

Planning Committee

AGENDA

Friday 17 August 2018

10.00am

- | | Page |
|---|--------|
| 1. To receive apologies for absence and introductions | |
| 2. Appointment of Chair
<i>Nominations have been received for:</i>
Melanie Vigo di Gallidoro – proposed by Haydn Thirtle,
seconded by Bill Dickson | |
| 3. Appointment of Vice-Chair
<i>Nominations have been received for:</i>
Bruce Keith – proposed by Haydn Thirtle, seconded by
Melanie Vigo di Gallidoro | |
| 4. To receive declarations of interest | |
| 5. To receive and confirm the minutes of the previous meeting held on 20 July 2018 (herewith) | 3 – 11 |
| 6. Points of information arising from the minutes | |
| 7. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

8. **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
9. **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

10. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
- 1) BA/2018/0173/FUL Hickling Broad, Hickling 12 – 24
- 2) BA/2018/0177/FUL Whitlingham Broad Visitor Centre, Whitlingham Lane, Trowse 25 – 34

ENFORCEMENT

11. **Enforcement of Planning Control
Burghwood Barns, Ormesby St Michael** 35 – 39
Report by Head of Planning (herewith)
12. **Enforcement of Planning Control
Disused and derelict buildings at Former Waterside
Rooms, Station Road, Hoveton** 40 – 43
Report by Head of Planning (herewith)
13. **Enforcement Update** 44 – 48
Report by Head of Planning (herewith)

POLICY

14. **Consultation Documents Update and Proposed
Responses: Wroxham Neighbourhood Plan** 49 – 54
Report by Planning Policy Officer (herewith)
15. **Duty to Cooperate: Norfolk and Suffolk Coastal
Authorities Statement of Common Ground** 55 – 60
Report by Planning Policy Officer (herewith)

MATTERS FOR INFORMATION

16. **Appeals to the Secretary of State: Update** 61 – 62
Report by Administrative Officer (herewith)
17. **Decisions made by Officers under Delegated Powers** 63 – 65
Report by Head of Planning (herewith)
18. **Circular 28/83: Publication by Local Authorities of
Information about the Handling of Planning Applications** 66 – 69
Report by Head of Planning (herewith)
19. **To note the date of the next meeting – Friday 14
September 2018 at 10.00am at Yare House, 62-64 Thorpe
Road, Norwich NR1 1RY**

Broads Authority
Planning Committee

Minutes of the meeting held on 20 July 2018

Present:

In the Chair - Mrs Melanie Vigo di Gallidoro

Mr M Barnard
Prof J Burgess
Mr W Dickson
Ms G Harris

Mr B Keith
Mr P Rice
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer
Mrs S A Beckett – Administrative Officer (Governance)
Mrs K Judson – Planning Officer (Minute 13/8(1))
Mr T Risebrow – Planning Officer (Compliance and Implementation)
(Minute 13/9)
Ms C Smith – Head of Planning
Mrs M-P Tighe – Director of Strategic Services

13/1 Apologies for Absence and Welcome

The Chair welcomed everyone to the meeting.

Apologies had been received from Mrs L Hemsall, Mr H Thirtle and Mr V Thomson.

13/2 Declarations of Interest and introductions

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

The Chair welcomed John Timewell to his first meeting since she had been Chair.

13/3 Minutes: 22 June 2018

The minutes of the meeting held on 22 June 2018 were agreed as a correct record and signed by the Chair.

13/4 Points of Information Arising from the Minutes

Broads Local Plan

The Director of Strategic Services reported that although the Examination In Public (EIP) had been scheduled to take place over the two weeks 2 -3 July 2018 and 16 – 20 July 2018, unfortunately the Inspector had been taken ill

after the second day and therefore some of the sessions for the first week and all the sessions for the second week had to be cancelled. It was hoped that the Inspector would be fully recovered to resume the EIP in early September although no dates had been confirmed.

13/5 To note whether any items have been proposed as matters of urgent business

No items of urgent business had been proposed.

13/6 Chairman's Announcements and Introduction to Public Speaking

(1) The Openness of Local Government Bodies Regulations

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

(2) Public Speaking

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

13/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer consideration of the application had been received. The Chair commented that she intended to vary the order of the agenda to enable the Planning Policy Officer to present items 10 and 13 consecutively.

13/8 Applications for Planning Permission

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

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

(1) BA/2018/0137/FUL Lynwood, Irstead Road, Neatishead,

Replacement dwelling
Applicant: Mrs Christine Beden

The Planning Officer (Compliance and Implementation) provided a detailed presentation and assessment of the application for the replacement of an existing 1960's construction single storey bungalow with a 1 and a half storey dwelling house on the Neatishead Road, south of Lime Kiln Dyke in the Neatishead Conservation Area. It was emphasised that the design had been amended from the original scheme following consultation with the Authority's Design Officer and as a result of a number of concerns from neighbours and consultees.

Since the writing of the report further consultations had been received from Neatishead Parish Council who no longer had any objections and had no issue with the amended plans that had been submitted by the applicant. Additionally they wished to thank the applicant for listening to the comments raised. It was also noted that the neighbour who had originally objected on amenity grounds had withdrawn their objection following the submission of the amended plans. One objection did remain but that was in respect of the original plans.

In assessing the application, the Planning Officer drew particular attention to the issues of the design, the impact on the character of the Conservation Area, amenity and trees. The Planning Officer considered that the amended plans were appropriate by virtue of the reduced massing of the replacement dwelling, its location and design and the fact that it was in character with the immediate street scene and the wider character of the Conservation Area. It was not considered that there would be an adverse impact on amenity, trees, access or ecology. Therefore in conclusion the Planning Officer recommended that the application with the amended plans could be approved subject to conditions.

Members noted that the application could have been dealt with under delegated powers if the objections had been withdrawn prior to submission to the Committee. They welcomed the proposals considering that the application would make a positive enhancement of the Conservation Area. They considered it refreshing for the concerns to have been resolved through negotiation and active support of the Authority's Design Officer's views and expressed appreciation to all concerned.

Jacquie Burgess proposed, seconded by Paul Rice and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report including a condition that the development be in accordance with the amended plans. The application as amended

accords with the NPPF and Policies DP1, DP2, DP4, DP5, DP11, DP24 and DP28 of the Development Management Policies DPD (2011)

13/9 Enforcement Update

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

Former Marina Keys, Great Yarmouth (untidy land and buildings). Negotiations were still underway and an application was expected within the next month.

Barnes Brinkcraft (the non-compliance with a planning condition). An application had been received and the Navigation Committee had been consulted. They had agreed not to raise an objection provided that encroachment into the navigation did not extend beyond the limit of the barge originally moored in that location. Officers were monitoring the current situation over the summer season to ensure that the landowners were able to implement the scheme that was the subject of the application.

Burghwood Barns

The Planning Officer (Compliance and Implementation) provided the Committee with an update on the breaches of planning control and the enforcement. He explained that he had visited the site very recently and unfortunately the three elements of the Enforcement Notice relating to the removal of the paved paths on the periphery of the site and the removal of the gazebo had still not been complied with. He reported how he had explained to the landowners the potential for prosecution and informed the Committee of the response from the owners concerning their circumstances.

Members considered the options available to the Committee, noting that there were other breaches of condition that would be forthcoming over the next few months which, if no action was taken at this juncture, could compound the situation. They were fully aware of the sensitive nature of the situation and considered that in the interests of fairness the owners be given a little bit more time to comply, but also recognising that the original compliance time had been extended on other occasions. They thanked officers for the systematic and sensitive approach being taken.

Paul Rice proposed, seconded by John Timewell and it was

RESOLVED by 6 votes to 0 with one abstention (the member having been called from the room for some of the discussion)

That the Officers write to the owners explaining that the Authority was fully aware of their circumstances but before initiating prosecution procedures in the interests of fairness would allow them a further 14 days from the date of the letter to comply with the requirements of the Enforcement Notice.

Members thanked the officers for all the updates.

RESOLVED

that the report be noted.

13/10 Flood Risk and Strategic Flood Risk Assessment (SFRA) Joint Position statement with the Environment Agency

The Committee received a report on the updated Joint Position statement produced by the Broads Authority and the Environment Agency as a result of updating the flood risk model for the Broads area by the Environment Agency. As part of the report the Committee received a tracked version of the Joint Position Statement to indicate the changes that had been made. Subject to the Committee agreeing the document, a clean version would be placed on the website for the Planning Inspector examining the Local Plan. It was noted with disappointment that there would be delay in the model but its updating could coincide with the next SFRA in 2021 and therefore the flood risk data would be up to date at that time. This did not necessarily present an issue for the Local Plan as the thrust of the original statement was still valid and the Environment Agency was fully supportive of the stance being taken by the Authority and was due to provide this at the Local Plan Hearing.

RESOLVED unanimously

that the report is noted and the amended Joint Position Statement with the Environment Agency is endorsed.

Item 13 was dealt with at this point in the meeting

13/11 Tree Preservation Orders TPO – Confirmation of Phase

The Committee received a report providing an update on the review of Tree Preservation Orders, particularly after the redrafting and re-issuing of 15 TPOs for consultation in April 2018. The Committee was provided with the feedback from the consultation and welcomed the support received, particularly relating to that where the Committee had had a site inspection. It was noted that this now completed the review. It was unlikely that the TPOs would be reviewed again within the next ten years, subject to individual circumstances as and when.

RESOLVED

that the report be noted and that the 15 new Tree Preservation Orders issued as set out in the Appendix to the report be confirmed and the corresponding existing orders be revoked and note that one order (BA/2018/0002/TPO) is left unconfirmed in order that it may expire.

13/12 Article 4 Directions Consultation Update

The Committee received a report and presentation on the review of Article 4 Directions in the Authority's Executive Area following on from the report presented to Committee on 3 March 2017. This had identified 24 Article 4 Directions covering a variety of development types throughout the area. Following the decision of the meeting in 2017 to retain 15 Article 4 Directions, the landowners and the relevant Parish Councils were notified. Consultation also took place concerning 7 of the Article 4 Directions proposed for removal. The Navigation Committee had been consulted in relation to those covering retail sales from moored vessels and had been in favour of retaining this, especially as it had been very helpful to the Rangers.

Members noted that strong objections had been received against the removal of the Article 4 Directions for the two sites at Anchor Street in Coltishall, as it was considered that they gave a considerable degree of protection of the special landscape. Therefore members supported the officers' view that they be retained.

Attention was also given to the case of Holly Lodge, Wroxham where the recommendation had originally been to remove the Direction for the erection of boundary treatments. However, having recently visited the site and taking account of the concerns expressed, it was considered that there was sufficient planning justification to retain the Article 4 Direction at this location.

With regard to the area in Halvergate with the Article 4 for the Travelling shows and camping, contrary to the report and despite the current landowner expressing the view that he intended to retain the area as grazing since it was currently managed under the stewardship scheme, Members were of the view that the views of Acle Parish Council should be supported. Given the uncertainties over stewardship and funding following Brexit, as well as potential change in ownership, they considered a more cautious approach needed to be taken. They therefore considered that this Article 4 should be retained.

In conclusion

RESOLVED unanimously

that existing Article 4 Directions be retained in respect of.

- (i) Retail sales from moored vessels- 23 moorings
- (vi) Caravans, camping and temporary uses - Anchor Street, Coltishall
- (viii) Works to unadopted streets - Anchor Street, Coltishall;
- (v) Erection of boundary treatments – Holly Lodge in Wroxham
- (x) Travelling shows and camping - Halvergate

That existing Article 4 Directions be removed in respect of:

- (iii) Temporary uses of land - Brundall Riverside

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

13/13 Consultation Documents and Proposed Responses

The Committee received a report setting out the consultation together with Authority's proposed responses for:

Norfolk County Council – Minerals and Waste – Issues and Options
Suffolk County Council - Minerals and Waste Local Plan

Norfolk County Council

It was noted that as with the Authority's Issues and Options paper, this was the first public consultation stage of the production of the Minerals and Waste Local Plan and not all the sites which were proposed would be allocated. Members welcomed the proposed response. In particular attention was drawn to the paragraph relating to Min 38 Land at Waveney Forest/ Fritton Woods. There was some considerable history with the Parish Council objecting strongly to this site. Norfolk County Council's conclusion was this site should not be allocated for the reasons set out in its assessment. Members of the Planning Committee strongly supported this view and fully endorsed the comments set out in the report.

Suffolk County Council

It was noted that this was the pre-submission of the Local Plan where the final version of the plan was published for further consultation. Members were fully supportive of the comments and agreed these should be submitted.

RESOLVED

That the reports be noted and the nature of the proposed responses to Norfolk County Council on its Minerals and Waste issues and Options document and Suffolk County Council on its Mineral and Waste Local Plan pre-submission document be welcomed and endorsed for submission to the respective councils.

13/14 Appeals to the Secretary of State

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

RESOLVED

that the report be noted.

13/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 6 June 2018 to 4 July 2018. It was noted that the last two applications which had been approved had arisen as a result of the monitoring programme.

Members were appreciative of the monitoring work being undertaken and welcomed the report.

RESOLVED

that the report be noted.

13/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 17 August 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich

The Chair reported that the meeting on the 17 August would begin with the appointment of the Chair and Vice-Chair for the coming year. An email requesting nominations will be sent out immediately after the Broads Authority meeting on 27 July 2018. The deadline for the receipt of nominations will be required by the 3 August 2018.

The meeting concluded at 11.20 am

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

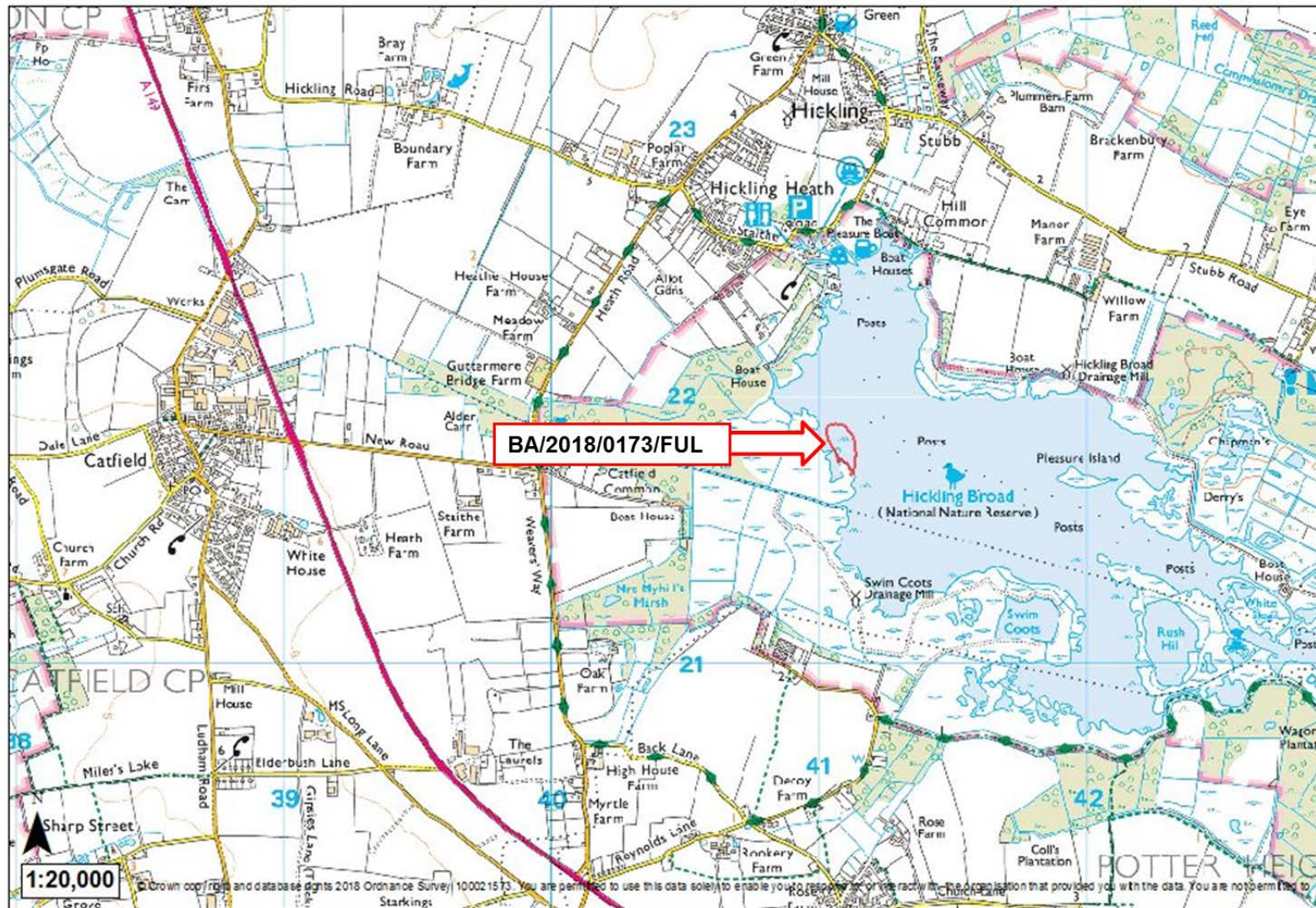
Date of Meeting: 20 July 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Paul Rice		Chairman Broads Society Item 8 as North Norfolk District Councillor for the area.
Jacquie Burgess		As previously declared
Bruce Keith		As previously declared

Reference:
Location

BA/2018/0173/FUL
Hickling Broad, Hickling

BA/2018/0173/FUL 20000



Application for Determination

Parishes:	Hickling	
Reference:	BA/2018/0173/FUL	Target Date: 21 August 2018
Location:	Hickling Broad, Hickling	
Proposal:	Hickling Broad enhancement work with the installation of geotextile tubes that are filled with dredged sediment, pinned in place by wooden poles and covered with polyfelt curtain and additional sediment, and then once established, the void created to be filled with further dredged sediment to re-create an area of reed bed	
Applicant:	Broads Authority	
Recommendation:	Approve with conditions	
Reason for Referral	Broads Authority application	

1. Background

- 1.1. The Broads Authority has a strategic objective to develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review. This has led to the development of a vision statement for the area.
- 1.2. The adopted vision for the enhancement in Hickling Broad proposes both ecological and marginal habitat works and identifies a number of focuses:
 - Protection of refuge areas in quiet bays and sheltered areas which provide conditions for water plants to flourish and habitat for fish and birds;
 - Maintenance of the marked channel to meet Waterway Specification;
 - Beneficial re-use of dredged material, being used to restore eroded reed swamp, construct lake side bank protection and regularly topping up bank restoration and island areas, as well as being spread to local arable land; and
 - Regular monitoring to continue, to build understanding of the lake and to help shape its future management.
- 1.3. To deliver the necessary practical work elements as part of the vision and as a result of limited funding availability, the applicant has identified the need for a phased approach to enhancement works. This will involve seeking individual

planning consents for specific works over a number of years. Initial works proposed to focus on addressing the significant reed swamp regression issue, to protect this important habitat with high bio-diversity value. This has started to take place in key locations following the grant of the planning permission in 2016 (under reference BA2016/0191/FUL) including works at Churchill Bay and adjacent to The Studio.

- 1.4. This is the second significant planning application to implement the vision. To accompany this planning application, an Environmental Statement and subsequent Addendum has been submitted detailing impacts (including ecology and habitat, water quality and flood risk) along with necessary drawings, plans and technical information.

2. Description of Site and Proposal

- 2.1. Hickling Broad is located in the northern part of the Broads and is important in terms of landscape, nature conservation and recreation interest. Hickling Broad itself falls within the very large Upper Thurne, Broads and Marshes SSSI, which encompasses an extensive area – some 1159 ha. Hickling Broad also forms part of the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA), which are European sites. It is also listed as The Broadland Ramsar site.
- 2.2. Hickling Broad has been subject to various changes including the significant reed bed erosion. Furthermore, hydrographic survey work in the marked channels continues to identify significant sediment volumes that are not meeting waterway specifications and there is an on-going requirement for maintenance dredging work to ensure the Broad meets targets for water depths. Most notably, priority work is required in the central part of main marked channel and the approach to Catfield Dyke.
- 2.3. This planning application will support the next phase of sediment removal. This will focus upon re-using the sediment within the Broad, through the re-creation of an area of previously eroded reed bed. This approach also aims to deliver favourable conditions to create habitats for plants and wildlife.
- 2.4. The design has been devised following an assessment of context and has been proposed based on technical and affordable considerations, using an approach that are also relatively easy to install. In detail, the approach involves a number of stages.
 - Excavation of a shallow trench to accommodate elliptical geotextile tubes which will form the outer edge of the area to be filled with dredged material;
 - Following excavation, the geotextile tubes will initially be pinned in position with wooden poles driven into the sediment adjacent to the bags;
 - The geotextile tubes will be filled with locally sourced dredged sediment to form a retaining boundary structure (and covered with a polyfelt layer) - the shape of the structure will connect to the existing reed bed to the south and form a hollow oval shape;

- The weight of the structure of the sediment filled geotextile tubes will fix the structure to the bed of the Broad;
 - A soft vegetated edge will be created at the front face of the geotextile tubes;
 - Goose guard will be attached to a floating silt curtain deployed in front of the front face of the structure to deter grazing on newly planted vegetation;
 - The void on the inside of the filled geotextile tubes will be filled with dredged sediment in the following two autumn / winter dredging periods; and
 - New planting will be undertaken to create an area of reed bed.
- 2.5. The geotextile tubes are designed to sit on the bed of the Broad, and will be filled to a height that allows for some water inundation over the reed bed during high water events.
- 2.6. The works will take place over a two and half year period commencing in October 2018 (subject to the grant of consent). The approach is to fill the tubes within the first dredging season; this will result in a temporary lagoon behind the retaining structure. Subsequent dredging seasons (commencing in autumn 2019 and 2020) will top-up the tubes if needed, provide a sediment layer to cover the surface of the tubes and provide the fill material for the lagoon or backfill area. Based on the design and volumes, the applicant estimates that this will take two autumn / winter dredging campaigns. The backfill area will be filled to a level 10-20cm above summer level to allow for good water flow, essential for the establishment of a healthy reed habitat. This fill level is also informed by and aims to match height of the existing reed swamp adjacent to the restoration area.
- 2.7. As outlined in the Environment Statement that accompanies this application, it is recognised that the works associated with the application have potential to impact on water chemistry / algal production (including *Prymnesium parvum*) and impact on wildlife (including over-wintering birds). Therefore as part of the submission, the application outlines measures and working practices to limit risk of *Prymnesium* bloom and impact on bird population. This is informed by up to date water monitoring information and dredging experience in Hickling Broad. This includes implementing an updated water quality-monitoring plan to identify changes in water quality / cell density counts, limiting works to specific times (October to February / March) with temperature thresholds throughout the works. This precautionary approach broadly reflect the approach adopted in the recent works at Churchill Bay. As with previous applications, an environmental monitoring plan will be implemented
- 2.8. The Environment Statement considers that the impact on ecological interest and habitats. It is considered that no significant effect is likely on any of The Broads SAC qualifying habitats, species and Broadland RAMSAR. However, it does recognise that there is a degree of uncertainty over the impacts in the short and medium term, when considered in combination with climatic and external catchment influences on the lake ecosystem. These matters are considered in the Habitat Regulations Assessment (HRA) Screening and Stage 2 Appropriate Assessment (AA) accompanies the application.

- 2.9. The applicant has concluded that the proposal is not likely to have a significant effect 'alone or in combination' on a European Site. This is based on the dredging works being temporary with proven and robust environmental monitoring planned adopting precautionary environmental thresholds. Furthermore, the timing of the works avoids unacceptable risks to water chemistry and promotion of the algal community and disturbance of waterfowl will be localised and minimal with preferable habitat available in close proximity.
- 2.10. In relation to recreation interest of the area, as with the 2016 Churchill Bay application, the applicant has indicated that there is no land-based recreation (as anglers do not use the adjacent area). In relation to water based activities, the sediment from dredging will be removed from the navigable channel and used in a manner that will not interfere with (and should enhance) normal boat movements in the Broad and Catfield Dyke and the recreated reedbed area is away from the navigable channel. Unlike the Churchill Bay proposal, the application proposal will not close off any internal marsh dyke that interconnects with others through to the north of Catfield Dyke and will not affect access to any private boathouse close to the Broad.
- 2.11. In relation to flood risk, the application site falls within flood zone 3. The filled geotextile beds and new reed bed area will be created by use of dredged material taken from within the navigable channel of the main Broad. Therefore, the applicant considers any change in water height at Hickling would be so small as to be un-measurable on site in practice. Therefore, this project will have no significant impact on flood risk in this area.
- 2.12. The proposed works are planned to be undertaken over a two and a half year period (2018-21), subject to planning consent.

3. Site History

BA/2014/0411/FUL	Install erosion protection along 3 bayed areas at NE of Hickling Broad	Approved 6 Feb 2015
BA/2016/0191/FUL	Hickling Broad enhancement work with two areas of reed swamp restoration using dredged sediment retained by a series of textile membranes held in place by posts and three areas of protection of existing reed swamp vegetation with 750 metres of floating PVC curtains with integral goose guard mesh perpendicular to the existing vegetation margin to reduce erosive forces and allow vegetation restoration	Approved 2 Sept 2016

4. Consultations

The following comments have been received from consultees.

Hickling Parish Council – No objections

Broads Society – Awaited

NCC Highways – No objection.

Environment Agency – No objection. The information provided within the environmental statement provides sufficient confidence that the works will continue only if the required monitoring and environmental checks are in place. The Broads Authority is responsible for ensuring no deterioration to Hickling Broad or any associated water bodies as a result of the proposal. The applicant is prepared to monitor the environmental conditions and stop works should the risk to WFD status require. When completed the creation of reed bed habitat and sheltered bays should help to improve the condition of the water body, which is currently classed as poor. The request to bring the dredging activity forward to October assuming average temperatures remain below 15 degrees is justified with an analysis of the data collected from Hickling over the previous three years. Whilst this is not an extensive dataset, the analysis provided indicates that there has been no obvious link between the dredging operation and prymnesium density at these lower temperatures. Suitable dredging constraints have been agreed to prevent Prymnesium blooms and fish mortality. Due to the sensitivity of the site and its importance to fisheries, we advise constant monitoring. Measures need to be followed to ensure machinery used on site is not contaminated with invasive species from previous sites. As a minimum the Check, Clean and Dry campaign should be adhered to (by all site operatives prior to site visit and after leaving). Our maps show the site lies in the Flood Zone 3, which is the area of high flood probability, as defined in Table 1 of the Planning Practice Guidance (PPG). The proposal is for enhancement work to construct a new reedbed and our view is that the development should be viewed as water compatible under Table 2 of the PPG. We are confident that this development will not increase flooding to the area or elsewhere.

Broads Internal Drainage Board – Awaited.

Natural England – Supports this proposal.

RSPB – Awaited.

NCC Historic Environment Service – No objection. Do not wish to make any recommendations for archaeological work.

North Norfolk District Council Environmental Health Officer – Awaited.

NSBA – Support the proposal, based on the beneficial reuse of dredging from the navigational area of Hickling Broad. Boating on Hickling Broad is an important part of the valuable heritage of the Norfolk and Suffolk Broads. However due to slack gradients and low tidal velocity, the Broad is prone to siltation and requires periodic maintenance, presently undergoing some

measure of work to mitigate a major backlog of sediment removal. The detailed proposals establish how the sediment may be reused without adverse impact on the special qualities of the Broad and in a way that is, to our knowledge, acceptable to the Regulators. .

5. Representations

- 5.1. As the application could impact upon boat use and activity, the Chairman of the Broads Authority's Navigation Committee was asked for any views. The Chairman has advised that the Navigation Committee considers the application acceptable.
- 5.2. To date only one letter has been received from consultation on this planning application.
- 5.3. Occupier of The Smea

I am supportive of the application, but keen that the works are carried out in accordance with the detail supplied. In particular, I note that dredging of the open water area behind the newly created reedbed is proposed in the environmental report and I would suggest that this should be a condition of any permission to ensure that benefits are maximised.

Without some dredging there is a high risk of an area of protected open water habitat being lost.

It remains a concern that the previous permission adjacent to this area has not been completed in accordance with the pre-planning conditions and indeed the conditions were only partially implemented after the rest of the project was completed.

6. Planning Policy

Broads Core Strategy

[Core Strategy \(Adopted Sept 2007\).pdf](#)

Policy CS1 – Landscape protection and enhancement

Policy CS2 – Landscape protection and enhancement (European Sites)

Policy CS3 – Navigable water space

Policy CS4 – Creation of new resources

Policy CS15 – Use of dredging

Broads Development Management Policies DPD

[DMP DPD - Adoption version.pdf](#)

Policy DP1 – Natural environment

Policy DP3 – Water quality and resources

Policy DP4 - Design

Policy DP29 – Development on sites with a high probability of flooding

[Broads Core Strategy](#)

Policy CS20 – Flood risk

[Broads Development Management Policies DPD](#)

Policy DP28 – Amenity

[Broads Development Management Policies DPD](#)

Policy DP13 – Bank protection

6.1 [The National Planning Policy Framework \(NPPF\)](#)

Represents a material consideration in determining applications.

6.2 Whilst the new Broads Local Plan is advancing towards adoption (following the commencement of its Examination) the existing development plan documents have not been replaced so the provisions outlined in sections 6.1, 6.2 and 6.3 remain relevant.

6.3 The revised NPPF has recently been published and is a material consideration in the determination of this application.

7 Assessment

7.1 In view of site specific factors and planning policy, it is considered that the key issues relate to

- Design / visual impact
- Nature conservation
- Navigation and recreation
- Flood risk
- Other considerations (including amenity)

Design

7.2 The application proposes to use a technique that has been used previously in the Broads associated with restoration work in the north-western part of Salhouse Broad. These works were successful and are complete. Whilst the shape of this restoration differs to that at Salhouse Broad, there is no reason to suggest that in this location it will not prove to be successful. Given the history of algae bloom at Hickling Broad, great care is required to limit impact to the designated site. However, as discussed in section 2.7, at the forefront of scheme's evolution has been a precautionary approach to limit risk of algae bloom, in terms of timing of works, water temperature and on-going monitoring. Furthermore, statutory consultees (such as Natural England and the Environment Agency) have raised no objection regarding this proposed approach.

7.3 In terms of the visual impact on the extensive Broad, the main impact will be in relation to the construction period notably whilst reed establishes on the new edge. It is considered that the visual impact for most Broad users will be long

distance; but it is however considered that the completed works will provide a natural appearance that will complement the traditional appearance of the area preserving and enhancing the character of the area.

- 7.4 There will be some impact from the use of geo-textile features, silt curtain and goose guard arrangements. However, this will be short term and will not have a significant impact on the appearance after reed established (as demonstrated in Salhouse Broad).
- 7.5 Overall, it is considered the design is satisfactory and sustainable and meets the key tests of development plan policies CS4, DP1 and DP4.

Nature conservation considerations

- 7.6 The development proposed could impact on the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA), which are European sites. It is also listed as the Broadland Ramsar site and that Hickling Broad falls within an SSSI designation (the Upper Thurne, Broads and Marshes SSSI) which extends to 1159 ha.
- 7.7 The application proposes creating new habitat using dredgings to create this reed swamp habitat.
- 7.8 Phase 1 of the works in this area at Churchill Bay raised concern regarding the loss (effectively stopping up) of an existing north - south (N-S) drainage dyke, which was considered by an objector to be important in draining this area. In contrast, in this case, there will be no change to the drainage ditches in this area and the proposed new reed swamp area will not prevent or impact on water movements associated with the existing reed swamp area.
- 7.9 In view of the nature conservation interest of the area, the applicant has sought to devise proposals using techniques, which will safeguard nature conservation interest and limit the risk of impact on the key features of the area. The approach adopted is welcomed, which is to concentrate works into the autumn and winter period. The timing of works is proposed based on up to date analysis and monitoring. This should allow works to commence earlier in October (based on day length rather than water temperature) but will still maintain the specific water temperatures threshold at the end of the winter season (cease works when temperatures rise above 8 degrees C). The works will be linked to water monitoring plan to identify changes in water quality / cell density counts to limit the risk of Pymnesium bloom as a result of the works (as detailed in section 2.7).
- 7.10 Natural England have raised no objection and have accepted the applicant's approach which suggests that the proposed works are necessary for the management of the European site interest features for nature conservation purposes and this will enable the maintenance / restoration of features to contribute to meeting site Conservation Objectives. Notwithstanding this, based on advice provided on previous habitat enhancement applications on Hickling Broad, the imposition of the following planning conditions are

considered justified (to safeguard the special features for which the SAC, SPA and Ramsar sites and SSSI):

- post-work monitoring;
- a 'cold weather ban' should be adopted to help alleviate stress on the birds during any difficult freezing conditions; and
- Prymnesium cell counts to at least twice weekly if numbers approach the warning level of 10,000; (to allow the Broads Authority to react faster to any further elevation in cell counts)

7.11 In view of the above, it is considered that the proposals will safeguard the nature conservation and water quality interests of the area and will increase reed swamp habitat, which will add to the interest of the area and is consistent with development plan policies CS1, CS2 and DP3.

Navigation and recreation

7.12 The area of works is proposed at the edge of Hickling Broad, outside the main navigable area and away from areas where angling takes place or any public right of way exists. The development proposed and the proposed alignment of the new edge seeks to reflect broadly the 1946 position.

7.13 Previous works close by at Churchills Bay raised issues regarding access to private boathouses and access to existing marsh dykes, from drainage and informal recreational use. In this case, the proposal does not impact on either consideration. The proposed shape of the enhancement will not affect water movements in the marsh dykes and is away from any private boathouse. Furthermore, the area of sheltered water formed is likely to create an area of interest in habitat terms without impacting on recreational activities.

7.14 In response to the consultation, the NSBA support the application. The works will have no impact on established navigation rights and it is considered that the benefit of creating new habitat and creating areas for beneficial sediment disposal provide a stronger navigation benefit than any access to this corner of the Broad.

7.15 In view of the above, it is considered that the impact on recreation will be limited and the proposal will safeguard navigation interests, subject to the imposition of suitable planning conditions and will accord with the provisions of development plan policy CS3.

Flood Risk

7.16 The application proposes recreating habitat that would reduce the area of open water in the Broad. However, in creating the area, this will be created by use of dredged material from the navigable channels in the Broad. Therefore, the applicant considers that the proposal will not materially change water levels either in the Broad or elsewhere as a result of the works.

7.17 Development Plan policy DC 29 seeks to resist proposals which would increase flood risk. In this case as the proposal will effectively use dredged material in the Broad to create new habitat, there will be no unacceptable impact on water levels. Furthermore, it should be noted that the Environment Agency is raising no objection. Therefore, it is considered the proposal will not conflict with the aims of development plan policy.

Other considerations

7.18 It is recognised that the areas within the application site are quiet and tranquil areas where little activity or disturbance takes place. As part of the reed swamp creation work, the applicant has identified the need for plant and machinery to be used to create this new area. In relation to residential amenity, there are no properties in close proximity, which could be impacted by noise and distance during construction period.

7.19 Whilst in such a quiet location there is likely to be noise and disturbance, this should be short term and concentrated into the autumn and winter months and it is considered that such short-term disturbance will not unacceptably harm residential amenity especially when judged against the benefit of creating new habitat and creating areas for beneficial sediment disposal.

8 Conclusion

8.1 The application proposes the next stage of the Hickling Broad enhancement work following the initial consent granted in 2016. Consultees and local stakeholders have generally supported the proposal. It is considered that the application proposals will deliver an acceptable design of enhancement works that will protect and enhance the nature conservation value of the area subject to the imposition of the planning conditions outlined below and will therefore meet the key tests of development plan policies.

9 Recommendation

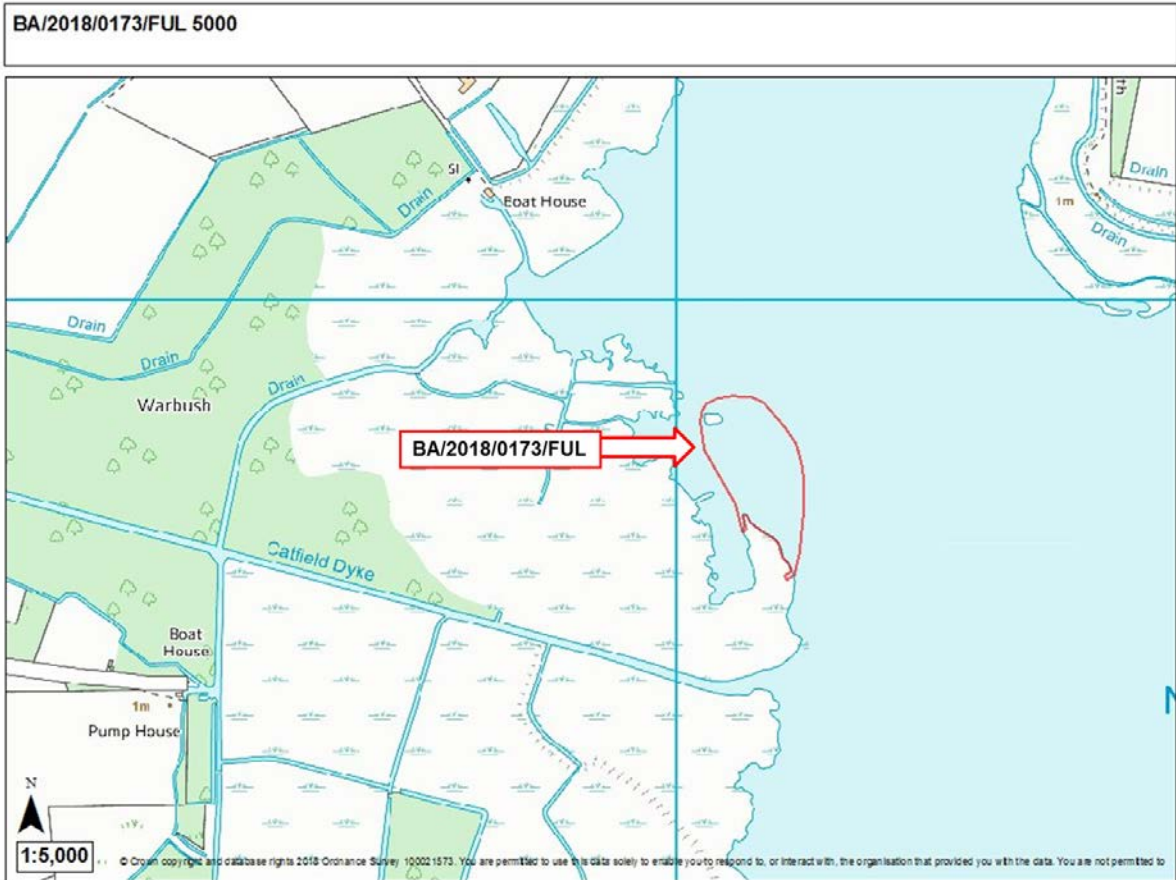
9.1 Subject to any additional representation / comment being raised, planning permission be approved subject to the following conditions:

- Standard time limit condition
- All works to accord with approved plans / submitted details
- Water Monitoring Plan
- Post-work monitoring extended to at least six weeks;
- A 'cold weather ban'
- Twice weekly Prynnesium cell counts if numbers approach the warning level

Background Papers:

Author: Andy Scales
Date: 8 August 2018
Appendices: Appendix A – Location Plan

APPENDIX A



Reference:
Location

BA/2018/0177/FUL
Whitlingham Broad Visitor Centre, Whitlingham
Lane, Trowse

Application for Determination
Report by Planning Officer

Target Date	01.08.2018
Parish:	Trowse with Newton Parish Council
Reference:	BA/2018/0177/FUL
Location:	Whitlingham Broad Visitor Centre, Whitlingham Lane, Trowse
Proposal:	Retain temporary toilet building with ramp for another 3 years
Applicant:	Whitlingham Charitable Trust and Broads Authority
Recommendation:	Approve subject to conditions
Reason for referral to Committee:	Broads Authority involvement

1 Description of Site and Proposals

- 1.1 The site of this proposed development forms part of the car park of the Whitlingham Country Park, adjacent to the Flint Barn.
- 1.2 The site is situated in the south eastern corner of the car park adjacent to an existing young, mixed native species hedge, which runs along the southern boundary of the site. Beyond the hedge there is a grass verge of approximately 3m width accommodating a gravel pathway, which runs adjacent to the public highway (Whitlingham Lane). The area which contains the toilet block is a flat area of hard-packed gravel type material over a soil substrate.
- 1.3 Planning permission was granted in 2014 for a toilet block and access ramp to serve visitors of Whitlingham Country Park (BA/2014/0204/FUL). The permission was restricted to a temporary three year time scale. The toilet has been installed and provides one unisex disabled/ baby change compartment, one male only compartment with two toilets, three urinals and three hand-washing basins, one female only compartment with three toilets and three

hand-washing basins. This proposal (BA/2018/0177/FUL) is seeking to retain the temporary toilet block for another 3 years.

- 1.4 The building is positioned on the site so that its long axis is aligned parallel to the hedge with its doorways facing north towards the Great Broad. The building is a prefabricated, flat roofed building measuring approximately 8.5m by 3m with a maximum height of 2.97m. The disabled access ramp is approximately 7m long by 1.3m wide and 1.5m high. The building is clad in dark green sheets. The toilet building is open between the hours of 9am to 5pm which coincides with the opening times of the Flint Barn.
- 1.5 A further temporary consent for three years is being sought to enable the immediate need for additional toilet facilities to be met whilst a more permanent solution is identified and delivered.

2 Site History

- 2.1 Various consents were granted in the Whitlingham area for sand and gravel extraction during the 1990's. Various other minor planning permissions have been granted in the Country Park over the last few years but the significant consents to create the range of facilities that are currently provided at the Country Park have been summarised below.
- 2.2 In 2003 planning permission was granted for the change of use of the Flint Barn to provide a visitors centre and café (BA/2003/0734/CU).
- 2.3 In 2008 planning permission was granted to amend consent BA/2003/0734/CU to extend the hours of operation for the visitors centre to midnight to accommodate evening meetings and events (BA/2008/0198/COND).
- 2.4 In 2010 planning permission was granted for the change of use of the former quarry area to enable the provision of car and bus parking and access to the wider Whitlingham Country Park (BA/2010/0129/FUL).
- 2.5 Also in 2010 planning permission was granted for the extension and improvement to an existing quay heading for the launching and recovery of rowing boats, canoes and coaching launches (BA/2010/0287/FUL).
- 2.6 In 2011 planning permission was granted for two pontoons to be created on Whitlingham Great Broad. One of the pontoons is an extension to an existing mooring and launching platform associated with the Outdoor Education Centre at the western end of the Broad. The second pontoon is positioned to the north of the main visitor car park and used to facilitate the operation of the Broads Authority's solar powered boat Ra (BA/2011/0235/FUL).
- 2.7 Planning permission was granted in 2011 for pontoon access into Whitlingham Little Broad and for other minor additions and improvements to fencing and quay heading in the area (BA/2011/0290/FUL).

- 2.8 In 2012 planning permission was granted for a change of use for of two fields to be used as a touring campsite (tents and campers only, no caravans) for a temporary period of three years (BA/2012/0338/CU).
- 2.9 In 2014 planning permission was granted for various amendments to planning permission BA/2012/0338/CU to improve various campsite facilities (BA/2014/0012/CU).
- 2.10 In 2014 planning permission was granted for the erection of a toilet block and access ramp for a temporary period of three years (BA/2014/0204/FUL).

3 Consultations

3.1 Consultations received:

Broads Society- No response
Parish Council- Supports the application
District Member- No response
Norfolk County Council Highways- No objection
Environment Agency- No comment
Norfolk County Council Historic Environment Services- No comment

3.2 Representations received:

None

4 Policies

4.1 [Adopted Broads Development Management DPD \(2011\):](#)

DP1 Natural Environment
DP2 Landscape and Trees
DP4 Design
DP5 Historic Environment
DP14 General Location of Sustainable Tourism and Recreation Development.

[Site Specific Polices \(2014\):](#)

WHI 1 Whitlingham Country Park

5 Assessment

- 5.1 In terms of the assessment of this proposal the main matters to be considered include the principle of the development, justification for the extension in a temporary permission, design and landscape impact and impact on the historic environment.

Principle

- 5.2 As with the previous permission, Policy DP14 of the Development Management Policies DPD seeks to ensure that facilities and opportunities for tourism and recreation development within the Broads Area are supported and strengthened by appropriately situated development. Whitlingham Country Park is an established visitor centre and recreational facility that is currently heavily used by both local residents and tourists. Whilst the Outdoor Education Centre situated at the western end of the Great Broad does have toilet facilities for use by people involved in the various outdoor activities run by the Outdoor Education Centre, the only toilet facilities that would be available for use by general visitors (without the existing toilet block) are the two public toilets situated in the Flint Barn. It is accepted that the number of toilets available and their location within the Flint Barn is not sufficient to meet the current needs of the visitors.
- 5.3 Whitlingham Country Park is subject to a specific Policy in the Site Specific Policies Document. This Policy, WHI 1 seeks to ensure that the Park can continue to be used to provide recreation and quiet enjoyment. Further development of buildings and facilities which contribute to this use will be supported subject to the satisfaction of a number of criteria which seek to ensure that: the buildings and facilities will not have a detrimental impact on the river valley landscape; the number of buildings are kept to a minimum; and that the needs and requirements of pedestrians, cyclists and car users are met and that there is no adverse impact on highway safety on Whitlingham Lane. This Policy specifically states that additional public toilet facilities will be particularly encouraged. The principle of this development is considered to be in accordance with the Development Plan Policies and therefore acceptable.

Justification

- 5.4 It is regrettable that a more permanent solution hasn't been sought within the 3 years of the temporary permission, however the Trust has advised that additional toilets to the ones available in the Flint Barn are important because of the number of people using them, with over 400,000 pa visitors to the park. They advise that the toilets are particularly well used by children and elderly people whose needs must be met. They have advised that there is evidence through recent visitor survey that provision of the additional toilets is essential.
- 5.5 The Trust recognise that temporary facilities are not appropriate on a permanent basis and will use its best endeavours to secure a long-term solution as the provision of permanent toilets is part of the wider aspiration for the park. They have advised that this will be a key aspect of their strategic direction and work planning.
- 5.6 The Trust have provided the timescales below in which they hope to secure a more permanent solution:

Whitlingham Charitable Trust Meeting	Item to Discuss
September 2018	Agenda item to discuss Toilet block/budgeting/funding.

November 2018	Present proposals.
January 2019	Agree design/budget.
April 2019	Submit planning application for permanent Toilet Block.

- 5.7 Given the temporary nature of the toilet block and the fact that the site is within a very public and popular gateway to the Broads, a more permanent solution is considered the most appropriate way forward in planning terms. The predominant reason for the stalling of provision of a more permanent solution has been lack of funding, which is not a planning matter. However, given the clear and vital need for the facility and reassurances that a more permanent solution is being sought it is considered on balance that an extension for another 3 years is considered reasonable in this instance.
- 5.8 Additionally, as highlighted below the toilet building, albeit temporary in nature, is not considered wholly inappropriate in design and landscape terms given its temporary status and whilst not ideal is not considered to adversely impact on the wider character of the area (a full assessment can be seen below). Given this, the extension to the time limit is considered acceptable in this instance.

Landscape and Design

- 5.9 In terms of the siting and design of the building, the siting is driven to a large extent by the need for the toilet facilities to be close to the Flint Barn, which is the central hub of the Country Park and where the majority of the visitors congregate, and the need to consolidate the buildings within the Park. The building is positioned in an area of the existing car park where it is easily accessible and where it utilises the screening benefits of existing landscape planting. The planning permission being sought is for another temporary period of three years and due to its pre-fabricated design can easily be removed when a more permanent solution is identified. It is considered that the scale and design of the building is appropriate for its use and setting on a temporary basis and that the proposal is in accordance with criterion (b) of Policy WHI 1 of the Site Specific Policies DPD and Policy DP4 of the Development Management Policies DPD.
- 5.10 The building has been located so that it is screened from the southern area of the Park and Whitlingham Lane by the existing hedgerow running along the southern boundary of the site. The building is also screened from views from the north and east by existing woodland to the east of the site. Furthermore given the existing vegetation around the southern edge of the Great Broad and the distance of the building from the Broad, the building is not visible from the majority of the Great Broad. The low height and green colour also assists in the overall assimilation of the building into the landscape of the area. It is therefore concluded that this proposal, whilst not making a positive contribution to the river valley landscape as required by criterion (a) of Policy WHI 1, is only a temporary arrangement (albeit 3 years longer than previously

agreed) and does not have a significant detrimental impact on the landscape quality of this area and that it is therefore generally in accordance with Policy DP2 of the Development Management Policies DPD and Policy WH1 1 of the Site Specific Policies DPD.

Historic Environment

- 5.11 The proposed temporary toilet building is positioned within the vicinity of the Flint Barn for functional reasons. However it is sited on the eastern side of the car park so there is a degree of separation between the barn, which has some historic significance, and this building. It is therefore considered that this proposal does not have a detrimental effect on the character or setting of the barn. It is therefore concluded that this proposal is in accordance with Policy DP5 of the Development Management Policies DPD and the NPPF.
- 5.12 This application is seeking a further temporary consent for a period of 3 years and it is recommended that the subsequent removal of the building and reinstatement of the site be covered by Condition.

6 Conclusion

- 6.1 This proposal is seeking an additional temporary consent for toilet facilities at Whitlingham Country Park. It is considered that an additional temporary consent can be justified in this instance. It is considered that the scale and design of the proposed building is suitable for its intended use on the basis that it would only be on the site for a period of another three years. The siting of the building has been carefully considered to ensure that there are no significant adverse impacts arising from this development. The proposal is considered to be in accordance with the relevant Development Plan Policies and the NPPF and it is recommended that it be approved subject to the recommended Conditions.

7 Recommendation

Approve subject to conditions:

1. In accordance with approved plans
2. Removal of building and reinstatement of site within 3 years from the date of approval.

8 Reason for Recommendation

- 8.1 In the opinion of the Local Planning Authority the development is acceptable and accords with the NPPF and Local Policies WH1 of the Site Specific Policies DPD (2014) and DP1, DP2, DP4, DP5, DP14 of the Development Management Policies DPD (2011).

9 Note by Solicitor and Monitoring Officer

9.1 I have had this application drawn to my attention due to the identity of the Applicants. As Monitoring Officer I have read the application and file and it appears to have been dealt with normally taking into account development policy and has correctly been referred to the Planning Committee. I should for the sake of transparency also point out that I am the Company Secretary of Whitlingham Charitable Trust, but have had no involvement in that capacity with the matter the subject of this application.

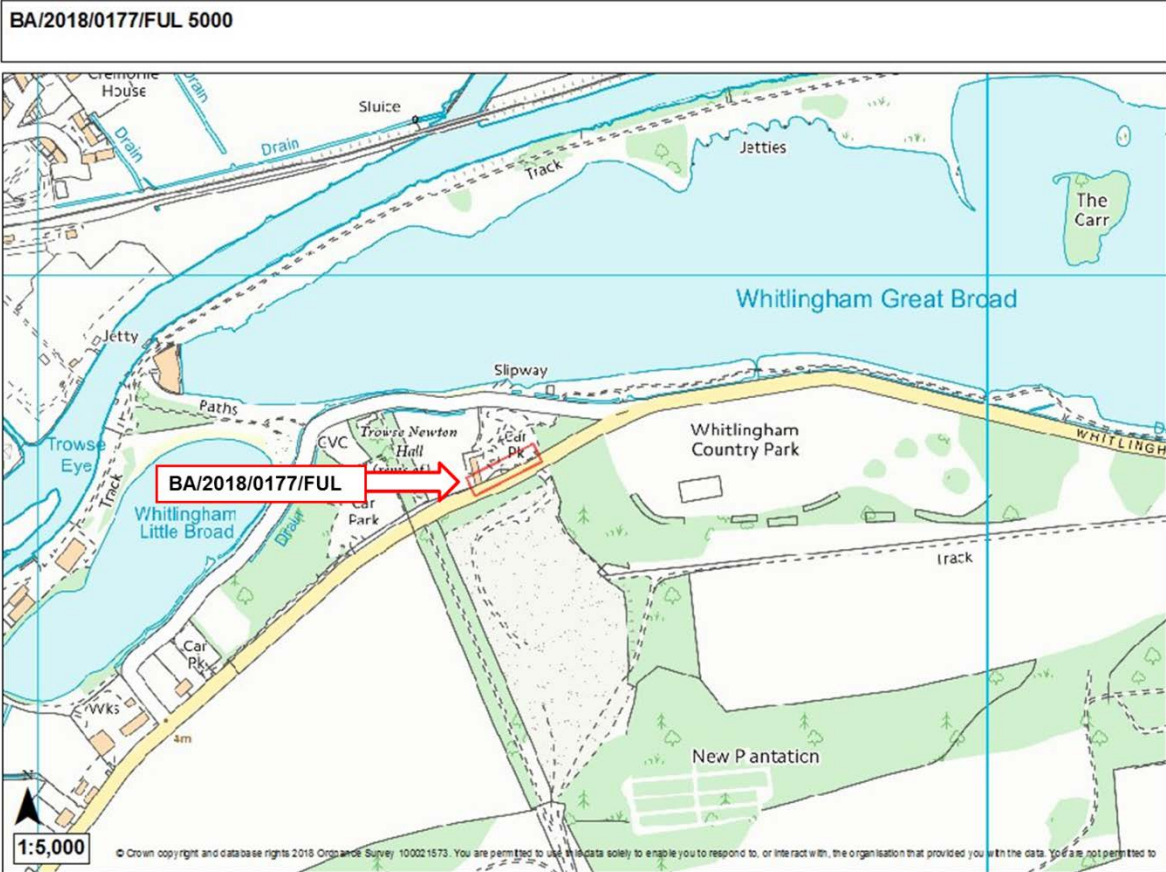
Background papers: BA/2014/0204/FUL
BA/2018/0177/FUL

Author: Kayleigh Judson

Date of report: 01 August 2018

Appendices: Appendix A – Map

APPENDIX A



**Enforcement of Planning Control
Burghwood Barns, Ormsby St Michael**
Report by Head of Planning

<p>Summary: This report concerns unauthorised development at Burghwood Barns, Ormsby St Michael, where an Enforcement Notice has previously been served.</p> <p>Recommendation: Members are requested to note that prosecution proceedings will commence following non-compliance with the Enforcement Notice. Authority is sought for the service of a Breach of Condition Notice in respect non-compliance with planning conditions on permission BA/2016/0444/FUL.</p>

1. Background

- 1.1. Burghwood Barns at Ormsby St Michael is a dwelling house situated within an extensive plot on land to the south of the A149. The dwelling is a converted barn which is surrounded to the south, east and west by agricultural land and woodland on the edge of Ormsby Little Broad. The site is almost immediately adjacent (by a distance of 5 metres) to areas with SAC and SSSI designations.
- 1.2. The site has an extensive planning history, but for the purposes of this report the relevant matters are briefly:
 - (i) the change of use of 6,000 sqm former agricultural land to inclusion within the domestic curtilage;
 - (ii) compliance with the planning permission for works on a separate 5,000 sqm area of the site.

2. Change of use to domestic curtilage

- 2.1. Around 2016 the landowner acquired a large parcel of the adjacent agricultural land and sought to incorporate it into his domestic curtilage. This included a 6,000 sqm area at the southern end of the plot, which was grassed and demarcated from the remainder of the site by a 1.8 metre wide paved path around the edge enclosed by ornamental planting and a 1.8 metre high fence. A large metal gazebo structure was installed in the southwest corner and lighting was installed on the southern boundary facing out of the site. Planning permission was neither applied for nor granted for any of the above development.

- 2.2. The matter was considered by the Planning Committee at their meeting on 3 March 2017, in connection with a related matter (covered below). It was resolved to serve an Enforcement Notice in respect of the 6,000 sqm and the associated structures. The Enforcement Notice was served on 8 March 2017 with a compliance date of 19 July 2017. The Enforcement Notice required the cessation of the use of the land as residential curtilage and the removal of the path, gazebo, domestic paraphernalia and lighting.
- 2.3. On 13 April 2017 an appeal was submitted against the Enforcement Notice, however this was dismissed in a decision letter dated 9 January 2018. The compliance period was extended to 6 months allowed, giving a deadline date of 9 July 2018.
- 2.4. In July 2017 a retrospective planning application was submitted to retain the unauthorised development (BA/2017/0179/FUL). At the 18 August 2017 meeting of the Planning Committee it was resolved to refuse the application and the refusal of planning permission was issued on 13 October 2017.
- 2.5. Compliance was required by 9 July 2018 which is the compliance date set out in the Inspector's appeal decision letter. Site inspections have taken place on 10 July and 6 August 2018 and the Enforcement Notice has not been complied with, in that the path, gazebo, domestic paraphernalia and lighting remain in situ. The land is in a condition suitable for use as residential curtilage. The landowner stated at a site monitoring visit in July 2018 that he does not intend to comply.

3. Compliance with planning conditions

- 3.1. In December 2016 a retrospective planning application was submitted to retain a separate 5,000 sqm of the former agricultural land within the residential curtilage (BA/2016/0444/FUL). This comprised land to the east of the dwelling and consisted of a continuation of the lawn within the area covered by an earlier permission, plus a large pond along the eastern side of the now 'L' shaped site. All the proposals were retrospective and included new buildings along the northern boundary.
- 3.2. The matter was considered by the Planning Committee at their meeting on 3 March 2017. It was noted that the application proposed retaining a significant extension to the curtilage of the dwelling through the change of use from arable agricultural land and the retention of built development, and that the isolated, rural site had evolved substantially from the original conversion of an agricultural barn with a modest but ample curtilage. Members resolved to grant planning permission, in accordance with the recommendation, subject to various conditions including ones requiring various improvements to the landscaping, pond, buildings and a new fence and hedge across the southern boundary. The planning permission was issued on 6 March 2017.
- 3.3. This planning permission has been the subject of regular monitoring and discussions with the landowner around what needs to be done, with a number of extensions of time having been agreed informally in response to on-site

issues, for example those arising from the wet spring. The following indicates the current position in respect of compliance with conditions 3, 4 and 5:

Condition 3:

Reprofile pond margins	Completed
Aquatic planting	completed
Internal boundary planting to pond	Completed
External boundary planting to pond	Completed
Boundary planting to fence line	Completed
Planting to vertical surfaces	Completed
Stabilise pond edges with coir rolls	compliance date 30 September 2018
Native hedging across site	compliance date 31 October 2018
Seeding around reprofiled edges	compliance date 31 March 2018 - not completed – in breach

Condition 4:

Construct pitched roof to building 1	compliance date 31 October 2018
Construct pitched roof to building 2	compliance date 31 August 2018
Timber doors to car port	compliance date 30 November 2018
Timber doors to building 1	compliance date 31 December 2018
Timber doors to shed	Compliance date 31 July 2018 - not completed – in breach
Fence across site	Compliance date 31 March 2018 - not completed – in breach

Condition 5:

Bat boxes installed	compliance date 1 February 2018– not in accordance with approved details
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3.4. As can be seen, there has been some compliance with the requirements of the conditions on planning permission BA/2016/0444/FUL, but it is not complete.

4. Proposed next steps

4.1. At the 3 March 2017 meeting of the Planning Committee, in addition to resolving to serve an Enforcement Notice in respect of the matters covered at section 2 above, Members also resolved that if compliance was not achieved through that Enforcement Notice then authority given to proceed to prosecution. This authority remains extant.

4.2. Following discussion of the matter at the meeting of the Planning Committee on 20 July 2018, Members directed officers to write to the landowner advising of the resolution to prosecute and allowing a further 14 days for compliance.

This was undertaken, with the letter being sent on 23 July with a deadline for compliance of 7 August.

- 4.3. Regrettably, compliance has still not been achieved. At a site visit on 9 August it was found that no further work had been done so there had been no progress towards compliance. The Authority should therefore proceed to a prosecution for non-compliance with the requirements of the Enforcement Notice.
- 4.4. With regard to the matters outlined at section 3 above, whilst there has been some compliance, this is not comprehensive and the matters which remain outstanding range from minor (bat boxes in wrong place) to more significant (construction of pitched roof to improve visual appearance of building). The deadlines for other works has not yet been reached.
- 4.5. Whilst it is accepted that a number of the matters are minor, there is nonetheless a breach and when considered in the context of the long history of non-compliance on this site, there is a justification for pursuing the breaches to secure full compliance. By doing this, the Broads Authority as a Local Planning Authority (LPA) would be resolving the on-site issues as well as protecting the credibility of the planning system. This is a valid objective and it is noted that the recently published National Planning Policy Framework states at paragraph 58: "Effective enforcement is important to maintain public confidence in the planning system".
- 4.6. The LPA is able to serve a Breach of Condition Notice (BCN) in respect of any planning conditions where there has not been full compliance to date, with the issued BCN stipulating the date by which compliance is required. There is no right of appeal against a BCN and if compliance is not achieved by the stipulated date the LPA is able to prosecute.
- 4.7. It is recommended that a BCN be issued in respect of conditions 3, 4 and 5. Should this not result in prompt compliance, where required, the LPA would be able to pursue this through prosecution and this could be done simultaneous with the legal action proceeding in respect of the Enforcement Notice.

5. Conclusion

- 5.1. This is a site where there has been significant past unauthorised development and extension into agricultural land with the continuing breaches noted in this report. Through the actions proposed the LPA is seeking to bring matters to a close.

6. Financial Implications

- 6.1. There will be financial implications should the LPA proceed to prosecution. The costs of this will be met from the existing legal budget.

7. Recommendation

7.1. Members are requested to note that prosecution proceedings will commence following non-compliance with the Enforcement Notice. Authority is sought for the service of a Breach of Condition Notice in respect non-compliance with planning conditions on permission BA/2016/0444/FUL

Author: Cally Smith

Date of report: 9 August 2018

Background Papers: BA/2017/0179/FUL and BA/2016/0444/FUL

Enforcement of Planning Control
**Disused and derelict buildings at Former Waterside Rooms, Station Road,
Hoveton**
Report by Head of Planning

<p>Summary: Buildings at Station Road, Hoveton are in poor condition and are having an adverse impact on the amenity of the area.</p> <p>Recommendation: That Members authorise the serving of a s215 Notice requiring remedial works to be undertaken</p>
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1. Legislative provision

1.1. Section 215 of the Town and Country Planning Act 1990 confers on a Local Planning Authority (LPA) the power to take action in respect of land (or buildings on land) which is adversely affecting the amenity of an area through the lack of proper maintenance. It states:

(1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.

(2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.

1.2. These so-called 'Untidy Land Notices' are often used by an LPA to require the repair (and subsequent reuse) of buildings which have fallen into disrepair or to tidy up land which has become derelict. Historically, because land values in the Broads are high which tends to mean that land and buildings are maintained, the Broads Authority as an LPA has not had much occasion to use these powers.

2. Site location and description

2.1. The subject site is located on Station Road, Hoveton and comprises a former public house, known as the Three Horseshoes PH and the Waterside Rooms, which has been closed since the 1990s. It fronts Station Road opposite the rear of the Roys Department Store on the eastern elevation and the river Bure on the western side. There is a tiled patio area on the west side of the building which leads to an open grassed area which has been incorporated

into the beer garden of the Kings Head PH which occupies the adjacent site. There is a small public car park to the north of the building, beyond which are located commercial premises including the Broads Authority's Tourist Information Centre. The building is sited within the central commercial area of Hoveton and is on the main pedestrian route through to the Tourist Information Centre, longer stay car parks and the railway station as well as being very visible from the river.

- 2.2. The building is a two storey structure, broadly square in plan form and is constructed of brick with a flat roof. The building originally had minimal fenestration or other openings on the Station Road elevation, whilst the river facing elevation was broadly open to take advantage of the river views, however all the openings are currently boarded up. The curtilage area surrounding the building comprised a 7m deep amenity area to the Station Road frontage and a hard surfaced area giving on to grass on the river side. There is no car parking associated with the site.
- 2.3. The building has been disused for over 20 years and is in a state of disrepair. The brickwork appears sound, but the roof is damaged in places (including root damage from self sown vegetation) and the cladding is variously loose, damaged and in poor condition. The area surrounding the building is significantly overgrown and there has been tipping in parts of the site. Overall, the building contributes a strong sense of neglect and dereliction to this part of Hoveton village.
- 2.4. The subject site is in the control of Greene King, who also own and manage the Kings Head PH to the south. Located on the Station Road frontage between the Kings Head PH and the subject site there is a pair of cottages, also in the same ownership, which are used for storage. To the rear of these is a former coach house (also used for storage) which sits on the northern boundary of the pub's car park. Both of these buildings are also in poor condition and both also contribute to the sense of local disrepair.

3. Proposed action and rationale

- 3.1. As a consequence of its condition, the former Waterside Rooms building is having an adverse effect on the amenity of the area. This effect is manifested through a significantly detrimental impact on the appearance of the area, which is accorded the same status as a National Park, and is exacerbated by the prominence of the location on one of the main thoroughfares through the village, being immediately opposite the Roys Department Store and being visible from the river as well as from other commercial premises elsewhere on the river frontage. This effect is therefore being directly experienced by pedestrians and car drivers on Station Road, river users and persons using the riverside footpath and the tourist and visitor facilities in the immediate area.
- 3.2. The adjacent pair of cottages and former coach house are read as part of this group of buildings, particularly from the riverside elevation. Whilst it is acknowledged that they are in better condition than the former Waterside

Rooms (possibly as a consequence of their remaining in use) repair works are required and currently they do exacerbate the sense of disrepair locally.

- 3.3. The Broads Authority has a statutory duty to protect the appearance of the area and is given the powers under s215 of the 1990 Act to require the remediation of land or buildings that are having an adverse effect on local amenity.
- 3.4. It is proposed to serve a s215 Notice on the landowners requiring that they undertake works to improve the external appearance of the buildings. In respect of the former Waterside Rooms, these works will include removal of the defunct extraction equipment, repair and repainting of fascias and much of the external cladding, removal of rubbish and clearance of the overgrown surroundings. The works required to the pair of cottages and the coach house will be primarily maintenance, but completion of these works would improve the quality of the immediate area.
- 3.5. Should the Notice not be complied with, the following actions are open to the Authority:
 - a) A prosecution in the Magistrates Court for non-compliance with the s215 Notice, which could result in a substantial fine if found guilty of an offence; and/or
 - b) Direct action by the Authority to carry out the works required by the Notice followed by action in the County Court to recover all expenses and costs reasonably incurred by such action; and
 - c) Registration with HM Land Registry of a charge on the property, recoverable should the property be sold.
- 3.6. It is recommended that option (a) would be pursued in the first instance.

4. Financial implications

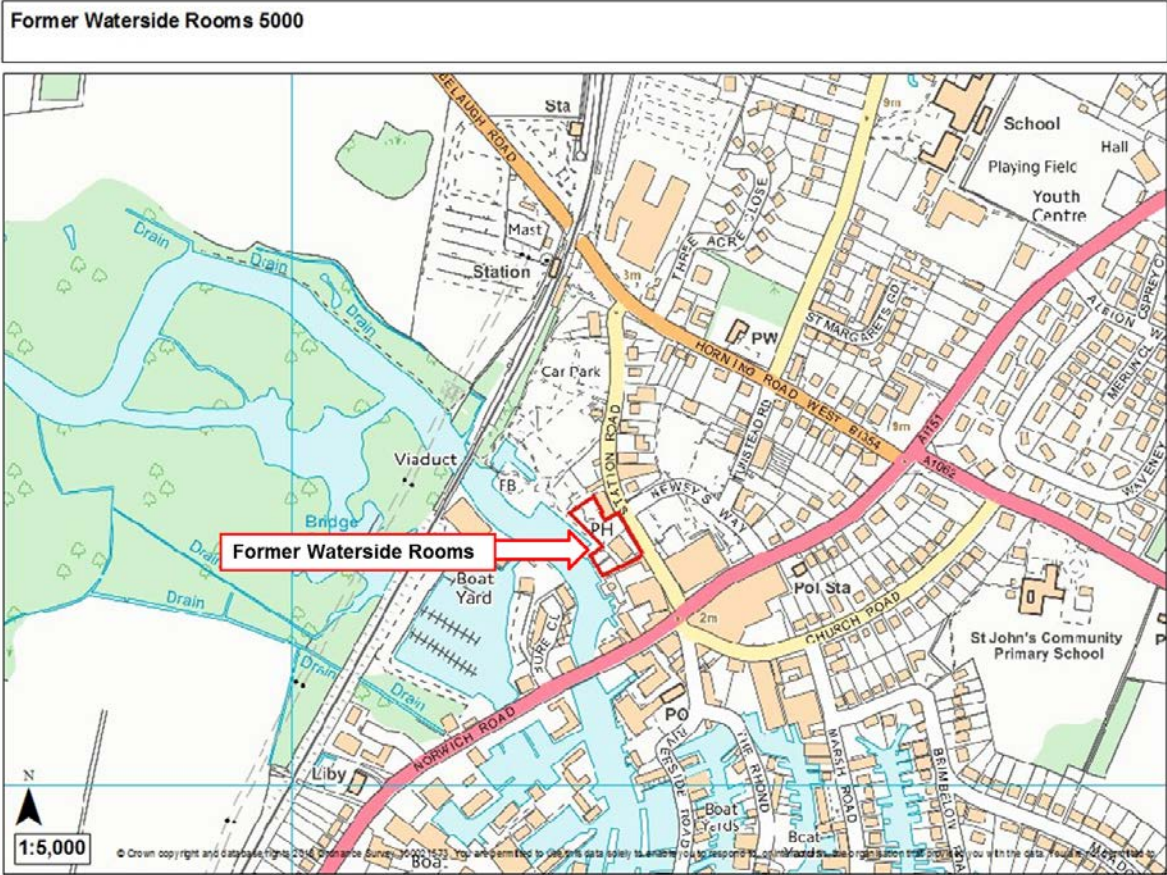
- 4.1. There will be financial implications if the Broads Authority proceeds with prosecution.

5. Recommendation

- 5.1. That authority be granted to serve a s215 Notice requiring the buildings at the Former Waterside Rooms, the adjacent pair of cottages and coach house to be tidied.

Author: Cally Smith
Date of report: 1 August 2018

Appendices: Appendix A – Site plan



Enforcement Update
Report by Head of Planning

Summary: This table shows the monthly updates on enforcement matters.
Recommendation: That the report be noted.

1 Introduction

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

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

Committee Date	Location	Infringement	Action taken and current situation
			<p>December 2015</p> <ul style="list-style-type: none"> • 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 • Application for extension submitted 10 July 2017, including comprehensive landscaping proposals (BA/2017/0237/FUL) • Further details under consideration. • Application approved and compliance to be monitored in autumn • In monitoring programme
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential curtilage	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL; • if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution. • Enforcement Notice served on 8 March 2017 with compliance date 19 July 2017. • Appeal against Enforcement Notice submitted 13 April 2017, start date 22 May 2017 (See Appeals Schedule) • Planning application received on 30 May 2017 for

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Monitoring • Further vandalism and deterioration. • Site being monitored and discussions with landowner • Landowner proposals unacceptable. Further deadline given. • Case under review • Negotiations underway
5 January 2018	Barnes Brinkcraft, Riverside Estate, Hoveton	Non-compliance with planning condition resulting in encroachment into navigation of moored vessels	<ul style="list-style-type: none"> • Authority given to negotiate solution • Meeting held 17 January and draft scheme to limit vessel length agreed in principle. Formal confirmation awaited. • Report to Navigation Committee on 22 February 2018 • Planning application required • Planning application in preparation • Planning application under consideration
23 March 2018	Rear of Norfolk Broads Tourist Information and Activity Centre 10 Norwich Road Wroxham	Unauthorised development: free standing structure and associated lean-to.	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of the freestanding structure and associated lean- to with a compliance period of 6 months. • Enforcement Notice served 3 April 2018, with compliance date of 3 October 2018.
27 April 2018	Land north of Bridge Cottage,	Unauthorised retention of	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring removal of the all unauthorised uses on site, the

Committee Date	Location	Infringement	Action taken and current situation
	Ludham	hardstanding and structures, plus erection of workshop	<p>unauthorised hardstanding and removal of all the unauthorised structures including the fence surrounding the site, the shed, portacabin and shipping container and restoration of the land in accordance with condition 7 of planning permission BA/2009/0202/FUL with a compliance period of 3 months.</p> <ul style="list-style-type: none"> • Enforcement Notice served 3 May 2018, with compliance date of 14 September 2018

2 Financial Implications

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

Background papers: BA Enforcement files

Author: Cally Smith

Date of report: 2 August 2018

Appendices: Nil

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

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

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

2. Financial Implications

- 2.1 There are no financial implications.

Background papers: None

Author: Natalie Beal
Date of report: 8 August 2018

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Wroxham Parish Council
DOCUMENT:	Wroxham Neighbourhood Plan – pre submission draft
LINK	Wroxham Neighbourhood Plan (pre-submission draft) Sustainability Appraisal (supporting document)
DUE DATE:	1 September 2018
STATUS:	Pre submission draft
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	<ul style="list-style-type: none"> • The Wroxham Neighbourhood Plan is a community-led document for guiding the future development of the parish. It is about the use and development of land over the next 20 years. • This is the first draft version of the Wroxham Neighbourhood Plan, prepared for ‘presubmission consultation’. For the six-week period between 21st July and 1st September 2018, local residents, businesses and statutory agencies will have the opportunity to comment on the draft Plan. During September and October 2018 all comments will be collated and considered. The Plan will then be amended before submission to Broadland District Council and the Broads Authority.
PROPOSED RESPONSE:	<p><u>Neighbourhood Plan</u></p> <p>We particularly welcome and support the following aspirations relating to access:</p> <ul style="list-style-type: none"> • Linking existing access routes to provide a more joined up access network • Creation of a Green Loop for Walkers and Cyclists • The ambition to have separated walking and cycling routes in the design for Broadland Way and routes linking to it from Wroxham • Provision of new green space and access to water/views of water. <p>The one thing that isn’t mentioned though is short stay visitor mooring provision which is the thing we get most requests for in the area from private boat owners, the BHBF and customers.</p> <ul style="list-style-type: none"> • Introduction. <ul style="list-style-type: none"> ○ First para: Is the time period an issue? 2019-2039. Local Plans are being produced until 2036. ○ First para: As written, implies Wroxham Parish Council will determine planning applications, but they will not. Perhaps amend to say that you will use it for the basis of responses to planning applications? ○ Third para: ‘Once adopted, the Plan will become a statutory planning policy document sitting alongside the Local Plan’. Suggest Local Plan is made plural and reference made to the Greater Norwich and Broads Authority Local Plans. • Page 8, last paragraph, could the shared use of town centre, library, train station

	<p>and school for example be mentioned here? This is mentioned on page 35.</p> <ul style="list-style-type: none"> • Footnote of page 9 are not readable – they seem to overlay each other. • Page 12 – Local Plan for the Broads likely adopted by end of 2018. • Page 12 – Core Strategy 2007 is not mentioned in the list of Broads Authority documents. • Page 14, Community engagement and consultation. Typo. <i>‘More details of all the consultation are will be outlined in a Consultation Statement...’</i> • Page 19 – vision. Regarding the iconic location, is that reference to being on the Broads? Would that be something worthy of a mention in the vision? • Page 20 - Objective 7: ‘To both protect existing and develop appropriate new access to the river and broads for recreation.’ I believe fits it better in to Objective 6 which focuses on walking and cycling. The ‘Environment and Landscape’ chapter context/introduction does not mention new access routes or public enjoyment. It also does not cover the fact that public access can create disturbance which can be harmful for wildlife. It will be worth adding that any new access needs to consider the impact on wildlife and develop opportunities to enhance wildlife itself, interpretation of the natural environment and wildlife viewing. • Page 22, bottom – Appendix x – presume x is wrong? • Page 22/23 – if the JCS suggests 100 to 200 dwellings, would the impact on services and facilities be the same if it was provided through windfall or an urban extension? • Page 23 – what is organic growth of the village? You refer to the historic windfall rate. By organic growth, do you mean growth of around 5 dwellings a year? • Page 23 – there is mention of Wherry Gardens being completed but not adopted. What do you mean by not adopted? Do you mean the roads have not been adopted? • Page 23 – there is mention of Wroxham not being a tourist destination, but earlier on in the Plan there is mention of Wroxham being the capital of the Broads. Page 31 also talks of the importance of tourism to the economy. • HBE1 – you could replace small scale with the wording on the footnote? When you say homes for residents, do you mean market dwellings? • Page 23 – you could reference the Central Norfolk SHMA’s figures that show population projections for Broadland as a whole that show an older population in
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	<p>future?</p> <ul style="list-style-type: none"> • HBE2: uses the word ‘should’ rather than ‘must’. What is ‘significant’? Last bullet point; so would you expect the Local Planning Authority to remove all Permitted Development rights of new development so applications will be needed for extensions to give the community the opportunity to object? • HBE3: uses the word ‘should’ rather than ‘must’. Looking at Appendix C, this shows what the situation is now so according to HBE3, development needs to be like the rest of the development in that particular area, but deficiencies and issues are identified in Appendix C so is it the intention that new development should mirror those deficiencies or do better? Is there scope of Appendix C to give guiding principles to enable better development that is already there rather than describe what is there already? Perhaps Appendix C could have elements of the area to preserve and elements to enhance? What are the dos and do nots for those areas? Perhaps along the lines of ‘the community would like to see more of xxxx and less of xxxx’? Criterion E is a little short sighted given the current effects and continuing threat of pests and diseases and climate change. Would recommend amending to something like ‘<i>Have substantial and diverse tree planting throughout, appropriate to the locality.</i>’ Might even consider omitting the term ‘tree’ and try ‘<i>Have a substantial and diverse range of planting throughout, appropriate to the locality</i>’ • HBE4: the statement referred to in this policy; could that also be a way to demonstrate how a scheme meets HBE3? See above regarding Appendix C. Would it be prudent to refer to the Conservation Area Appraisal and the reasons why buildings are listed? • Page 28 – that map shows the current situation. You could add a map of the Growth Triangle area that shows the area that will be developed in future? That may justify this policy to a greater extent. • Page 30 – you can get up to date data here: https://www.nomisweb.co.uk/reports/lmp/la/1946157233/report.aspx?town=Wroxham • Page 32 – how do takeaways make somewhere less attractive? • BUS2 – there is reference throughout the Plan of not wanting holiday homes. In this policy, it says that holiday homes proposed by businesses will not be encouraged. It is not clear how that wording will influence the determination of applications for such uses. The same with ENV3. • Page 33 – not just the Norfolk Broads, but Norfolk and Suffolk Broads. Or just ‘Broads’.
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	<ul style="list-style-type: none"> • Page 35, last para and Policy COM1 Point on clarity of the text; reads as though the bridge from Hoveton is south of the village. • BUS3 – what is small scale? Ten or less like for housing? Perhaps explain that. Where it says ‘Do not displace a potential residential or other business use’ how will that be judged? Last bullet point – there is an and/or is that the intention? • COM1; In addition to aesthetics, consideration would be better given to species diversity, wildlife benefit and ease of maintenance. • COM2 – redevelopment into what? What if away from community uses? • COM3 – the second part of COM3 does not fit with the title; it seems to be about design. Welcome that biodiversity will be protected and enhanced. This could be more specific, for example referencing native planting and wildlife friendly management specifications that are put in place (e.g. mowing regimes). • Page 40 – section introduction and statistics – is there a commentary of these statistics to explain the trends? • TRA2 – how does this relate to the parking standards of Broadland Council or Norfolk County Council? • TRA3 - new rights of way and/or circular walks as a form of local recreation/ A to B could be included here to tie into policy COM3 and ENV1/ENV2 to create a network of public routes and spaces, thus enhancing local Green Infrastructure network. • Page 44 – there is reference to the impact on congestion of through traffic, but nothing about car trips originating from Wroxham. Is there scope, perhaps as a project, to look at how residents get around and perhaps promote alternatives to the single occupancy car use? • ENV2 – the policy refers to open space – should that be Local Green Space? If it is meant to say open space, then the title does not fit with this. • ENV3: Bio-diversity could be expanded to include the examples (integrated nesting boxes within buildings, native hedge planting for boundaries, flower-rich meadow areas), and therefore be more similar to ENV6: Climate change. • ENV4 – confused by ‘in addition to those identified in the Wroxham Conservation Area Character Statement’ – are you saying there are other important views? If so, you could add these to the maps as well? • Page 49 - Could ‘Raptors lurk overhead’ be amended to ready ‘Raptors soar
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	<p>overhead', which is more accurate.</p> <ul style="list-style-type: none"> • Page 50 please amend the following: 'The Broads Authority has management plans to deal with invasive non- native species. Care should be taken that development does not contribute to the spread of these plants and animals.' To this suggested version: 'The Norfolk Non-Native Species Initiative, which include the Broads Authority, provide advice to landowners. It is the responsibility of landowners to prevent invasive non-native plants on their land from spreading into the wild and causing a nuisance. Care should be taken that development and associated use activities do not contribute to the spread of these plants and animals.' • Page 54 – suggest it is made clear that there is a CIL in Broadland but not in the Broads Authority. • Page 58, section 3 bullet point one; use of the word lethal. Is this an appropriate term? Does the accident data in the area indicate this? Do you mean that the road means it is not attractive to cycle along? • Paragraph numbers help DM Officers reference parts of the Plan. • Bullet points in policies could be numbered again to help reference. <p><u>Sustainability Appraisal</u></p> <ul style="list-style-type: none"> • 2.2 – table. Suggest header row repeats so header on each page. ENV3 versus 5 and 6 – suggest green as by reducing traffic you will address air quality. SOC1 versus 4 – social exclusion could be addressed by the aim number 4. • 3.2 table. Suggest header row repeats so header on each page. TRA1 and TRA3 versus ENV6 could be green. COM2 and COM3 versus SCO1 could be green and for SOC5. • Section 4 table: Suggest header row repeats so header on each page. Also, the indicators, how will they be measured? How readily available is the data? Can it be collected annually? I am not sure how people travelling to work in a more environmentally friendly manner can be measured for example.
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**Duty to Cooperate: Norfolk and Suffolk Coastal Authorities Statement of
Common Ground**
Report by Planning Policy Officer

Summary:	The Statement sets out shared aims and an agreed approach to coastal management. It forms part of the continued, ongoing engagement that is required through the Duty to Cooperate.
Recommendation:	That Members endorse the Norfolk and Suffolk Coastal Authorities' Statement of Common Ground.

1. Introduction

- 1.1 The risk of coastal flooding and vulnerability to erosion along the coast does not respect local planning authority boundaries, and therefore coastal change needs to be considered across a wide geography. There are significant potential benefits to joint working across administrative and professional disciplines in addressing the issues of coastal planning. This report introduces the Statement of Common Ground for Norfolk and Suffolk Coastal Authorities.
- 1.2 There is a small stretch of coast that lies within the Broads Authority Executive Area from Horsey Gap to Winterton Ness.

2. About the Statement of Common Ground

- 2.1. The purpose of this statement is to set out an agreed approach to coastal planning in relation to:
 - Demonstrating compliance with the “Duty to Cooperate”;
 - Agreeing shared aims for the management of the coast;
 - Maintaining and developing a shared evidence base; and
 - Recognising the importance of cross-boundary issues in relation to coastal management.
- 2.2. This Statement of Common Ground applies to all Norfolk and Suffolk Coastal Authorities:
 - Borough Council of King’s Lynn & West Norfolk
 - North Norfolk District Council
 - Great Yarmouth Borough Council
 - Suffolk Coastal District Council
 - Waveney District Council
 - The Broads Authority

- 2.3. The Statement (at Appendix A) sets out shared aims and an agreed approach to coastal management. It forms part of the continued, ongoing engagement that is required through the Duty to Cooperate.
- 2.4. The contents of the Statement are more relevant to other coastal authorities than to the Broads Authority because they have buildings and properties at risk from erosion and flooding within the coastal part of their Districts, whereas the part of the coast in the Broads is open and the policy approach here is to protect the open character with few if any buildings. It is nevertheless prudent to be part of this Statement of Common Ground to show that all coastal Authorities work together and sign up to a common approach.

3. Financial implications

- 3.1. There are no financial implications.

4. Recommendation

- 4.1. That Members endorse the Norfolk and Suffolk Coastal Authorities' Statement of Common Ground.

Background papers: None

Author: Natalie Beal

Date of report: 30 July 2018

Appendices: Appendix A: Norfolk and Suffolk Coastal Authorities' Statement of Common Ground.

Norfolk and Suffolk Coastal Authorities

Statement of Common Ground

Coastal Zone Planning

This statement of common ground is between:

- Borough Council of King's Lynn & West Norfolk
- North Norfolk District Council
- Great Yarmouth Borough Council
- Suffolk Coastal District Council
- Waveney District Council
- The Broads Authority

The purpose of this statement is to set out an agreed approach to coastal planning in relation to:

- Demonstrating compliance with the "Duty to Cooperate";
- Agreeing shared aims for the management of the coast;
- Maintaining and develop a shared evidence base; and
- Recognising the importance of cross-boundary issues in relation to coastal management.

Background

The risk of coastal flooding and vulnerability to erosion along the coast does not respect local planning authority boundaries, and therefore coastal change needs to be considered across a wide geography. There are significant potential benefits to joint working across administrative and professional disciplines in addressing the issues of coastal planning.

A strategic approach to coastal land use and marine planning can benefit from the sharing of both issues and solutions, and inform planning practice. This is particularly the case in light of the similarity and commonality of coastal issues across the signatory planning authorities, the planning duty to cooperate, and the opportunity to build on the benefits of the existing joint Coastal Authority approach such as Coastal Partnership East.

The National Planning Policy Framework (NPPF) states that in coastal areas, local planning authorities should apply Integrated Coastal Zone Management (ICZM) across Local Authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

ICZM is a process which requires the adoption of a joined-up and participative approach towards the planning and management of the many different elements in coastal areas (land and marine). The recognised key principles which should guide all partners in implementing an integrated approach to the management of coastal areas are:

- A long term view
- A broad holistic approach
- Adaptive management
- Working with natural processes
- Supporting and involving all relevant administrative bodies
- Using a combination of instruments
- Participatory planning



- Reflecting local characteristics

Within the development planning system, local planning authorities should reduce risk from coastal change by; avoiding inappropriate development in vulnerable areas or adding to the impact of physical changes to the coast, as set out in the NPPF. Any area likely to be affected by physical changes to the coast should be identified as a Coastal Change Management Area.

The Flood and Coastal Change Planning Practice Guidance also identifies that land can be formally allocated through local plans for the relocation of both development and habitat affected by coastal change.

Note: Physical change to the coast can be (but is not limited to) erosion, coastal land slip, permanent inundation or coastal accretion.

Shared Aims

- **A holistic and “whole coast” approach** will be taken, recognising **coastal change** is an inevitable part of a dynamic coast. A naturally functioning coastline is desirable in principle, but may not be appropriate in every location.
- The signatory Authorities will consider the value of **aligning policy approaches**.
- To have regard to the well-being of **communities** affected by coastal change and minimise blight.
- To **protect** the coastal environment, including nature conservation designations and biodiversity.
- To work with local businesses and the wider economy to maximise productive use of properties and facilities for as long as they can be safely and practicably utilised to promote **investment, viability and vitality** of the area.
- Adopt a balanced **risk-based approach** towards new development in Coastal Change Management Areas, in order to not increase risk, while at the same time to facilitate affected communities’ adaption to coastal change.
- To promote **innovative approaches** such as techniques that enable anticipatory coastal adaptation, removal of affected structures and property roll-back or relocation.

Agreed Approach

The signatory authorities agree to work together on coastal planning issues to:

- Implement the principles of Integrated Coastal Zone Management;
- Develop shared **understanding** of coastal processes and the development planning implications of these;
- Share experience, **best practice** (including planning policies) and ideas for innovation;
- Use the adopted **Shoreline Management Plans** as a basis for development planning, recognising that defined areas may change in future and giving appropriate regard to emerging replacement Shoreline Management Plans, updated predictions of the impact of climate change or other relevant evidence;
- Acknowledge the importance of **coastal communities and their economies**, and foster their resilience, innovation and vitality;
- Recognise the need to **relocate or protect infrastructure** likely to be adversely affected by coastal change;



- g) Note the need for strategic policies on coastal change, in order to guide **neighbourhood planning**.
- h) Encourage development which is consistent with anticipated coastal change, and facilitates **adaptation** by affected communities and industries.
- i) Consider adopting policies to facilitate **rollback and/or relocation**, potentially including local plan site allocations or facilitating 'enabling' development;
- j) Consider adopting policies which require the use of **risk assessments** to demonstrate that a development on the coast will be safe for its planned lifetime, without increasing risk to life or property, or requiring new or improved coastal defences; and
- k) Consider adopting policies that seek to ensure that new or replacement **coast protection schemes** are consistent with the relevant Shoreline Management Plan and minimise adverse impact on the environment or elsewhere on the coast.

This Statement of Common Ground has been endorsed by the following:

Cllr. Ian Devereux
 Cabinet member for Environment
 Borough Council of Kings Lynn and West Norfolk

Cllr. Richard Blunt
 Cabinet member for Development
 Borough Council of Kings Lynn and West Norfolk

Cllr. Hilary Cox
 Cabinet member for Coastal Management
 North Norfolk District Council

Cllr. Susan Arnold
 Cabinet member for Planning
 North Norfolk District Council

Cllr. Carl Smith
 Chairman, Environment Committee
 Great Yarmouth Borough Council

Ronald Hanton
 Chairman, Development Control Committee
 Great Yarmouth Borough Council



Cllr. Andy Smith
Cabinet member for Coastal Management
Suffolk Coastal District Council

Cllr. Tony Fryatt
Cabinet member for Planning
Suffolk Coastal District Council

Cllr. David Ritchie
Cabinet member for Planning and Coastal Management
Waveney District Council

Mr Haydn Thirtle
Chairman, Broads Authority
Broads Authority

To be advised
Chairman, Planning Committee
Broads Authority



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

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

Recommendation: That the report be noted.

1 Introduction

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

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: August 2018

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

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State since May 2017

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
Awaited	APP/E9505/W/18/3204127 Hedera House, Thurne, NR29 3AP Mr Richard Delf	Appeal against grant of planning permission with conditions	Committee Decision 18 August 2017

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

Broads Authority
Planning Committee
17 August 2018
Agenda Item No.17

Summary: This report sets out the delegated decisions made by officers on planning applications from 05 July 2018 to 01 August 2018
Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Aldeby Parish Council				
BA/2018/0215/NONMAT	East End Farm East End Lane Aldeby Norfolk NR34 0BF	Mr Benjamin John Watts	Additional exterior oak staircase and 4 skylight windows. Non-material amendment to BA/2015/0191/HOUSEH	Approve
Ashby, Herringfleet And Somerleyton PC				
BA/2018/0236/APPCON	Old School House St Olaves Road Herringfleet NR32 5QT	Trustees of the 1971 Somerleyton Settlement	Details of Condition 7: Refuse and recycling bin collection area of permission of BA/2017/0484/FUL.	Approve
Beccles Town Council -				
BA/2018/0186/HOUSEH	49 Northgate Beccles NR34 9AU	Mr & Mrs David White	Alterations and ground floor/first floor extensions, new covered parking in driveway.	Approve Subject to Conditions
Belaugh Parish Meeting				
BA/2018/0201/HOUSEH	Staithe House 1 The Street Belaugh Norwich NR12 8XA	Mr Jeff Smith	Erect pitched roof onto existing garage.	Approve Subject to Conditions
Brundall Parish Council				
BA/2018/0257/NONMAT	Cane Rise 48 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mr Roger Hubbard	Use galvanised steel for quay heading instead of plastic, non-material amendment to previous permission BA/2018/0015/HOUSEH	Approve

Application	Site	Applicant	Proposal	Decision
Coltishall Parish Council -				
BA/2018/0102/HOUSEH	Landfall 8 Anchor Street Coltishall Norfolk NR12 7AQ	Mr P Cobb	Renewal of planning permission BA/2014/0336/HOUSEH for removal of existing conservatory and provision of first floor extension / side extension.	Approve Subject to Conditions
Dilham Parish Council				
BA/2018/0214/NONMAT	Land North Of Tonnage Bridge Cottage Oak Road Dilham Norfolk NR28 9PW	Bindwell Ltd	Reposition glamping pods a further 12m back from waterway. Non-material amendment to BA/2017/0392/FUL.	Approve
Filby Parish Council				
BA/2018/0241/APPCON	Shoot Cottage Whiteham Lane Filby Gt Yarmouth NR29 3FG	Mrs M R Bleasdale	Details of: Condition 3: Materials. Condition 5: Biodiversity Enhancements of permission BA/2017/0257/FUL	Approve
Gillingham Parish Council				
BA/2018/0084/FUL	Land To Rear 25 Kings Dam Gillingham NR34 0LG	Mr David Reynolds	Storage container, store room and classroom with W/C.	Approve Subject to Conditions
Horning Parish Council -				
BA/2018/0191/HOUSEH	Romany 34 Ropes Hill Dyke Horning Norfolk NR12 8JS	Mr Gordon Vincent	Replace existing quay heading, small increase in size of slipway to create wet dock.	Approve Subject to Conditions
BA/2018/0200/HOUSEH	Sedgeway 21 - 22 Bureside Estate Crabbetts Marsh Horning Norfolk NR12 8JP	Mrs Mary Dendy	Replacement quay heading	Approve Subject to Conditions
BA/2018/0206/APPCON	12 Bureside Estate Crabbetts Marsh Horning Norfolk NR12 8JP	Mr Martin Dibben	Details of: Conditions 3: Biodiversity Enhancement and Condition 6: External Lighting of permission BA/2017/0340/HOUSEH.	Approve

Application	Site	Applicant	Proposal	Decision
Hoveton Parish Council -				
BA/2018/0174/FUL	Kings Head Hotel Station Road Hoveton NR12 8UR	Britannia Parking Limited	Installation of 2 parking meters	Approve Subject to Conditions
Ludham Parish Council -				
BA/2018/0144/FUL	The Workshop Yarmouth Road Ludham NR29 5QF	Mr Simon Brown	Change of use to extend the private residential curtilage and erection of timber cart lodge.	Approve Subject to Conditions
Strumpshaw Parish Council				
BA/2018/0239/NONMAT	Pumping Station Low Road Strumpshaw Norwich Norfolk	Ms Sarah Burston	Change in method of stabilisation and repair works to chimney, non-material amendment to permission BA/2017/0496/FUL.	Approve
Thorpe St Andrew Town Council				
BA/2018/0167/COND	River Green Yarmouth Road Thorpe St Andrew Norwich Norfolk	Dr Thomas Foreman	Removal of Condition 6 of planning permission BA/2009/0242/FUL, which removed Permitted Development Rights.	Approve Subject to Conditions
Worlingham Parish Council				
BA/2017/0501/FUL	Land Off Marsh Lane Worlingham Suffolk NR34 7PF	EE Ltd	25m lattice tower, 2x antennas, 2x 0.6m DIA Dishes, 3x equipment cabinets and ancillary development thereto.	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 30 June 2018.

1. Development Control Statistics

1.1. The development control statistics for the quarter ending 30th June 2018 are summarised in the table below.

Table 1:

Total number of applications determined	68						
Number of delegated decisions	56 [82.4%]						
Type of decision	Numbers granted				Numbers refused		
	65 (95.6%)				3 (4.4%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16- 26 wks	26-52 wks	Over 52 wks	Agreed Extension
	54 (79.4%)	0 (0%)	0 (0%)	0 (0%)	3 (4.4%)	0 (0%)	10 (14.7%)
Number of Enforcement Notices	2						
Consultations received from Neighbouring Authorities	20						

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	1 applications received 1 determined in 13 weeks (or within agreed extension of time) (100%)	14 applications received. 14 determined in 8 weeks (or within agreed extension of time) (100%)	44 applications received. 41 determined in 8 weeks (or within agreed extension of time) (93.2%)

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

Author: Thomas Carter
 Date of Report: 09 August 2018
 Appendices: Appendix 1 – PS1 returns
 Appendix 2 – PS2 returns

PS1 returns:

1.1	On hand at beginning of quarter	53
1.2	Received during quarter	46
1.4	Withdrawn, called in or turned away during quarter	1
1.4	On hand at end of quarter	30
2.	Number of planning applications determined during quarter	68
3.	Number of delegated decisions	56
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	2
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	0
7.6	Number of enforcement injunctions granted by High Court or County Court	0
7.7	Number of injunctive applications raised by High Court or County Court	0

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	0	0	0	0	0	0	0	0	0	0
Offices/ Light Industry	0	0	0	0	0	0	0	0	0	0
Heavy Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	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	9	8	1	6	0	0	0	1	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	13	1	13	0	0	0	0	0	1
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of Use	8	7	1	5	0	0	0	1	0	1
Householder Developments	25	25	0	21	0	0	0	0	0	4
Advertisements	7	7	0	7	0	0	0	0	0	0
Listed Building Consent to Alter/Extend	4	4	0	2	0	0	0	1	0	1
Listed Building Consent to Demolish	0	0	0	0	0	0	0	0	0	0
**Certificates of Lawful Development	0	0	0	0	0	0	0	0	0	0
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	68	65	3	54	0	0	0	3	0	10
Percentage (%)		95.6%	4.4%	79.4%	0%	0%	0%	4.4%	0%	14.7%

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.