. If the essential need for a worker to live on site had been satisfactorily demonstrated in accordance with Policy DP26, this would be one such special circumstance and the development could be considered acceptable in principle in accordance with the development plan. This need has not been satisfactorily demonstrated.

7.3 Furthermore, the proposed change of use is not considered to be acceptable form of development on the functional floodplain and in flood risk terms is contrary to policies on flood risk.

8 Recommendation

8.1 Refuse.

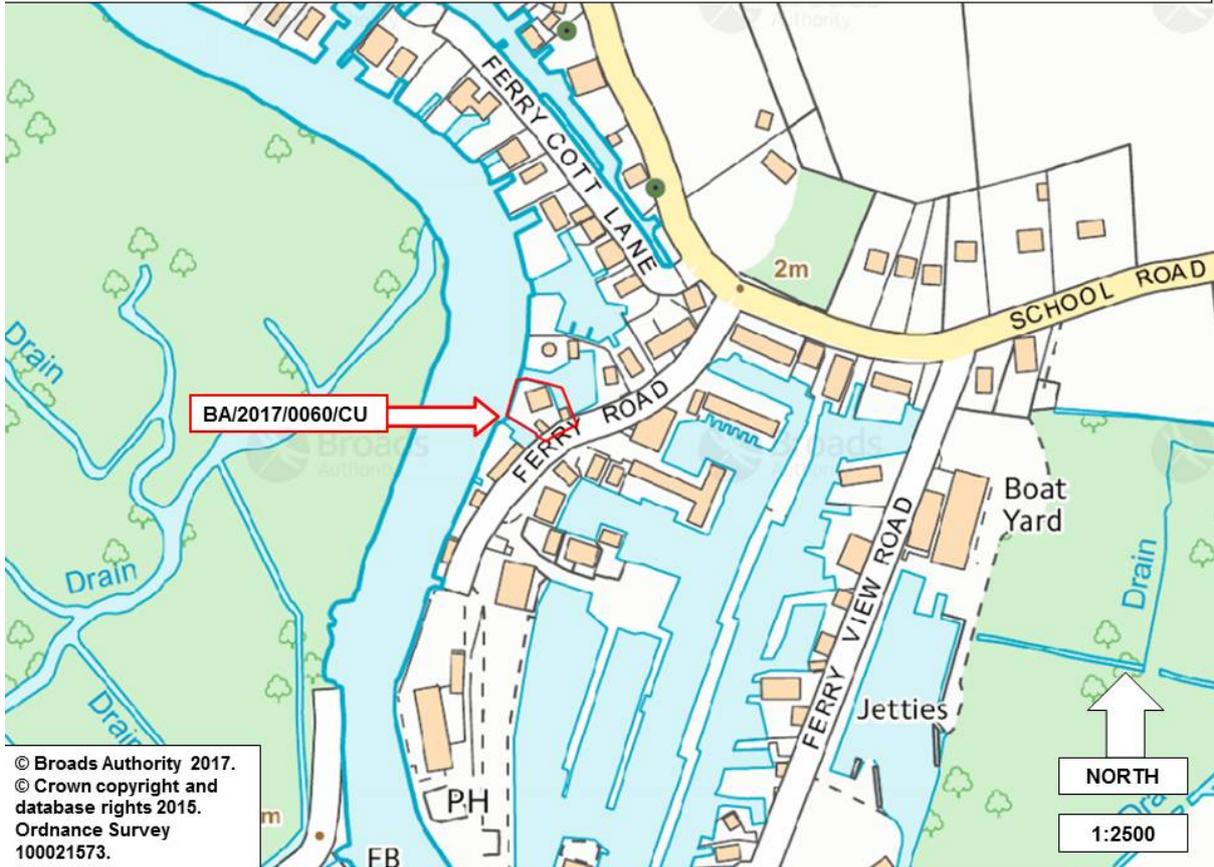
9 Reason for recommendation

- (i) The application site is outside a development boundary and there are not considered to be exceptional circumstances to justify the siting of a dwelling. The proposal is therefore contrary to Policy CS24 of the adopted Core Strategy (2007), Policy DP22 of the adopted Development Management Policies (2011)
- (ii) There is said to be a need for a worker to live on site in order to provide service to the customers, however it has not been satisfactorily demonstrated that there is an existing need for a full time worker to be available at all times for the enterprise to function properly and the proposal is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011)
- (iii) Insufficient information has been submitted to satisfactorily demonstrate whether or not the stated need for a worker to live at the site can be met by an existing dwelling in the locality. The proposal is therefore contrary to criterion (d) of Policy DP26 of the adopted Development Management Policies DPD (2011)
- (iv) The proposed development for residential accommodation, classified as more vulnerable development, is not considered an acceptable form of development in Flood Risk Zone 3b (functional floodplain) and is therefore contrary to Policy DP29 of the Development Management Policies (2011), Flood Risk Supplementary Planning Document (2017) and National Planning Policy Guidance.

List of Appendices: Location Map

Background papers: BA/2017/0060/CU

Author: George Papworth
Date of Report: 12 April 2017



Reference:

BA/2016/0323/FUL

Location

Bureside, Water Works Lane, Horning

BA/2016/0323/FUL - Bureside



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Ordnance Survey
100021573.

Application for Determination

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

1 Background

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

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

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

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

- 1.10 A report was presented to the 31 March meeting of the Planning Committee, outlining the site location and proposals and a copy of which is attached at Appendix 1. Members also had the benefit of a site visit on 20 April, the notes of which have previously been circulated.

2 Proposals

- 2.1 The current application proposes the demolition of the existing dwellinghouse and the garage sited adjacent to the east, to be replaced by a new dwellinghouse sited a short distance to the west and very slightly south. The proposed dwellinghouse would be part single, part two storey, and part two and a half storey, with an elongated frontage running parallel to the river. The design is contemporary and provides a mixed palette of materials with brick at ground floor, vertical timber to the upper floors, and zinc cladding to provide emphasis and framing to the two and a half storey element. The dwellinghouse features two balconies at the eastern end and a first floor terrace at the western end.
- 2.2 The existing dwellinghouse has a footprint of 114.50sqm with a maximum height of 8.10m with an eaves height of 5.75m. The proposed dwellinghouse has a footprint of 211.05sqm with a maximum height to two storey of 8.10m with an eaves height of 5.05m, and a maximum height to two and a half storeys of 10.75m with an eaves height of 7.7m.
- 2.3 As noted above the existing dwellinghouse is reasonably well screened by mature trees, although it is evidently a presence in views from the river, particularly due to the colour of the first floor and the thick plastic frames of the two conservatories which stand out clearly against the darker backdrop. When approaching the property along the river heading northwards (upstream) it is the adjacent water works buildings that first come into view, these simple yet elegant brick buildings are a conspicuous presence but in their form and setting are a fine introduction to a more obviously manmade intervention into the landscape. The dwellinghouse at the subject site is visible in glimpses, becoming more apparent the closer one gets to the site. When approaching the property along the river heading eastwards (downstream) the development on eastern side of the site does not become readily apparent until almost alongside it due to the trees present on the western half of the site which extend to the river. Again, the trees on site provide a reasonable level of screening to the existing dwelling but its presence is apparent, particularly due to the white plastic conservatories.
- 2.4 The proposed dwellinghouse is sited to enhance the enjoyment and appreciation of the river and surrounding landscape for residents of the property. The siting is more central in eastern half of the site and as such would be a more noticeable presence in the river scene and views from land to the south. Consultation responses objecting to the scheme were received

from the Broads Society and the BA landscape officer, the issues are detailed below.

- 2.5 Other elements of the proposal encompass a swimming pool immediately west of the dwelling, an extension to the retained garage, an extension to the existing mooring cut, construction of a boathouse, installation of staging to the pond area, and replacement of the existing quayheading. The proposed boathouse has a footprint of 115.90sqm with a maximum height of 6.85m with an eaves height of 2.20m.

3 Site history

- 3.1 BA/2015/0152/PREAPP - Replacement dwelling.

4 Consultation

- 4.1 Parish Council - the Parish Council fully supports this modified design. This property will greatly enhance the appearance of the area and will, Councillors believe, be an icon of riverside design. The existing property lacks any real architectural merit and modifications over the years have created a building that doesn't reflect any particular style or have any historical value.
- 4.2 District Member - This application can be determined by the Head of Development Management (delegated decision).
- 4.3 Broads Society - The amendments appear to have focussed on matters of detailed design in response to concerns raised by Mr Hogg, which we have not seen, as they are not included in the list of documents for this application on your website. They do not appear to have addressed the more fundamental issues of the impact of the development arising from the scale, height, massing and location of the proposed building as raised by the Authority's Landscape Architect, with which we concur. The observations raised in our previous letter dated 11 October 2016 therefore remain relevant.
- i. The design is for a very much larger and taller property than that which it replaces and, rather than being on the original footprint, is in a location which is more visible from the river. It is also re-oriented to present its broad face to the river, in contrast to the existing building. The original building was in context with the landscape, because it was originally the home of the waterworks supervisor, when he needed to live on site. The proposed boathouse is unnecessarily tall.
 - ii. Policy DP24 is not complied with because the "scale, mass, height and design" are not "appropriate to (the) setting and landscape character of the location". Also because, not being on the same footprint, and in a more exposed position it is not "less visually prominent."
 - iii. There appears to be nothing exceptional about the design, which would comply with the exception policy in paragraph 55 of the National Policy Framework.
- 4.4 BA Landscape Officer - Analysis: Landscape character: The scale and massing of the house, though reduced in the revised proposal, remain greater

than the existing dwelling. The building footprint is larger than the existing dwelling and is moved into a more prominent position to take advantage of views to the river. Additional tree planting would help to partially screen the house in views from the river.

- 4.5 The *Landscape response to the comments by the Broads Authority* suggests that in terms of landscape character 'the new proposal will declutter the landscape'. I feel that this may not be the case.
- 4.6 In addition to the house there are a number of other proposed features around the site including surfaced driveways and parking areas, a store/extension to the existing garage, overflow parking area, hard-surfaced paving/paths, a swimming pool, large boathouse, external lighting, new and repaired quay-heading, a hot-tub, and extended inlet with slipway.
- 4.7 I am concerned about the overall impact of these interventions, which taken together would represent an increase in overall development on the site and as such impact on landscape character and tranquillity.
- 4.8 The applicants acknowledge that in terms of Bure Valley views and skylines, the dwelling would cause significant and adverse impact on views from the river (LVIA viewpoint 1).
- 4.9 Reduction of the ridge height may lessen the skyline impact from viewpoints 3 & 4 although this would be dependent on the success of proposed tree screen planting which could take some time to be effective.
- 4.10 The previously proposed landscape mitigation measures, particularly the treatment of the Northumberland Water land between the dwelling and the river with reedbed, wetland habitat and removal of quay heading would help overcome visual impact and better integrate the site into the surrounding landscape.
- 4.11 However I understand that these measures are no longer considered feasible to implement, being on land not controlled by the applicants.
- 4.12 The LVIA cites these measures in section 6.2 *Predicted landscape effects* and includes them in 8.0 *Mitigation of landscape and visual effects*. Clearly if these measures are no longer capable of implementation, some conclusions of the LVIA are undermined, particularly for Bure valley views.
- 4.13 Conclusion: Although the revised proposals are an improvement on the previous proposals in relation to aspects of the replacement dwelling, given the issues with mitigation, they do not fully overcome the concerns expressed in the landscape comments 16 October 2016 and remain likely to have at least a moderate adverse effect on landscape character and the visual amenity of Broads users.

- 4.14 BA Historic Environment Manager - Application supported, approval should be subject to conditions regarding materials glazing balustrading and hard and soft landscaping.

5 Representations

- 5.1 Two letters were received from residents at the northern end of Water Works Lane. Both residents raised concerns relating to construction traffic and damage to the lane. One resident also raised issues of damage to either side of the lane, including to the drainage ditch, and an increase in flooding to the lane. Both residents seek ongoing temporary repairs to any damage by contractors during the building phase, and the reinstatement or making good of the lane following the completion of construction work.

6 Policies

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

[NPPF](#)

Core Strategy (adopted 2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement

CS5 - Historic and Cultural Environments

Development Management Policies DPD (adopted 2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - Natural Environment

DP2 - Landscape and Trees

DP4 - Design

- 6.2 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.

Core Strategy (adopted 2007)

CS20 - Development within Flood Risk Zones

Development Management Policies DPD (adopted 2011)

DP12 - Access to the Water

DP24 - Replacement Dwellings

DP28 - Amenity

- 6.3 The following Policies have been assessed for consistency with the NPPF which has been found to be silent on these matters. Paragraph 14 of the

NPPF requires that planning permission be granted unless the adverse effects would outweigh the benefits.

DP13 - Bank Protection

6.4 Other Material Considerations

Landscape Character Assessment Area 23

7 Neighbourhood plans

7.1 There is no neighbourhood plan in force in this area.

8 Assessment

8.1 The proposal is for the demolition of the existing dwellinghouse and construction of a replacement dwellinghouse on an adjacent area of the site. Additional works include swimming pool immediately west of the dwelling, an extension to the retained garage, an extension to the existing mooring cut, construction of a boathouse, installation of staging to the pond area, and replacement of the existing quayheading to the mooring cut and along the bank of the River Bure. These various elements will be considered separately.

8.2 The main issues in the determination of this application are the principle of the development, design, landscape, neighbour amenity including construction traffic, trees and biodiversity, and flood risk.

Replacement Dwelling - Principle of development

8.3 The site lies outside of a development boundary. Policy DP24 of the Development Management Policies DPD permits replacement dwellings in this circumstance on a one-for-one basis. Taking into account the existing dwelling which would be demolished upon completion of the proposed dwelling, the proposal is considered to represent one-for-one development and therefore acceptable in principle.

8.4 Having determined that the proposal is acceptable in principle, consideration must be given to the policy considerations which are set out in DP2, DP4 and DP24 of the Development Management Policies DPD. Considering these policies, the principle matters with this development proposal relate to the siting, scale, form, massing and design of the proposal, and the impact the works would have on the landscape of the Broads. Policy DP2 requires that development would not have a detrimental effect on, or result in the loss of, significant landscape heritage or a feature of landscape or ecological importance. Policy DP4 requires that development must be appropriate in terms of scale, form and massing when considered in the context of the site and the surrounding landscape, streetscape and waterscape. Policy DP24 requires that replacement dwellings are appropriate to their setting and the landscape character in respect of scale, mass, height, design and external appearance. In addition DP24 requires that the property has a lawful

residential use and is not of a historic, architectural, or cultural value to be worthy of retention.

- 8.5 It is useful to consider first the use and historic, architectural, or cultural value of the existing property. Taking into account the history of the site the lawful use of the property as residential is considered established. In terms of its value, the building dates from the early C20, is of a style typical of this period of development in the Broads and has a historical relationship to the adjacent Waterworks complex. Despite its history the design of the dwellinghouse is considered unremarkable, it has been extended unsympathetically, and any link to the Waterworks has been lost over time with the two sites separated both physically and visually. It is therefore considered that the existing dwellinghouse does not retain historic, architectural, or cultural value to be worthy of retention. In these respects the proposed replacement dwelling is acceptable with regard to criterion (c) and (d) of Policy DP24 of the Development Management Policies DPD.

Replacement Dwelling - Location within site

- 8.6 Turning to the siting of the replacement dwelling, of key consideration here is criterion (b) of Policy DP24 which requires that the replacement would be located within the same building footprint as the existing dwelling or in an alternative location within the same curtilage, which would be less visually prominent and/or at a lower risk of flooding. The replacement dwelling would be sited immediately adjacent to the existing dwelling and therefore not on the same footprint. It is noted that flood risk is not an issue as both locations are outside of flood zones 2 and 3. The assessment would therefore turn to whether the proposed location would be less visually prominent.
- 8.7 It is important to consider policy wording alongside the reasoned justification which in this case seeks that development be managed in order to prevent development that would be unacceptable by virtue of its size, design or positioning. By tying size and design to location consideration the policy allows for individual sites to be assessed with regard to their specific context. It is also asserted that any assessment based on this criteria must take into account additional benefits that a proposal may present. Whilst an initial assessment would conclude that the siting is not less visually prominent, when considering the proposed comprehensive planting and landscaping scheme, around the dwelling and across the development site, it is considered that overall visual impact would be less than the existing situation.
- 8.8 It is useful at this point to note that the subject property is one of a small group of dwellings on large plots on this stretch of the river. The dwellings in this locality are on quite steeply rising ground, they include the Georgian vicarage (to the Church of St Benedict) and Burefield, these are dwellings of significant scale in substantial grounds. The church itself is a significant landmark on the higher ground and the large scale waterworks buildings to the east of the group are screened but still visible from the river.

- 8.9 The existing dwelling is the most modest of the group by a long way and is located to the east of a very large site and is less noticeable and certainly less visually imposing than the remaining buildings in the group. It is therefore clear that in built form terms the subject property is the anomaly on this stretch of the River Bure and that by this measure the proposed development – ie with its more prominent location - would be more in keeping with the character of this locale. It is acknowledged that this is a somewhat simplistic assessment and the important point to consider in policy terms is visual prominence, but it is considered that the site context here allows for a level of flexibility on this point.
- 8.10 Taking into account the overall resulting scheme, along with a consideration of the site and surrounding development, it is considered that the visual impact of the proposed siting, although more central on the site, would be less visually prominent when considered across the full range of views to and across the site and taking into account the proposed landscaping scheme. It is noted that the proposed planting and landscaping scheme is a key factor in this assessment and as such any grant of planning permission must include robust planning conditions to ensure that the scheme is adhered to and protected in the long term. In this respect the proposed replacement dwelling is acceptable with regard to criterion (b) of Policy DP24 of the Development Management Policies DPD.

Replacement Dwelling - Design

- 8.11 Turning to the scale, form, massing and design of the proposed replacement dwelling, members are advised that there has been a history of pre-application discussion on proposals for this site.
- 8.12 When considering the design of the proposed dwelling, officers have provided extensive analysis and are of the view that the latest proposal, whilst still uncompromisingly contemporary, responds positively and well to the site. It is accepted that most development will have an impact to some extent on the appearance and character of an area, and that in the case of a familiar scene this impact will be more apparent. New development however that has been designed specifically to ensure that the visual impact responds to setting, can enhance that setting through introducing a new built form.
- 8.13 This particular site is very prominent it sits on a bend on the river and from the river attention is drawn to the group of buildings by the Church and the attractive traditional group of ancillary buildings to the riverside of Burefield, the Rectory which sits within the immediate setting of the church and the large waterworks buildings. On closer analysis these buildings are a diverse architectural mix. Ranging from the traditional and familiar form of the flint Church through the rendered late Georgian classical façade of the rectory to the beautifully detailed interwar utilitarian design of the waterworks buildings. The application site lies in the centre of this existing composition and due to the eclectic nature of the buildings surrounding it is considered there is an opportunity to add to this diverse group through a quality contemporary solution.

- 8.14 The design as proposed provides a substantial dwelling, however given the size of the existing plot the scale of the proposed building is not considered to be excessive. The mass of the building has been broken through the use of a highly articulated plan form which produces a variety of vertical and horizontal planes, variation in ridge and eaves height, the use of a strong roof form to visually bring the higher element of the building closer to ground and a consistent palette of materials which provide both texture and variety to the elevations.
- 8.15 In terms of the visual impact the 3 storey element is the most significant and at 11 metres to the ridge this will be the most visible form from the river. This is the case both on the approach from the south but also from the west from Horning. From the west the breaking of the gable form by the roof slope of the centre section of the higher element returning down the main wing is considered to break the mass sufficiently.
- 8.16 From the south the gable is envisaged as and has been designed to make a visual statement on the approach from the river, the lean to roof form to the east which echoes that joining the adjacent wing helps ground the height of the gable. The use of set backs on the plane of the gable elevation with a strong enclosing overhanging roof form also helps to lower this gable visually and also better relates it to the lower wing. It is considered that a lower gable of two storeys may make less of a visual impact but it would also provide less of a visual full stop to the overall linear form of the building and this would weaken the overall composition.
- 8.17 The treatment of the design is uncompromisingly and unapologetically contemporary and in this respect can be viewed as a continuation of the eclectic style of buildings forming the small group around the church.
- 8.18 The palette of materials ties into the contemporary design, but by utilising natural materials in the composition proposed this enables the dwelling to respond to the landscape and setting, and result in an appearance which is at ease in this location and reasonably restrained in terms of its position within the surrounding landscape. The use of materials is continued along with the full width of the proposed dwelling, so the dark brick at ground floor level provides the basis for both the east/west element and the north/south element of the building, with a lighter colour and softer material to the upper floors. This provides visual continuity and allows the dwelling to appear as a more subtle presence as the design flows unpretentiously and suitably regularised, which is given further credence through the pattern of openings in the elevation which fronts the river.
- 8.19 In conclusion it is considered that the proposal has responded to the site in a positive way. It is a bold design, contemporary in style on a very prominent riverside site. In many ways a less visually striking building might be lost on a site of this nature. The house is designed to be seen, but at the same time has been sited carefully to allow the retention of the mature landscaping, which would be reinforced through new planting, ultimately resulting in a

building that assimilates into the setting. The design addresses the dual aspect of a site located on a bend in the river resulting in a positive visual impact from either approach. It is noted that the proposed planting and landscaping scheme is a key factor in this assessment and as such any grant of planning permission must include robust planning conditions to ensure that the scheme is adhered to and protected in the long term. In this respect the proposed replacement dwelling is acceptable with regard to DP4 along with criterion (b) of Policy DP24 of the Development Management Policies DPD.

Replacement Dwelling - Landscape

- 8.20 The site is located on the northern bank of the River Bure on a valley side which rises noticeably from the riverside. The existing dwelling sits approximately 3 metres above the level of the river, and this would be the same for the proposed dwelling. The sloping nature of the site and evident rise in levels result in a site which is a noticeable presence in the surrounding landscape viewed from the south, and when viewed from public footpaths to the north part of the upper floor and roof are visible. It is clear that riverside development in this locale is visible from a wide area but it is important that any impact is not considered in isolation and the surrounding sites and existing development on the application site are integral to an assessment of landscape impacts.
- 8.21 The three other sites which feature a built form on the northern bank of the river, namely Burefield, the Rectory, and the Waterworks, all make a contribution to the surrounding landscape resulting in a particular landscape character to this area of the Broads. The application site features a large house which by virtue of its orientation and massing has less of a presence than the buildings on the other sites. The proposed dwelling will initially be more of a presence in the surrounding landscape than the existing dwelling and this is acknowledged in the submitted landscape and visual impact assessment. There are a number of points that must be considered when assessing the landscape impact.
- 8.22 The proposed dwelling for the majority of its width is at a height which is comparable to the existing dwelling, and where it does increase in height this is only for a width of 5.6 metres and in the form of a gable, so does not have a bulky or overbearing presence. The width of the new built form is of an evident increase, however the siting of the new dwelling and its relationship to domestic infrastructure on site will allow for the elements such as outbuildings and parking areas to be hidden from river views. This is in direct contrast to the existing site where there is a certain undisciplined sprawl to the appearance and this is apparent for a width greater than the proposed dwelling. Although in terms of longer distance views the lower level elements of this sprawl are less noticeable, from the primary viewing area of the river the breadth of the manmade influence on the landscape is comparable. With this in mind it is considered that the proposed dwelling would represent a simpler form and by presenting one unified and flowing presence would overall improve the appreciation of the site and ensure that landscape impacts are related to the scale and type of development on this section of riverside.

- 8.23 The backdrop of the site on the northern boundary comprises a hedgerow of an orthodox height which is perceptibly thinned in places. The height of the hedgerow is such that even the low level outbuildings protrude clearly above it when viewed from the river, with only sporadic planting in the foreground of this view, and when viewed from the north the upper elements of the dwellinghouse are visible. The proposed development encompasses a comprehensive landscaping scheme which includes elements to the northern boundary to replenish the hedgerow and provide additional planting, this would allow for an improvement to the backdrop of the site when viewed from the south, and foreground when viewed from the north. It would also have a vital contribution to the overall appearance of the dwelling which in terms of its materials and design seeks to complement the natural elements of the site and allow a more subtle presence of the built form. To the river side of the dwelling would be significant planting of trees which will break up views of the built form, provide a level of screening, and soften any impact on the overall landscape. The combination of these factors would ensure that any landscape impact is minimised and as the site matures will significantly lessen further.
- 8.24 The assessment of landscape impact of the new dwelling must take into account the existing situation. As discussed in paragraph 5.5 above the quality of the existing dwelling is unremarkable and has been extended unsympathetically, as such it does not make a positive contribution to the site and surrounding landscape. Two particular points are worth emphasising: the house is an unsubtle pink colour at first floor which jars with the surrounding natural environment, and the two conservatories feature thick plastic frames which are obvious and awkward in the context of the dwelling which they adjoin. The proposed dwelling has a well considered flow and uniformity which produces a form of subtlety to the built intrusion which is less well served by the existing dwelling. Again it is important to acknowledge the key contribution of the materials and design and the landscaping scheme which together would allow for an improved assimilation into the landscape.
- 8.25 The proposed scheme as originally submitted was assessed by the BA Landscape Architect who raised concerns regarding impacts on landscape character and visual amenity due to the height and extent of the proposed dwelling. The revised scheme has sought to address these concerns through design changes and additional landscape enhancements. This scheme has been assessed by the BA Landscape Architect who has acknowledged that the revisions represent an improvement but still concludes that the landscape impacts are unacceptable. This position has also been presented by the Broads Society. The conclusion stated is that the proposed scheme will have at least a moderate adverse effect on landscape character.
- 8.26 The key points of contention are the overall impact of development which includes hard surfaced area around the dwelling and to the north of the dwelling, and the effectiveness of the planting scheme. When considered as part of the overall landscape in this location, the hard surfaced areas, and indeed the proposed swimming pool, are at ground level and taking into account the rising ground level from north to south and the fact that views to

ground level would be limited to views from the south, the hard surfacing would be particularly subtle and is of a scale which is considered to be appropriate to the dwelling. The majority of the hard surface area would be screened by the dwelling and the existing and proposed planting. Therefore it is considered that impacts on landscape character would be very limited. The one element of hard surfacing that would be evident is the path between proposed dwelling and proposed boathouse, this path is considered to be of a reasonable scale and when considered in relation to the existing domestication of the site and the improvements that would be undertaken as part of the proposed landscaping scheme would not have an unacceptable adverse impact on the surrounding landscape character.

- 8.27 It has been alluded to frequently in this report that the proposed landscaping scheme is a critical part of the acceptability of this proposed development. The Landscape Architect has accepted that revisions to the scheme would lessen any impact of the proposed development on the surrounding landscape but concludes that the planting could take some time to be effective. This point is accepted but it is argued that landscaping schemes are an integral part of numerous planning proposals and the fact that there is always a delay while planting becomes established is a conventional and customary practice which is accepted as bringing overall positive outcomes. The site area as it exists is predominantly an open expanse of grass with a smattering of trees, and although the proposed scheme proposes nothing radical in comparison, the resulting appearance, including native meadow, hedges, and trees, will be a significant improvement on the existing situation which will soften the appearance of the site as a whole and this in turn will benefit the appearance of the landscape in this area. Whilst it is likely to take up to ten years for the full benefit to be achieved, when taking into account the lifetime of development, and the overall benefits in terms of landscape improvements to the site, the period of time it will take for planting to establish is considered reasonable and acceptable.
- 8.28 The scale of the proposed dwelling has been noticeably reduced from that which was originally proposed, and in terms of the alterations to the 2.5 storey element, the alterations are significant which it is deemed satisfactorily reduce the visual mass. The scale and orientation are typical of development on this section of the river and represents an improvement on the existing dwelling and alongside the form and materials are considered to represent a well thought out approach to development at this site. The proposal would significantly improve the appearance of the whole site and alongside the improvements to landscape through planting is considered to not have an adverse impact on the surrounding landscape. As stated above, any grant of planning permission must include robust planning conditions to ensure that the proposed landscaping scheme is adhered to and protected in the long term. In this respect the proposed replacement dwelling is acceptable with regard to Policy DP2 and criterion (a) of Policy DP24 of the Development Management Polices DPD, and Policy CS1 of the Core Strategy.

Replacement Dwelling - Amenity

- 8.29 The application site is reasonably isolated in relation to other residential properties in the area, therefore it is considered that there would be no impact on amenities and privacy of other residents from the resulting development or during the construction phase. There have been issues raised by residents at the northern end of Waterworks Road in relation to potential damage to the road surface which has seen an increasing degradation over the years as a result of the type of traffic which has been utilising the lane. The applicants have commented that they are proposing running repairs for the duration of the works and the filling in of any current and new pot holes at the conclusion of works. The proposed development is therefore acceptable with regard to Policy DP28 of the Development Management Policies DPD.

Replacement Dwelling - Flood Risk

- 8.30 The subject site is located within flood zones 1, 2, and 3. The siting of the proposed dwelling is comfortably within flood zone 1. The Environment Agency have raised no objection noting that the site is 3.5m AOD which is the same as the existing dwelling, and that the dwelling is not at risk of flooding in the 1% fluvial and 0.5% tidal annual probability flood event including climate change. It is therefore considered that the proposed replacement dwelling is acceptable with regard to Policy DP29 of the Development Management Policies DPD.

Replacement Dwelling - Biodiversity

- 8.31 The applicants have submitted a Phase 1 Habitat Survey, a bat survey, and a great crested newt survey.
- 8.32 The proposed works are contained within the site area which is limited to the eastern half of the overall property curtilage and therefore within the area which is already domesticated. The habitat survey concluded that in the main activity at the property was limited to the western half which is not included within the application site area. Recommendations were made in relation to timing of the boathouse construction, and precautionary working methods such as overnight covering of any excavations. Further surveys were recommended for bats and great crested newts and these have been submitted.
- 8.33 The bat survey found evidence of a small number of bats roosting at the existing dwelling but concluded that it is not a significant roost site, the majority of activity at the site was in the trees and hedgerows. Demolition of the existing dwelling will require a European Protected Species licence. The proposed works at the site are considered unlikely to have an adverse impact on commuting routes, foraging, and the valuable boundary habitats. Mitigation would be required and should this be proposed up front Members will be updated verbally.
- 8.34 The great crested newt survey found no great crested newts on site or evidence of egg laying. It was therefore concluded that it is highly unlikely that

great crested newts are present on the site and no further survey or mitigation are required.

Replacement Dwelling - Trees

- 8.35 The applicants have submitted an arboricultural impact assessment, method statement, and tree protection plan for the proposed development, this has been assessed by the BA Tree Officer who has confirmed that the proposal is acceptable and would recommend approval, subject to a planning condition to ensure compliance with the submitted documents. In this respect the proposed development is considered acceptable with regard to Policy DP2 of the Development Management Policies DPD.

Extension to the retained garage

- 8.36 The existing garage at the northern end of the site and located reasonably centrally along this boundary is of brick construction with a pitched tiled roof. The building is of unremarkable design and does not make a positive contribution to the site in being part of the overall sprawl of development. However, the scale is such that it does not have an impact on the surrounding landscape when viewed from the north, and taking into account its siting and the siting of proposed dwelling would not be visible from the south. It is proposed to extend the garage to approximately twice its footprint as part of the plan to amalgamate the existing storage areas. This approach is considered sound, the resulting building would be of a reasonable scale, and without impact on the surrounding landscape the proposed extension of the existing garage is considered acceptable with regard to Policy DP2 and Policy DP4 of the Development Management Policies DPD, and Policy CS1 of the Core Strategy.

Extension to the existing mooring cut, construction of a boathouse, installation of staging to southern side of existing pond

- 8.37 The property currently features a mooring cut which is located on the river frontage to the western side of the application site. A short distance to the north of the cut is a pond. The proposal seeks to extend the size of the mooring cut up to the edge of the pond, in addition a boathouse would be constructed immediately west of the pond at an angle to the main area of mooring cut. The extension of the mooring cut is required to enable the applicant's boats to be stored safely within the site, rather than having to utilise mooring on the riverbank. The boathouse is required to protect the boats from the elements. The size of the development is considered to be appropriate for proposed use and is acceptable in principle.
- 8.38 The existing mooring cut is of very modest proportions, the extension of this area is considered to be reasonable in size, particularly when considered in the context of the site area and would not be detrimental in terms of the character of the site or the surrounding landscape. The existing mooring cut features timber quayheading, the extended mooring cut would be finished with timber quayheading with timber decking around the perimeter. Taking into

account the existing treatment of the mooring cut banks the proposed scheme is considered acceptable and would have a relatively low impact on the appearance of this section of the site.

- 8.39 The existing pond would remain in situ. The proposed mooring cut extension would adjoin the southern side of the pond, it is proposed to provide staging at this section, this would allow for a separation to be maintained between the two elements which are different in terms of their purpose, as well as providing improved access. The height of the staging would match the quayheading to the mooring cut and riverbank and therefore would not appear out of keeping or interrupt the appearance of this element of the site, or undermine the overall character.
- 8.40 The proposed boathouse is of a design which is typical to the Broads, comprising a low level rectangular main building with a low eaves level and utilising a steep roof pitch to allow for a sail loft to be incorporated within the building. The boathouse incorporates a balcony at first floor level recessed under the roof. There are no objections to this proposal in terms of its design. The subject property is undoubtedly domestic in character and features a substantial river frontage with much of the river bank finished with quayheading, it would therefore not be unexpected for a boathouse to feature in such a setting. The proposed boathouse is set back from the river and taking into account the trees in this location is reasonably nestled which would allow it to be a fairly inconspicuous presence in the river scene. The design is simple and the structure of a scale which would not be overbearing or cumbersome. The separation of boathouse to dwellinghouse would ensure the two are read separately and would not result in a cluster of buildings. The sides of the boathouse would be timber which would ensure a gentle appearance. The proposed roof would be metal which taking into account the siting and orientation of the boathouse is considered acceptable.
- 8.41 The proposed works would be sited off the river and therefore ensure that it does not impede navigation of this stretch of the river. The mooring cut and boathouse are situated within Flood Zones 2 and 3, however the extension of the mooring cut will increase the water capacity of the area and is therefore likely to marginally improve the flood risk of the site. In addition the Environment Agency has raised no objection to this development.
- 8.42 It is therefore concluded that the proposed mooring cut extension, boathouse, and staging to the pond area are acceptable and in accordance with Policies DP4, DP12, DP13, and DP29 of the Development Management Policies DPD, and Policies CS1 and CS20 of the Core Strategy.

Replacement of the existing quayheading

- 8.43 The bank of the river across the width of the site area features existing timber quay heading, multiple sections of which are visibly in a poor condition. The replacement quayheading would be timber which allows for a softer appearance in quay heading in keeping with the existing situation. It is therefore considered that the proposed replacement quay heading is

acceptable in terms of its appearance as well as the character and appearance of the surrounding area and river scene having regard to Policies DP4 and DP13 of the Development Plan Document and Policies CS1 of the Core Strategy.

9 Conclusion

- 9.1 The existing dwelling, whilst a familiar presence in the landscape, does not have historic, architectural, or cultural value to justify retention and its demolition is considered acceptable. The replacement dwelling would be less visually prominent when considered across the full range of views to and across the site, and landscaping proposals would mitigate for concerns expressed by consultees. The design of the dwelling is bold and contemporary, it responds well to the site setting which is augmented by the materials palette. The proposal presents a unified approach to development at the site which would significantly improve the appearance of the whole site and alongside the improvements to landscape through planting is considered to not have an adverse impact on the surrounding landscape. The proposed boathouse has a simple design and is of a reasonable scale, and is considered to overall represent a reasonably inconspicuous presence in the river scene. Overall the proposal is considered to represent a positive redevelopment of the site which would strike a fine balance between being visually pleasing but not dominating and therefore is considered to be an asset to development on this section of the River Bure and in keeping with the character and appearance of development in this locale.

10 Recommendation

Approve subject to conditions

- (i) Standard time limit;
- (ii) In accordance with submitted plans;
- (iii) Details of materials;
- (iv) Landscaping scheme details;
- (v) Approved landscaping scheme to be implemented in next available planting season;
- (vi) Any tree or plant that dies within 10 years to be replaced;
- (vii) Restriction on works to trees, shrubs, or hedgerows for 10 years;
- (viii) Works to be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan dated August 2016;
- (ix) Timescale for demolition of existing dwelling;
- (x) Recording of existing dwelling;
- (xi) Timing of boathouse construction;
- (xii) Working methods to protect otters;
- (xiii) Details of type and siting of foul sewage private treatment plant;
- (xiv) European Protected Species licence prior to commencement;
- (xv) Bat and bird mitigation measures and enhancements;
- (xvi) Timber quayheading preservative;
- (xvii) External lighting scheme

- (xviii) Remove permitted development rights; and
- (xix) Boathouse only to be used in connection with the dwelling.

11. Reason for Recommendation

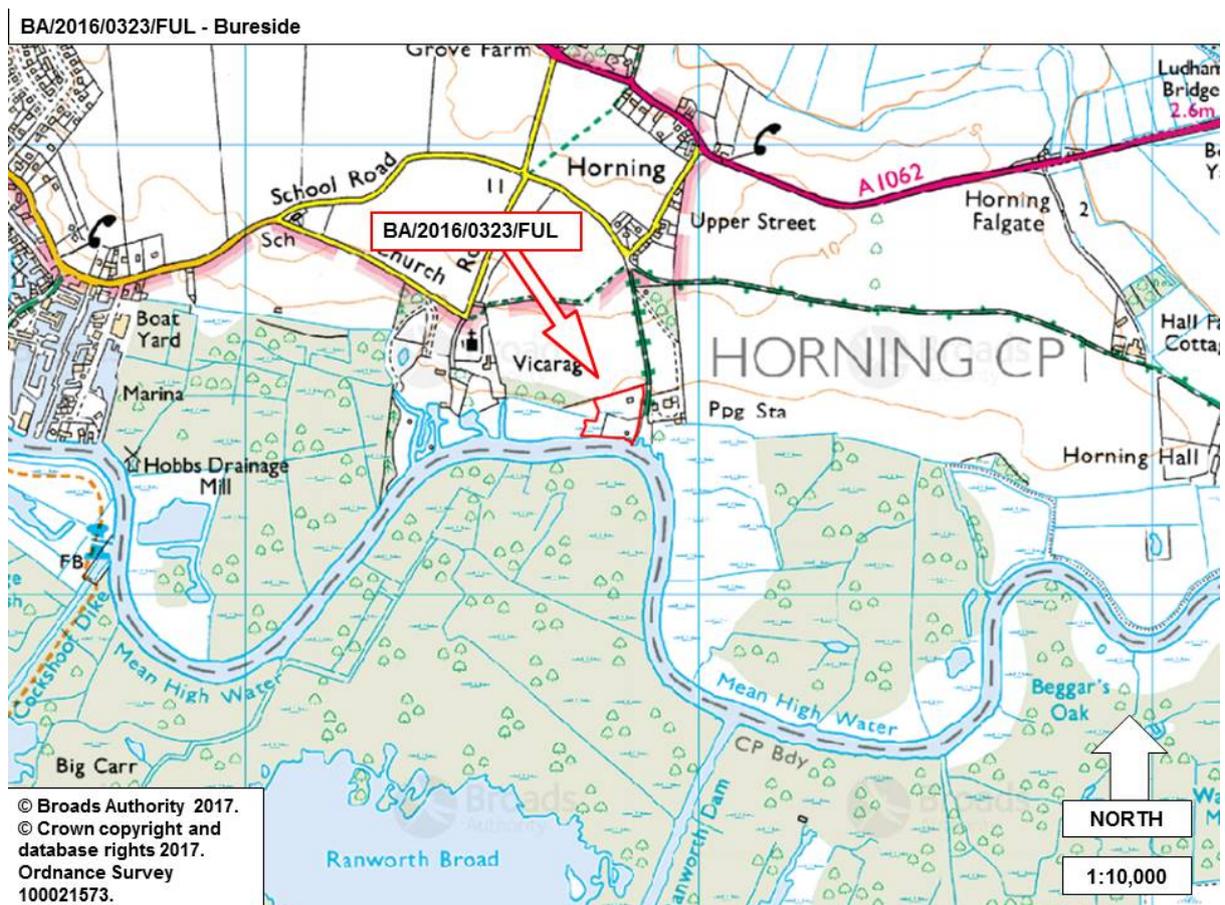
11.1 The proposal is considered to be in accordance with Policies CS1, CS5, and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP12, DP13, DP24, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

List of Appendices: Location Plan

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

Author: Nigel Catherall

Date of Report: 12 April 2017



Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

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

Committee Date	Location	Infringement	Action taken and current situation
<p data-bbox="203 363 427 400">9 October 2015</p> <p data-bbox="203 954 443 991">5 February 2016</p>			<p data-bbox="1160 256 1335 293">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1115 298 2011 368">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015 <li data-bbox="1115 373 2011 517">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container <li data-bbox="1115 521 1980 592">• Leave to appeal against High Court decision refused on 9 October 2015 <li data-bbox="1115 596 1921 667">• Request for oral hearing to challenge Court of Appeal decision filed 2015 <li data-bbox="1115 671 1966 742">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016 <li data-bbox="1115 746 1980 858">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river <li data-bbox="1115 863 1458 900">• Site being monitored <li data-bbox="1115 904 1995 1016">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016 <li data-bbox="1115 1021 1688 1058">• Enforcement Notices remain in place <li data-bbox="1115 1062 1912 1099">• Applications for Injunctions lodged 18 February 2016 <li data-bbox="1115 1104 1854 1141">• Injunctions served on Mr Wood on 2 March 2016 <li data-bbox="1115 1145 1659 1182">• High Court Hearing 11 March 2016 <li data-bbox="1115 1187 1749 1224">• Interim Injunction granted 11 March 2016 <li data-bbox="1115 1228 1868 1265">• Court date for Permanent Injunction 17 June 2-16 <li data-bbox="1115 1270 1839 1307">• High Court injunction obtained on 17 June 2016 <li data-bbox="1115 1311 1809 1348">• High Court Injunction issued on 24 June 2016 <li data-bbox="1115 1353 1711 1390">• Partial costs of Injunction being sought

Committee Date	Location	Infringement	Action taken and current situation
<p>9 December 2016</p> <p>6 January 2017</p>		<p>development of a portacabin, static caravan, signage and lighting.</p>	<p>landlord on other elements</p> <ul style="list-style-type: none"> • Meeting took place in March 2016 • Tenant landlord to detail intentions by 20 April 2016 • Following negotiations, some agreement had been reached. No further information had been received within the timescale given and this had been extended • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date (22 July 2016) • Application for retention of structures validated 27 July 2016 and under consideration • Application withdrawn 29 September 2016 • Meeting with landowner's agent 10 November 2016 • Landowner's agent considering position. • No realistic prospect of compliance by negotiation • Planning Committee agree to proceed with prosecution and further Enforcement Notices • Request for a further period to 31 March 2017 for compliance with Enforcement Notice and remove the further unauthorised development granted. Request granted. If full compliance not achieved by this date, the authority granted to officers previously and in December 2016 to prosecute and serve further Enforcement Notices be implemented with immediate effect and no further negotiations take place.

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Site to be inspected 31 March 2017 • All unauthorised structures removed by 31 March 2017. Enforcement Notice withdrawn.
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 consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on grounds there has been no breach • Appeal Dismissed and Enforcement Notice Upheld 9 January 2017 • Landowner given until 9 March 2017 to remove fence • Request for alternative solution submitted 3 February 2017. Subject to detail, this may be acceptable. Negotiation underway • Alternative solution agreed, subject to detail. To be implemented by 23 March 2017. • Works undertaken, in variance to agreed alternative solution.
11 November 2016	"Broad Minded" Plot 9/9A Martham	Mooring of Caravan on Floating Pontoon	<ul style="list-style-type: none"> • Authority given for an Enforcement Notice to be served (in consultation with the Solicitor) requiring the cessation of the residential use and the removal of the caravan on floating pontoons known as "Broad minded" with a compliance period of 3 months • Discussion underway with Environment Agency as landowner • Environment Agency given 30 days (to 9 January 2017) to negotiate removal of structure • Site visit 19 January 2017 shows structure still in situ. • Period to end of March 2017 allowed for removal of structure • Structure removed by 31 March 2017. Matter to be closed.

Committee Date	Location	Infringement	Action taken and current situation
9 December 2016	Eagle's Nest, Ferry Road, Horning	Non-compliance with conditions 3 and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential accommodation.	<ul style="list-style-type: none"> • Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> (i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and (ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months. And (iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not complied with. • Invalid CLEUD application for materials received; subsequently validated • Application to remove materials condition received • Planning Contravention Notice served 30 December 2016. • Breach of Condition Notice served 19 January 2017. Compliance date 19 April 2017. • Retrospective application for retention of manager's flat submitted 20 February 2017. Application under consideration. • CLEUD for materials issued • Retrospective application for retention of manager's flat recommended for refusal. See report elsewhere on agenda.
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential	<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;

Committee Date	Location	Infringement	Action taken and current situation
		curtilage	<ul style="list-style-type: none"> • 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. Compliance date 19 July 2017.
31 March 2017	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"> • Authority granted to serve Section 215 Notices • First warning letter sent 18 April 2017

2 Financial Implications

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

Background papers: BA Enforcement files

Author: Cally Smith
Date of report: 18 April 2017

Appendices: Nil

Salhouse Neighbourhood Plan – Proceeding to Referendum
Report by Director of Planning and Resources

<p>Summary: The Salhouse Neighbourhood Plan and the representations received on the submitted Plan during the publication stage have been subject to an independent examination by a suitably qualified individual. The examiner’s report has concluded that, subject to certain specified modifications, the Neighbourhood Plan should proceed to a referendum within the neighbourhood area (i.e. the civil parish of Salhouse). This report presents the findings of the Examiner’s report, proposed that Planning Committee agrees with the Examiner’s conclusions and recommends the Neighbourhood Plan for a referendum within the neighbourhood area.</p>
<p>Recommendation: It is proposed that Planning Committee approve the examiner’s recommendations, as detailed with Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Salhouse).</p>

1 Introduction

- 1.1 The submitted Salhouse Neighbourhood Plan was approved for examination purposes by the Broads Authority Planning Committee on 6th January 2017. This was followed by a statutory six week publication period in which the Plan and its supporting documents were made available to the public and consultation bodies via:
- Broadland District Council website (www.broadland.gov.uk/neighbourhoodplans)
 - Broadland District Council offices
 - The Broads Authority offices & website
- 1.2 All of those consultation bodies listed within Salhouse Parish Council’s consultation statement (a supporting document to the Neighbourhood Plan) were notified of the publication, as were residents who had responded to the consultation on the draft document. In addition, a public notice was put on local notice boards and details can be found on the Salhouse Village website.
- 1.3 During the six week publication period, a total of 25 representations from 8 different organisations or individuals were received. (see Appendix 2 for details). These representations were collated for submission, along with the

Neighbourhood Plan and supporting information, to an independent examiner for the purposes of an examination. The Neighbourhood Planning (England) Regulations 2012 require the local planning authority to send the Neighbourhood Plan and supporting information, as well as copies of all representations received during the publication period, to an appointed independent examiner, for them to consider the suitability of the Plan.

- 1.4 In choosing an independent examiner, a local planning authority must appoint someone who:
 - is independent of the parish/town council
 - has no interest in any land that may be affected by the draft plan, and
 - has appropriate qualifications and experience
- 1.5 Following the six week publication period, the examiner appointed by Broadland District Council and the Broads Authority, in liaison with Salhouse Parish Council, was sent a copy of the published Neighbourhood Plan and supporting documents, as well as copies of each of the representations received.
- 1.6 Legislation directs that an examiner must only consider:
 - (a) whether the draft plan meets the ‘basic conditions’ of a Neighbourhood Development Plan;
 - (b) whether the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan;
 - (c) whether the area for referendum should extend beyond the neighbourhood area; and
 - (d) whether the draft plan is compatible with the Convention rights.
- 1.7 The examination was conducted via written representations during March 2017 (the examiner decided that a public hearing would not be required). The examiner’s report, detailing recommendations, has now been submitted to Broadland District Council and the Broads Authority (see Appendix 1).
- 1.8 Planning legislation states that once a local planning authority has been issued with an examiner’s report, it must consider the recommendations. If the authority is satisfied with the examiner’s recommendations then any specified modifications can be made before the Plan proceeds to referendum.
- 1.9 Local planning authorities can also decide to extend the area in which the referendum is to take place, should it wish, or it could decide that it is not satisfied with the plan proposal, with respect to meeting basic conditions, compatibility with Convention rights and the definition and provisions of the Neighbourhood Plan, even if modified.
- 1.10 If the Broads Authority and Broadland District Council are satisfied then they will need to publicise their decision (a decision statement) and move to a

referendum. If they are not satisfied, then they must refuse the plan proposal and publicise their decision.

2 The Issues

- 2.1 The Examiner has recommended that, subject to certain modifications, the Neighbourhood Plan meets the basic conditions and other statutory requirements, and that it can proceed to a referendum within the neighbourhood area.
- 2.2 The recommended modifications are set out in the Examiner's report (Appendix 1). However, for ease of reference all of the recommendations and the Broads Authority and Broadland District Council's response are set out in a separate table at Appendix 4 to this report.
- 2.3 Some of these recommendations involve simple additions or minor amendments to general wording within the Neighbourhood Plan document (see Appendix 3 for a reference copy of the original submitted Neighbourhood Plan). However, there are a number of recommended modifications to policies that are quite detailed, including the deletion of some policies. The detail of the examiner's recommendations and the responses to those recommendations have been reviewed and formulated by Broadland District Council, The Broads Authority and Salhouse Parish Council and these can be seen in Appendix 4. The majority of the recommendations involve modifying the wording of policies within the Neighbourhood Plan (see Appendix 4), to make them more precise, concise and/or practical. It is also proposed that some additional wording, taken from the examiner's report, is added to the supporting text of the housing policies section in order to add further clarity to Policy H1.

3 Proposed Action

- 3.1 It is proposed that Planning Committee approve the examiner's recommendations, as detailed within Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Salhouse).
- 3.2 Should the Examiner's recommendations be met with full approval by Broadland District Council and the Broads Authority, then a decision statement will then be produced which will be published, along with the Examiner's report, on the Broads Authority and Broadland District Council's website and made available in the other locations highlighted in 1.1.
- 3.3 The next steps will involve Broadland District Council publishing information and giving at least 28 days' notice of the referendum (not including weekends, bank holidays, days of public thanksgiving). Again, this information will be made available on the Broadland District Council and Broads Authority websites and at the Broadland District Council offices and at the alternative locations mentioned in 1.1.

- 3.4 Given this period of notice, should Broadland District Council and the Broads Authority approve the Examiner's recommendations detailed within this report, then it is anticipated a referendum could be held in May/June 2017.
- 3.5 If more than half of the people who vote in this referendum vote in favour of the proposal then Broadland District Council and Broads Authority must adopt the Neighbourhood Plan as soon as reasonably practicable, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 3.6 This means that, should the referendum yield positive results for the Neighbourhood Plan, then the Plan would be subject to Broadland District Council and the Broads Authority ratification before it is fully adopted.
- 3.7 Should the local planning authority propose to make a decision that differs from the examiner's recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authority about a particular fact) then they:
- are required to notify all those identified in the consultation statement about this position and invite representations;
 - may refer the issue to an independent examination if they think it appropriate.

4 Financial Implications

- 4.1 Officer time in assisting Broadland District Council with the Neighbourhood Plan process. Referendum and examination costs have been borne by Broadland District Council.

Background papers: None

Author: Andrea Long
Date of report: 5 April 2017

Appendices: **APPENDIX 1:** Salhouse Neighbourhood Plan – Report by Independent Examiner
[APPENDIX 2: Salhouse Neighbourhood Plan Publication – Response Summary](#)
[APPENDIX 3: Salhouse Neighbourhood Plan – Submission Version](#)
APPENDIX 4: Salhouse Neighbourhood Plan – Examiner's Recommendations and Broadland District Council's Response

Salhouse Neighbourhood Plan 2016-2026

The Report by the Independent Examiner

Richard High BA MA MRTPI

30 March 2017

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Summary

The Salhouse Neighbourhood Plan contains a relatively small number of policies that relate clearly to the issues and needs that have been identified during the preparation of the Plan. It is evident that there has been a thorough and consistent approach to the engagement of the community and the absence of objections to the submission version of the Plan indicates the support of the community for the contents of the Plan.

The policies take full account of the strategic policies of the Broadland Norwich and South Norfolk Joint Core Strategy, the Broads Authority Core Strategy and the Broadland Site Allocation and Development Management DPDs. These documents provide a clear strategic context for the Plan up to the end of the plan period in 2026. The Basic Conditions Statement and the other documents submitted with the Plan are clearly presented and provide the information required in a concise and effective manner. This has been a great help to me in carrying out the examination.

I have found it necessary to recommend some modifications in order to meet the basic conditions. These do not substantially change the effect of the policies and are mainly designed that the policies are expressed in a way that makes it possible for decision makers to apply them consistently when considering planning applications.

I have concluded that, if the modifications that I have recommended are made:

The Salhouse Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to recommend that the Salhouse Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”.¹ **I therefore conclude that there is no need to extend the referendum area.**

¹ PPG Does an independent examiner consider the referendum area as part of their report?
Reference ID: 41-059-20140306

Introduction

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Salhouse Parish Council is the qualifying body for the Salhouse Neighbourhood Plan 2016-2026 (which I shall also refer to as the (SNP or the Plan). The Plan area covers the whole of the parish of Salhouse. It has been prepared by a working group of Parish Councillors and local residents.
3. Salhouse lies about 6 miles north-east of Norwich. It is a quiet rural village on the edge of the Norfolk Broads to the north-east. On the western side, it borders the Growth Triangle on the north-east side of Norwich which is allocated as a major urban extension in the Joint Core Strategy for Broadland, Norwich and South Norfolk where 7000 new houses are due to be accommodated in the period up to 2026 in the parishes of Rackheath, Thorpe St Andrew, Sprowston, and Old Catton.
4. The village originally had a linear settlement pattern with intermittent development along Lower Street and Upper Street. Twentieth century development has filled in many of the gaps and added substantial new development in the area bounded by Lower Street, Thieves Lane, Norwich Road and Mill Road. Approximately three-quarters of a mile to the west there is a separate cluster of development along Station Road and Norwich Road. The station provides a rail service to Norwich and North Walsham, Cromer and Sheringham.
5. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by Broadland District Council (BDC) with the agreement of Salhouse Parish Council (SPC) to carry out the independent examination of the SNP.
6. I confirm that I am independent of both Broadland District Council and Salhouse Parish Council and have no interest in land in the parish.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed 18 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
 - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
 - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and

whether the area for the referendum should extend beyond the Plan area.

10. The Plan meets the basic conditions if:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
 - b) the making of the Plan contributes to sustainable development;
 - c) the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I was satisfied that it could be completed on the basis of written representations. However, I did seek clarification from BDC by e mail on some issues and the e mail exchange is attached at Appendix 1.
12. The documents which I have referred to in the examination are listed below.
 - Salhouse Neighbourhood Plan Submission Draft November 2016
 - Salhouse Neighbourhood Plan Consultation Statement November 2016
 - Salhouse Neighbourhood Plan Basic Conditions Statement November 2016
 - Salhouse Neighbourhood Plan Sustainability Appraisal November 2016
 - Salhouse Neighbourhood Plan Sustainability Appraisal Scoping Report June 2016
 - Habitats Regulations Assessment (HRA) Screening November 2016
 - Responses received to publicity in accordance with Regulation 16 of the Neighbourhood Plan Regulations

- The Broadland, Norwich and Norfolk Joint Core Strategy 2008-2026 (JCS)
- Broadland District Council Development Management DPD 2015
- Broadland District Council Site Allocations DPD 2016
- Broads Authority Core Strategy 2007-2021
- Salhouse Conservation Area Character Statement 2003
- The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR
- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR)
- The Conservation of Habitats and Species Regulations 2010 (CHSR)
- The National Planning Policy Framework which is referred to as the NPPF
- National Planning Practice Guidance referred to as PPG

13. These documents include all of those that are required to be submitted with a neighbourhood plan under regulation 15 of the NPR.
14. I made an unaccompanied visit to Salhouse on 21 March 2017 to familiarise myself with the Parish and help me to understand the implications of the Plan policies. I spent most of a day walking and driving round the parish and its surroundings to view all the key locations referred to in the Plan.

The Preparation of the Plan

15. The submission documents contained conflicting information on the relevant dates relating to the designation of the neighbourhood area. I have queried these and received clarification that the following dates are correct (see Appendix 1). An application for the designation of the whole of the Parish of Salhouse as a Neighbourhood Area was submitted by SPC to BDC on 27 August 2014. The Council undertook consultation as required by regulation 6 of the NPR from 15 September to 27 October 2014. The Council approved the designation at its full council meeting on 22 January 2015. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.

Recommendation

Amend the Consultation Statement to correct the errors and omissions and show the above dates on P3 under the heading "Neighbourhood Area Application".

16. Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 requires the Plan to state the period for which it is to have effect. The Plan states on Page 7 that it "provides a vision for the future of the village of Salhouse up to "2026". However, this is not prominent or easy to find and the start date for the Plan period is only given in the Basic Conditions Statement.

Recommendation

on the cover of the Plan add the timescale "2016-2026" and on the second line of p7 delete "up" and insert "from 2016."

17. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "*county matters*" such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
18. I am also satisfied that the SNP does not relate to more than one neighbourhood area.

Public Consultation

19. The Consultation Statement clearly sets out the stages of consultation throughout the preparation of the Plan and the means of publicising these. An initial “open day” was held in May 2013 to establish the need for a neighbourhood plan and to gain ideas for it. Following this a presentation was made at the Parish Meeting in April 2014 setting out the vision and possible ideas for policies. Meetings were then held with village groups and stakeholders and an “open day” was held on 28 February 2015 detailing ideas and draft policies and inviting feedback. A further “open day” was held in January 2016 to obtain comment prior to finalising the pre-submission plan for the regulation 14 consultation which took place for 6 weeks from 1 June 2016.
20. Details of all of these stages were publicised in the parish magazine, the Salhouse Saga, and leaflet drops were made to all households to publicise all the “open days”. All documents were also uploaded on to the parish website.
21. The regulation 14 consultation was publicised on village notice boards, in the Salhouse Saga and on the village website. Hard copies of the documents were available at the Jubilee Hall, Salhouse Post Office, at the Salhouse Bell Public House and with the Parish Clerk. The Plan could also be viewed or downloaded from the Parish Council website. Copies of the Plan and the Sustainability Appraisal were also sent to a list of over 40 consultees provided by Broadland District Council and to local landowners. This list is not published in the consultation Statement but has been supplied to me in response to a query and is attached as Appendix 2. I am satisfied that the publicity was sufficient to meet the requirements of the regulations to *“bring it (the draft plan) to the attention of people who live, work or carry on a business in the neighbourhood area”*. The response at the pre-submission stage was small with only seven replies. In accordance with the regulations, these are summarised in Appendix I of the Consultation Statement in a table which also provides the response of the Parish Council.
22. I am satisfied that the consultation process and the Consultation Statement meet the requirements of the regulations.

The Development Plan

23. The statutory development plan relating to Salhouse is made up of:
- The Broadland, Norwich and South Norfolk Joint Core Strategy 2008-2026.
 - The Broadland District Council Development Management Development Plan Document 2015 (DMDPD)
 - The Broadland District Council Site Allocations Document 2016 (SADPD)
 - The Broads Authority Core Strategy 2007-2021
 - The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2006 (adopted September 2011)
 - Norfolk Minerals Site Specific Allocations Development Plan Document adopted October 2013)
 - The Norfolk revised PDF policies map and revised interactive policies map which includes site specific allocations and Mineral Safeguarding Areas
24. All the Core Strategy policies are strategic and thus the policies of the neighbourhood plan need to be tested against them for general conformity. The Basic Conditions Statement also identifies the strategic policies from the SADPD and the DMDPD. The minerals policies map identifies a Mineral Safeguarding Area for the extraction of sand and gravel which includes much of the northern part of the Parish of Salhouse, but I am satisfied that none of the policies of the Plan are in conflict with this.

The Basic Conditions Test

25. The consideration of whether the Plan meets the basic conditions is at the heart of the independent examination process. It is therefore essential to be clear on the meaning of each of the basic conditions. Broad consideration of the

performance of the Plan against each of the first three conditions is given in this section with more specific consideration carried out in relation to the policies of the Plan. The requirements relating to EU requirements and to the European Convention on Human Rights are fully considered at the end of this section.

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”.

26. There are two important points to emphasise in relation to this. The first is that this requirement means that an examiner must consider this requirement in relation to the making of the plan; it thus applies to the plan as a whole, rather than to individual policies. The second point is the use of the phrase “*having regard to*”. This means that the examiner must consider the national policy and advice but it does not mean that each policy must be in absolute conformity with it. It provides for an element of flexibility. PPG explains that “*having regard to national policy*” means that “*a neighbourhood plan must not constrain the delivery of important national policy objectives*”. The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
27. The Basic Conditions Statement submitted with the SNP sets out in tabular form the relationship between its policies and the NPPF. It helpfully summarises how the policies relate to specific paragraphs of the NPPF as advised by PPG.² I will look at this in relation to individual policies. Clearly every location is different and some elements of the NPPF are not directly applicable in Salhouse.
28. Also, relevant to the basic conditions test is “*guidance issued by the Secretary of State*” as set out in PPG. The PPG provides a great deal of advice on procedural and policy related matters related to neighbourhood plans³. It

² PPG Which National Policies are relevant to a neighbourhood plan? Reference ID: 41-070-20140306

³ PPG Neighbourhood Planning: Reference ID: 41 paragraphs 001-087

provides clear explanations on what can or cannot be done in a neighbourhood plan and useful advice on the requirement for policies to be adequately justified and clearly expressed.⁴ Significant departure from the PPG is likely result in a conflict with the basic conditions. The Basic Conditions Statement does not consider the relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.

“The making of the plan contributes to sustainable development”

29. Sustainable development is the fundamental principle guiding the planning process⁵ and the assessment of this basic condition is therefore of prime importance. The NPPF spells out the three dimensions of sustainable development: economic, social and environmental and the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached and policies which fail to contribute to sustainable development are likely to require modification or deletion. There may on occasions be a tension between the different dimensions of sustainable development which requires the definition of an appropriate balance. Clearly there is a big overlap between consideration of this basic condition and the previous one as the guiding theme of the NPPF is the achievement of sustainable development.
30. Section d) of The Basic Conditions Statement briefly links the three themes of sustainable development to the policies of the SNP and explains how the Plan respects these themes. As the NPPF points out⁶ local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.

⁴ PPG What Evidence is needed to support a neighbourhood plan? Reference ID 42-040-20160211 and How should the policies in a neighbourhood plan be drafted? Reference ID 41-041-20140306

⁵ NPPF para 6

⁶ NPPF paragraph 10

31. PPG suggests that a sustainability appraisal may be a helpful way of meeting the requirement for the plan to demonstrate its contribution to sustainable development.⁷ The SNP is accompanied by a full sustainability appraisal which uses 27 sustainability objectives from the framework prepared for the Broadland, Norwich and South Norfolk Joint Core Strategy to evaluate the policies of the Plan. In most instances the effects of the policies will be neutral, but where there will be an effect it is considered likely to be positive in all cases except Policy H1 where any new housing is likely to have an adverse effect, albeit minor, on some sustainability indicators. I am satisfied that the Sustainability Appraisal demonstrates that the positive contribution of the Plan to sustainable development will outweigh these few small negative effects.

The making of the plan is in general conformity with the strategic policies contained in the development plan for the area.

32. As with the previous two conditions the test applies to the plan as a whole, but this requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG⁸. It does not preclude some variation from a strategic policy to reflect local circumstances providing the proposal upholds the general principle that underlies the strategic policy.
33. The table in the Basic Conditions Statement that I referred to in relation to the NPPF also relates the policies of the Plan to the JCS and the Broads Authority Core Strategy and identifies no conflict with these documents. It also includes a list of strategic policies in the Site Allocations DPD and the Development Management DPD and again identifies no conflicts. I will consider this in further detail in relation to individual policies but will first consider the question of the overall level of housing need.

⁷ PPG Does a neighbourhood plan require a sustainability appraisal? Reference ID: 11-026-2014030

⁸ PPG What is meant by ‘general conformity’? Reference ID: 41-074-20140306

34. One of the key requirements for neighbourhood plans is that they should not “*promote less development than set out in the Local Plan or undermine its strategic policies*”. Policy 15 of the JCS identifies Salhouse a Service Village within the Norwich Policy Area where “*land will be allocated for small-scale housing development subject to form and character considerations*”. However, Salhouse is also identified as one of the Service Villages which “*may be considered for additional development if necessary to help deliver the ‘smaller sites’ in the Norwich Policy Area allowance*”. Policy 9 of the JCS indicates that 2,000 dwellings will need to be built on smaller sites within Broadland.
35. The indicative level of growth for each service village is given in the supporting text of Policy 15 of the JCS at 10-20 dwellings and this is carried forward to Table 1 of the SADPD. Table 2 of the SADPD indicates that within Broadland District commitments together with allocations provide for more dwellings than are required up to 2016. At Salhouse there is an allocation for approximately 20 dwellings on Norwich Road. Planning permission was granted for 19 dwellings on this site and I saw on my visit that development was almost complete. There is therefore no currently identified strategic need for additional housing development in Salhouse.

“The making of the Plan does not breach, or is otherwise compatible with EU obligations”

36. As this condition relates to the process of plan preparation I shall deal with it in detail at this stage.

a) Strategic Environmental Assessment

37. PPG indicates that “*where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment*”⁹, subsequently referred to as SEA. An SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have significant environmental effects, a screening assessment is necessary.

⁹ PPG Does a neighbourhood plan require a strategic environmental assessment? reference ID: 11-027-20150209

38. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:
*“either (i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or
(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*
39. BDC encourages the preparation of a Sustainability Appraisal to accompany neighbourhood plans and that is the approach that has been taken at Salhouse. The Sustainability Appraisal is intended to incorporate the requirement of the Strategic Environmental Assessment Regulations and go beyond them by including economic and social impacts as well as environmental ones. As required by the regulations a Scoping Report was prepared which took into account relevant policies plans and programmes, available baseline information, and key issues including ones drawn from the JCS and the BACS. From these a sustainability framework was developed by identifying a series of sustainability objectives against which the Plan could be tested. These were based on the sustainability framework developed for the JCS.
40. In accordance with the EAPPR the Scoping Report was subject to consultation with the consultation bodies: Natural England, Historic England and the Environment Agency. Norfolk County Council and the Broads Authority were also consulted. Minor amendments were made based on the result of this consultation.
41. The Sustainability Appraisal considers each of the policies of the Plan against the sustainability objectives and, as I have already described in considering the contribution of the Plan to sustainable development, identified that the policies would have a generally neutral or positive effect. A few minor negative effects were associated with the small scale of housing proposed.
42. One of the requirements of the EAPPR is that a SEA should consider reasonable alternatives to the policies proposed. As the Plan does not make

site specific allocations for development the range of reasonable alternatives to the policies is limited and the appraisal compares the effects of the policies with the effects of the “do nothing” policy of not preparing the Plan. In many cases the effects are similar as other national and local policies would be applied but in others the effects of the Plan would be more positive as they would more specifically address local issues. While the consideration of alternatives is very limited, PPG indicates that SEA “does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan”¹⁰. I am satisfied that the nature of the policies in the Plan means that the SEA contained within the Sustainability Appraisal meets requirements of the legislation.

b) Appropriate Assessment under the Habitats Directive

43. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) requires that where a plan is likely to have a significant effect on a European designated site, “the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives”. Schedule 2 to the NPR inserted Regulation 102A to the CHSR: “A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”
44. Included with the submission documents is a Screening Assessment of the need for an appropriate assessment under the Habitats Regulations. Three European Sites are identified close to the Salhouse Neighbourhood Area: the Broadland Special Protection Area, The Broadland Ramsar Site and The Broads Special Area of Conservation. The likely effect of each of the policies in the Plan on these areas is considered and the conclusion is reached that the Plan is not likely to have a significant effect and a full Appropriate Assessment

¹⁰ PPG What level of detail is required in a strategic environmental assessment. Reference ID: 11-030-20150209

is therefore not required. Natural England were consulted on this conclusion and confirmed their agreement with it.

45. I therefore conclude that the making of the SNP would not breach and would be otherwise compatible with EU obligations.

Human Rights

46. I am also satisfied that nothing in the SNP is in conflict with the requirements of the European Convention on Human Rights.

Vision and Objectives

47. The Plan sets out a vision for the SNP “to ensure that Salhouse remains a thriving village with a clear village identity, enhanced links between the two parts of the village, and good opportunities for walking and cycling.” This vision is clear and reflects the specific characteristics of the village. While the vision will not have the status of a development plan policy, its influence on the policies is such that it should be compatible with the basic conditions. I am satisfied that it is entirely consistent with sustainable development and that there is no conflict with any of the basic conditions.
48. The Plan then sets out 8 objectives which are the starting point for the development of policies. Again, I am satisfied that they are consistent with the basic conditions.

Neighbourhood Plan Policies

49. I have considered all the policies of the Plan in relation to the basic conditions. In doing so I have taken account of all the comments that have been made on the Plan as it has been developed and in particular those comments made in response to the Regulation 16 consultation on the submitted plan. While I have not referred explicitly to every comment that has been made, I have taken them all into account.
50. I am only empowered to recommend modifications that I consider are necessary to meet the basic conditions or to correct errors. This includes modifications to improve the clarity of the wording of policies as one of the

important elements of PPG is that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.*”¹¹

51. One error, that is not related to policies, is that the Preface to the Plan appears not to have been updated since the Pre-submission Consultation Stage and is clearly out of date and therefore misleading.

Recommendation

Update the Preface to the Plan

52. PPG also indicates that “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on succinctly the intention and rationale of the policies in the draft neighbourhood plan.*”¹² The policies are presented in groups under thematic headings. Under each subject heading there is a section providing background and justification. This means that there is not a clear and separate justification for each policy. In many cases this is not a serious issue as the policies under the main heading are complementary and the justification for one policy overlaps with another.
53. The wording of many of the policies is quite long and detailed. It has been carefully drafted to make the intention of the policies clear, but it also needs to be carefully assessed in terms of the basic conditions.

Policies for the Environment

Policy OE1: Development, Natural Heritage and Countryside

54. This policy aims to ensure that new development is not harmful to the natural environment or green spaces and that where there is any harm it is effectively mitigated either on or off the site. I note the comment of the Broads Authority about the use and potential ambiguity of the term “*Natural Heritage*”. I understand the term to reflect the extent to which what we regard as the

¹¹ PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

¹² PPG Neighbourhood Planning What evidence is needed to support a neighbourhood plan? Reference ID 41-040-20160211

“natural” environment is the result of the continued interaction between nature and human activity and therefore find it an acceptable and meaningful term.

55. The Policy is, in principle, consistent with the basic conditions, but some relatively minor modifications are necessary to the wording. In the first paragraph it is stated that *“the Conservation Area Character Statement 2003 will be the benchmark against which proposals will be assessed for landscape impacts.”* The Conservation Area only covers part of the village and thus cannot be used to assess all landscape impacts. It is also concerned to a large extent with the built rather than the natural environment, though evidently the relationship between them is also important. In the areas outside the Conservation Area there is therefore no clear definition of how it can be determined that there would be *“significant damage”* or of what areas *“are of particular value in terms of landscape, wildlife or quiet enjoyment.”* I have therefore recommended modifications which will provide clearer guidance and clarify the limited role of the Conservation Area Character Statement. The Conservation Area Character Statement dates from 2003 and a review of it has yet to be adopted. I have therefore recommended that the document or its successor should be used in the application of this policy.
56. The second bullet point states that *“mitigation measures should improve the site in terms of size, quality and or public access”*. Improvement goes beyond mitigation and, while in some cases development may lead to enhancements, as envisaged in Policy OE2, it may not be consistent with the presumption in favour of sustainable development to require enhancement. In the third bullet point the use of *“nor”* is not correct.

Recommendations

Modify the first paragraph of Policy OE1 to read

“Development that avoids significant harm to the landscape or biodiversity, or to green areas which are of value in terms of landscape, wildlife or quiet enjoyment, will be supported. Within the Conservation Area, the Salhouse Conservation Area Character Statement 2003, or any approved successor to it will be used to assess the extent of harm”.

57. **In the second bullet point after “Mitigation measures should” insert “maintain or”**
In the first line of the third bullet point replace “nor” with “or”

Policy OE2: Enhancement of our Natural Heritage and Countryside

58. The policy welcomes proposals which have a net benefit for the natural environment and spells out in some detail the various ways in which such benefits may be achieved. The principle is entirely consistent with sustainable development and the detail of the policy provides useful pointers to developers on the kinds of environmental benefits sought. However, while it is entirely appropriate to welcome proposals that do deliver enhancement, that is not the same as requiring developments to deliver enhancement. Indeed, there is a conflict between this concept and Policy OE1 which welcomes developments that do not cause harm. For this reason, the last sentence of the policy cannot be justified. A large proposal that delivered a net benefit would be consistent with sustainable development if it was also compliant with Policy OE1 and there is thus no justification for requiring that “*benefits should be in proportion to the size and scale of the development*”. It is also not consistent with the presumption in favour of sustainable development to require that benefits should “exceed” any potential damage.

Recommendation

In Policy OE2 delete the last sentence.

Policy OE3: Protecting Our Dark Night Skies

59. This policy aims to minimise the harmful effect of artificial light on the dark skies which are a highly valued environmental asset. I am satisfied that the policy is consistent with the basic conditions and that the first sentence of the policy embraces the issue of security lighting which is referred to by the Broads Authority.

Policy OE4: Managing Land Use Change

60. This policy welcomes changes of use that would provide new outdoor community facilities. It refers in particular to welcoming changes of use from agricultural land or commercial uses. The meaning of the term “*additional assets*” is unclear and I have recommended a modification for clarification. The policy implies that greater weight would always be attached to the provision of facilities such as sports fields or allotments than to agricultural or commercial use. This does not take account of the guidance in paragraph 112 of the NPPF to protect, where possible, the best and most versatile agricultural land. Moreover, the benefits of replacing employment generating uses with leisure related uses would have to be balanced with the potential harm in accordance with Policy EMP1. I have recommended modifications to reflect these points.

Recommendation

In the first line of Policy OE4 after “additional” insert “recreational or environmental” and after “assets” insert “including allotments, sports fields, village green or public open space,”

Amend the second sentence to read “Changes of use to these uses from commercial uses will be supported where the benefit outweighs the loss of business activity or there is no realistic prospect of employment uses. Changes of use from agriculture to these uses will be supported where it does not involve the loss of the best and most versatile land or the benefits outweigh this loss and there is no alternative site available.”

Policy OE5: Promoting Improved Connectedness in the Parish

61. Policy OE5 supports developments which improve connections within the village on foot or for cyclists. The justification provides a full explanation of the dispersed nature of the village and the problems of access, other than by car, to some of the main facilities within it. I am satisfied that it meets the basic conditions.

Policy OE6: Promoting a Safer Village

62. This policy supports proposals which will improve highway safety, in particular by reducing conflicts between different modes of travel. The supporting text refers to several locations where this would be appropriate. It is consistent with the basic conditions.

Policies for Employment

Policy EMP1

63. Policy EMP1 generally supports the retention of existing business and commercial uses and would welcome the provision of starter units on the Wood Green commercial area.
64. The wording of the first part of the policy is not expressed with sufficient precision to be consistently applied by a decision maker as it is unclear what “improvements” means. It may mean environmental improvements or the expansion of existing business. The policy makes no direct reference to the expansion of existing businesses and the presumption in favour of sustainable development would support this subject to proposals not having a significantly harmful environmental impact. I have recommended a modification to this effect.
65. The second part of the policy is in line with Policy E2 of the DMDPD and is consistent with the basic conditions. I note the comments of the Broads Authority regarding the test for commercial use no longer being viable and this is effectively covered in the supporting text of Policy E2.

Recommendations

Modify the first part of Policy EMP1 to read:

Proposals for the expansion of existing businesses or the development of starter units in the Wood Green commercial area will be supported where they do not: result in harm to the living conditions of neighbouring residents, have a harmful visual impact in views from the surrounding countryside or generate traffic that would clearly be harmful to road safety.

EMP2: New facilities

66. This policy encourages the development of new, small scale, employment related uses providing they do not have a harmful impact on residential amenity or rural character. As presently worded the policy could be used to resist proposals that have any impact, positive or negative on amenity or rural character and I have recommended a small modification to clarify this.

Recommendation

In the third line of Policy EMP2 after “do not” insert “have a significant adverse”

Policies for Housing

Policy H1: New Housing Development

67. Policy H1 sets out the approach to the development of new housing in Salhouse. The requirement that new housing should be within the defined settlement limits is broadly in accordance with Policy GC2 of the DMDPD. However, that policy acknowledges that in some circumstances, where development would comply with other development plan policies, development may be acceptable outside settlement limits. For example, Policies H1 and H3 of the DMDPD specifically refer to the potential acceptability of both housing in association with a rural enterprise and replacement dwellings outside the settlement limit. National policy also sets out various circumstances where housing may be acceptable in the countryside, including rural exception sites for affordable housing.¹³ As currently worded the policy does not provide for any such exceptions and I have recommended a modification to address this.
68. The rest of the first section of Policy H1 provides guidance on specific requirements in terms of design for new housing. However, these are contained in one long sentence with several vague or ambiguous phrases such as “*the achievement of high quality*” and “*measures to improve the carbon footprint*”. I do not consider that this meets the requirement in PPG for a policy

¹³ NPPF Paragraph 54

to be "...clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications".¹⁴ It is not clear what the term "improve the carbon footprint means". Does it relate to the global carbon footprint or that of the new development? While minimising any addition to carbon footprint is consistent with sustainable development, the Housing Standards Review of 2015 concluded that standards for energy use should be included in building regulations and not be the subject of local planning policies.¹⁵ I have recommended modifications to the wording of this section to make it clear and enforceable in order to meet the basic conditions.

69. I have taken note of the comments of Broadland District Council on the approach to the scale of new development. By relating this to the average scale of development over a long period, I do not accept that this provides an arbitrary restriction on the scale of development as it allows for some flexibility on the scale of individual developments and does not limit individual developments to 5 dwellings. The suggestion that the development should be generally small scale is consistent with the scale of development envisaged for Salhouse by the Core Strategy.
70. I have also taken account of the objection from Lanpro regarding the wording of Policy H1 requesting reference in Policy H1 to the "*the suitability of the land shown on drawing JEA001/0560/002 entitled Masterplan to accommodate mixed-use enabling proposals to offset visitor pressures on the Broads National Park.*" This proposal is being promoted through the "Call for Sites" for the review of the Greater Norwich Local Plan. I am only able to recommend modifications that are necessary to meet the basic conditions. Policy H1, subject to the modifications I have recommended meets the basic conditions and in particular is in general conformity with the Strategic policies of the

¹⁴ PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

¹⁵ Planning Update March 2015, Written Statement to Parliament by Secretary of State for communities and Local Government

development plan. Modification of this policy to accommodate the proposal being put forward by Lanpro would not be in general conformity with Policy 15 of the JCS which identifies the scale of development envisaged in Service Villages or Policy GC2 of the DMDPD which relates to settlement boundaries. It is, of course, possible that both of these policies will be overtaken in the review of the Greater Norwich Local Plan, but that is not something that I am able to attach priority to at this stage.

Recommendations

Modify the wording of the first part of Policy H1 to read:

“New housing development will be within the defined settlement limits for Salhouse unless it is consistent with other development plan or national policies for housing in the countryside.

Development proposals will be small in scale and expected to demonstrate a high quality of design which will maintain and contribute to local distinctiveness by respecting the character of neighbouring development and the village as a whole in terms of height and density.”

Policy H2: Housing Mix

71. Policy H2 aims to achieve a mix of house types reflecting the needs of different life stages and economic positions. It is consistent with national policy¹⁶ and I am satisfied that it meets the basic conditions, except that the reference to high quality design is not relevant to the policy and repeats the provisions of policy H1.

Recommendation

In Policy H2 delete “a high quality of housing design”.

Policy H3: Provision of Sheltered Housing within the village

72. The policy encourages the provision of sheltered housing in the village and makes provision for it to be outside the settlement limit if it is justified by meeting the specific needs of the parish. The second paragraph effectively repeats the second half of the first paragraph and I recommend a modification

¹⁶ NPPF paragraph 50

which follows the suggestion of BDC. The policy meets the basic conditions.

Recommendation

In Policy H3 reword the second sentence to read: “Sheltered housing will be permitted where it is compatible with the local surrounding area, is of an appropriate size and respects the amenities of neighbouring uses.”

Delete the second paragraph.

Projects to Support the Neighbourhood Plan

73. The final section of the plan identifies four projects to be pursued by the Parish Council to help realise its objectives. These projects are separate from the policies of the Plan and therefore will not form part of the development plan, but it is entirely appropriate to identify them in this way.

Summary and Referendum

74. The Salhouse Neighbourhood Plan contains a relatively small number of policies that relate clearly to the issues and needs that have been identified during the preparation of the Plan. It is evident that there has been a thorough and consistent approach to the engagement of the community and the absence of objections to the submission version of the Plan indicates the support of the community for the contents of the Plan.
75. The policies take full account of the strategic policies of the Broadland Norwich and South Norfolk Joint Core Strategy, the Broads Authority Core Strategy and the Broadland Site Allocation and Development Management DPDs. These documents provide a clear strategic context for the Plan up to the end of the plan period in 2026. The Basic Conditions Statement and the other documents submitted with the Plan are clearly presented and provide the information required in a concise and effective manner. This has been a great help to me in carrying out the examination.
76. I have found it necessary to recommend some modifications in order to meet the basic conditions. These do not substantially change the effect of the policies and are mainly designed that the policies are expressed in a way that

makes it possible for decision makers to apply them consistently when considering planning applications.

77. I have concluded that, if the modifications that I have recommended are made:

The Salhouse Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

78. **I am therefore pleased to recommend that the Salhouse Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

79. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”.¹⁷ **I therefore conclude that there is no need to extend the referendum area.**

Richard High

30 March 2017

¹⁷ PPG Does an independent examiner consider the referendum area as part of their report?
Reference ID: 41-059-20140306

Appendix 1 E mail exchange with Richard Squires of Broadland District Council to clarify procedural and policy matters

E mail from Richard Squires dated 27 March 2017

Richard,

Please see responses to these queries, below.

For information – the email subject header was initially titled ‘Rackheath queries’, whereas these are in fact ‘Salhouse queries’. I have changed this to avoid further confusion.

Many thanks,

Richard

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 24 March 2017 12:39
To: Richard Squires
Cc: Nick Taylor; Sarah Martin
Subject: Rackheath queries

Dear Richard

I have the following queries in relation to the Salhouse Neighbourhood Plan;

1. I have incomplete and slightly conflicting information regarding the designation of the Neighbourhood Area. The Consultation Statement says that the application was submitted in September 2014 and approved by Broadland in October 2014. The Basic Conditions Statement says that the designation was confirmed on 13 January 2015 and the Salhouse website says that the consultation ended on 27 October 2014. The designation date appears to be confirmed on the Broadland website. However the application for designation shown as Appendix B to the Consultation Statement is undated and Appendix B2 does not give the start date for the consultation period. Page 3 of the Consultation Statement says that the application was approved in October 2014 which appears to be an error.

The steering group acknowledges that the dates in the Consultation Statement are incorrect and will need amending.

Broadland District Council received the Neighbourhood Area application on 27th August 2014. The consultation on the application ran between 15th September and 27th October 2014. Although Cabinet approved the Neighbourhood Area on 13th January 2015, the actual date on which it was actually approved by the full Council was 22nd January 2015 (the date on our website also needs amending to reflect this).

2. Within the consultation requirements is a requirement to publicise details of the plan “in a manner that is likely to bring it to the attention of those who live **work or carry on business** (my emphasis) in the neighbourhood area. The consultation statement does not make any specific reference to actions to bring the plan to the attention of these highlighted groups, was there any such action? Also the regulations require that the Consultation Statement provides details of “the persons and bodies who were consulted” at the regulation 14

stage. The Consultation Statement refers to a list of 40 recommended consultees, it would be helpful to see that list and for it to be attached as an appendix to the Consultation Statement.

The businesses are included in the delivery run for the parish magazine, SAGA, and as such would have also received the various flyers (Nick Taylor, from the steering group, rechecked this point with the delivery organiser today). In any event, several of the businesses are run by people living in Salhouse and would therefore have had the same notifications and information as everyone else. All advertisers are offered copies of SAGA and approximately 20 copies are posted to these advertisers, each issue. There are possibly about 2 or 3 businesses that would not have had SAGA or flyers delivered but they will still have had access to all the other communications (noticeboards, website, hard copies at Post Office) in the same way as others in the village.

The spreadsheet showing the specific consultees is attached.

3. The sustainability Appraisal P3 refers to consultation with Natural England, Historic England, The Environment Agency, Norfolk County Council and the Broads Authority. Although it is stated that the Scoping Report was amended on the basis of this consultation I have been unable to find the responses received. Could they please be forwarded to me?

Appendix 5 (page 39) of the final Scoping Report (see attached) includes copies of the responses received to the consultation.

These queries all relate to the procedural aspects of the Plan. I may send a further email with queries relating to individual policies.

Kind regards

Richard

Appendix 2 Salhouse Neighbourhood Plan: Reg. 16 Consultees

Title	Given Name	Family Name	Position	Company / Organisation
Ms.	Sue	Bull	Planning Liaison Manager	Anglian Water Services Ltd
			NewSites - East of England	British Telecommunications plc.
Mr	Richard	Squires	Community Development & Liaison Officer	Broadland District Council
Ms.	Natalie	Beal	Planning Policy Officer	Broads Authority
			Sustainable Places - Planning Advisor	Environment Agency
Mrs	J	Jones	Parish Clerk	Great & Little Plumstead Council
Ms.	Davina	Galloway		Highways England
Mr	Tom	Gilbert-Wooldridge	Principal Historic Environment Planning Adviser	Historic England
			Chief Executive	Homes & Communities Agency
Ms.	Jane	Evans		Hutchison 3G UK Limited
Ms.	Carolyn	Wilson	Project Manager	Mobile Operators Association
				National Grid DPM Consultants
		Natural England	Consultation Service	Natural England
Mr	Mike	Smith	Town Planning Technician	Network Rail
Ms.	Anne	Casey	Partnership Co-ordinator	Norfolk Biodiversity Partnership
Supt.	Stuart	Gunn	North Norfolk & Broadland District	Norfolk Constabulary
Mr	Duncan	Potter	Head of Estates	Norfolk Constabulary - Estates Department (HQ)
	Laura	Waters	Infrastructure and Economic Growth Planner	Norfolk County Council
Mrs	Jenny	Gladstone		Norfolk Geodiversity Partnership
Dr	Ken	Hamilton	Head of Archaeological Planning	Norfolk Landscape Archaeology
Ms.	Pauline	Mason		Norfolk Police Authority
Mr	G	Dan		Norfolk Rivers Internal Drainage Board
Mr	J	Hiskett		Norfolk Wildlife Trust
Mr	M.	Taylor		North Norfolk Clinical Commissioning Group
Mr	Mark	Ashwell	Planning Policy Manager	North Norfolk District Council
Mr	J.	Fagge		Norwich Clinical Commissioning Group
Mr	Philip	Gadd	Director of Property & Contracts	Norwich International Airport Ltd.
Mr	N.	Barnett		Npower Limited
			Managing Director	NTL UK
Mr	Peter	Foster		O2 (UK) Limited
Mr	Adrian	Read		Orange PCS Limited
Mr	M	Plumstead	Parish Clerk	Rackheath Parish Council
Mr	Adam	Nichols	Planning Policy Manager	South Norfolk Council
Mr	Martin	Carroll		T-Mobile UK Limited
			Infrastructure Planning	UK Power Networks
Mr	Brian	Truman		Vodafone Limited

Ms.	Eileen	Oliver	Parish Clerk	Woodbastwick Parish Council
Mrs	D	Wyatt	Parish Clerk	Wroxham Parish Council
Mr	Henry	Cator	Cator & Co	Broad Farm
Mr	Alby	Cator		

Salhouse Neighbourhood Plan – Examiner’s Recommendations and Broadland District Council’s Response

Section	Examiner’s Recommendation	BDC Response
Preface	Update the preface to the Plan.	Agreed. Preface should be update to reflect fact that examiner’s report has now been published and approved by both Broadland District Council and the Broads Authority and that a referendum will be occurring in June 2017.
Policy OE1: Development, Natural Heritage and Countryside	<p>Modify the first paragraph of Policy OE1 to read, “Development that avoids significant harm to the landscape or biodiversity, or to green areas which are of value in terms of landscape, wildlife or quiet enjoyment, will be supported. Within the Conservation Area, the Salhouse Conservation Area Character Statement 2003, or any approved successor to it will be used to assess the extent of harm.”</p> <p>In the second bullet point after ‘Mitigation measures should’ insert ‘maintain or’.</p> <p>In the first line of the third bullet point, replace ‘nor’ with ‘or’.</p>	Agreed that changes should be made.
Policy OE2: Enhancement of our Natural Heritage and Countryside	Delete the last sentence.	Agreed that last sentence should be removed from the policy.
Policy OE4: Managing Land Use Change	In the first line of Policy OE4 after ‘additional’, insert ‘recreational or environmental’ and after ‘assets’, insert ‘including allotments, sports fields, village greens or public open space.’	Agreed that changes should be made.

	Amend the second sentence to read 'Changes of use to these uses from commercial uses will be supported where the benefit outweighs the loss of business activity or there is no realistic prospect of employment uses. Changes of use from agriculture to these uses will be supported where it does not involve the loss of the best and most versatile land or the benefits outweigh this loss and there is no alternative site available.'	
Policy EMP1: Existing Facilities	Modify the first part of Policy EMP1 to read: 'Proposals for the expansion of existing businesses or the development of starter units in the Wood Green commercial area will be supported where they do not: result in harm to the living conditions of neighbouring residents, have a harmful visual impact in views from the surrounding countryside or generate traffic that would clearly be harmful to road safety.'	Agreed that modification should be made.
Policy EMP2: New Facilities	In the third line of Policy EMP2, after 'do not', insert 'have a significant adverse'.	Agreed that modification should be made.
Policy H1: New Housing Development	Modify the wording of the first part of Policy H1 to read: 'New housing development will be within the defined settlement limits for Salhouse unless it is consistent with other development plan or national policies for housing in the countryside. Development proposals will be small in scale and expected to demonstrate a high quality of design which will maintain and contribute to local distinctiveness by respecting the character of neighbouring development and the village as a whole	Agreed that modification should be made. Broadland District Council has also decided to make a factual amendment by adding a statement of clarification to the end of the supporting text of the 'Policies For Housing' section on page 20. This statement reads as follows: 'N.B. In terms of 'small scale', the examiner of the Neighbourhood Plan explained in his report (paragraph 69) that it did not provide an arbitrary restriction on the scale of development <i>'as it allows for some flexibility on the scale of individual developments and</i>

	in terms of height and density.'	<i>does not limit individual developments to 5 dwellings. The suggestion that development should be generally small scale is consistent with the scale of development envisaged for Salhouse by the Core Strategy.'</i>
Policy H2: Housing Mix	In Policy H2 delete 'a high quality of housing design'	Agreed that change should be made.
Policy H3: Provision of Sheltered Housing within the Village	In Policy H3 reword the second sentence to read: 'Sheltered housing will be permitted where it is compatible with the local surrounding area, is of an appropriate size and respects the amenities of neighbouring uses.' Delete the second paragraph.	Agreed that changes should be made.

The examiner recommends that the Salhouse Neighbourhood Plan should proceed to a referendum subject to the modifications that he has recommended. He concludes that that there is no need to extend the referendum area.

Broadland District Council approves these overall recommendations.

Thorpe St Andrew Neighbourhood Plan
Designating Thorpe St Andrew as a Neighbourhood Area
Report by Planning Policy Officer

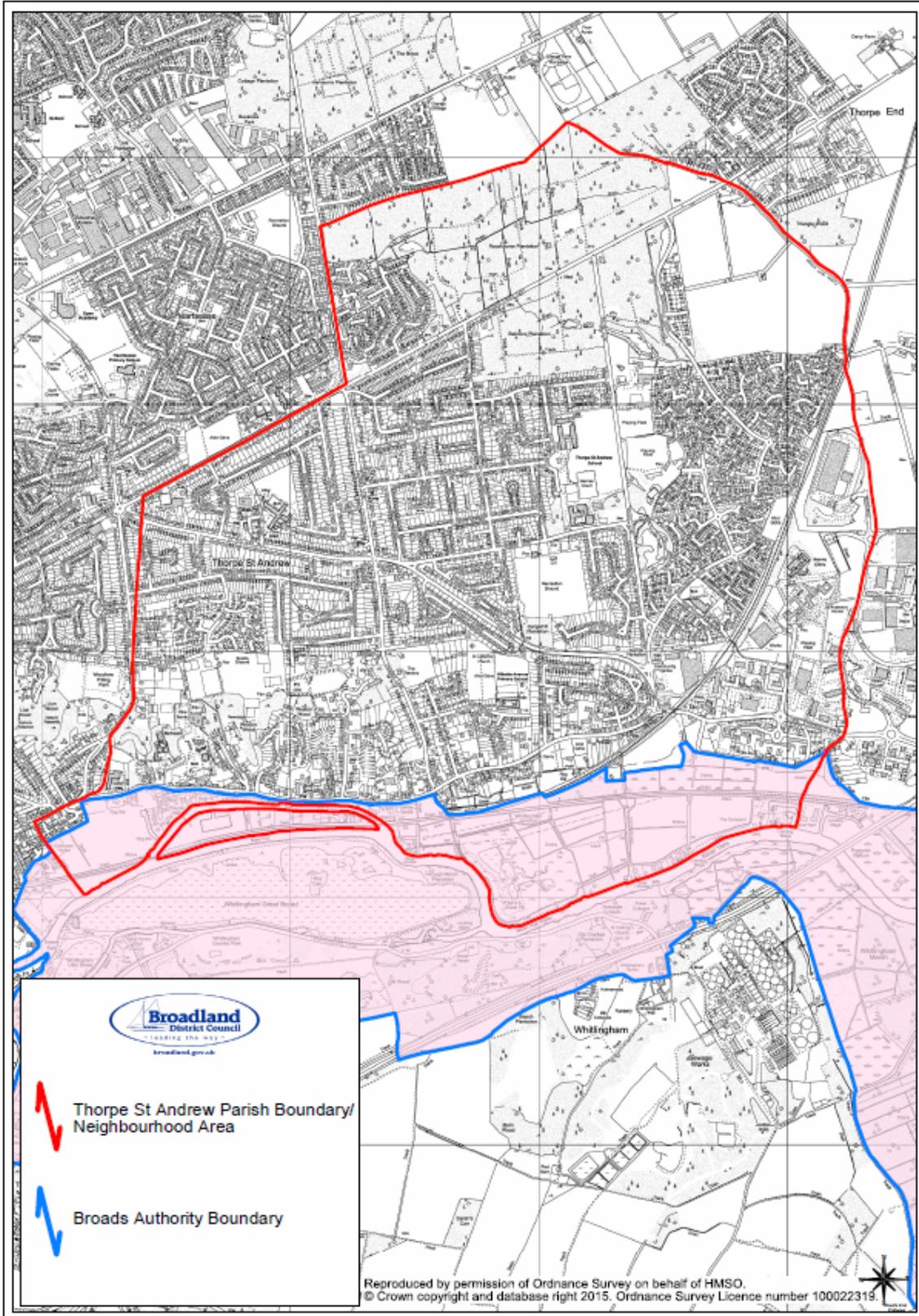
Summary:	The report briefly introduces the Thorpe St Andrew Neighbourhood Plan.
Recommendation:	That the Planning Committee agrees to Thorpe St Andrew becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

1. Neighbourhood Planning

- 1.1. Neighbourhood planning was introduced through the Localism Act 2011. Neighbourhood Planning legislation came into effect in April 2012 and gives communities the power to agree a Neighbourhood Development Plan, make a Neighbourhood Development Order and make a Community Right to Build Order.
- 1.2. A Neighbourhood Development Plan can establish general planning policies for the development and use of land in a neighbourhood, for example:
 - where new homes and offices should be built
 - what they should look like
- 1.3. Under the Neighbourhood Planning (General) Regulations 2012, parish or town councils within the Broads Authority's Executive area undertaking Neighbourhood Plans are required to apply to the Broads Authority and the relevant District Council to designate the Neighbourhood Area that their proposed plan will cover.
- 1.4. Once these nominations are received there was a requirement to consult on the proposal for 6 weeks. However an update to the National Planning Policy Guidance has removed the need to consult for 6 weeks. As such, it is for the Local Planning Authority to agree an become a Neighbourhood Area in order to produce a Neighbourhood Plan.

2. Thorpe St Andrew Neighbourhood Area

- 2.1. Thorpe St Andrew Parish Council has submitted the application for their entire Parish.
Source: Broadland District council.



3. About Thorpe St Andrew Neighbourhood Area application.

- It covers the entire Parish.
- The nomination was received on 23 March 2017.
- There are no known or obvious reasons to not agree the Neighbourhood Area.

4. Links of relevance:

4.1. The Broads Authority Neighbourhood Planning webpage:

<http://www.broads-authority.gov.uk/planning/future-planning-and-policies/neighbourhood-planning.html>

4.2. Great Yarmouth Borough Council's Neighbourhood Planning webpage:

https://www.broadland.gov.uk/info/200164/neighbourhood_plans/246/neighbourhood_plans_explained

4.3. Some guidance/information on Neighbourhood Planning:

<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

5. Financial Implications

5.1. Occasional Officer time in supporting the process (as required by regulations).

5.2. There will be no cost to the Broads Authority for the referendum at the end of the process as Waveney District Council have agreed to take on this task and cost.

6. Conclusion and recommendation

6.1. It is recommended that the Planning Committee agrees to Thorpe St Andrew becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

Background papers:	None
Author:	Natalie Beal
Date of report:	12 April 2017
Appendices:	None

Broads Local Plan – Recreation Impacts Study
Report by Planning Policy Officer

Summary: This report provides an update to members on the progress of evidence to support the Local Plan, namely Recreation Impacts Study - Visitor Surveys at European Protected Sites (January 2017, Footprint Ecology). This report provides updated evidence to inform the preparation of the Local Plan. Through analysis of visitor surveys it provides a strategic overview to aid the understanding of the relationship between population growth (including new housing growth and tourist growth) and the potential impacts on internationally designated wildlife sites throughout Norfolk.

Recommendation: That the report on the Recreation Impacts Study is published as a source of evidence to support the emerging Local Plan.

1 Introduction

- 1.1 Norfolk contains several sites designated under European legislation (eg Natura 2000) for its nature conservation value, some very large, and is among the most important counties in England for nature conservation. These sites are of European significance for conservation value, but may also be vulnerable to change and/or development, either directly or indirectly. Recreation levels in the county continue to increase and the location of and scale of new development will continue to influence the level of visitor use. Increased recreation places increasing demands on the management of the European sites and can cause impacts to the designated interest features. As such strategic planning for residential development needs to ensure these issues are adequately addressed.
- 1.2 As part of Local Plan preparation it is necessary to demonstrate that the proposals which are made are not likely to have a significant adverse effect on designated wildlife sites. It is widely accepted that development close to designated sites can have both direct and indirect impacts including those associated with additional visitors to them¹. To assess the potential impacts of increased visitors it is first necessary to understand the numbers of visitors, where they come from and the activities that visitors undertake at the sites when they arrive. Most of the sites have a legal right of access and are visited by local people and those from further afield including tourists. It is also important to understand the robustness of the sites to accommodate visitor

¹ Table 1, page 11 shows the kind of impacts from recreation.

activities as some sites are more sensitive to pressures than others and many are already subject to various management/visitor strategies.

- 1.3 The study is principally concerned with establishing the number and behaviour of visitors at the designated sites as well as drawing analysis around routes and distance travelled and frequency of use.
- 1.4 This helps to make the links between new housing development and recreation use and provides evidence to inform the Local Plan including the development of appropriate monitoring and mitigation measures.
- 1.5 The Local Plan must conform to the Conservation of Habitats and Species Regulations 2010, as amended, in order to ensure that plans and projects do not adversely affect any European wildlife sites. The Local Plan will be subject to a Habitats Regulations Assessment and Appropriate Assessment (HRA) This study will also provide updated base line data to inform that assessment and a potential source of mitigation measures that can inform policies should the HRA find potential significant effects that would need to be mitigated against.
- 1.6 The study was commissioned on behalf of all the Norfolk local planning authorities through Norfolk County Council / Norfolk Biodiversity Partnership, NBP and project managed through a collaborative steering group

2. Methodology

- 2.1 Within Norfolk there are a range of European protected sites which encompass a range of habitats such as coast, heathland, wetlands and woodland habitats. 40 survey points across 4 broad geographical areas were selected and agreed with the consultant following targeted workshops with environmental groups and LPAs across Norfolk.² Map 3 on Page 17 shows the survey sites. A full list is contained in appendix 1 to the study.
- 2.2 Surveys were conducted at a range of times during winter and summer months of 2015/16, reflecting when nature interest and/or pressures were greatest at the survey location. Considerable variation between the numbers of individuals entering sites was recorded with the highest numbers on the Norfolk Coast at Holkham (1,928) and Horsey Gap³ (1.891). In total 6,096 groups were estimated entering or leaving sites across all survey points over sixteen hours of survey. These groups consisted of 13,842 adults, 2,616 minors and 3,466 dogs. 1,341 interviews were undertaken⁴.
- 2.3 As part of the questionnaire, the surveyor asked the interviewee various details around where they had been (or planned to go), where they had come

² Natural England, RSPB, National Trust, The Wash and North Norfolk Coast European Marine Site Management Scheme, Norfolk Coast Partnership, Holkham Estate, Norfolk Wildlife Trust, Broads Authority, Forestry Commission, Norfolk County Council, Norfolk Biodiversity Partnership, South Norfolk Council, Breckland Council, Kings Lynn and West Norfolk Borough Council, Norwich City Council, North Norfolk District Council, Broadland District Council, Great Yarmouth Borough Council

³ Recreation Impacts Study paragraph 3.3/table 4 page 20

⁴ Table 5, page 25 shows the breakdown across the county.

from and what purpose/activity they were there for (eg, dog walking, visitor etc) If they were holidaying they were subsequently asked the type of holiday accommodation.

- 2.4 Existing and potential new housing sites (existing allocations) which represented levels of anticipated development during current plan period were supplied by all the authorities. This allowed the study to analysis the amount of existing and allocated housing in relation to the proximity (distance) from European sites.⁵

3. Key Findings

- 3.1 The key findings of the study are shown on page 59, but some are listed below:

- Dog walking (41%) and walking (26%) were the most popular activities overall, but with big variations depending on the sites. Within individual areas this first and second ranking of dog walking and walking was consistent for the East Coast, Roydon & Dersingham, the Valley Fens, the Wash and the North Coast. Within the Valley Fens and Norfolk Coast dog walkers and walkers accounted for three quarters of interviewees.
- Figure 3, page 23 shows the proportion of adults, minors and dogs at each survey point.
- Two thirds (66%) of interviews were on short trips having travelled from home and a third (32%) of interviewees were on holiday. 52% of interviewees were visiting (Norfolk Sites) from home and resident in Norfolk. 16% had travelled from home on a short day visit and lived outside Norfolk. See Figure 5 on page 27 and figure 8 on page 32. Map 6 on page 44 shows the origin postcodes.
- Across Norfolk the average distance between a visitor's home postcode and the survey point for those visiting from home was 24 km.
- Some of the sites have high proportions of daily visitors and high average travel instances. This suggests that some of the sites with a strong draw over long distances still have daily visitors.
- Across all interviewees (including holiday makers) 37% said they visited the site at least daily.
- The most common duration on site was 1 to 2 hours (31%) followed by between 30 and 60 mins (27%).
- Over three quarters 77% of all interviewees had arrived at the interview location by car. Most of the remaining interviewees 18% had arrived on foot.
- Just over a third (36%) of interviewees were aware of a designation/environmental protection that applied to the site where visiting.
- Increased housing is unlikely to have a marked effect on access at distances beyond 10km, unless the volume of housing is particularly large.
- Turning to the routes taken by those surveyed, Map 14 on page 54 shows the routes in the Broads. Map 15 on page 55 shows the Horsey Dunes area.

⁵ Recreation Impact Study Map 20 Page 76

3.2 On average, based on the predictions of planned housing growth of 16% across Norfolk there is a predicted increase of access to European sites of 14%, (without mitigation). The report generally concludes that increased housing from allocations (as opposed to windfall) is unlikely to have a marked effect on access to European sites at distances beyond 10 km. The North Norfolk Coast is however the exception with it drawing from across Norfolk and from significant tourism.

4. Implications

4.1 Local planning authorities are responsible for ensuring that proposals contained in their local plans do not have an adverse effect on the integrity of European sites. Despite this being a response to European legislation the requirement is transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, and Habitats and Species Regulations 2010. As such it remains appropriate to continue to demonstrate compliance with the legislation and it remains important to have an understanding of recreation patterns including how people use the sites, why they visit and where they come from in order to start to consider the potential impacts from new housing growth.

4.2 Much of identified development is already included in existing plans and therefore development has already been subject to plan-level Habitats Regulations Assessment and mitigation has been established as necessary. The study however provides updated base line data and seeks to establish the links between housing growth and recreational impacts in order to inform future HRA assessments. Such information can inform policy development should the HRA find potential significant effects that would need to be mitigated against.

4.3 Protective measures (mitigation) identified in the study that have been implemented in other areas included:

- Buffers around sites (Development constraint zones)
- Mobile warden teams to promote responsible access. These could be more active at particular times of the year when there are issues such as seal pupping.
- Provision of new green space SANGs (Suitable Alternative Natural Greenspace) to absorb visitor pressure. Given the draw of the sites and the distance people will travel to visit them, SANGs may not be effective. Although there may be options to create dedicated areas for dog walking linked to new development near coastal sites.
- General awareness raising targeting user groups (such as dog walkers).
- Provision of on-site access infrastructure such as changes to parking, path networks or way-marking.

4.5 The table on page 80 shows the predicted increase in those interviewed in each area if the exercise were completed again in the future after housing had been built. It shows the origin of the people in relation to the Local Planning Authority. It can be seen that the percentage increase varies at each site and

the impact from different Local Planning Authorities reflects the proximity to the area.

- 4.6 The implications and mitigation for the Broads and Coast is addressed on page 88 from paragraph 6.18 onwards. Such measures are generally linked directly to development with funding secured through section 106 agreements and/or Community Infrastructure Levy, (CIL). The study concludes that such mitigation approaches are best delivered strategically across Local Authority boundaries and working in partnership with other organisations as securing green infrastructure or long term wardening is complex and likely to be impossible to deliver piecemeal. It will also improve communication, project delivery and potentially open new funding streams.

5 Conclusions

- 5.1 Recreation levels continue to increase and the location of new development will influence the level of visitor use. Most of the sites in surveyed have a legal right of public access and are popular destinations for recreation, visited by local people and those from further afield, including tourists. The key findings from this report relate to the cumulative, in-combination effects of development across all the local planning authorities in Norfolk and show a range of different use and recreational draw for the different sites. The report provides a basis for plan review and other key points for local authorities to address the issues of recreation pressure in a more strategic way. Solutions are likely to be most effective if delivered and funded in partnership. In other parts of the country strategic mitigation schemes have been established involving partnerships of local authorities delivering mitigation funded through developer contribution schemes.
- 5.2 What the report does not do is look at the individual sites capacity to absorb visitor pressure. Some sites may be able to take more visitors without any adverse effect to the integrity of the site. Some sites however may find a very small increase in visitors will detrimentally effect their functioning. It can't be assumed that growth alone will directly negatively affect these designated sites. More analysis needs to be done on the individual sites and their condition to enable a better prediction of how growth may affect them.
- 5.3 The study provides valuable information to inform the emerging local plan and in particular the HRA.
- 5.4 It is recommended that Planning Committee accept and publish the Recreation Impact Study as a source of evidence to support the emerging Local Plan for the Broads.

6 Financial Implications

- 6.1 The Broads Authority has made financial contributions to this study.

Background papers: None
Author: Natalie Beal
Date of report: 12 April 2017
Appendices: [Appendix A: Recreation Impacts Study](#)
(January 2017, Footprint Ecology)

**Landscape Strategy and Landscape Consultation Guide:
Consultation Version**
Report by Planning Policy Officer

Summary: A guide has been produced to help applicants to understand and address the landscape impacts of their proposals as well as provide guidance on landscaping proposals. It is intended that the guides are consulted on for 6 weeks.

Recommendation: Members' views on the draft guides are sought as well as agreement that a six week consultation on the guides should be undertaken.

1. Introduction

1.1 The Broads is a nationally designated landscape and development should seek to protect and enhance the landscape of the Broads. The purpose of this draft guide is to help applicants understand and address landscape impacts of their schemes and design and deliver high quality landscaping schemes.

2. About the guides and work completed to date

2.1 The Broads Authority's landscape consultant has produced the draft Landscape and Landscaping Guide with support from the communications and planning team. The guide seeks to provide information, images and further links to help would-be applicants understand and address the landscape impacts of their development proposals. There is also guidance and processes set out in relation to landscaping schemes.

3. The Way Forward

3.1 The Landscape and Landscaping guide presented to members is the draft content of the guide. Prior to consultation the guide will be formatted into a similar style to the other guides that have been adopted.

3.2 In order to give the guide more weight in determining planning applications and potentially at any subsequent appeals, it is recommended that the guide is subject to 6 weeks consultation with the public in a similar approach to that of the Local Plan. The guide will then be presented to a future Full Authority meeting for adoption.

3.3 It is not considered that the guides affect Navigation and as such it is not intended to present them to Navigation Committee prior to the consultation. Officers will present them to Navigation Committee during the consultation.

3.4 After the consultation, responses will be assessed. The final guide and responses may come back to Planning Committee before going to a future Full Authority to be adopted.

4. Recommendation

4.1 It is recommended that following any comments on the guides from Members, they are subject to 6 weeks of consultation.

5. Financial Implications

5.1 It is intended that the guide will be hosted on the Broads Authority website and produced in paper format only on request.

6. Conclusion

6.1 The draft guides addresses landscape impact and landscaping schemes.

6.2 To give the guide more weight in the planning system, it is recommended that it is consulted on and then adopted by Full Authority.

6.3 Having up to date guides like this (and the already adopted Riverbank Stabilisation, Mooring Guides, Biodiversity Enhancements and Waterside Chalet/Bungalow guides) will provide developers and landowners with useful guidance on what is deemed useful and acceptable in the Broads.

Background papers: None

Author: Natalie Beal

Date of report: 12 April 2017

Appendices: Appendix A: Draft Landscape and Landscaping Guide



**A guide to producing a landscaping strategy and delivering landscaping schemes.
March 2017**

1. Purpose of the document

This document aims to encourage greater awareness of the importance of landscape and landscaping in development, and to ensure early consideration is given to landscape matters so that development will have a stronger sense of place and character and will help to achieve a higher quality environment.

Throughout this guidance the term 'landscape' is used for a zone or area whose visual features and character are the result of the action of natural and or cultural factors. 'Landscaping' is the process of making a scheme more attractive and can include the addition of plants, changes to the existing terrain and the construction of structures.

2. Introduction

This document provides information for planning applicants to enable cost effective and efficient implementation of national planning and adopted Broads Local Plan policies relating to landscape and development. It achieves this through the provision of guidance on landscape and landscaping design principles and sets out best practice in relation to the incorporation of landscaping within development proposals.

The required supporting information to be submitted with applications, in particular drawings and documents is outlined in the Broads Authority validation requirement checklists (contact us for more information). This includes further information for each type of document in line with the type, scale and size of proposal.

Applicants should be aware that adherence to the local plan policies is a material consideration in the assessment of all planning applications and should therefore consider the content of the relevant policies (see the Core Strategy and Development Management Policy documents).

This guide provides detail about what you need to do to address landscape and landscaping as part of your application. If you are not sure what you are required to submit with your application please contact us: planning@broads-authority.gov.uk or call 01603 610734.

3. The importance of landscape in the Broads

The Norfolk and Suffolk Broads is protected wetland and third largest inland waterway, with the status of a national park. In this nationally protected landscape, the landscape impact of all developments must be considered at the design stage and most development proposals need to be accompanied by landscaping proposals. Landscaping is part of the design response to mitigate or enhance a proposal. Some types and forms of hard surfaces and structures or soft landscaping (planting) can have biodiversity, amenity and recreation benefits and are more appropriate in the Broads Executive Area than others. What is suitable on a site needs to reflect the location and setting. The landscaping design proposals should also reflect the key positive characteristics of the locality and its setting. A well designed development, with appropriate landscaping, can minimise impact on and even benefit a wider landscape area.

Protection of landscape character and high quality design is a key thread running through the Broads Local Plan.

4. Landscape character

The Broads area has been divided into 31 Local Character Areas, each with a unique set of characteristics, which combine to give them their own distinct sense of place.

The Landscape Character Assessment¹ is a study of the Broads developed to aid decision-making that could affect its condition or visual quality.

The associated Landscape Sensitivity Study² assesses the impact of wind turbines and solar panels to provide criteria to planning applicants and inform policy. Its baseline is the Landscape Character Assessment and it should be read in conjunction with this.

5. Trees

In some schemes, an assessment of the trees on site and how development proposals will affect these trees is an important element of work (an Arboriculture Impact Assessment or tree survey). The landscaping strategy or scheme needs to take account of any tree surveys, AIA, etc. also submitted with an application.

6. The structure of this guidance

The guidance is in two parts.

Part A provides advice on producing a **landscaping strategy** to accompany planning applications. The landscaping strategy can be a high level document that sets out broad principles for landscaping the scheme, for example, the layout of the external areas, including areas of hard landscaping, such as surfacing, soft landscaping, such as planting, and boundary treatments such as fences, walls, gates and hedges, etc. This is a pragmatic approach that aims to save time, effort and costs to applicants by not asking for a fully detailed scheme upfront but asking them to tell us what their overall approach to landscaping is as part of an application. If an application is successful, the finer details which are covered in Part B can be made a condition of planning permission (which is a requirement set on some planning permissions).

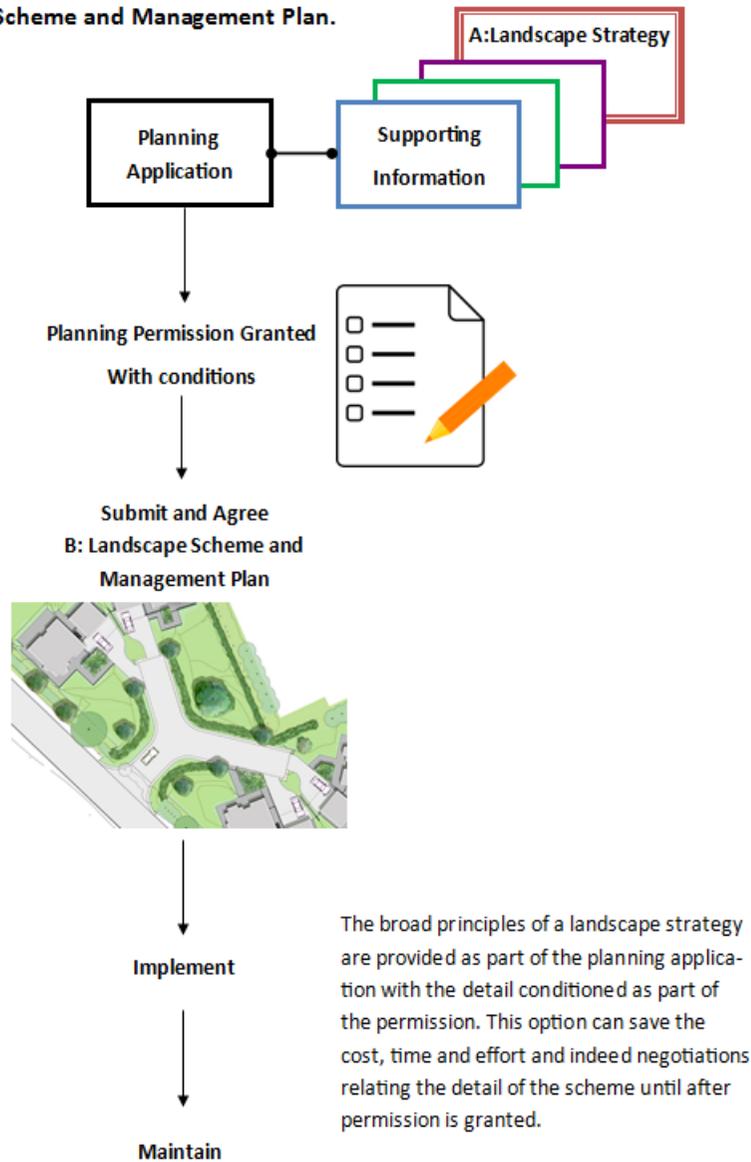
Part B provides advice on producing additional information on the detail of the landscaping strategy, including types of planting, surfacing and boundary treatments – **the landscape scheme and management plan**. Such additional information is usually required as a condition of a planning permission if it has not been provided upfront as a part of a comprehensive scheme. A scheme addressing Parts A and B can be submitted upfront with a planning application but applicants may prefer to concentrate on Part A first.

The following diagram shows two potential routes for providing this information.

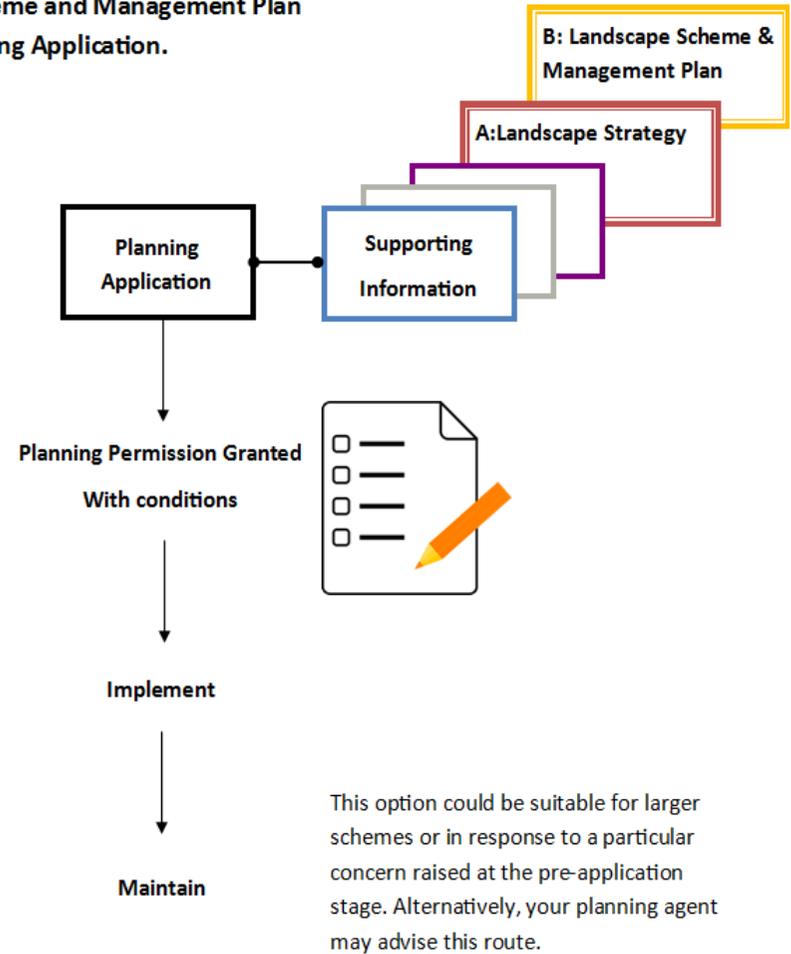
¹ Broads Landscape Character Assessment <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments>

² Landscape Sensitivity Study <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies>

Option 1: Submit a Landscape Strategy, with the planning application and if permission is granted, condition and Landscape Scheme and Management Plan.



Option 2: Submit a Landscape Strategy, Landscape Scheme and Management Plan with the Planning Application.



7. Further information and advice

If you need assistance in the first instance please contact the planning department who will help you to determine what information may be required as part of the application.

It may be necessary or you may find it helpful to employ a landscape consultant to help you prepare the information required to support your planning application. The [Landscape Institute](#) can provide you with a list of registered landscape practices in the area.

Other sources of information

Landscape Visual Impact Assessment:

<https://www.landscapeinstitute.org/technical/glvia3-panel/> (purchase only)

Broads Landscape Character Assessment:

<http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments>

Broads Landscape Sensitivity Study:

<http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies>

Broads Development Management Development Plan Document:

http://www.broads-authority.gov.uk/_data/assets/pdf_file/0008/414368/Development-management-policies.pdf

Broads Core Strategy:

<http://www.broads-authority.gov.uk/planning/planning-policies/development/current-documents/core-strategy-development-plan>

Broads Authority Biodiversity Enhancements Guide:

http://www.broads-authority.gov.uk/_data/assets/pdf_file/0011/823583/Biodiversity-guide_18_11_2016.pdf

Broads Authority Riverbank Stabilisation Guide:

<http://www.broads-authority.gov.uk/planning/Planning-permission/design-guides/river-bank-stabilisation>

Broads Authority Moorings Guide:

<http://www.broads-authority.gov.uk/planning/Planning-permission/design-guides/mooring-design-guide>

The Landscape Institute:

<https://www.landscapeinstitute.org/about/>

National Planning Practice Guidance on design:

<http://planningguidance.communities.gov.uk/blog/guidance/design/how-should-buildings-and-the-spaces-between-them-be-considered/>

Guidelines for landscape and visual impact assessment published by routledge on behalf of the landscape institute & institute of environmental management, 2013.

<https://www.landscapeinstitute.org/technical/glvia3-panel/>

PART A GUIDANCE ON THE PRODUCTION OF A LANDSCAPING STRATEGY

A1 Part A introduction

For certain types of development, the production of the details for the landscaping proposals (may be required by a planning condition, which is a requirement set on some planning permissions).

For those planning applications for which landscaping proposals are an important consideration, the applicant may be required to submit a **landscaping strategy** alongside the planning application, prior to more detailed landscaping proposals. By adopting this two stage approach the planning authority can assess and comment on the general approach that the applicant is taking in relation to landscaping to ensure this is appropriate, before the detailed design is drawn up.

The principles set out below are intended as a series of prompts for applicants. They are intended to be objective and provide guidance on basic design issues that will be relevant to most sites. However, the landscaping strategy will need to be specific to each site and therefore it is not intended that the information provided in this document is prescriptive. These principles also illustrate aspects considered by the Broads Authority's officers when considering an application.

A2 Landscape site assessment and analysis

This is the first step in producing the landscaping strategy. The aim is to assess and fully understand the site characteristics, the landscape character and the impact the proposals will have on the landscape. Please note landscape assessments should include the survey and analysis of both built and natural features and elements.

National guidance can be found at [National Planning Practice Guidance relating to design](#).

The Broads Authority Landscape Character Assessment will be an important source of information for this stage of the process.

The production of the assessment and analysis will be proportionate to the scale of the development proposals and could be included in the design and access statement, if this is required), a habitat management plan that includes landscape features or a standalone document. The level of information relating to landscape assessment and proposals submitted will also be dictated by the nature and type of the application.

Larger developments which are likely to have a significant impact may require a Landscape and Visual Impact Assessment. This would look at how changes in the landscape could alter the nature and extent of visual effects and qualities relating to locations and proposals and how it affects specific individuals or groups of people. Guidance on the preparation of these assessments is given in the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment³.

The following principles should be considered to develop an understanding of the site and how it fits into the wider landscape to inform the landscaping strategy. This process will also help identify features that should be retained and areas for enhancement.

³ Guidelines for Landscape and Visual Impact Assessment published by Routledge on behalf of the Landscape Institute & Institute of Environmental Management, 2013. <https://www.landscapeinstitute.org/technical/glvia3-panel/>

A3 Integrating development into surroundings

All sites form part of a wider landscape. Any change has the potential to positively or negatively impact the surroundings. New developments should seek to enhance the local character and positively link to their surroundings.

Consideration and analysis of a site's context and setting will help identify the important factors beyond the site that have an influence on it and it will also help establish associated design opportunities and constraints for the site. To understand the relationship between the site and its surroundings, desktop studies of local environment and local plan context should be supported by on-site analysis of the local landscape character.

Some questions to help you are listed below:

- i) Where is the site? What is it currently used for?
- ii) How is the site accessed? Are there any routes through the site?
- iii) How does it sit within the wider landscape?
- iv) What is the landscape character of the area? Highlight any locally distinctive features of the built environment and natural environment. See the Broads Landscape Character Assessment.
- v) How enclosed or open is the site? What is the level of screening?
- vi) Where can you see the site from? What can you see from the site and where can you see to?
- vii) What do the policies of the Broads Local Plan seek to achieve with regards the landscape and landscaping on this site and for the proposed type of development?

A4 Making good use of the site and existing features

When undertaking a site analysis, characteristics and features within the site that could influence design need to be taken account of. Existing features which provide a positive contribution to the character of an area should be identified, assessed and incorporated into designs where possible. These features could include wooded areas, mature trees and hedgerows, watercourses, and other ecologically valuable features.

Developments should make efficient use of land and topography, and retain or enhance existing features of value. Developments should be designed to take advantage of the site itself and its location.

Analysis of site topography will also highlight constraints or opportunities for a development especially in relation to the treatment of site boundaries.

Some questions to help you are listed below:

- viii) What are the characteristics of the site? Such as the type, location, spread of existing trees, areas of woodland, shelter belts, hedgerows, ground cover, meadows, fen, water, vegetation to be retained, links through the site, public or civic spaces including the river system?
- ix) Are there any particular natural features on and surrounding the site? What are these? Do these provide habitat? Could they be improved?
- x) What are levels like within the site? Do they vary? How do they relate to the surrounding area?
- xi) Is the site covered by any habitat designations (e.g. SSSI)? Are there any trees subject to a Tree Preservation Order? Is the site in a Conservation Area? Are there any listed or locally

listed buildings on or around the site? Is there known to be any archaeological interest on or around the site?

xii) How are the boundaries of the site formed?

A5 Environment and Green Infrastructure⁴

Good planning of landscaping offers the opportunity to achieve multiple benefits through landscaping designs that incorporate the principles of sustainability. Wherever possible, landscaped spaces will need to increase biodiversity and wildlife enhancement and provide accessible routes and networks to facilitate connections (for people, plants and animals) to surrounding areas. Developments should also aim to make space for trees. Wherever possible, sites should link their boundaries to surrounding landscapes through green infrastructure.

By definition, green infrastructure can provide a variety of functions and benefits including biodiversity enhancement, water management, connectivity, health and wellbeing in addition to providing an attractive landscape.

Existing vegetation on sites can often provide important, established habitats. Developments should seek to retain native landscape features and consider opportunities to extend similar or provide new types of habitats in key locations to ensure that ecology is an integral part of the site proposals and wider ecological network. Consideration should be given to the selection of boundary treatments such as mixed species hedges that have potential to improve biodiversity rather than prohibit wildlife. Sites that have boundaries with rivers or other water courses also present opportunities for habitat enhancement. For further information see our guide on Biodiversity Enhancements.

A6 Landscaping Strategy

If a strategy is required it needs to provide comprehensive detail of the landscaping scheme, including information about all external areas in sufficient detail to demonstrate the quality of landscaping design and address key issues relating to the landscape in which the scheme is set.

If a design and access statement is required, the information could be included within this. It could however be in the form of a standalone document

Such a strategy should include the following sections:

- a) The findings of landscape site assessment and analysis;
- b) The landscape features (natural and built) which are likely to be affected as a result of the development;
- c) Links to take account of any arboricultural assessment;
- d) The principles of the approach to the landscaping design of the areas external to the buildings;
- e) The layout of external areas and an outline of the landscaping strategy which should include both the soft (planting) and (hard) paving/ built external elements and show at least indicatively the treatment of different areas through hatching and simple notation. This should be submitted in plan and if relevant cross sectional format;
- f) Any basic details of proposed phasing should also be included if known;
- g) Indicatively highlight any significant level changes or areas of cut and fill, for example bunding, mounds, dyke construction; and
- h) A strategy relating to the landscaping management and maintenance.

⁴ You can find more information about Green Infrastructure here:

<http://publications.naturalengland.org.uk/publication/35033> but a simple definition is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

PART B

GUIDANCE ON THE PRODUCTION OF DETAILED DESIGN PROPOSALS FOR LANDSCAPING SCHEMES

B1 Part B Introduction

The detail of the landscaping proposals may need to be submitted to the Broads Authority in order to discharge a landscape/landscaping condition on a planning application that has received approval.

In order to be able to discharge conditions, the precise detail of the **landscaping scheme** is needed, including planting details, types of trees, boundary treatments, hard surfacing and external construction materials.

Examples of information that could be included or may be required are set out below. The types of information about the detailed landscape design proposals should be proportionate to the size and nature of the development.

B2 Detailed Landscaping Proposals

The Broads Authority may require the following.

If trees are present on or around the site, a tree survey and arboricultural impact assessment together with details of how existing trees will be protected will be needed.

For planting proposals we need to know which areas of the site will be planted and what with. You will need to think about how the ground will be prepared for planting and how it will be maintained in the longer term to ensure a successful scheme. You should also think about when the planting will take place relative to the progress of any building works. The level of information required will be proportionate to the scale of the landscaping scheme and development, but may include the following.

For soft landscaping:

- i) Detailed planting plans showing the location, species and numbers of proposed new trees, hedging, shrubs and other planting on the site;
- ii) planting schedules, noting the species planting sizes (at time of planting) and proposed numbers/densities where appropriate;
- iii) written specifications (including cultivation and other operations associated with plant and grass establishment) (see specification section below); and
- iv) an implementation programme clearly indicating a timescale for the completion of all landscaping works

For hard landscaping:

- v) Detailed plans showing existing and proposed levels, contours and profiles and cross sections through changes in level (including water edge);
- vi) Existing or proposed services, land drainage (including SUDS) and boundary treatments.
- vii) Types of materials for surfaced areas, including manufacturer, product type and colour, layout (hard surfacing bond where applicable), build up;
- viii) Drainage details for hard surfaced areas⁵;
- ix) Information on any root protection measures proposed;

⁵ National Policy seeks to ensure that surface water run-off is discharged as high up the following hierarchy (as set out in the NPPG) as possible: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer.

- x) Proposed and existing functional services above and below ground (e.g. power and communication cables, pipelines, indicating manholes, supports etc.);
- xi) Details about new boundary treatments at the site, including the material and colour finish of any walls, fences or railings;
- xii) Details of car parking layouts and cycle parking provision;
- xiii) Details of any furniture, play equipment, refuse or other storage units, signs etc; and
- xiv) Details of existing and proposed external lighting including supply runs⁶.

B3 Specifications/details

Specifications/details are essential in ensuring the appropriateness, quality and success of a scheme. Written specifications can be incorporated into a drawing where information is concise and brief; where there is more extensive information this should be a stand-alone document, or can be combined with the Landscaping Management Plan.

Specifications should include the following information as applicable to the scheme:

- Ground/soil preparation
- Quality of Topsoil
- Methods of planting
- Weed control/mulching
- Quality of plant stock
- Grass seeding/turf
- Protection of existing trees, shrubs and hedges
- Remedial work to existing trees, shrubs and hedges
- Basic information on maintenance of the scheme
- Defects liability period
- Relevant British Standards

B4 Landscaping Management Plan

Maintenance and management required for both hard (surfacing and built external features) and soft (planting) landscaped areas to sustain attractive and successful landscape settings. And this needs to be an integral part of the landscaping scheme/strategy. Consideration should be given at a design stage to who will take over the landscaping management responsibility for the site.

An initial defects liability period⁷ and short term maintenance plan⁸ will be required on all developments to ensure the establishment of planting. This should be referenced on the Detailed Landscaping Proposals plan. For more comprehensive schemes where a written document forms the Landscaping Management Plan these should include the following information as applicable:

- a) General details
 - i) Statement of overall design vision to explain the long term vision of the developed landscape
 - ii) Identification of sub-areas specific to the characteristics/ properties of each area
 - iii) Highlight any specific or specialised areas/habitats

⁶ Please note that there are areas of very dark skies in the Broads and the New Local Plan will seek to address light pollution. You can go here for more information: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0007/757402/Broads-Authority-Dark-Skies-Study-March-20161.pdf

⁷ an initial 12 months defects period to be applied to all landscape elements of developments – so if any feature fails, they will be replaced promptly by the developer.

⁸ a 5 year management plan to ensure the establishment of schemes

- iv) Suggested actions required in the maintenance/management of the areas identified (see list below)
 - v) Frequency and timing of maintenance actions
 - vi) Monitoring, a timed/programmed method for reviewing the quality/success of planned operations
 - vii) Plan review process to include a way in which the community can be involved
-
- b) Specific maintenance/management actions
 - i) Planting establishment period (should cover native and ornamental shrubs, hedges and mass planting, grass, trees), what operations should be carried out within that time and how regular, replacement of failures and how long the liability period is.
 - ii) Maintenance of hard landscaped areas (could include-cleaning, repainting, relaying, sweeping, re-levelling, litter removal, removal of temporary items)
 - iii) Special design features (water features, public art, lighting, play facilities, specialist equipment)

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

Summary: This report sets out the position regarding appeals against the Authority since January 2017.

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 January 2017.

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report 19 April 2017

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since January 2017

APPENDIX 1

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

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
25 January 2017	P/E9505/W/16/3164553 BA/2016/0007/REF Land at Griffin Lane, Thorpe St Andrew BCK Marine	Appeal against refusal Boatshed, storage container and shelter	Delegated Decision 24 June 2016 Questionnaire submitted 31 January 2017 Statement of case sent 24 February 2017
3 April 2017	APP/E9505/W/17/3169091 BA/2016/0284/CU Violet Cottage, Irstead Road, Neatishead Mr Simon Ciappara	Appeal against refusal Retrospective application to use annexe building as holiday accommodation	Delegated Decision 3 October 2016 Questionnaire and Notification Letters sent 4 April 2017 Statement of Case due by 8 May 2017
Awaited	APP/E9505/W/17/3170595 BA/2016/0343/FUL The Workshop Yarmouth Road LUDHAM NR29 5QF Dr Rupert Gabriel	Appeal against refusal Change of use of outbuilding (MT Shed) to residential dwelling	Delegated Decision 20 January 2017 Awaiting start date
Awaited	APP/E9505/C/17/3173753 APP/E9505/C/17/3173754 BA/2015/0026/UNAUP2 Burghwood Barnes Burghwood Road, Ormesby St Michael Mr D Tucker Miss S Burton	Appeal against Enforcement Unauthorised development of agricultural land as residential curtilage	Committee Decision 3 March 2017

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority
Planning Committee**

28 April 2017

Agenda Item No 15

Summary:	This report sets out the delegated decisions made by officers on planning applications from 15 March 2017	to 18 April 2017
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Beccles Town Council				
BA/2017/0006/HOUSEH	The Ship Bridge Street Beccles NR34 9BA	Mr N Garrod	Replacement doors.	Approve Subject to Conditions
Cantley, Limpenhoe And Southwood				
BA/2017/0056/FUL	Cantley Sugar Factory Station Road Cantley Norwich NR13 3ST	Mr Andrew Harris	The installation of a dry lime filtration facility (DLP station).	Approve Subject to Conditions
Coltishall Parish Council				
BA/2017/0032/CU	4 Barn Mead Church Loke Coltishall Norwich Norfolk NR12 7DN	Mr James Holliday	Change of use to class C1. Alterations to north and south elevations.	Approve Subject to Conditions
Fritton With St Olaves PC				
BA/2017/0008/HOUSEH	The Moorings Priors Road St Olaves Fritton And St Olaves Norfolk NR31 9HQ	Mr And Mrs K Leggett	Single storey extension.	Approve Subject to Conditions
Great Yarmouth Town				
BA/2017/0055/HOUSEH	11 River Walk Great Yarmouth Norfolk NR30 4BZ	Mr D O'Kane	Extension and balcony.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Hickling Parish Council				
BA/2016/0456/FUL	The Sanctuary Sea Palling Road Hickling Norfolk NR12 0BD	Ms Paulina Jones	Retrospective application for change of use to an artist's retreat.	Approve Subject to Conditions
Horning Parish Council				
BA/2017/0026/HOUSEH	Whispering Reeds Burehaven Lower Street Horning Norfolk NR12 8PF	Mr Philip Hack	Alterations and refurbishment.	Approve Subject to Conditions
BA/2017/0011/FUL	Horning Sailing Club Lower Street Horning Norfolk NR12 8PF	Mr Colin Facey	Replacement of existing treated timber quay headings with similar treated 'tanalith E' timber quay headings, to a similar line and level.	Approve Subject to Conditions
Hoveton Parish Council				
BA/2017/0042/HOUSEH	Mistletoe Creek Meadow Drive Hoveton NR12 8UN	Mr Terry Hines	Garage.	Approve Subject to Conditions
Mettingham Parish Council				
BA/2017/0031/HOUSEH	The Long House Low Road Mettingham Suffolk NR35 1TS	Mr James Gowing	Cart shed.	Approve Subject to Conditions
Oulton Broad				
BA/2017/0023/FUL	The Wherry Quay Boathouse Bridge Road Lowestoft Suffolk NR32 3LN	Mr D Burlinson	Block up three windows and renew timber cladding on south elevation.	Approve Subject to Conditions
BA/2017/0014/FUL	Plot 18 Boathouse Lane Lowestoft NR32 3PP	Mr Michael Barker	Shed.	Approve Subject to Conditions
Rockland St Mary With Hellington PC				
BA/2017/0022/HOUSEH	Cringles Mill Hill Bramerton NR14 7EN	Mr & Mrs Peter Marko	Replacement first floor conservatory.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Stalham Parish Council				
BA/2017/0050/HOUSEH	21 Staithe Barn Burtons Mill The Staithe Stalham NR12 9FE	Mr Byron Welch	Extension.	Approve Subject to Conditions
BA/2017/0021/LBC	Thorpe Hall Yarmouth Road Thorpe St Andrew Norwich NR7 0EB	Mr & Mrs Macdonald	Stud wall in front of fireplace, new fireplace and hearth, re-configuration of steps, re- decoration of room and fitting of new wood burning fire.	Approve Subject to Conditions
Upton With Fishley Parish Council				
BA/2017/0025/COND	Dyke End 53 Boat Dyke Road Upton Norwich Norfolk NR13 6BL	Mr William Leonard- Morgan	Variation of conditions 10: means of enclosure, and 11: building, enclosure or container, of permission BA/2016/0034/HOUSEH.	Approve Subject to Conditions
Wroxham Parish Council				
BA/2017/0039/HOUSEH	South Bank Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr And Mrs Wiltshire	Infill extension below existing balcony.	Approve Subject to Conditions

**Circular 28/83: Publication by Local Authorities of Information About the Handling of
Planning Applications**
Report by Head of Planning

Summary:	This report sets out the development control statistics for the quarter ending 31 March 2017.
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1. Development Control Statistics

1.1 The development control statistics for the quarter ending 31 March 2017 are summarised in the table below.

Table 1:

Total number of applications determined	41						
Number of delegated decisions	33 [80.5%]						
Type of decision	Numbers granted				Numbers refused		
	40 (97.6%)				1 (2.4%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16- 26 wks	26-52 wks	Over 52 wks	Agreed Extension
	26 (63.4%)	0 (0%)	3 (7.3%)	0 (0%)	0 (2%)	0 (0%)	12 (29.3%)
Number of Enforcement Notices	1						
Consultations received from Neighbouring Authorities	11						

Table 2: National Performance Indicators

	BV 109	The percentage of planning applications determined in line with development control targets to determine planning applications.		
National Target	60% of Major applications in 13 weeks (or within agreed extension of time)	65% of Minor* applications in 8 weeks (or within agreed extension of time)	80% of other applications in 8 weeks (or within agreed extension of time)	
	<i>Majors refers to any application for development where the site area is over 1000m²</i>	<i>*Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc)</i>	<i>Other refer to all other applications types</i>	
Actual	2 applications received 2 determined in 13 weeks (or within agreed extension of time) (100%)	16 applications received. 14 determined in 8 weeks (or within agreed extension of time) (87.5%)	23 applications received. 22 determined in 8 weeks (or within agreed extension of time) (95.6%)	

Development Control Statistics provided by Broads Authority using IDOX Uniform Electronic Planning System.

Background papers: None
 Author: Asa Coulstock
 Date of Report: 19 April 2017
 Appendices: Appendix 1: PS1 Returns
 Appendix 2: PS2 Returns

APPENDIX 1

PS1 Returns:

1.1	On hand at beginning of quarter	42
1.2	Received during quarter	42
1.4	Withdrawn, called in or turned away during quarter	5
1.4	On hand at end of quarter	38
2.	Number of planning applications determined during quarter	41
3.	Number of delegated decisions	33
4.	Number of statutory Environmental Statements received with planning applications	0
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	1
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	0
7.5	Number of breach of conditions notices served	1
7.6	Number of enforcement injunctions granted by High Court or County Court	0
7.7	Number of injunctive applications raised by High Court or County Court	0

APPENDIX 2

PS2 Returns

Type of Development	Total Decisions			Total Decisions Time from application to decision						Within Agreed Extension of Time
	Total	Granted	Refused	Not more than 8 wks	More than 8 wks but not more than 13 wks	More than 13 wks and up to 16 wks	More than 16 wks and up to 26 wks	More than 26 wks and up to 52 wks	More than 52 wks	
Major										
Dwellings	1	1	0	0	0	0	0	0	0	1
Offices/ Light Industry	0	0	0	0	0	0	0	0	0	0
Heavy Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Large-Scale Major Developments	1	1	0	0	0	0	0	0	0	1
Minor										
Dwellings	2	2	0	0	0	0	0	0	0	2
Offices/Light Industry	0	0	0	0	0	0	0	0	0	0
General Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Minor Developments	14	14	0	7	0	2	0	0	0	5
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of Use	4	3	1	2	0	0	0	0	0	2
Householder Developments	17	17	0	15	0	1	0	0	0	1
Advertisements	0	0	0	0	0	0	0	0	0	0
Listed Building Consent to Alter/Extend	2	2	0	2	0	0	0	0	0	0
Listed Building Consent to Demolish	0	0	0	0	0	0	0	0	0	0
**Certificates of Lawful Development	2	2	0	0	1	0	0	0	0	1
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	41	40	1	26	0	3	0	0	0	12
Percentage (%)		97.6%	2.4%	63.4%	0%	7.3%	0%	0%	0%	29.3%

Please Note – Applications for Lawful Development Certificates are not counted in the statistics report for planning applications. As a result these figures are not included in the **Total column above.

Development Control Statistics provided by Broads Authority using IDOX Uniform Electronic Planning System.