

Planning Committee

AGENDA

Friday 2 March 2018

10.00am

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|---|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. To receive and confirm the minutes of the previous meeting held on 2 February 2018 (herewith) | 3 – 23 |
| 4. Points of information arising from the minutes | |
| 5. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

6. **Chairman's Announcements and Introduction to Public Speaking**
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
- | | |
|--|---------|
| 1) BA/2017/0487/COND Hedera House, The Street, Thurne | 24 – 50 |
| 2) BA/2017/0389FUL and BA/2017/0390/LBC Common Farm, Silver Street, Fleggburgh | 53 – 66 |
| 3) BA/2017/0369/FUL St Olaves Marina, Beccles Road, | 68 – 81 |

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4) BA/2018/0050/NONMAT Non-Material Amendment to BA/2017/0190/FUL Ferry Marina, Ferry Road, Horning	82 – 87
9. Enforcement Update Report by Head of Planning (herewith)	88 – 90
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Appendix C Schedule of Proposed Changes	
Appendix D Submission Examination Library	
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14. Appeals to the Secretary of State Update None to report	
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16. Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications Report by Head of Planning (herewith)	121 – 124
17. To note the date of the next meeting – Friday 23 March 2018 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich NR1 1RY	

Broads Authority
Planning Committee

Minutes of the meeting held on 2 February 2018

Present:

Sir Peter Dixon - in the Chair

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

Mr P Rice (Minutes 7/1 - 7/8(7))
Mr H Thirtle
Mr V Thomson

In Attendance:

Ms N Beal – Planning Policy Officer (Minutes 7/10)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for Solicitor
Mr N Catherall – Planning Officer (Minute 7/8(1) and (2))
Ms A Cornish – Planning Officer (Minute 7/8 (4))
Ms M Hammond – Planning Officer (Minutes 7/ 8(5) and (6))
Mr B Hogg – Historic Environment Manager (Minute 7/8(8))
Mrs K Judson – Planning Officer (Minute 7/8(8))
Mr G Papworth – Planning Assistant (Minutes 8/(3) and (7))
Ms M-P Tighe – Director of Strategic Services
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2017/0405/FUL Study Centre, Burnt Hill Lane, Carlton Colville

Mr Steve Aylward (0405FUL) Applicant – Property Services Manager,
Suffolk Wildlife Trust

BA/2017/0392/FUL Land North of Tonnage Bridge Cottage, Oak Road, Dilham

Mr Walker Objector, resident of Oak Farm
Mr Luke Paterson Applicant

BA/2017/0474/FUL 21A Church Close, Chedgrave

Mr Fergus Bootman Agent on behalf of applicant

BA/2017/0454/COND Hoveton Marshes, Horning Road, Hoveton

Mr Jonathon Wood Applicant - Natural England

7/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies had been received from Mr J Timewell and Mrs M Vigo di Gallidoro

7/2 Declarations of Interest

Members indicated they had no further declarations of interest to make other than those already registered and as set out in Appendix 1 to these minutes. A general declaration of interest was made on behalf of all the Committee in relation to Minute 7/8(8) BA/2017/0475/FUL as this was a Broads Authority application.

7/3 Minutes: 5 January 2018

The minutes of the meeting held on 5 January 2018 were agreed as a correct record subject to an amendment at Minute 6/9 after para 2 of the minute to include the following wording relating to:

Enforcement of planning control – non-compliance with planning conditions: Barnes Brinkcraft, Hoveton .

“A member queried the decision as to how and why the outer edge of the moored (Chris Prior’s) barge should be regarded as, de facto, the edge of the river bank and did this decision establish a dangerous precedent”

Subject to this amendment, the minutes were signed by the Chairman.

7/4 Points of Information Arising from the Minutes

No further points of information were reported. The Chairman stated that an answer to the member’s query above should be provided.

7/5 To note whether any items have been proposed as matters of urgent business

No items of urgent business had been proposed.

7/6 Chairman’s Announcements and Introduction to Public Speaking

(1) The Openness of Local Government Bodies Regulations

The Press reporter indicated that he would be recording the meeting.

The Chairman gave notice that the Authority would be recording the meeting. The copyright remained with the Authority and the recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The minutes would remain as the matter of record. If a member of the public wished to have access to the recording they should contact the Monitoring Officer

(2) Planning Officer – Maria Hammond

The Chairman announced that this would be Maria Hammond's last Planning committee meeting for the Authority as she would be leaving to go to work for Norwich City Council. Maria had been with the Authority for nearly 10 years having started as a trainee. She would be greatly missed. The Committee was very grateful for all she had done for the Authority and wished her all the very best for the future.

(3) Public Speaking

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

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

The Chairman commented that he did not intend to vary the order of the agenda or defer consideration of the applications.

7/8 Applications for Planning Permission

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

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

The Minutes here set out the following two applications in the order in which they were dealt with at the Meeting. This was in the reverse order as to how they appeared on the agenda.

- (2) **BA/2017/0404/FUL Carlton Marshes Nature Reserve, Carlton Colville**, Habitat creation within two blocks of arable marsh. To include earthworks, low-level bunds and water level management structures, including a windpump. Floodbank strengthening, improvements to access routes used by visitors and the construction of six hides and viewing platforms. New boardwalk and widen an existing path.. Applicant: Suffolk Wildlife Trust

The Planning Officer provided a detailed presentation and assessment of the proposals for Habitat creation on the Petos Marsh and Share Marsh to be part of the Suffolk Wildlife Trust Nature Reserve at Carlton Marshes. It was noted that part of the site was within an SSSI in addition to the Broads Special Area of Conservation and the Ramsar site. Members of the Committee had had the opportunity of a site visit on 19 January 2018, a note of which was attached to the report for

application BA/2017/0405/FUL. They had also visited the site in July 2017 as part of the Authority's Members' Annual Site Visit. In addition the Planning Officer provided details of the locations and design of the 6 viewpoint structures comprising the tower hide, main hide and two open aspect hides plus two viewing platforms included in the application, as well as the windpump. He explained that the long ramped access to one of the hides only had a maximum height of 1 metre so it was a long low gradient and was definitely suitable for wheelchair access. He explained that the scales of the hides would not have a significant impact on the landscape and would be appropriate.

In conclusion the Planning Officer stated that the proposals would represent a significant advance for the nature reserve and contribute to the Suffolk Wildlife Trust's objectives in realising its long term plans and aspirations for the site, it would also provide a much larger and more diverse and resilient nature reserve, increasing the biodiversity since it would provide improved habitat for a large population of priority wetland species including the bittern. The proposal would enhance the landscape, would improve access and visitor experience and the related infrastructure was appropriate and suitable for the site. There would also be no adverse impacts on the SSSI or flood risk. It would also fit in with the Authority's first and second purposes for the special area of a National Park. It was recognised that there would be some disturbance whilst work was ongoing but suitable measures were to be put in place which had been accepted by the Broads Authority's ecologist. It was also recognised that there would be increased recreational pressures, but there was a suite of mitigation measures, including the design of the access, within the scheme that would offset these. The Planning Officer therefore recommended approval subject to conditions.

Members welcomed the proposals, in particular the hydrological measures and flood strengthening and crest raising which strengthened the functioning of Compartment 28 for flood risk as it actually completed the BESL works which had not been possible under the previous ownership of the land. The creation would enhance the biodiversity and enhance the landscape. The circular walks and viewing structures would be beneficial to encouraging visitors to explore and learn about the wildlife and in all the proposals would be a major boost to the Southern Broads and a tremendous asset to the tourism of Oulton Broad, both locally and regionally.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined within the report and relevant Informatives.

The proposal is considered to be in accordance with Policies CS1, CS4, CS 11, CS16, and CS20 of the Core Strategy (2007), Policies

DP1, DP2, DP4, DP11, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012), and it is not considered the proposal would result in any significant environmental effects.

- (1) **BA/2017/0405/FUL** **The Study Centre, Carlton Marshes Nature Reserve, Burnt Hill Lane, Carlton Colville** Erection of a new 'gateway' visitor centre building with viewing deck and outdoor play area for the Suffolk Wildlife Trust Oulton and Carlton Marsh Reserves, including a shop and café, and short term accommodation for the interns working with the Trust. An associated new parking area with a new access from Burnt Hill Lane. Change of use of the existing education centre to a single dwelling and conversion of the existing car park area to part domestic garden and car parking associated with the new dwelling, with the remainder reverting to agricultural land.
Applicant: Mr S Aylward Suffolk Wildlife Trust

The Planning Officer provided a detailed presentation and assessment of the proposals for the new study centre and associated elements. As with the previous application, Members had also had the opportunity of a site visit on Friday 19 January 2018, a note of which was attached at Appendix 2 to the report. He addressed the main issues for consideration of the application namely the principle of the development; impact on navigation; highways impact; impact on residential amenity; design and materials; landscape and trees; ecology; and flood risk and took account of the comments and objections received.

The Planning Officer explained that the present visitor centre would be inadequate to cater for the expanded reserve. The proposed centre would provide a gateway facility to the nature reserve, would improve the facilities and provide the kind of visitor experience and educational assets required of a site of such interest and size. The loss of agricultural land to provide the site for the centre as well as the play area was considered to be acceptable in terms of the NPPF. The proposal would not have an unacceptable adverse impact on the landscape, the centre being set into the lower part of the sloping field, lower than the residential development of Carlton Colville to the south and adjacent to the converted barns forming residential properties to the east as well as being of a suitable design.

It was explained that there had been some concerns over the access from Burnt Hill Lane and the car park. Since the writing of the report, further correspondence had been received from the occupier of one the converted residential barns which was read out, expressing concerns about visual, noise and air pollution impacts of the proposals, particularly on the amenity of the property. Although concerned about the height of the bund obscuring views, concern was also expressed that the earth mound would not prevent noise and pollution and that a higher mound would be required. The resident therefore hoped that the

application would be approved but that the car park be located further south, up the field. The Planning Officer explained that the location of the car park and the issues raised had been given careful consideration. The separation of the car park 35 metres from the residential properties (as opposed to the existing 17 metres from the current car park), being dug down into the site and the creation of a bund and additional planting was considered to mitigate any impact and considered, on balance to be acceptable. The overflow car park would be an area of grass located en route to the main car park, would only be used in very peak times, was well drained and would not be marked out.

The Highways Authority was satisfied that the pattern of use of the site would not comprise highway safety. A further update had been received from Suffolk County Council Highways who had requested an additional condition to provide adequate visibility spays at the entrance of the site and were satisfied that the turning areas would be suitable.

With regard to the discovery play landscape area, Members were assured by the applicant that despite the angular graphical representation, the play area would only have low earth bunds that would follow the contours of the land, would not be very high and would be planted as a long grass mosaic. The resulting effect would be much softer than the plans depicted and the design would mirror the form of the visitor centre to achieve visual integration.

The Planning Officer commented that the conversion of the existing education centre to residential was considered acceptable as “enabling development” since from a viability point of view it would constitute the match funding required as part of the Heritage Lottery Fund bid. There would be no additions to the buildings and the existing car park for the reserve would become a garden in part and the remainder for agricultural use. It would be a departure from policy, being outside the development boundary and would be advertised as such.

Members were assured that that there would be no adverse impact on the Land Spring Drain that was to be widened. The application was accompanied by a Hydrological Report and Assessment and Ecology report providing a comprehensive suite of mitigation measures that were considered to adequately address any potential negative impacts on the integrity of the designated site.

With regard to the timing of the demolition of the silos and derelict barn, this would be controlled by condition where the full details would be required and need to be carried out before any opening of the full development.

Having addressed the main issues in relation to the application, the Planning Officer concluded that overall the proposals would represent a significant advance for the nature reserve and would contribute to the

Suffolk Wildlife Trust's ambitions in achieving its long term plans and aspirations for the site.

Members very much welcomed the proposals considering that they would be good for the Southern Broads and would be of tremendous benefit to the Broads National Park. The scheme would provide facilities that would encourage a diverse range of people to the site, expand the environmental educational role of the centre and encourage more families to visit in the longer term. It would, in effect provide a mirror of the How Hill educational centre in the north of the Broads area. It was noted that the plans did concentrate on visitors to the site coming by car and Members considered that other forms of access by public transport should be encouraged and be advertised, such as a bus route perhaps with a stop at the top of Burnt Hill lane.

Members welcomed the application and gave it strong support. The applicant indicated that it was anticipated that the new centre would be opened by Easter 2020.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report.

The proposal is considered to be in accordance with Policies CS1, CS4, CS9, CS10, CS11, CS16, CS19, and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP11, DP14, DP28, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2017/0392/FUL Land North of Tonnage Bridge Cottage, Oak Road, Dilham** 10 glamping pods and carpark
Applicant: Mr L Paterson

The Planning Assistant provided a detailed presentation and assessment of the application for 10 Glamping Pods on a 400metre strip of land adjacent to the North Walsham and Dilham canal as a scheme of farm diversification. Members of the Planning Committee had had the benefit of a site inspection on Friday 19 January 2018, a note of which was attached as Appendix 2 to the report. He addressed the key issues relating to the application concerning the design and materials of the proposal, its impact on the surrounding landscape, highway network, ecology and amenity of the neighbouring occupiers, in particular taking account of the criteria in Policy DP14 - General Location of sustainable Tourism and Recreational Development.

Since the report had been written, correspondence had been received from the local District Councillor for the area, Lee Walker, in support of

the application, commenting that the impact on the nearby residential properties would be relatively low, there would be adequate noise management, and that it represented a suitable form of farm diversification. It was noted that this replaced the objection previously raised.

The Planning Assistant confirmed that the management of the site, particularly with regard to noise, would be enforced by the applicant. The condition requested by the Highways Authority for two additional passing bays could also require that these be installed before the development took place. The Planning Assistant concluded that the NPPF and the planning policies placed a great emphasis on the protection of specially designated landscapes such as the Broads, but they were also supportive of encouraging a prosperous rural economy. In conclusion, it was considered that although there would be landscaping impacts, these would not be considered adverse and would not justify a refusal, given the design and layout of the site and other factors. It was also considered that there would not be significant impacts on the ecology, highway or neighbouring amenity and therefore the application was recommended for approval subject to conditions.

Mr Walker of Oak Farm Dilham explained that he was the resident of the property that might be most impacted on by the application. His greatest concern was that of traffic passing his property at the head of the track and that of the other residents passing down to the site. At present only local residents and the normal agricultural vehicles used the track and the proposal would result in a considerable increase in the volume of traffic. He was concerned that this proposal could set a precedent, become part of a much larger scheme opening up the area and leading to even more traffic and more people. These concerns were of more importance than those relating to the impacts on the landscape or noise issues. He queried whether this was the best location within the area, whether there was an alternative route to the site or whether anything could be done to minimise or divert the traffic to be using it, noting that his house was within 10 metres of the road.

Mr Paterson, the applicant explained he was the fourth generation landowner and was looking to diversify his farming practice and unlock his capital by making the land available to the wider public and tourists. He commented that the application was supported by the Planning Officer, the Highways Officer and the Local District Councillor. It was hoped that it would generate 4.8 jobs and significant income to the local economy by visiting tourists and provide the farm with substitute income for the outgoing basic payment scheme. He thanked Members for visiting the site and assessing the landscape. He always intended to clad the pods with cedar as the area's landscape was of concern to his family and always greatly appreciated. The site had been chosen with the benefit of pre-application advice from the planning officers. In response to a question he confirmed that he owned the water as part of

the Dilham canal and was involved with the campsite at Dilham with experience in the hiring of canoes. He explained that canoes from this site could be launched from next to Tonnage Bridge and those using canoes would have to be briefed by staff who would be on hand to help. The canoes and the bicycles available for hire would be stored at the main farm and only brought down to the site when booked. With regard to the concerns relating to safety, Mr Paterson explained that there was a hedge between the canal and the site and this would act as a physical barrier. He reiterated that those hiring the canoes would have to have a safety briefing and it would be compulsory to wear life vests. This was necessary for insurance purposes as well as to keep people safe. He explained that it would be possible to install life safety rings.

In response to a further question regarding traffic, he confirmed that at full occupancy the car park would have a maximum of 15 spaces at full take up, but it was hoped that people would stay on the premises, using bikes and canoes thus minimising traffic movements. With reference to maintenance traffic, it was anticipated that there would be no more than ordinary farm traffic for cutting the grass and servicing the pods, which were specifically designed to be as low maintenance as possible.

The Chairman read out the comments from Mr Timewell in support of the application, who although unable to be present for this meeting, had attended the site inspection.

Members were supportive of the application especially in terms of rural diversification. They were pleased to be informed that the applicant had worked well with the planning staff and the application, including its location had been developed with their advice particularly with regard to the landscape and distances between the pods. They also considered that the design and materials for the pods were acceptable. They were not insensitive to the concerns of the residents about the extra traffic movements but considered that these were not sufficient to justify refusal, particularly given the support of the Highways Officer. They were concerned about the safety measures with regard to the use of canoes and the proximity to the water, that these were paramount and therefore considered that an additional condition to any approval would be required to cover these. They also considered that a condition relating to the storage of bikes and canoes be included bearing in mind the impact on the landscape and the need to reduce any form of clutter being introduced on site.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report with two additional conditions to cover safety –lifesaving

equipment, and the storage of bicycles and canoes off site. In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with the National Planning Policy Framework and Policies DP1, DP2, DP4, DP11, DP14, DP15 and DP28, as the development is considered an appropriate form of farm diversification protecting rural employment, with no significant adverse impact on the landscape, neighbouring amenity, highway network or ecology subject to the recommended conditions.

- (4) **BA/2017/0747/FUL 21A Church Close, Chedgrave**
Construction of Two New Dwellings and Associated Hard and Soft Landscaping
Applicant: Brian Sabberton Limited

The Planning Officer provided a presentation on the application to construct two new dwellings of one and a half storeys in an area of 0.25 ha currently forming part of the garden of 21A Church Close in Chedgrave comprising mown grass and trees protected by Tree Preservation Orders and a pond. It was emphasised that the site was outside the development boundary and adjacent to the Loddon and Chedgrave Conservation Area. Planning permission was being sought on the basis that one of the dwellings would be a “self-build” property and the other would be developed as a “custom build”.

The Planning Officer referred to the representations received, the majority of which objected on the basis of the site being outside the development boundary, adverse impact on residential amenity, only one dwelling would be self-build and there was no need in terms of identified housing need. Since the writing of the report three further representations had been received adding to those comments already received as well as clarification from the agent as to why both properties should be self-build and custom build.

In assessing the application the Planning Officer took account of the main issues relating to the principle of the development, the design and materials, the highways impact, impact on landscape and trees, ecological impact and impact on residential amenity. The most significant issue was that of the principle of the development. Being outside the development boundary the application was contrary to Policy DP22 of the Development Management Policies and Policy CS24 of the Core Strategy. The Planning Officer emphasised that based on the figures in the Objectively Assessed Need (OAN) for the Central Norfolk Housing Market Area, there was no need for additional open market housing development within the current Local Plan period 2015 – 2036. The allocation need had already been exceeded by 12.9%.

The site was not allocated as a residential site within the new Local Plan or included in an amended development boundary. The Planning

Officer provided details on the definition of self-build and custom-build as defined in the Housing and Planning Act 2016 and considered that only one of the proposed dwellings fitted the appropriate criteria. It was considered that on the basis of the figures available in relation to the requirement for and delivery of such units within the Broads Authority's Executive Area there was no urgent need to warrant granting permission contrary to Local Plan policy requirements.

The Planning Officer concluded that although the site was considered to be in a sustainable location and other aspects of the proposals were in accordance with policy, in this instance there were no material considerations justifying granting permission contrary to Development Plan Policies. Therefore refusal was recommended.

Members gave very careful consideration to the arguments for self-build, asking for a number of clarifications. It was noted that the self-build legislation recognised circumstances where land supply was limited, as in the case of the special characteristics of the Broads area and enabled an LPA to apply for an exemption, which the Authority had done, with the decision awaited. It was appropriate for people to register for self-build but this did not mean that this could become an application which should automatically be approved. It did not trump any other considerations. Self-Build was an emerging policy and it was considered that the Authority would satisfactorily comply with the requirements and responsibilities under the Self-Build and Custom Housebuilding Act within the required period.

Mr Bootman on behalf of the applicant commented that the application for two self-build dwellings was unusual and possibly unique in the Broads area as it lay within the heart of the large settlement of Chedgrave, in Flood Zone 1 and in a location where the development could take place without harm to other properties. It was probably for this reason that it was included in the development boundary when the current owner purchased the property in 1979. Considering the self-build nature of the proposals, in order to boost the provision of self-build homes, all Local Planning Authorities were required to monitor this and ultimately to grant sufficient consents to satisfy demand in their area. The Broads Authority was not exempt from the legislative position. If the Authority was on track to fulfil its obligations, and some progress had been made, this still left 36 to be granted within 18 months. He referred to para 50 of the NPPF and para 159 of the planning policy guidance and the requirements of LPAs. He addressed the recommendations of the officers, noting that Policy DP22 lacked consistency with the NPPF, and that the Development Management policies were adopted prior to the Self Build and Custom Build Housing Act. He referred to Para 14 of the NPPF where there was presumption in favour of sustainable development and the criteria for plan making and decision making. He also referred to a number of appeals relating to refusals for self-build outside the development boundary that had been allowed within South Norfolk and the reasons for doing so, details

of which had been submitted with this application. He commented that the application could not be refused on principle alone. He urged members to recognise the unique circumstances in this highly developed area, to avoid the risk of appeal and to grant planning permission.

Members were mindful that there had been a number of recent appeal decisions within the Broads area where the question of harm had been given considerable weight in the Inspector's decision and appeals allowed on the basis of absence of "harm". They recognised that it was necessary to balance the various arguments. Members considered that the proposed development and the emerging policies posed complex issues for consideration. They were mindful of the comments and objections received and accepted that this was an unusual case requiring fine judgement. They gave careful consideration to the development boundary and the context of the site, and the exact locations of the new build, noting that they would be contiguous but on the wrong side of the development boundary. They also noted the additional justification as to why they considered that the second house was custom build.

The Chairman stated that the arguments were very finely balanced. The application was clearly outside the development boundary and therefore the issue was whether granting permission for building outside the development boundary would create sufficient harm as to warrant refusing the application taking account of the arguments put forward.

The Chairman put the officer's recommendation of refusal to the vote. Only one member voted in favour of the Officer's recommendation in the report.

The Chairman put the alternative to grant planning permission, given the unusual set of circumstances in this instance

It was RESOLVED by 4 votes to 1 with 3 abstentions:

- (i) that planning permission be approved subject to appropriate conditions to include:
 - Standard time limit for commencement
 - In accordance with submitted plans and supporting documents
 - Materials and Design
 - In accordance with arboriculture report
 - Landscaping to include retention of the hedge, scheme for landscaping to be undertaken in the next planting season and replacement of any plants
 - Ecology
 - Highways

Members requested that officers impose other conditions as required and appropriate for a development of this type in accordance with usual practice.

- (ii) that the application would need to be advertised as a departure from policy in accordance with the required procedures.

Reason for Decision being contrary to the Officer's recommendation:

Although the site is outside the development boundary and therefore would be contrary to Policy DP 22 and CS 24, Members did not consider that there would be such a level of harm to justify refusal in view of the fact that the proposal satisfies other development plan policies, is considered to be in a sustainable location and the material considerations outweigh the departure from development plan policy.

In the opinion of the Local Planning Authority the proposed development although outside the development boundary, is considered to be in accordance with Development Management Policies DP4 – Design, DP11 – Access, DP2 – Landscape and Trees and para 115 of the NPPF, Policy DP1 – Ecological impact, Policy DP28 – Residential amenity.

- (5) **BA/2017/0454/COND Hoveton Marshes, Horning Road, Hoveton**
Variation of condition 2: approved plans, and removal of conditions 7: ramp sections, and 9: archaeology of permission BA/2014/0407/FUL
Applicant: Natural England

The Planning Officer provided a presentation on the proposal to vary and remove three conditions relating to application BA/2014/0407/FUL concerning the approved plans, ramp sections and archaeology on the Hoveton Marshes. The application related to three areas and proposed amending an approved canoe trail to a boat trail, using traditional dredging techniques in place of mud pumping, amending the slipway and staithe structures, omitting the approved de-watering lagoon and removing the need to submit further details of a ramp. There had been no change in local or national planning policy since the original permission which remained extant. It was therefore not necessary or appropriate to reconsider the principle of the overall scheme. The Navigation Committee would also be considering the proposal at their meeting on 22 February 2018. The recommendation was therefore subject to consideration of any additional responses and comments that may be raised subsequently.

Since writing the report, further representations had been received from Hoveton Parish Council who had no objections and the Environment Agency who had no comments.

The Planning Officer explained that an aim of the project was to provide access and enhance understanding and enjoyment of the marshes. The amendment from creating a canoe trail to be used by several vessels to providing a trail for one vessel was aimed at encouraging a greater section of the community to partake of the experience of the improved habitat and appreciate the landscape and wildlife value of a previously inaccessible area. The route would also be amended to go around the outside of the marsh rather than through it, resulting in less disturbance to part of the marshes and therefore limiting habitat fragmentation. The boat would be able to make a greater number of trips per day but it was considered that one boat rather than up to a total of seven canoes could result in less noise and would also be easier to manage. The sediment removal and amending the slipway and staithe structure were also not considered to result in any additional or unacceptable ecological, landscape or amenity impacts. As the dewatering lagoon was no longer required the associated requirements for archaeological investigations would not be necessary. Therefore it was considered that the variation of condition 2 and removal of condition 9 were acceptable. With regard to details for the changes to the levels to provide a ramp it was considered that these would still be required and therefore it was proposed that Condition 7 should remain. In conclusion, the Planning Officer recommended approval as stated above subject to the conditions set out in the report, including re-statement of the conditions as required in the original permission.

Mr Wood for the applicant reinforced the comments from the Planning Officer about the reasons for changing the trail and its use from several canoes to one boat. It was anticipated that this would enable a wider audience to visit the site and it would be more ecologically acceptable. The type of boat would be consistent with the habitat and other similar sites where ecological trails were operated within the Broads. It would be similar to that operated at Bewilderwood, although Hoveton Estates would be operating it.

Members welcomed the amendments considering they would provide greater inclusivity by offering the experience of the area to a wider range of visitors and they concurred with the officer's assessment. They were concerned that commercial activities should not overtake the ecological purposes of the site and reinforced the need for the condition requiring the specification of the type and size of the boat to be used.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that subject to any further consultation responses which may be received and the views of the Navigation Committee, the proposal to vary condition 2 and remove condition 9 is therefore acceptable, but

condition 7 should be varied not removed and subject to retention of all other conditions appropriately re-worded to amend the word 'canoe' to 'boat' and reflect the fact some pre-commencement conditions have already been discharged.

In the opinion of the Local Planning Authority, the proposal is acceptable in accordance with Policies CS1, CS6, CS9, CS11, CS17 and CS20 of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP5, DP11, DP12, DP14, DP28 and DP29 of the adopted Development Management Policies (2014) and the National Planning Policy Framework and it is not considered the proposal would result in any significant environmental effects.

(6) BA/2017/0068/FUL Broadland Hoarding Solutions, 19 Station Road, Reedham Office extension, new boathouse and replace existing boathouse

Applicant: Mr David Grint

The Planning Officer provided a presentation on the proposal for a development in three phases involving an extension to provide an office, a new boathouse and to replace the existing boathouse on a site of approximately 0.61 hectares on the former Corvette Marine boatyard now occupied by Broadland Hoarding Solutions. The first phase involving the provision of an office extension would also include the subsequent removal of the portakabins. The second phase involved the provision of a new single storey boathouse to include a small reception area, mess/office and toilet. The third phase involved the replacement of the existing boatshed. The proposals also included retention and completion of a high close boarded timber fence.

Since the writing of the report comments had been received from the Internal Drainage Board confirming that it was not responsible for the associated ditch. The Environmental Protection Officer had responded that any planning permission granted should contain appropriate additional conditions to cover aspects relating to contamination.

The Planning Officer addressed the main issues in relation to the application concerning flood risk, design, amenity, biodiversity, landscape and pollution. She concluded that the application could be recommended for approval subject to careful and appropriate conditions particularly relating to the management of the development in the interests of flood safety and protecting amenity.

Members expressed concerns about the height of the fence to the rear of the site, which was over 2m tall, but were advised that the occupiers of the neighbouring property welcomed the screening it provided.

Although the report recommended that it would be prudent to serve an Enforcement Notice requiring the removal of the portakabins by the end of 2018 or to coincide with the implementation of Phase 1, the

Solicitor commented that, there was no material change of use, and the matter was better managed through a planning condition.

Members welcomed the proposals to provide continued commercial use of the site with associated employment. The proposals also indicated clear attempts to tidy and improve the standard of the site. They concurred with the Officer's assessment and that approval be accompanied by tight conditions.

The Chairman put the Officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to the conditions outlined in the report relating to phasing and operation to manage the development in the interests of flood safety and protecting amenity as well as biodiversity, landscaping and parking.

Subject to the conditions, in the opinion of the Local Planning Authority, the proposed development is acceptable in accordance with Policies CS1, CS9, CS20, CS22 and CS23 of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP11, DP20, DP28 and DP29 of the adopted Development Management Policies (2014) and the National Planning Policy Framework which is also a material consideration in the determination of this application

- (7) **BA/2017/0496/FUL Pumping Station, Low Road, Strumpshaw**
Works to chimney, the engine house, moving of irrigation pump and landscaping in the area
Applicant: Ms Sarah Burston for RSPB

The Planning Officer provided a presentation on the proposal by the RSPB to undertake works to the chimney and engine house of the locally listed pumping station on the Strumpshaw RSPB reserve, to move the irrigation pump and landscape the area. This was one of the first applications as part of the Water Mills and Marshes project. The proposal also included the installation of interpretation that was particularly welcomed.

Since the writing of the report comments had been received from the Parish Council and Natural England both of which had no objections. The Environment Agency had no objections but required that the Authority should be satisfied that the proposals passed the Sequential Test and appropriate flood response plans were in place. The Planning Officer confirmed that Officers were satisfied.

The Planning Officer concluded that the proposal sought to improve the condition and longevity of an historically significant building in the Broads and that the methods to be employed were appropriate. The development was welcomed and it was recommended for approval

subject to conditions as listed in the report plus a further one covering a flood evacuation plan as required by the Environment Agency.

Members fully supported the application as part of retaining and improving the heritage assets of the Broads. They welcomed the proposals.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report including conditions on the timing of the works and flood evacuation plan. The proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP4, DP5, DP11, DP27, DP28 and DP29 of the adopted Development Management Policies DPD (2011), the National Planning Policy Framework (2012) and the general ethos of the Strumpshaw Neighbourhood Plan (2014) which is a material consideration in the determination of this application.

- (8) **BA/2017/0475/FJUL Griffin Lane, Thorpe St Andrew, Norwich**
Replacement boatshed
Applicant: Broads Authority (Daniel Hoare)

The Planning Assistant explained that the application was before the Committee as it was a Broads Authority application. The Solicitor and Monitoring Officer had examined the procedures and was satisfied that the proper procedures had been followed in the same way as for any other applications. The Planning Assistant provided a presentation of the application for a replacement wet boatshed on a like for like basis at the Authority's Dockyard site accessed by Griffin Lane. He explained that the building would provide a continuation of the existing use but in a purpose built structure. There would be no intensification of the use of the site therefore no impact on the local highway network, no detrimental impact on the surrounding landscape or flood risk. The Planning Assistant therefore recommended the proposal for approval.

Members concurred with the Officer's assessment.

The Chairman put the officer's recommendation to the vote and it was

RESOLVED unanimously

that the application be approved subject to appropriate conditions as outlined within the report. In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP2, DP4, DP18 and DP20 of the Development Management Policies DPD (2011) and TSA3 of the Site Specific Policies DPD (2014), as the development is considered an

appropriate form of development, with no detrimental impact on employment, landscape or flood.

7/9 Enforcement Update

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

- (i) **Burghwood Barnes** – Members noted that the appeal against the Enforcement notice had been dismissed, with the Notice varied to extend the period for compliance to six months. Therefore compliance was required by 9 July 2018. Officers would be visiting the site on 10 July 2018. The Head of Planning further reported that a number of conditions on previous consents had not been complied with. Officers would be inviting the landowners in to the office to discuss and explain in detail what would be required to achieve compliance with aspects relating to the appeal decision as well as the previous consents, bearing in mind the seasonal limitations and the impacts on ecology. Members requested an update for the next meeting.

The Local Member informed the Committee that his advice had been sought through Filby Parish Council. He had responded that it would not be appropriate for him to pass any judgement only that the landowner needed to comply with the permissions and to speak to the Head of Planning.

The Chairman referred to the disappointing article in the press but was reassured by the comments on social media that were more supportive of the Authority. Those interested should contact the Communications Officer (Digital and PR) (Tom Waterfall).

- (ii) With reference to the non-compliance with planning condition at **Barnes Brinkcraft** resulting in encroachment into navigation, the Head of Planning reported that the Head of Ranger Services had met with the owners of Barnes Brinkcraft on 1 February 2018 and a potentially acceptable scheme to the navigation officers was agreed revolving around a restriction on the way in which vessels could be moored to the pontoons together with a restriction on the length. Officers were awaiting further details from the company. It would be necessary for a planning application to be submitted accordingly and this would be brought to the Planning Committee, potentially in April, following consultation with the Navigation Committee.

The Head of Planning commented that with regards to safety and the requirements to maintain the appropriate width of the navigation channel, compliance would be expected in association with the scheme agreed with officers. It was noted that this would need to be monitored.

In response to the concerns mentioned at Minute 7/3, the Head of Planning explained that her understanding was that the navigation officers were satisfied that the extent of the mooring of the barge did not represent such an intrusion into the navigation for it to be unacceptable. The fact that the barge had been removed did not change that view. Members were concerned about potential precedent. The Head of Planning undertook to clarify the situation with the Head of Rangers and report back to the Committee.

There were no further updates to report.

RESOLVED

that the report be noted.

7/10 Duty to Cooperate: Norfolk Strategic Planning Framework – Official Endorsement and Norfolk Strategic Planning Member Forum – Terms of Reference

The Committee received a report setting out the proposals relating to Duty to Cooperate under the Norfolk Strategic Planning Framework (NSPF), for dealing with the strategic matters to be taken account of in the production of Local Plans by the constituent Norfolk LPAs and the procedures involved to do so. It was noted that the NSPF had been the subject of consultation and subsequently amended. The NSPF Member Forum had agreed new terms of reference and was recommending that all LPAs endorse the NSPF.

RESOLVED

- (i) That the NSPF be endorsed and it be RECOMMENDED to the Full Authority for endorsement.
- (ii) That the Terms of Reference be noted and given the importance of the issue, it was RECOMMEND to Full Authority that the Chairman of the Authority attend the Norfolk Strategic Planning Member Forum on behalf of the Authority.

7/11 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since May 2017.

RESOLVED

that the report be noted.

7/12 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 14 December 2017 to 22 January 2018.

RESOLVED

that the report be noted.

7/13 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 2 March 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 13.20pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 2 February 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	7/8(8)	Application BA/2017/0475/FUL Replacement Boatshed at Griffin lane, Thorpe St Andrew. Broads Authority application.
Paul Rice		Chair of Broads Society

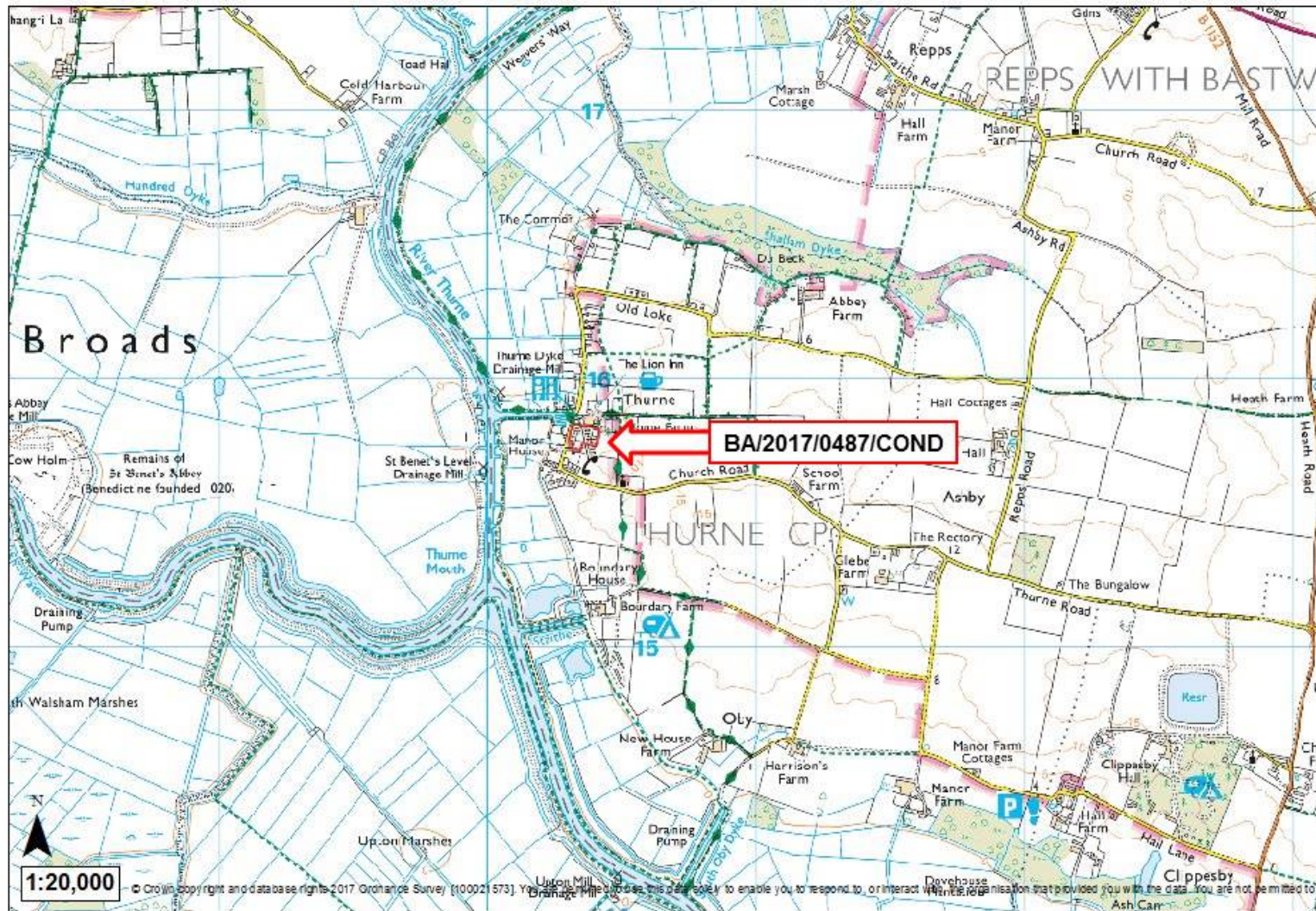
Reference:

BA/2017/0487/COND

Location

Hedera House, The Street, Thurne

BA/2017/0487/COND - Hedera House



Application for Determination
Report by Planning Officer

Parish	Thurne
Reference	BA/2017/0487/COND Target date 22 March 2018
Location	Hedera House, The Street, Thurne, NR29 3AP
Proposal	Variation of conditions 3: materials, 5: occupational restrictions and 6: holiday use restrictions. Removal of conditions 4: construction/completion timescales, 7: disabled friendly accommodation, 10: obscure glazing, 12: driveway details, 13: visibility splay, 17: amenity grassland, 22: flood resilient construction, 23: flood evacuation plan, 24: EA flood warnings, and 25: restriction of permitted development rights of BA/2017/0103/OUT.
Applicant	Mr Delf
Recommendation	Approve in respect of Conditions 10 and 17, with all other conditions being restated as originally imposed.
Reason for referral to Committee	Objections which raise material considerations of significant weight received

1 Background

- 1.1 The application site comprises an area of 0.8 hectares known as Hedera House located on the east side of The Street in Thurne, close to the centre of the village. The site currently comprises a large 2-storey dwelling located roughly in the centre of the site which offers holiday accommodation for up to 12 people, 10 holiday chalet bungalows comprising 7 units adjacent to the northern boundary, 1 adjacent to the western boundary and 2 within the small rectangular protrusion at the south of the site, and an open air enclosed swimming pool which is located in the south-eastern corner of the site.
- 1.2 An outline planning application was considered in 2017 for the redevelopment of the site to remove all existing structures and construct 6 residential dwellings as enabling development and 10 new holiday cottages. Following a Planning Committee site visit carried out in 4th August 2017, the application was considered at the Planning Committee meeting on 18th August 2017 and the outline application approved. The planning permission was issued in September 2017 subject to detailed conditions.

- 1.3 This application pursuant to section 73 Town and Country Planning Act 1990, as amended, seeks to vary three and remove six of the twenty five conditions as below. On an application under section 73 Town and Country Planning Act 1990, as amended, a local planning authority shall consider only the question of the conditions subject to which planning permission should be granted (i.e. it cannot revisit the principle of the development which has been granted). If (a) the LPA decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if the LPA decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application. If the LPA concludes that some of the proposed changes are acceptable and some are not, it is required to approve the application and apply the new conditions as they relate to the changes proposed which are acceptable and restate the previous conditions where the changes proposed were not considered acceptable.
- 1.4 The agent for the application states in the submitted application form that he considers these conditions to be contrary to paragraph 206 of the National Planning Policy Framework which sets out the six 'tests' all planning conditions must meet. Paragraph 206 states: "Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". Guidance is given on the 'tests' in the Planning Practice Guidance.
- 1.5 The justification for the variation or removal of the various conditions is as set out below:

Conditions proposed to be varied	
Condition	Reason given by agent for proposed variation
<p>3: Prior to the commencement of the development the reserved matters application shall be submitted to include the precise details of the materials to be used in the construction of the external walls, roofs and openings of the buildings hereby permitted, and on the hard surfaced areas of the site. The scheme such as shall be submitted shall be approved prior to commencement of development and retained in perpetuity.</p> <p>Reason: In order for the Local Planning Authority to be satisfied</p>	<p>The requirement for the materials/hard surfaces to be applied for in the RMs to be "retained in perpetuity" restricts the future use of permitted development (PD) rights. It fails NPPF (para. 206) Condition tests: 1. "Necessary"; 4. "Enforceable"; and 6. "Reasonable in all other respects". It is neither necessary nor reasonable to expect materials/hard surfaces to be retained in perpetuity; furthermore, it cannot be enforced. Materials/hard surfaces will wear/fail and/or better performing materials may become available. Normally, the replacement of</p>

<p>that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with policy DP4 of the Development Management Policies - Development Plan Document.</p>	<p>materials/surfaces can be carried out under PD rights.</p> <p>Suggested variation: delete the words "...and retained in perpetuity."</p>
<p>5. The holiday accommodation hereby approved, shown on drawing no.2326/15/1 Rev.C as 1H to 10H, shall be for holiday use only and shall not be used as a second home or for the sole or main residence of any occupiers. The residential accommodation hereby approved, shown on drawing no.2326/15/2 Rev.C as 1R to 6R shall be for the sole or main residence of any occupiers.</p> <p>Reason: To ensure the use is restricted to short let holiday use and residential housing as enabling development in accordance with Policy THU1 of the Site Specifics Policy Local Plan.</p>	<p>The condition requirement for residential accommodation to be sole/main residence fails NPPF tests: 1. "Necessary"; 4. "Enforceable"; and 5. "Reasonable in all other respects". Policy THU1 does not require restriction of the occupancy of the general market housing.</p> <p>Suggested variation: delete the words "...The residential accommodation hereby approved, shown on drawing no.2326/15/2 Rev.C as 1R to 6R shall be for the sole or main residence of any occupiers."</p>
<p>6. In relation to the holiday accommodation hereby approved, shown on drawing no.2326/15/1 Rev.C as 1H to 10H, no person shall occupy any part of the buildings hereby permitted for a period exceeding six weeks. Furthermore, no person shall occupy any part of the buildings hereby permitted within a period of three weeks following the end of a previous period of occupation by that same person of any part of the buildings hereby permitted. A register of bookings of the buildings hereby permitted shall be maintained at all times and shall be made available for inspection to an officer of the local planning authority upon reasonable notification by that officer to inspect the register and shall be available</p>	<p>The condition seeks to restrict the occupancy period of the holiday accommodation to 6 weeks. It fails NPPF tests: 1."Necessary"; 2. Relevant to planning"; 4. "Enforceable"; and 6."Reasonable in all other respects". A condition should not seek to restrict holiday length.</p> <p>Suggested variation: reword "In holiday accommodation hereby approved, shown on drawing no 2326/15/1Rev.C as 1H to 10H shall be used to provide holiday accommodation only and shall not be used as a primary place of residence".</p>

<p>for a period of twelve months following the first occupation of the buildings hereby permitted.</p> <p>Reason: To ensure the use is restricted to short let holiday use only and not use as permanent residential accommodation in accordance with Policies DP21 and DP22 of the Development Management Policies - Development Plan Document.</p>	
<p>Conditions proposed to be removed</p>	
<p>Condition</p>	<p>Reason given by agent for proposed removal</p>
<p>4. Within 12 months of the commencement of works at the site, works to construct the holiday cottages shall commence, with construction of all holiday cottages to be completed within a further 12 months and available to rent.</p> <p>Reasons: To ensure a satisfactory and timely redevelopment of the site, and to ensure that the enabling development enables the development of new replacement holiday accommodation in accordance with Policy THU1 of the Site Specifics Policy Local Plan.</p>	<p>The condition requires completion of elements of the scheme within 12 months. It fails NPPF tests: 1 "Necessity"; and 4. "Enforceable" due to the range of external factors that influence decisions to complete a development.</p> <p>Remove condition.</p>
<p>7. The disabled friendly holiday bungalow, shown on drawing no.2326/15/1 Rev.C as 10H, shall be built in strict accordance with Lifetime Homes Standards, to be demonstrated to the satisfaction of the Local Planning Authority.</p> <p>Reason: To ensure the stipulated disabled friendly unit conforms to acceptable minimum standards for its specified use.</p>	<p>The condition seeks to apply a standard that is relevant to permanent residential accommodation to a holiday let. There is no Development Plan policy requiring such a standard. It fails NPPF tests: 1 "Necessary"; and 6 "Reasonable in all other respects".</p> <p>Remove condition.</p>
<p>10. The glazing to be installed in the</p>	<p>The requirement for the obscure</p>

<p>ground floor rear of the holiday cottages shown on drawing no.2326/15/1 Rev.C as 1H, 2H, 3H, and 4H shall be obscure glazed and retained as such in perpetuity.</p> <p>Reason: To protect the privacy of neighbouring residents in accordance with policy DP28 of the Development Management Policies - Development Plan Document.</p>	<p>glazing to be "retained in perpetuity" effectively seeks to restrict future use of PD rights. It fails NPPF tests: 1. "Necessary"; 4. "Enforceable"; and 6. "Reasonable in all other respects".</p> <p>Remove condition.</p>
<p>12. Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 5.0 metres for a minimum length of 10 metres as measured from the near edge of the highway carriageway and shall be constructed perpendicular to the highway carriageway for the said distance.</p> <p>Reason: In the interest of highway safety and traffic movement.</p>	<p>Unnecessary and fails NPPF test 1 "Necessary".</p> <p>Remove condition.</p>
<p>13. Prior to commencement of development plans shall be submitted to the Local Planning Authority demonstrating an absolute minimum 2.0m wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) to be provided across the whole of the site's roadside frontage. The plan shall indicate the location of all hedgerow and trees adjacent to the frontage and show clearly the elements which shall be retained and which shall be 'faced up'. The submitted details shall be approved in consultation with NCC Highways.</p> <p>Reason: In the interests of highway safety.</p>	<p>Conditions 13: The condition requires additional access details to be approved which should have been dealt with at the outline stage as approval for access was sought and obtained. It fails NPPF tests: 4. "Enforceable" and 6. "Reasonable in all other respects".</p> <p>Remove condition.</p>

<p>17. Amenity grassland at the site should be kept short to deter reptiles from using the site before development works begin.</p> <p>Reason: To minimise any potential impact on reptiles.</p>	<p>The condition requires grassland at the site to be kept short. It fails NPPF tests: 2. "Relevant to planning"; and 4. "Enforceable".</p> <p>Delete the condition in its entirety and move to the "advisory/informative notes" section.</p>
<p>22. Prior to commencement of development, details shall be submitted to the Local Planning Authority demonstrating how the holiday cottages are to be constructed in accordance with the stipulations within section 6 of the Flood Risk Assessment (FRA) dated April 2017, Report Ref: 1358/RE/01-15/01 REVISION A, namely 'Fluvial Flood Risk Mitigation and Evacuation'. These details shall include flood resilient construction, a water exclusion strategy, and finished floor levels.</p> <p>Reason: To reduce the risk of flooding to the proposed development and contribute to the safety of future occupants during extreme weather events.</p>	<p>The condition relates to construction methods and should be dealt with through Building Regs. It fails NPPF test: 2. "Relevant to planning".</p> <p>Remove condition.</p>
<p>23. Prior to the first occupation of the development hereby permitted, a flood evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority, along with a scheme for the erection of flood warning notices to include details of numbers, positions and wording. The notices shall be erected prior to the first occupation of the development hereby permitted and thereafter kept legible and clear of obstruction.</p> <p>Reason: To contribute to the safety of future occupants during extreme weather events.</p>	<p>The condition requires a flood evacuation plan to be submitted and approved. It fails NPPF test: 2. "relevant to planning".</p> <p>Delete the condition in its entirety and move to the "advisory/informative notes" section.</p>

<p>24. Prior to the first occupation of the holiday units hereby permitted the owners/managers of all the holiday units shall sign up for flood warnings from the Environment Agency (or subsequent organisation) and shall be continued for the lifetime of all the holiday units.</p> <p>Reason: To contribute to the safety of future occupants during extreme weather events.</p>	<p>The condition requires owners/managers to sign up for EA Flood warnings. It fails NPPF test: 2. "relevant to planning".</p> <p>Delete the condition in its entirety and move to the "advisory/informative notes" section.</p>
<p>25. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no building, structure, or enclosure permitted by Classes A, B, C, D, E, and F of Schedule 2 Part 1, or Class A of Schedule 2 Part 2 shall be erected unless planning permission has first been granted by the Local Planning Authority.</p> <p>Reason: In the interests of the satisfactory appearance of the development and to safeguard the character and appearance of the area in accordance with Policy DP4 of the Development Management Policies - Development Plan Document and Policy THU1 of the Site Specifics Policy Local Plan.</p>	<p>The condition restricts PD rights. Policy THU1 does not require such restriction. It fails NPPF tests: 1. "Necessary"; 4. "Enforceable"; and 6. "Reasonable in all other respects."</p> <p>Remove condition.</p>

1.6 No additional or amended development is proposed in this application.

2 Site history

2.1 BA/1990/3082/HISTAP - Single storey extension to chalets. Approved with conditions, March 1990.

BA/1991/0055/HISTAP - Alterations to chalets to form new bedrooms with en suite facilities. Refused, September 1991.

BA/1991/0083/HISTAP - Alterations to chalets to form new bedrooms with en-suite facilities. Approved with conditions, January 1992.

BA/2016/0009/OUT - Redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages. Withdrawn

BA/2017/0103/OUT - Outline application to redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages. Approved with conditions, September 2017.

3 Consultation

Parish Council - The view of the Parish Council is that to relax or remove any of the conditions would make a bad decision even worse.

- Condition 3. This is a normal condition under most planning grants and must be adhered to.
- Condition 4. The time allowed to commence the contract must stay. The contract time may be for various reasons difficult to fix, so could be relaxed.
- Conditions 5 & 6. If removed would render the original argument for "Market Housing" pointless; would change the whole concept of the site as holiday lets into a commercial housing development and would, in effect, change the local "Site Specific" designation and make the "Market Housing" argument redundant. Under 2015 legislation this would surely have to be referred to the Secretary of State as a change to the agreed Local Plan.
- It also brings into focus a claim by the Parish Council for a contribution from the developers in the future.
- Conditions 11, 12 & 13. Must be retained as the access road has a 60 mile per hour speed limit and therefore safety must be a top priority.

In view of the fact that this matter may have to be referred back to the Secretary of State, if the terms of the Structure Plan are altered in due course, it would seem better to ask the Minister at this stage to "call in" the whole application for an independent decision.

If the Broads Authority thought the conditions necessary in the first place, why would they want to change them now.

NCC Highways

Conditions 5 and 6: no objection to the rewording of the conditions as proposed.

Condition 12: to remove this condition would mean that safe and suitable access would not be achievable to all.

Condition 13: to remove this condition would mean that safe and suitable access would not be achievable to all.

BA Ecologist

Condition 17: This should stay in as a condition to protect reptiles from injury and death (as protected under the Wildlife & Countryside Act).

BA Tree Officer

No objection, none of the proposed conditions have implications on the arboricultural element of the application.

BA Landscape Officer

Condition 3: If this condition was to have this wording deleted, there would need to be another form of wording to ensure that the materials would be retained for the foreseeable future.

Condition 12: This condition is intended to maintain safety and traffic movement by ensuring that there is enough space for a vehicle turning into the site from the highway to pass a vehicle waiting to exit the site. This seems reasonable and I would expect Highways to want to retain the condition.

Condition 13: I would not support the deletion of this condition. The applicant should be encouraged to provide a drawing to show how the visibility splay can be achieved with minimal impact on existing trees and hedges.

Condition 17: The condition requires grass to be kept short to deter reptiles from using it prior to construction. This would not be a particularly onerous task and depending on the timing of construction in relation to the grass growing season, could amount to just a few cuts.

4 Representations

Six responses to the public consultation were received from Thurne residents which raised a number of points which are summarised as follows:

- Condition 4: The new application seeks to further weaken the requirement to build holiday units by removing any time constraint over their construction. I submit that it is an essential part of the Consent that a Developer should be required to complete the 10 holiday units. If the time limit for the start of building the holiday accommodation is removed, this will no doubt result in none of the properties being built.
- Conditions 5 and 6: By lifting conditions 5 & 6, the whole basis of the application will be changed and the site will be nothing more than another commercial housing project. This will be a change to the local "Site Specific" structural plan.
- Condition 6: The Broads Authority have for many years been advocating that holidays in the Broads area should have more land based holiday accommodation, which if approved the changes to conditions will result in there being less holiday accommodation in the heart of the Broads.
- Condition 13: The new application tries to remove this condition, claiming it should have been dealt with at the time of the original application. I suggest that if this claim is correct then the original Consent should be withdrawn until the required details are submitted and accepted.

- I expect this application to be refused. Why would the Broads Authority apply them in the first place if they were not deemed necessary, and in line with area policy?

In addition one letter was received in support of the redevelopment of the site but not making remarks pertinent to this application.

5 Policies

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

[Site Specific Policies Local Plan \(adopted 2014\)](#)

- 5.2 THU1 - Tourism Development at Hedera House, Thurne

Neighbourhood Plans

- 5.3 There is no Neighbourhood Plan in force in this area.

Material consideration

- 5.4 The NPPF is a material consideration in the determination of this application

6 Assessment

- 6.1 In terms of assessment, for clarity it is considered appropriate to address each of the conditions which are proposed to be varied or removed from the permission in turn. It should be noted that since the granting of the permission there has been no change in the circumstances of the site, other than the granting of permission for a restaurant extension (commenced) and administration centre, and there has been no change in planning policy or guidance.

- 6.2 Members will be aware that para 206 of the NPPF set out the six tests that all planning conditions should meet, namely that they should be:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Further guidance on this is provided in the Planning Practice Guidance, an extract of which is appended to this report.

Condition 3 - Details of materials

- 6.3 The approved scheme being an outline permission required the inclusion of a precisely worded condition requiring the submission of matters which were reserved, in this case the precise details of the materials to be used in the construction of the external walls, roofs and openings of the buildings hereby permitted, and on the hard surfaced areas of the site. The applicant does not raise issue with the need to supply these details, the suggested variation to this condition is to remove the requirement to retain the approved materials in perpetuity. The requirement to retain materials in perpetuity does not mean that works within the definition of maintenance could not be carried out, and these would fall outside the definition of development and therefore would not require planning permission anyway. In making an argument for the removal of the words 'and retained in perpetuity', the applicant has drawn attention to one of the reasons for requiring the condition wording, namely that better performing materials may become available. Whilst the need to replace elements of a dwellinghouse can lead to people considering alternative materials, or perhaps they may see it as a way of improving the dwellinghouse, such materials can have an appearance that would be detrimental to the overall character and appearance of a building.
- 6.4 In the case of the Hedera House redevelopment, the layout and design of the buildings has been done in a way to provide a cohesive appearance across the collection of properties, with three distinct pockets of design and appearance within the overall site. There has been considerable effort put into ensuring a suitable standard of design and appearance which was ongoing through the previous withdrawn application, culminating in the scheme as approved. To allow for the possibility that materials and as such appearance and character would be altered at one property without a mechanism to ensure this is given due consideration would have the potential to cause a detrimental impact to the group of properties, the subject site, and the surrounding area. Taking into account consultation responses, particularly in terms of landscape impacts, the consistent appearance and resulting rhythm of development was considered an essential part of the application being considered acceptable, hence the need to word Condition 3 in reasonably precise terms. It is considered that a change in materials which would result in a difference of appearance, say from timber cladding to plastic cladding, would be considered development and would not be permitted development, however whilst the argument in terms of the wording in question being 'necessary' and 'reasonable', it is considered that, given the importance of maintaining the fundamentals of character and appearance, a meticulous approach to the wording of planning conditions is reasonable.
- 6.5 In addition to arguing that the condition is not 'necessary' or 'reasonable', the applicant also contends that the condition is not 'enforceable'. This is incorrect, because were the materials to be changed and were this to take place without the required permission (i.e. if it were not considered permitted development) and were the changes to be unacceptable the LPA has a range of statutory mechanisms available to it to address the matter and require compliance with the condition. These measures might include a breach of condition notice, against which there is no right of appeal and which could

require full compliance with the condition. This is a considerable and effective enforcement power and would result in the maintenance of character and appearance which is the purpose of the condition in question. It is also noted that the LPA has a proactive programme of condition monitoring and ensuring that the development is constructed and retained in accordance with the specified conditions is not onerous.

- 6.6 It is therefore considered Condition 3 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the condition would potentially undermine the character and appearance of the development which would be detrimental to the site and surroundings.

Condition 4 - Timetable for construction of holiday lets

- 6.7 The application proposes the removal of this condition. This particular condition goes to the heart of the acceptability of this scheme as it ensures that the enabling development is delivered in order to provide the funds necessary to construct the replacement holiday accommodation, and that these holiday units are duly constructed. The question of viability is a thorny one and responses from members of the public have consistently questioned how the provision of replacement holiday lets would not be viable given that the resulting development would be an ongoing business. In planning terms it is accepted that the initial capital investment in realising a development of this nature and scale, taking into account the existing form of holiday accommodation at the site and the aspiration to see a form of development which is more appropriate to a sensitive landscape within a National Park, would be expensive and this will limit the attractiveness of the site and potentially frustrate a scheme coming forward. Such a recognition, combined with the need for some redevelopment here, resulted in the site specific policy for Thurne, namely Policy THU1. This policy is under the heading 'Tourism Development at Hedera House', the wording of the policy and the supporting text puts tourism use at the forefront of the requirement for redeveloping the site, with any market housing being accepted only as required as enabling development. It is accepted that in order to raise the necessary capital some of the enabling development would need to be provided first, to generate the funds for the tourism use element of the scheme. To remove Condition 4 as proposed, however, would allow for the enabling development to be delivered with no requirement for the profit from the sale of houses on the open market to be put back into the site to fund the holiday accommodation, and the provision of this accommodation would be unconditioned. The removal of this condition would fundamentally undermine the purpose of Policy THU1 as it provides no safeguard for the delivery of the entire scheme as approved and would in effect have allowed a housing development on a site which otherwise would not be considered appropriate for such a development, as it is only in the delivery of the tourism element that the scheme is considered acceptable. Whilst there is a requirement for development to commence within 3 years of the date of decision, there is no requirement for a development to be completed unless stipulated within planning conditions, and this is the very reason for the wording of Condition 4.

- 6.8 When considering whether the condition is 'enforceable', it is the case that the triggers are clear, as is what needs to be done. The Agent cites the range of external factors that influence decisions to complete a development, using this to argue unenforceability. In this case the development, subject to these very conditions, would only be viewed as a single development, and whilst timing may be an issue that is not something which reasonably justifies the removal of any form of safeguard for the delivery of a scheme – put simply, the developer in deciding when to commence works will need to look at the viability of the scheme overall and not simply cherry-pick on the basis of the viability of one element what will be constructed. Taking into account the average time for a house to be constructed, the reasonably straightforward demolition of existing structures, and the resilience of the housing market, a period of 12 months between commencement on the enabling development and commencement of the development being enabled is considered realistic.
- 6.9 With regard to the enforceability of this condition, it is noted that if the condition were removed as proposed there would be no mechanism at all to ensure the provision of the holiday accommodation, which would undermine the whole scheme.
- 6.10 It is therefore considered Condition 4 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the condition would fundamentally undermine the purpose and thrust of the site specific policy THU1 upon which this scheme was deemed acceptable.

Condition 5 - Use restriction

- 6.11 The application proposes the variation of this condition to allow the general market housing to be used as second or holiday homes. The approved application included 6 general market housing units, the site is not within or adjacent to a development boundary and as such would be contrary to Policy DP22 of the Development Management Policies DPD. The acceptability of this scheme is on the basis of Policy THU1 alone and through the demonstration of the need for housing to make the scheme viable. Taking into account the rural location of the village of Thurne, additional housing in this location has the capacity to meet local needs and make a telling contribution to viability and vitality of the village. In allowing a portion of residential development, which will have some bearing on the village, it would not be sound planning to not require that the housing be utilised as primary residences, this would ensure that the development integrates with the village and brings the inherent benefits that come from reinforcing the population of the village. To allow for the use of the properties as second homes, for example, would potentially reduce the benefit to the village and would have the effect of reinforcing the seasonality of the site, particularly in winter months when demand for holiday accommodation is at its lowest. To provide a development which engages with the village of which it is a part is considered to be essential to the acceptability of the scheme, and the only way to ensure that the village benefits from development within its area.

- 6.12 Policy THU1 makes the stipulation that the general market provision shall be provided to deliver satisfactory development. The Local Planning Authority considers that satisfactory development would be a provision of housing which has demonstrable benefit to the village in which it is located, and the advantage of a primary dwelling over a second home are demonstrable. The policy also requires that a form which strengthens the rural character of the village be provided, form which encompasses usage is directly applicable here, and the overriding character of the village is of a rural community. Therefore to reinforce the village it is necessary to require that the general market housing is occupied in a form that clearly has importance to the village.
- 6.13 It is therefore considered Condition 5 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the requirement for the general market housing units to be the primary residence would not provide development for the benefit of the village and would not contribute to the vitality and viability of the village.

Condition 6 - Occupation of holiday lets

- 6.14 The application proposes the variation of this condition to ensure the use of the holiday units is restricted to short let holiday use only and not use as permanent residential accommodation. Policy THU1 under section (i) states that holiday accommodation should be available as short-stay lets. The applicant contends that 'a condition should not seek to restrict holiday length', however the adopted policy specifically states that the holiday use must be short-stay, this is imprecise in terms of wording an appropriate condition which allows for the Local Planning Authority to, in accordance with policy, define what length a short-stay holiday could plausibly be. It is the view of the LPA that, in considering what is constitutes a short-stay, it has taken a very generous approach in stipulating a maximum of 6 weeks. This figure does not reflect the available statistics in terms of the average length of a domestic holiday in the United Kingdom which demonstrate that less than 2 weeks is the average. This could arguably be a reasonable basis for establishing what a short-stay holiday is. However, in making the limit too restrictive it does not take into account the range of holiday periods which are likely to influence the average, as such the figure of 6 weeks is considered a reasonable maximum. The stipulation of a maximum stay is considered 'necessary' as it is the only way to be assured the proposal accords with section (i) of Policy THU1, in the same way it is 'relevant to planning'. This is crucial as without a restriction there is no mechanism to ensure that the holiday accommodation functions as required, it would in effect allow the potential for the properties to be used as second homes or even as a primary residence, this would undermine the purpose of the Policy and the protection the current use of the site is afforded. It is 'enforceable' as the wording of the condition requires the keeping of a register of bookings which be made available for inspection. It is 'reasonable in all other respects' as the condition simply and effectively conveys the very clear purpose of the site specific policy.

- 6.15 It is therefore considered Condition 6 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Rewording the condition without a maximum stay limit would not restrict holiday length in any way and certainly not to short-stay holidays, therefore it would cause the application to be contrary to site specific policy THU1 upon which this scheme was deemed acceptable.

Condition 7 - Disabled friendly holiday bungalow - Lifetime Homes Standards

- 6.16 The application proposes the removal of this condition. The proposed holiday units included one bungalow which was stipulated on the submitted plans as 'Disabled friendly holiday bungalow'. There is nothing in the supporting documents to demonstrate how this would be delivered, and the concern of the LPA is that a less meticulous developer would consider the single storey layout with a ramp to the front door would be sufficient in delivering disabled friendly accommodation. Therefore, in order to provide certainty that the unit in question would be suitable for the clearly stated intention for its purpose, it is 'necessary' and reasonable to include a condition requiring conformity with minimum acceptable standards for disabled friendly accommodation. Without this condition there is no mechanism to ensure delivery of the unit as stated on the approved plans.
- 6.17 It is therefore considered Condition 7 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the condition would allow for development which does not accord with minimum standards regarding the stated purpose of the unit of holiday accommodation.

Condition 10 - Obscured glazing

- 6.18 The application proposes the removal of this condition. The holiday units numbered 1H, 2H, 3H, and 4H are sited close to the southern boundary of the site. A short distance to the south of the southern boundary is a residential property which features a bedroom at first floor level. It is noted that ground level is higher on the adjacent site. The separation between the neighbouring property and the proposed units was considered sufficient to ensure no undue impact on residential amenity. When considering privacy it was noted that there were no windows in the proposed units at first floor level facing the neighbouring property, this would ensure no direct views into the first floor bedroom window of that property. At ground floor the windows, however, served a WC and as such it is reasonable to require the windows to be obscure glazed and for this to be maintained for the lifetime of the development. However it is accepted that there are existing holiday units in the same location and these do feature ground floor windows facing the neighbouring property, as such it could be argued that the proposed scheme would not result in any additional loss of privacy for neighbouring residents above the existing situation, and with this in mind it is considered that removal of this condition is not unreasonable.

- 6.19 It is therefore considered Condition 10 as applied is not 'necessary' to make the proposed scheme acceptable in planning terms and the removal of this condition is supported.

Condition 12 - Private driveway dimensions

- 6.20 The application proposes the removal of this condition. In response to a consultation request Norfolk County Council as Highways Authority considered the proposed scheme and considered it acceptable subject to a number of Conditions and Informatives. Having now considered this application, specifically the request for the removal of Condition 12, the Highways Authority provided the following analysis.
- 6.21 "As you will be aware the Outline application sought for access to be determined at outline stage and this Condition refers to access issues and the safety thereof. This Condition was recommended in the LHA's initial response to the outline application dated 1 June 2017. The condition relative to the interests of highway safety in order to ensure vehicles can safely wait in the access whilst ensuring there is sufficient space for another vehicle to enter the development safely without causing undue obstruction or manoeuvring on the public highway. Given the restricted nature of the local highway network I consider without such a condition, conditions detrimental to highway safety would occur.
- 6.22 I would also draw your attention to Paragraph 32 of the NPPF. Paragraph 32 states that development should only be prevented where the residual cumulative impacts are severe. It also points that all development should take account of whether safe and suitable access can be achieved for all people, and I would refer to The High Court judgment in the Mayowa-Emmanuel Case. That judgement ruled that that part of paragraph 32 addresses matters of highway capacity and congestion and that the test does not apply to highway safety and because of the risks to highway safety resulting from the proposed access arrangements, and the absence of a safe pedestrian route to the appeal proposal would fail to provide safe and suitable access for all. It does, therefore, conflict with paragraph 32 and would result in considerable harm to highway safety".
- 6.23 Given Condition 12 relates to highway and public safety in the determination and operational acceptance of the access requirements for the development, to remove this condition would mean that safe and suitable access would not be achievable to all. Furthermore I cannot perceive how this could not meet the appropriate criteria of "Necessary". Accordingly the LHA do not recommend removal of this condition."
- 6.24 Highways are a statutory consultee and our technical experts on highways related issues, they are not satisfied that the condition can be dispensed with without having an adverse impact on highway safety. We have no evidence to counter their professional view, and the applicants have made no argument to justify removal. The proposed condition relates to safe site access by allowing sufficient distance for cars to enter and leave the site without having

to queue on the highway or have to perform potentially unsafe manoeuvres adjacent to pedestrian areas. Condition 12 is therefore considered necessary and the Highways Authority are of the view that the condition is justified.

- 6.25 Taking into account the above analysis, it is therefore considered that Condition 12 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained.

Condition 13 - Visibility splay

- 6.26 The application proposes the removal of this condition. Having considered this application, specifically the removal of Condition 13, the Highways Authority provided the following analysis:
- 6.27 "The LHA accept that matters pertaining to access were to be determined as part of the outline application, and indeed in the LHA's initial response to the outline application dated 1 June 2017 recommend an appropriate condition to be applied to any grant of permission in respect of visibility splays at the access. However, you will be aware that following the LPA Member site visit issues were raised regarding the loss of the hedge to achieve visibility and whether there was a need to remove the hedge in its entirety. The LHA duly responded to this in an email dated 16 August 2017 in which various options were put forward for further consideration with a request for further plans to be submitted in order that the LHA could give appropriate consideration, nor are the LHA aware of whether further information was requested or the whether the LPA just attached condition 13 in this respect.

It is therefore for the LPA to determine whether this condition is appropriate in terms of addressing determination of access. However, I would point out that in highway terms, visibility is most probably one of the most important factors in terms of road safety and therefore I do not consider unreasonable for the LPA to attach this condition to ensure appropriate visibility is provided at the access.

I would again draw your attention to paragraph 32 in relation to safe and suitable access for all and as this matter relates to highway and public safety in the determination and operational acceptance of the access requirements for the development I again cannot perceive how this could not meet the appropriate NPPF test criteria and would, if removed conflict with the requirement of paragraph 32 of the NPPF. Accordingly the Highway Authority do not recommend removal of this condition."

- 6.28 The above analysis gives a clear conclusion on the purpose of Condition 13. As originally proposed (under ref BA/2016/0009/OUT) the scheme did not include a visibility splay, the LHA consultation response suggested a 2.4m visibility splay and the subsequent proposal (as approved under ref BA/2017/0103/OUT) incorporated this suggestion. As noted above, during the Members site visit the potential retention of part of the western boundary treatment was raised, this was in turn discussed the LHA who responded that it may be possible to retain some of the boundary, but a plan demonstrating

visibility would be required. Time constraints did not allow for this to be done in time for the Planning Committee meeting, therefore it was agreed to deal with this aspect by way of Condition.

- 6.29 A Condition was necessary to ensure the required visibility splay was provided and maintained. The wording of the Condition sought to ensure retention of any existing boundary planting adjacent to the highway where possible. This itself was in response to Members observations, and itself reflected the aspirations of the applicants as stated in a letter dated 28 June 2017 and included with the application documents under 'Response to Consultee observations'. Taking this into account it is considered that the proposed Condition is a reasonable approach to obtaining the required information and would contribute to the most effective solution for this boundary which would allow the proposal to accord with section (iv) of Policy THU1. It is therefore considered Condition 13 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained.

Condition 17 - Cutting of amenity grassland prior to construction

- 6.30 The application proposes the removal of this condition. The protection of reptiles from injury and death is provided under the Wildlife & Countryside Act. It is accepted that this is sufficient in stipulating that protection is obligatory, however the actual process of carrying out sufficient preparation for a development to ensure that the requirements of the aforementioned Act are met is not specified, therefore it is considered that such information is relevant to provide for the care of protected species. As this is an essential undertaking which should be a continued practice at the site and therefore relevant to the acceptability of redevelopment of this site it is considered appropriate to include this information within the permission. However it is accepted that the Wildlife & Countryside Act provides protection for protected species and only the act of harm is actionable.
- 6.31 It is therefore considered that the protection afforded under Condition 17 is covered by separate a regulatory requirement and that the Condition could reasonably be restated as an Informative.

Condition 22 - Flood resilient construction

- 6.32 The application proposes the removal of this condition. There are considerations of flood risk in Building Regulations Approved Document C, however this information is not sufficient when considered against the requirements outlined in the Flood Risk Assessment submitted with the planning application. Approved Document C refers the reader to a Government guidance document entitled 'Improving the flood performance of new buildings - Flood resilient construction'. Taking into account the lack of regulation specific to the planning application and the statements within the submitted Flood Risk Assessment, as required by paragraph 103 of the NPPF, it is considered that the only way to be certain that sufficient consideration has been given to flood resilient construction, a water exclusion strategy, and finished floor levels is through the imposition of Condition 22. It

is therefore considered that this Condition is relevant to planning, and the wording of the requirements is specific to the extent that enforcement action on the basis of the wording would be feasible.

- 6.33 It is therefore considered Condition 22 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the condition would allow for development which does not sufficiently considered and address issues of flood risk.

Conditions 23 and 24 - Flood evacuation plan and EA Flood Warnings

- 6.34 The application proposes the removal of this condition. Requirement of a Flood Risk Assessment (FRA) is stipulated by the NPPF, the submitted FRA concludes that a Family Flood Plan, Business Flood Plan, and registration with EA Flood Warnings Direct are required to ensure safety during times of flooding. Residing in a flood risk area would reasonably require a person or persons to make themselves aware of how to respond to flooding. However, the majority of persons at the subject site would be visitors utilising the holiday accommodation, it is therefore the responsibility of the business managing the accommodation to ensure the safety of all visitors, as such a Business Flood Plan is a basic requirement which would not be assured except through the imposition of a Condition specifying this.
- 6.35 Registration with EA Flood Warnings Direct is again a conclusion within the submitted FRA but not one which can be imposed upon owners and operators of the holiday accommodation except through the imposition of a Condition.
- 6.36 Conditions 23 and 24 are relevant to planning as without being assured of the safety of all visitors to the subject site and the provision of safe access and escape routes the decision would not be in accordance with National and Local planning policy and would not satisfy the measures proposed by the FRA submitted on behalf of the applicants.
- 6.37 It is therefore considered Conditions 23 and 24 as applied pass the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the condition would allow for development which does not sufficiently considered and address issues of flood risk.

Condition 25 - Removal of Permitted Development rights

- 6.38 The application proposes the removal of this condition As noted at paragraph 6.4 above, the layout and design of the approved buildings has been done in a way to provide a cohesive appearance across the collection of properties, with three distinct pockets of design and appearance within the overall site. There has been considerable effort put into ensuring a suitable standard of design and appearance which was ongoing through the previous withdrawn application, culminating in the scheme as approved.
- 6.39 Permitted Development rights under Classes A, B, C, D, E, and F of Schedule 2 Part 1, or Class A of Schedule 2 Part 2 are contained within a document

that applies to all dwellinghouses in England and Wales, as such their application is generic and without specific consideration. Taking into account the sensitivity of the subject site and the importance of achieving identifiable and measured pockets of development, the restriction of Permitted Development (PD) rights is considered essential to ensure no avoidable impact on the appearance and setting of the properties, and their appearance within the wider landscape. A certain level of well-considered uniformity allows for a development to meld within its setting, and this has been a driving principle in negotiations for an acceptable scheme. The inclusion of extensions such as box dormers, sizable conservatories, would undermine the appearance of the site and have implications for wider landscape setting, particularly taking into account the open aspect to the south and east of the site. Such additions if included in the submitted scheme would not have resulted in a development which would be acceptable, therefore the restricting the potential for such unacceptable development is an essential part of ensuring that the development is satisfactory for the lifetime of development.

- 6.40 The restriction of the specified PD rights does not restrict the potential to develop the approved properties, it simply allows for a sensible and realistic mechanism to control future development of the approved properties. This would be achieved by requirement of appropriate design and use of materials, of form and scale fitting for the approved development, which must be controlled by the appropriate planning process.
- 6.41 It is therefore considered Condition 25 as applied passes the six tests as stipulated in paragraph 206 of the NPPF and should be retained. Removing the condition would potentially undermine the character and appearance of the development which would be detrimental to the site and surroundings.

7 Conclusion

- 7.1 The application proposes varying three conditions and removing ten conditions. The majority of this proposal would have the effect of undermining the acceptability of the scheme and its compatibility with the Site Specific Policy THU1.
- 7.2 It is considered that conditions 3: materials, 4: construction/completion timescales, 5: occupational restrictions, 6: holiday use restrictions, 7: disabled friendly accommodation, 12: driveway details, 13: visibility splay, 22: flood resilient construction, 23: flood evacuation plan, 24: EA flood warnings, and 25: restriction of permitted development rights satisfy the six tests at paragraph 206 of the National Planning Policy Framework and the removal or suggested variance of these conditions would be contrary to Site Specific Policy THU1.
- 7.3 It is considered that conditions 10: obscured glazing could reasonably be removed as it would not worsen the existing situation regarding neighbouring residential amenity, and that condition 17: amenity grassland could reasonably be moved to the Informative section as the underlying protection of reptiles is achieved through a separated regulatory requirement.

8 Recommendation

- 8.1 Approve in respect of the removal of Condition 10 and to move Condition 17 to Informatives, with all other conditions being restated as originally imposed which amounts, in effect to refusing the application to vary or remove them.

9 Reason for recommendation

- 9.1 The proposed variation of conditions 3: materials, 5: occupational restrictions and 6: holiday use restrictions, and removal of conditions 4: construction/completion timescales, 7: disabled friendly accommodation, 12: driveway details, 13: visibility splay, 22: flood resilient construction, 23: flood evacuation plan, 24: EA flood warnings, and 25: restriction of permitted development rights of BA/2017/0103/OUT is considered contrary to Policy THU1 of the Site Specific Policies Local Plan, Policies CS1, CS4, CS9, CS20 and CS24 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP11, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application, along with National Planning Practice Guidance.

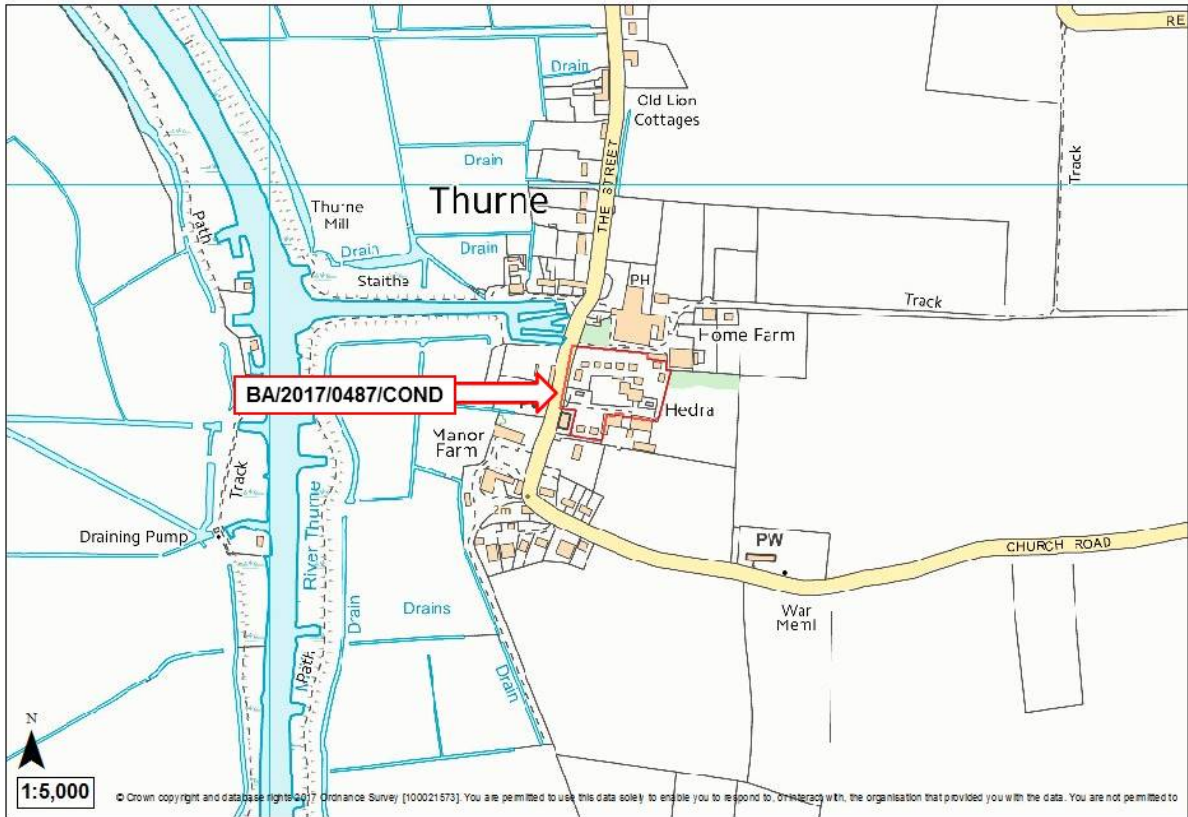
List of Appendices: Appendix A - Location Plan
 Appendix B - Extract from National Planning Practice Guidance
 Appendix C – The 6 Tests

Background papers: Application File BA/2017/0487/COND and BA/2017/0103/OUT

Author: Nigel Catherall
Date of Report: 15 February 2018

APPENDIX A

BA/2017/0487/COND - Hedera House



The following is an extract from National Planning Practice Guidance - Use of planning conditions.

Why are conditions imposed on a planning permission?

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

What is the government’s policy on the use of conditions in planning permissions?

[Paragraph 203](#) of the National Planning Policy Framework states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”

[Paragraph 206](#) of the National Planning Policy Framework states “Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.”

The policy requirement above is referred to in this guidance as the 6 tests.

How does the Local Planning Authority ensure that the 6 tests in paragraph 206 of the National Planning Policy Framework have been met?

Whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions should help to deliver development plan policy and accord with the requirements of the National Planning Policy Framework, including satisfying the 6 tests for conditions.

The 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made. The tests are set out in the following table, alongside key considerations:

Are there any circumstances where planning conditions should not be used?

Any proposed condition that fails to meet any of the [6 tests](#) should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party. Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis. Specific circumstances where conditions should not be used include:

- **Conditions which unreasonably impact on the deliverability of a development:**

Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. In considering issues around viability, local planning authorities should consider policies in the National Planning Policy Framework and supporting guidance on [viability](#).

- **Conditions reserving outline application details:**

Where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only.

- **Conditions requiring the development to be carried out in its entirety:**

Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.

- **Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act):**

Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning,

Can conditions be used to require the applicant to submit further details after permission has been granted?

For non outline applications, other than where it will clearly assist with the efficient and effective delivery of development, it is important that the local planning authority limits the use of conditions requiring their approval of further matters after permission has been granted. Where it is justified, the ability to impose conditions requiring submission and approval of further details extends to aspects of the development that are not fully described in the application (eg provision of car parking spaces).

Where it is practicable to do so, such conditions should be discussed with the applicant before permission is granted to ensure that unreasonable burdens are not being imposed. The local planning authority should ensure that the timing of submission of any further details meets with the planned sequence for developing

the site. Conditions that unnecessarily affect an applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used. A condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity.

Can conditions be used to modify plans and other details submitted with an application?

If a detail in a proposed development, or the lack of it, is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application. Where this involves significant changes this may result in the need for a fresh planning application.

Depending on the case, it may be possible for the local planning authority to impose a condition making a minor modification to the development permitted. A condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used.

What about conditions that are requested by third parties?

Third parties such as statutory consultees can suggest conditions to mitigate potential impacts and make a development acceptable in planning terms. The decision as to whether it is appropriate to impose such conditions rests with the local planning authority. As with any condition, the local planning authority should consider whether the [6 tests](#) will be met. Where third parties suggest conditions it is essential for them to first consider whether the [6 tests](#) will be met on a case by case basis with reference to the facts of the proposal under consideration. Blanket standard conditions should not be used without proper consideration of whether they are necessary, and if so, how they would apply to the case in question.

It is not appropriate to require in a condition that a development/requirement should be carried out to the satisfaction of a third party as this decision rests with the local planning authority.

Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?

Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under [article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) to enable them to withdraw permitted development rights across a defined area.

What status do informative notes appended to decision notices have?

Informative notes allow the local planning authority to draw an applicant's attention to other relevant matters – for example the requirement to seek additional consents under other regimes. Informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes.

The full guidance can be read through the following link:

<https://www.gov.uk/guidance/use-of-planning-conditions>

APPENDIX C

The 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made. The tests are set out in the following table.

TEST	KEY QUESTIONS
Necessary	<p>Will it be appropriate to refuse planning permission without the requirements imposed by the condition?</p> <ul style="list-style-type: none"> • A condition must not be imposed unless there is a definite planning reason for it, ie it is needed to make the development acceptable in planning terms. • If a condition is wider in scope than is necessary to achieve the desired objective it will fail the test of necessity.
Relevant to planning	<p>Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?</p> <ul style="list-style-type: none"> • A condition must not be used to control matters that are subject to specific control elsewhere in planning legislation (for example, advertisement control, listed building consents, or tree preservation). • Specific controls outside planning legislation may provide an alternative means of managing certain matters (for example, works on public highways often require highways' consent).
Relevant to the development to be permitted	<p>Does the condition fairly and reasonably relate to the development to be permitted?</p> <ul style="list-style-type: none"> • It is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted. • A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.
Enforceable	<p>Would it be practicably possible to enforce the condition?</p> <ul style="list-style-type: none"> • Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.
Precise	<p>Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?</p> <ul style="list-style-type: none"> • Poorly worded conditions are those that do not clearly state what is required and when must not be used.
Reasonable in all other respects	<p>Is the condition reasonable?</p> <ul style="list-style-type: none"> • Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness. • Unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable.

Reference:

BA/2017/0389FUL and BA/2017/0390/LBC

Location

Common Farm, Silver Street, Fleggburgh

BA/2017/0389/FUL & BA/2017/0390/LBC - Common Farm



Application for Determination
Report by Planning Officer

Parish	Fleggburgh
Reference	BA/2017/0389/FUL Target date 16 January 2018 BA/2017/0390/LBC
Location	Common Farm, Silver Street, Fleggburgh, NR29 3DB
Proposal	Demolition of workshop building, renovation of farmhouse and construction of single story link extensions to farm buildings, convert to domestic use. Replacement cattle shed and farm storage buildings.
Applicant	Mr Peter Flowerdew
Recommendation	Approval subject to conditions
Reason for referral to Committee	Director discretion

1 Description of Site and Proposals

- 1.1 The subject comprises an area of buildings and land within the north-western corner of Common Farm, a working farm located to the south of the village of Fleggburgh and to the west of Filby Broad. The main part of the village is located to the north of the A1064, to the south of the A1064 the landscape gives way to large arable fields, with a string of farms and residential properties running east to west along Broad Road, Ruggs Lane, and Silver Street. Access to Common Farm is via Silver Street and Ruggs Lane which leads directly south of the A1064, there are two accesses, one a field access, and a short distance to the south an access to the farm buildings.

- 1.2 The farm comprises approximately 16 hectares of land, with a mixed arable, pasture, and cattle use. The subject site covers an area of 0.72 hectares and comprises the farm buildings and an area of adjacent pasture land. The farm buildings were traditionally in a horseshoe configuration with a central yard, this being undone by the introduction of a large barn/workshop in the central yard some time in the 1980s, surrounded by a raised concrete hardstanding. The original farmhouse lies on the western side of the horseshoe, this is a Grade II Listed building dating from the mid 18th Century which is currently in a very poor state of repair and is included on the Broads Authority Heritage At Risk Register under risk category A, which is the highest risk. Adjacent to the

farmhouse is a small cart shed and outside toilet, the northern side of the horseshoe features a hay barn, and to the eastern side is the Great Barn which is Grade II Listed; adjoining this is a further cart shed and store.

- 1.3 The eastern boundary of the site is adjacent to Filby Broad, the arable fields being separated from the Broad by a strip of trees and scrub. The Broad itself is within the designated Trinity Broads Site of Special Scientific Interest (SSSI) and Broads Special Area of Conservation (SAC).
- 1.4 The proposal is for the following works to the existing farm buildings:
 - Repair and renovation of the Listed farmhouse;
 - Conversion of small cart shed and outside toilet to an office, with glazed link from the farmhouse;
 - Single storey extension to the northern flank of the farmhouse;
 - Infill/linking extension between the farmhouse and hay barn;
 - Conversion of hay barn to form part of the extended farmhouse
 - Removal of 1980s large barn/workshop;
 - Removal of raised concrete hardstanding;
 - Reinstatement of original central yard ground levels;
 - Construction of raised terrace to north of yard;
 - Remainder of yard to comprise gravel, brick paving, and granite setts; and
 - Gravel driveway to north of farm buildings with provision of 2 parking spaces
- 1.5 The proposal is for the following works on land adjacent to the farm buildings:
 - Large single farm building providing feed and farm equipment stores on land to north-west of existing farm buildings, running parallel to Silver Street, and adjoining the eastern flank a single cattle store building;
 - Solar panels to the southern roof slope of the cattle store;
 - 1.8m tall close boarded timber access gate to existing field access;
 - Hard surfaced access to the stores building with crushed concrete hardstanding to front of stores; and
 - Ground source heat pump to west of the farmhouse.
- 1.6 The primary purpose of the application is to restore the dilapidated Grade II Listed farmhouse and bring it back into residential use, with conversion of existing structures and a mix of contemporary and traditional extensions to provide a level of accommodation suitable to modern living.
- 1.7 A secondary purpose is to tidy up the site through the removal of problematic late 20th Century additions, and in providing farm equipment storage, to remove the profusion of farm equipment which is stored in open air around the existing buildings and gives certain parts of the site an untidy appearance.
- 1.8 In addition a new cattle handling and accommodation building will allow for the existing cattle to be housed over winter.
- 1.9 The planning application under ref BA/2017/0389/FUL runs parallel to an application for Listed Building Consent under ref BA/2017/0390/FUL.

- 1.10 Planning Committee Members undertook a site visit to the application site on 19 January 2018 and the notes of that visit are attached as Appendix 1.

2 Site history

- 2.1 In 2016 pre-application advice was given in relation to renovation of Listed Building, single storey link, demolition of barn, part conversion and erection of new buildings, and barn complex to north-west. (BA/2016/0134/PREAPP and BA/2016/0258/PREAPP).

3 Consultation

3.1 Consultations received

Fleggburgh Parish Council - Councillors visited the site last week and in their meeting discussed the proposals. There were many positive comments arising from the site visit and councillors were particularly pleased that a listed building is to be restored. It was agreed that this application be supported.

Cllr Haydn Thirtle - Would welcome presentation on historic background and proposals for this site.

Natural England - No objection subject to standing advice on protected species, and suggestions of biodiversity enhancements.

BA Ecologist - No objection subject to conditions and enhancements.

BA Heritage Officer - No objection subject to conditions.

BA Tree Officer - No objection subject to conditions.

3.2 Representations received

One response was received suggesting that the proposed new farm building may be better sited to south of the property out of sight of the majority of Broad Road homes so as not visually detract. If the farm sheds are to be sited where proposed, it would be preferable for the timber cladding to be left a natural colour (rather than stained black etc.) so as to allow this large building to better blend in with its environment.

4 Policies

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

[Core Strategy \(adopted 2007\)](#)

CS1 - Landscape Protection and Enhancement

CS2 - Nature Conservation
CS4 - Creation of New Resources
CS5 - Historic and Cultural Environments

[Development Management Policies DPD \(adopted 2011\)](#)

DP1 - Natural Environment
DP2 - Landscape and Trees
DP4 - Design
DP5 - Historic Environment
DP11 - Access on Land
DP29 - Development on Sites with a High Probability of Flooding

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

[Development Management Policies DPD \(adopted 2011\)](#)

DP28 - Amenity

- 4.3 Other Material Considerations

[NPPF](#)

- 4.4 Neighbourhood plans

There is no neighbourhood plan in force in this area.

5 Assessment

- 5.1 The proposal is for works to the existing farm buildings including the demolition of the workshop building, renovation of the farmhouse, construction of single story extension linking the farmhouse to the hay barn, conversion of the hay barn and cart shed to residential use, and works to the central yard. The proposal also includes the construction of a cattle shed and farm storage building. The two areas of work will be considered separately.
- 5.2 The main issues in the determination of this application are the principle of the development, site layout and design issues, impact on the character and appearance of the area and designated sites, impact on residential amenity, and the effect on biodiversity.

Works to existing farm buildings

Principle of Development

- 5.3 The application seeks to restore a Grade II Listed building which is in a very poor state of repair, a fact reflected by its inclusion on the Broads Authority Heritage At Risk Register under risk category A. In addition to this the proposed works would reinstate the historic horseshoe layout of the farm

buildings through the removal of the central workshop building. In these purposes the proposed development is considered to be beneficial.

- 5.4 In restoring the farmhouse to residential use the applicant is seeking to update the provision of accommodation to more modern standards through the conversion of an existing hay barn and provision of a single storey addition which would link the two elements as well as providing additional accommodation. As these works would contribute to the delivery of a scheme which would result in the restoration of a listed building at risk they are considered acceptable in principle.

Impact on the character of the Listed buildings

- 5.5 The repairs and the proposed extensions to the farmhouse have been the subject of extensive pre-application discussions with Broads Authority officers and historic building specialists and the principle of the work is broadly acceptable. There will inevitably be further decisions to be made during the restoration works on site, but repairs methodologies have been discussed and identified in the Heritage Statement submitted with the application. The principal repairs the farmhouse are:

- Rebuilding the central chimney stack;
- Repairs to the roof and first floor structures using appropriate methods and materials;
- Rebuilding of the dormers covered with clay pin tiles as existing;
- Re thatching the roof with Norfolk reed;
- Repairs and strengthening to brickwork structure; and
- Repairs or replacement of internal and external joinery using purpose made elements.

- 5.6 Internal alterations to existing more recent elements of the building are proposed including:

- The removal of a concrete block enclosure and 20th century cupboards to expose a ground floor fireplace;
- Removal of late 19th or early 20th century timber partitions to the internal dairy;
- Removal of two late 19th or early 20th century timber first floor partitions one of which divides a dormer window;
- Reinstatement of an original doorway between two ground floor rooms and closing off a later doorway; and
- Where possible existing first floor timber flooring will be reused and existing floor bricks in part of the ground floor, currently covered with a cement screed, will be re-laid as a new floor finish

- 5.7 It is proposed to extend the farmhouse accommodation into adjacent existing buildings, using a small cart shed to the south for toilet accommodation and an office, and the hay barn to the east for bedroom accommodation. Conversion of these buildings will use reclaimed materials and timber windows with timber

infill on the existing open area of the hay barn facing the farmyard. New glazed links with a contemporary design connect the cart shed and hay barn to the farmhouse; that to the north will house a kitchen and seating area.

- 5.8 A new single storey extension to the north of the farmhouse of a more traditional design using red bricks, pantiles and aluminium windows will accommodate the main entrance to the farmhouse and a utility and boot room.
- 5.9 The repair and renovation works to the Listed building have been discussed prior to the submission of the application and are considered to be appropriate and acceptable. Further discussions will need to be held as the works progress and it should be borne in mind that there may be instances where further formal consent is required. The proposed extensions to the farmhouse are thought to be suitable modern interventions of an appropriate scale and design that will reinforce the courtyard whilst providing modern facilities outside the main envelope of the listed building.

Site layout and design

- 5.10 The existing site layout gives a clear indication of how the site used to function, but this has been impaired through the introduction of the 1980s workshop building located in the heart of the central yard. The application would involve the removal of this workshop building which would re-establish the historic horseshoe layout. This has the dual benefit of removing a building which in terms of its design and appearance is at odds with the surrounding buildings, and opening up the central yard to improve the appearance and layout of this section of the site, as well as its functionality.
- 5.11 The proposed single storey extension would partly be sited in the north-west corner of the central yard to infill the area between the farmhouse and the hay barn, this enables the use of the hay barn as additional residential accommodation by linking it to the main dwelling. The layout in effect mirrors the north-east corner and provides visual continuity between the existing elements. The design of the extension when viewed from the central yard is unmistakably modern and features a flat roof, this ensures that the distinction between historic components and modern additions is clear and unambiguous which allows for a clear reading of the site history. The use of a flat roof keeps the overall scale of the additional built form to a minimum which limits any impact on the historic components of the site and ensures that they remain the more dominant structures. To the northern side of the extension whilst the flat roof is retained the external appearance is of brick which allows for the extension to assimilate well with the adjoining buildings when considering the longer views which the siting of this elevation allows.
- 5.12 There is an additional element of the single storey extension which is sited adjoining the north of the farmhouse and north-west of the flat roof linking extension. This portion of the extension has a rectangular footprint and dual-pitched and gabled roof, the limited size of the extension ensures that the ridge of the roof is at a reasonable height and notably lower than the cart shed and hay barn which have the same roof design. The use of a pitched roof is

considered acceptable as the building maintains separation from the historic buildings through the use of the flat roofed linking element, and is overall of a scale and siting that is subservient to these buildings.

Conversion of hay barn and cart shed

- 5.13 The needs of modern farming are often not suited to old farm buildings, primarily in terms of scale. Whilst the use of the older buildings can often complement the function of a farm, Common Farm has a surplus of older buildings, therefore the retention of the Grade II Listed Great Barn and adjoining cart barn provide sufficient additional storage for the working farm where their scale and functionality are compatible. This leaves surplus buildings in the form of the hay barn to the north of the central yard and cart shed to the south of the farmhouse, both are of a size which is inadequate for farm use, but given their siting, size, and appearance are suitable for providing additional accommodation. This has the benefit of maintaining or restoring existing buildings which form part of the historic group of buildings which retains the overall interest and appearance of this section of the site.
- 5.14 The hay barn would be utilised as additional bedrooms and bathrooms, it adjoins the link extension which itself adjoins the farmhouse providing the continuous flow of a single residential property. The cart shed does appear to have a linking element to the farmhouse but this is in fact a self-contained privy. A connection between the two elements would be established through the provision of a small addition utilising the front wall of the privy, this would provide a link between the farmhouse and the cart shed which would be used as office space. The works to both the hay barn and cart shed would provide additional accommodation whilst retaining the use as a single family dwellinghouse.

Impact on the character and appearance of the area

- 5.15 To the east of the collection of farm buildings is Filby Broad which is within the designated Trinity Broads Site of Special Scientific Interest (SSSI) and Broads Special Area of Conservation (SAC). Between the subject buildings and the Broad is an arable field with an approximate width of 220 metres, followed by a continuous strip of trees and scrub along the western bank of the Broad with a width of approximately 50 metres.
- 5.16 Overall the proposed works are of a minor scale when considered in the context of the existing buildings, and the separation between the subject buildings and the Broad would be sufficient, with the addition of an ample screen of trees adjacent to the Broad this would ensure that there is no impact on the designated sites and the setting of the Broad. It is further noted that Natural England have raised no objection to the application.
- 5.17 The proposed single storey additions are sited to the north-west corner of the collection of buildings and views of these additions, as well as the external alterations to the hay barn would be possible from Broad Road to the north. Taking into account the design of the additions/alterations and their scale

relative to the existing buildings it is considered that the proposed scheme would not unduly impact on the character and appearance of the subject site or the surrounding area.

Impact on residential amenity

- 5.18 The farmhouse has not been occupied for a number of years but its use is established and the restoration of the building for use as a dwelling does not require consent. The additions to the farmhouse are relatively minor and their siting maintains the residential form as a single self-contained unit. It is therefore considered that there would be no unacceptable impact on the amenity enjoyed by neighbouring residents.

Works to the central yard

- 5.19 The central yard, in addition to containing the sizeable workshop building, is also predominantly hard surfaced in concrete. It is also noted that the floor of the workshop is concrete. This provides for a poor appearance, as well as noticeably raising the ground level at certain points. The proposal includes the removal of the raised floor slab of the demolished workshop and reinstatement of the original farmyard ground levels. The finished yard will be a combination of gravel, brick paving and granite setts. An area adjacent to the converted hay barn and single storey link extension will be provided as a raised terrace with paving and a dwarf wall. The proposed works would complement the character and appearance of the buildings.

Biodiversity

- 5.20 The application has been assessed by the BA ecologist who raised no objection to the scheme subject to conditions.

Cattle shed and farm storage building

- 5.21 The application includes the construction of a farm building sited approximately 30 metres to the north/north-west of the existing farm buildings. The proposed farm building would comprise two adjoining sections at a right angle to one another resulting in an inverted 'L' shape. The section running parallel to Silver Street comprises the farm and equipment stores which would measure 32.12 metres in length and 10.70 metres in width, with a dual pitched roof to a maximum height of 6.0 metres, falling to 4.5 metres at eaves. At a right angle to this building is the cattle shed which would measure 23.7 metres in length and 6.1 metres in width, with a dual pitched roof to a maximum height of 4.3 metres, falling to 2.7 metres at eaves, and featuring a shallow canopy overhang to the southern elevation.

Principle of Development

- 5.22 The application site is a working farm with a mixed arable, pasture, and cattle use. There is currently no building for the cattle to be housed in over winter, and there is a lack of storage for modern farm machinery which lays about the

site in the open air, as such the provision of a modern farm building with a storage element and a cattle shed element is considered acceptable in principle.

Site layout and design

- 5.23 The siting of the proposed farm building is to the south-east corner of the pasture field, parallel with Silver Street and the access track to the existing farm buildings. This siting to a reasonable extent nestles the equipment and feed building against a well established hedgerow which runs alongside both the road and the track, this provides a backdrop to the building in addition to providing a degree of cover when viewed from the road. The farm building will need to be accessed by vehicles, taking into account existing access arrangements the proposed siting will limit vehicular intrusions into the site. It is therefore considered that the proposed siting provides for a reasonable balance of less intrusive presence and accessible location.
- 5.24 The proposed design is straightforward and regular, with an appearance which is common to modern farm buildings, it utilises a simple palette of materials to provide an unassuming appearance. The applicant has carefully considered the northern elevation which is the side that would be readily visible from Broad Road and the residential properties on the north side of that road. Therefore the north elevation would be finished with vertical timber cladding and clay pantiles, this would result in a softer appearance and one more fitting to a residential setting. Taking into account the siting of the building on a well established working farm, and the surrounding development which includes sizeable farm buildings at the farm on the opposite side of Silver Street, the siting and design of the proposed farm building is considered acceptable.

Impact on the character and appearance of the area

- 5.25 As noted above, to the east of the collection of farm buildings is Filby Broad which is within the designated Trinity Broads Site of Special Scientific Interest (SSSI) and Broads Special Area of Conservation (SAC). Between the proposed farm building and the Broad is an arable field with an approximate width of 220 metres, followed by a continuous strip of trees and scrub along the western bank of the Broad with a width of approximately 50 metres.
- 5.26 For much of the year the ample screen of trees adjacent to the Broad would limit any views across the subject site, consolidated by the distance between the trees and the proposed farm building. Whilst there would be glimpsed views of the site when the trees are bare, again the distance to the proposed farm buildings would limit any potential impact on the designated sites and the setting of the Broad. It is further noted that Natural England have raised no objection to the application.
- 5.27 Views of the proposed farm building will be possible from Broad Road to the north and Silver Street to the west. Taking into account the established use of the site and indeed the existing farm buildings, the siting of additional farm buildings would not be out of keeping or character with the site. There are a

number of farms in this locale and there are similar farm buildings in terms of height and appearance at properties to the west and south-west. In this context the proposed farm building would not unduly impact on the character and appearance of the subject site or the surrounding area.

Impact on the character of the Listed buildings

- 5.28 The proposed farm building is sited just over 30 metres from the existing farm buildings which includes the Grade II Listed farmhouse and great barn. Whilst the scale of the proposed building is larger in isolation, as a collection the existing buildings have a similar scale, and it is noted that the overall height is lower than the Listed elements, as such the proposed building would not dominate the site or the existing buildings.
- 5.29 The BA Heritage Officer has considered the relationship of the proposed farm building to the existing buildings and Listed building, concluding that due to its siting and elevational treatment the proposed farm building will not have an adverse impact on the character of the Listed buildings and is therefore acceptable. In addition, the construction of this building will enable the removal of the 20th century storage building from the farmyard which will allow the Listed and associated buildings to be appreciated in their proper spatial context within a newly landscaped courtyard.

Impact on residential amenity

- 5.30 The proposed farm building maintains a separation of approximately 20 metres to the nearest residential property, a converted barn on the opposite side of Silver Street, a distance of approximately 40 metres to the farmhouse on the opposite side of Silver Street, a distance of 30 metres to the property to the south of the subject site, and a distance of approximately 60 metres to the properties along Broad Road to the north of the subject site. It is noted that the properties on the opposite side of Silver Street are configured with the principle elevations facing north or south, with the eastern elevations which face the subject site being flank elevations. The property to the south of the subject site is similarly configured. Taking into account the separation to the nearest dwelling, the height of the proposed building, and the existing boundary treatment on the western and southern boundary of this section of the site, as well as the configuration of neighbouring residences, it is considered that the proposed farm building will not unduly impact on the amenity enjoyed by residents in the form of a loss of light or outlook, or loss of privacy.
- 5.31 In terms of the potential for noise disturbance it is noted that the animals to be housed in the cattle shed portion of the proposed farm building are already part of the functioning farm. Currently the animals are wintered outside, but the inclusion of a cattle shed would allow for shelter to be provided during times of inclement weather. The siting of the farm building is on an area of existing pasture, as such the animals can be kept on that portion of the farm, therefore the proposed building would not result in a use of an area where that use does not already exist. In providing a building for the animals to be

housed this would also to some extent diminish the level of surround transferral by virtue of the building itself, this being aided by the configuration which creates a reasonably well shielded area. It is therefore considered that the use of the proposed farm building will not unduly impact on the amenity enjoyed by residents in the form of undue noise disturbance.

Access

- 5.32 There is an existing access to the field where the new farm building would be located and there are no alterations proposed to this access aside from a replacement of the existing gate set back 6.5 metres from the highway. The access leads directly to a track composed of crushed concrete which is sited adjacent to the north of the new building. This siting would ensure that the track has limited impact on the surrounding landscape by keeping hard elements within a particular location on the site.

6 Conclusion

- 6.1 The existing Grade II Listed farmhouse is included on the Broads Authority Heritage At Risk register, the proposed works would result in the property being removed from the register and secure the long term future of this heritage asset. The proposed works would re-establish the lost farmyard configuration and remove the modern workshop barn which is detrimental to the character, layout, appearance, and function of this part of the site. The proposed additions to the farmhouse and conversion of adjacent outbuildings are considered acceptable and would not harm the character and setting of the heritage assets.
- 6.2 The proposed new farm building has a simple design and is of a reasonable scale, it would not be detrimental to the nearby Listed buildings, it is considered to be appropriately sited taking into account existing boundary treatments, and would not unduly impact on the amenity enjoyed by neighbouring residents.
- 6.3 The proposed development would not have detrimental impact on the nearby Trinity Broads Site of Special Scientific Interest (SSSI) and Broads Special Area of Conservation (SAC).

7 Recommendation

Approve subject to conditions

- i. Standard time limit;
- ii. In accordance with submitted plans;
- iii. Details of materials;
- iv. Details of all structural interventions to the Listed building;
- v. Detailed design of the replacement dormers
- vi. Submission of larger scale drawings of elevations
- vii. Submission of schedule of repairs and/or replacements of internal and external joinery;

- viii. Details of all new joinery details
- ix. Details of eaves, verges and abutments to listed building
- x. Details of new windows and doors - materials and details
- xi. Details of landscaping scheme and materials for the courtyard and parking areas;
- xii. Details of lighting scheme;
- xiii. Detail of overall timetable/programme for the works
- xiv. Recording of all elements of Listed building to be removed
- xv. In accordance with hedgerow management proposal both for the existing and new length of hedge;
- xvi. Bat bird mitigation measures and enhancements;
- xvii. Timing of works - bird nesting

Informatives

- i. European Protected Species licence

8 Reason for Recommendation

The proposal is considered to be in accordance with Policies CS1, CS2, CS4, and CS5 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP5, DP11, , and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

List of Appendices: Appendix A - Location Plan

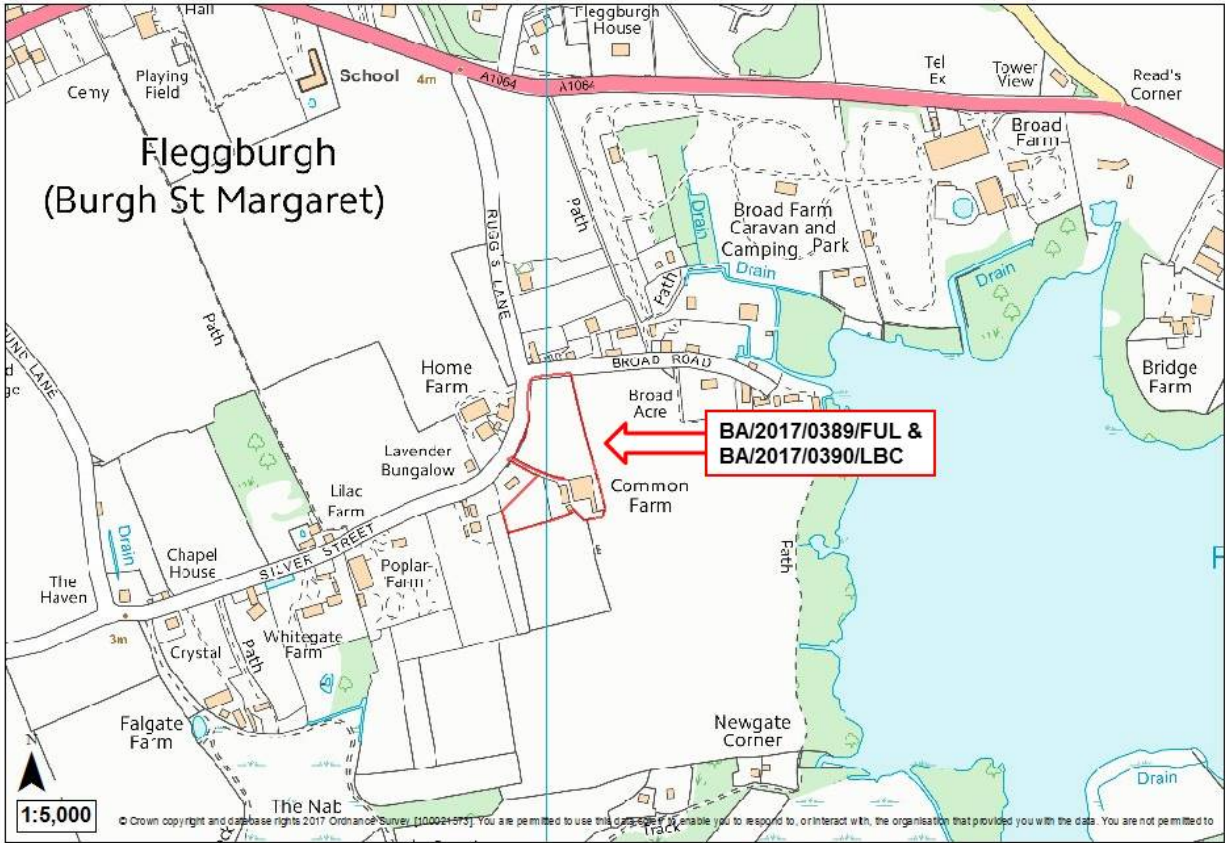
Background papers: Application File BA/2017/0389/FUL

Author: Nigel Catherall

Date of Report: 15 February 2018

APPENDIX A

BA/2017/0389/FUL & BA/2017/0390/LBC - Common Farm



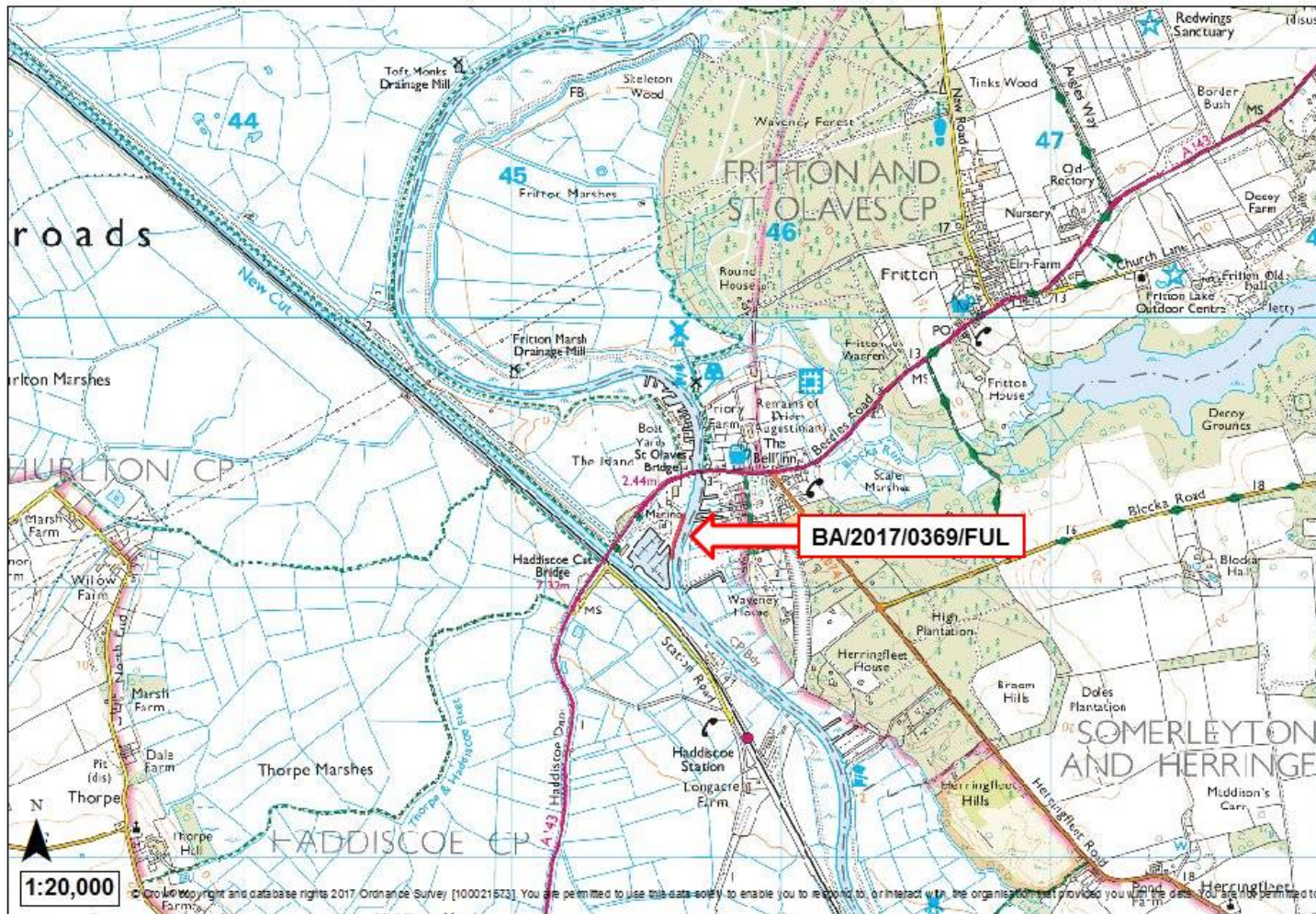
Reference:

BA/2017/0369/FUL

Location

St Olaves Marina, Beccles Road, St Olaves

BA/2017/0369/FUL - St Olaves Marina



Application for Determination
Report by Planning Officer

Parish	Haddiscoe and Toft Monks
Reference	BA/2017/0369/FUL Target date 05 December 2017
Location	St Olaves Marina, Beccles Road, St Olaves
Proposal	Mooring pontoons with bank cutback on the River Waveney frontage together with, demasting, visitor and service moorings.
Applicant	Mr Chris Bromley
Recommendation	Approve subject to conditions
Reason for referral to Committee	Objections which raise material considerations of significant weight received

1 Description of Site and Proposals

- 1.1 St Olaves Marina is a large marina situated at the confluence of the River Waveney and the Haddiscoe New Cut, in the southern half of the Broads system. The marina comprises two basins extending to approximately 1.8ha, a boat sales area, washrooms building, reception and office building and extensive areas of hardstanding for car parking, boat storage and marine maintenance activities. In total the site covers an area of approximately 5ha. It does not appear that the total number of moorings offered by the site is restricted by planning, it is believed that the marina can accommodate in excess of 150 boats in the water, and has space for a considerable number more in dry storage on the land. There are currently no moorings along the River Waveney frontage of the site.
- 1.2 The marina site, broadly triangular in shape, is bounded on two sides by water and on the third by the A143, a busy 'A' class road which crosses the Haddiscoe New Cut via a substantial modern road bridge. The landscape to the north, south and west of the marina is characterised by expanses of flat grazing marsh, with small fields separated by drainage dykes in the traditional pattern of the Broads. The large road bridge (with a height above mean high water of just over 7m) is a very prominent feature in the landscape surrounding the marina.

- 1.3 To the east of the application site, across the River Waveney, the landscape is more developed and domestic in nature. A row of gardens, moorings and leisure plots face the marina across the river and to the east of these the land rises up to meet a linear development of houses running on a north/south axis. These houses are largely orientated to take advantage of views of the river situated some 200m to the west.
- 1.4 There are moorings on the opposite side of the river which, in addition to some mooring cuts primarily opposite the proposed 60m of piled riverbank, these allow for vessels to be moored along the piled riverbank.
- 1.5 In 2015 planning permission was refused (ref BA/2014/0205/FUL) for 116m of floating pontoon and 48m of piled frontage to the south of the proposed pontoon, including 22m of visitor/demasting moorings at the southern end of the piled frontage. The application was refused for the following reasons:
- Through the introduction of an engineered edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on protected species and protected habitats. As such the development is contrary to criterion 'b' of policy DP16 of the adopted Broads DM DPD in respect of ecological impacts.
 - Through the introduction of an engineered edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on the landscape character of the protected landscape of the Broads. As such the development is contrary to criterion 'b' of policy DP16 of the adopted Broads DM DPD in respect of landscape impacts.
 - The application does not provide new visitor moorings or, in lieu of visitor moorings, demasting moorings, as required by criterion 'h' of policy DPI 6. As such the development cannot be considered to accord with criterion 'h' of Policy DP16.
 - The proposal would result in the reduction of the width of the river as a result of the pontoon and the use thereof and would consequently have a negative impact on navigation. As such, the development is contrary to criterion 'a' of Policy DP16 of the adopted Broads DM DPD In respect of navigation impacts.
- 1.6 This application is for the installation of 115m of floating pontoons along the River Waveney (eastern) frontage of the marina site, with a cut back of the existing riverbank by 2.5m for the entire length of floating pontoons. The submitted plans show an existing reeded bank at an angle of 45 degrees with a flood wall behind to a height of 0.6m, this would be replicated 2.5m behind its existing position, and the bank allowed to regenerate with reeds. The newly created bank would be piled at the water line, vertical guide poles for the pontoons would be driven into the riverbank to the front of the piled bank, and pontoons would be sited adjacent to the guide poles. The pontoons would be accessed via a ramp which is designed to rise and fall along with the pontoons. The moorings would be private moorings, as defined by policy DP16.

- 1.7 Immediately south of the mooring pontoons would be a section of riverbank that would be piled along the existing bank line for a length of 60m to provide visitor mooring for a length of 20m, servicing berths for a length of 20m, and demasting berth for a length of 20m.
- 1.8 Whilst it is noted that the mooring pontoons and piled riverbank would not reduce the existing width of the river, the navigable width would be reduced by virtue of boats utilising the proposed moorings.
- 1.9 In summary the current application differs from the proposal which was refused in the following respects:
- The existing riverbank on the River Waveney frontage would be cut back by 2.5m for a length of 115m, with mooring pontoons at a width of 2.5m to the front of the new bank line, therefore the reduction in the width of the river would be limited to the width of any vessel mooring at the pontoons.
 - The newly created riverbank would be planted with reed.
 - Visitor berths would be provided for a length of 20m, with servicing berths for a length of 20m, and demasting berth for a length of 20m.

2 Site history

- 2.1 There is extensive planning history in the 1980s and 1990s, concerning the excavation of the basin and other works. The only recent works relevant to this relate to the provision of demasting moorings on the Reedham side of the New Cut pursuant to a s106 Agreement.
- 2.2 In 2015 planning permission was refused for 116m of floating pontoon and 48m of piled frontage to the south of the pontoon, including 22m of visitor/demasting moorings at the southern end of the piled frontage (ref BA/2014/0205/FUL).
- 2.3 In 2017 pre-application advice was given in relation to proposed mooring pontoons (BA/2017/0015/PREAPP).

3 Consultation

3.1 Consultations received

Fritton and St Olaves Parish Council - No objection, although there was a comment in regard to timber piling instead of steel piling should be preferred for wildlife protection in national park area.

River Waveney Trust - We do not wish to make representations on this occasion.

NSBA - We do not object to this application provided that there is adequate width in the river, and indeed strongly support the provision of floating pontoons available to the public and pontoons for mast lowering, there being a serious deficiency in mast lowering facilities at St Olaves Bridge. We recommend that the relevant senior officers carry out checks to determine that

the cutting back of the river bank to the new line is adequate. Construction of the piled edge should be checked to ensure that the revised line of the river edge is suitably engineered to prevent scour.

Navigation Committee - At their on 15 December 2017 Members welcomed the mooring and the provision for demasting moorings, it was noted that the concerns with the previous application had been met and Members were encouraged by the benefits of the new development. The committee supported the development.

BA Landscape Officer - Given the scale and nature of the proposals, existing moorings and backdrop of the large marina and boatyard, I don't consider that the proposals would have significant visual or other landscape impacts. Existing reeds along a flood wall would be allowed to regenerate which is beneficial.

BA Ecologist - The reed fringe on this particular stretch of river is currently in poor condition. In principle I have no objection to the berth area being setback as long as mitigation is provided in the form of a replacement reed fringe habitat. The reed fringe must be reinstated to provide a continuous margin. Further details on the width of the reed rond should be provided. If this scheme were to be approved we would condition replanting of the reed fringe if this was unsuccessful, and any associated management of the area.

BA Waterways and Recreation - The revised proposal does not present us with any concerns regarding the width of the navigation. The new pontoons will be set back into the bank beyond those at Johnson's Yacht Station so that any vessels moored there will still be closer in to the bank than those at Johnson's. Also we don't see this effecting the moorings opposite adversely. We welcome the proposal to provide the pump out and fuel services as this will provide services that are currently not available in the area and this is considered to be a positive benefit of the proposal. Additionally the proposed visitor moorings and demasting moorings will be a benefit for navigation. In summary we support this amended proposal in principle but would wish to agree specifications for any bank reprofiling, piling and the pontoons particularly safety features.

3.2 Representations received

Two responses were received from residential neighbours which are summarised as follows:

- The only difference between this application and the previous one is the pontoons will be cut back into the bank a matter of 2.5 metres this still leaves another 4 to 5 metres in the river depending on the boat size.
- People using the new proposed moorings will also have to turn around to moor up against the tide alongside the new moorings.
- Boats using old marina entrance had to turn to enter the marina against the tide, this resulted in countless boats crashing into quay heading on the opposite bank.

- We would not like to see the previous situation return on an exaggerated scale.
- Width of navigation may have increased but still issues of impact on wildlife.
- How will access to moorings be provided out of hours.
- Demasting mooring is so far away from the bridge that it is unworkable in practice.
- The protected species habitat is currently being destroyed by the Marina's vegetation stripping activities prior to any decision being made.
- There are compliance issues with earlier planning conditions, the landscaping, planting of trees, land levels, the temporary permission for the plastic sheeted workshop, etc.

4 Policies

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

[Core Strategy \(adopted 2007\)](#)

CS1 - Landscape Protection and Enhancement
 CS3 - The Navigation
 CS4 - Creation of New Resources
 CS9 - Sustainable Tourism
 CS14 - Visitor moorings
 CS23 - Network of waterside sites

[Development Management Policies DPD \(adopted 2011\)](#)

DP1 - Natural Environment
 DP2 - Landscape and Trees
 DP11 - Access on Land

- 4.2 The following Policies have been assessed for consistency with the NPPF which has been found to be silent on these matters. Paragraph 14 of the NPPF requires that planning permission be granted unless the adverse effects would outweigh the benefits.

[Development Management Policies DPD \(adopted 2011\)](#)

DP12 - Access to the Water
 DP13 - Bank Protection
 DP16 - Moorings

- 4.3 Other Material Considerations

[NPPF](#)

Landscape Character Assessment Area 9: Waveney Valley - St Olaves to Burgh Castle

4.4 Neighbourhood plans

There is no neighbourhood plan in force in this area.

5 Assessment

- 5.1 The proposal is for the cut back of the existing riverbank along the River Waveney by 2.5m for a length of 115m and the installation of floating pontoons for private mooring. The existing reeded bank and flood wall would be replicated 2.5m behind its existing position. Immediately south of the mooring pontoons would be a section of riverbank that would be piled along the existing bank line for a length of 60m to provide visitor mooring for a length of 20m, servicing berths for a length of 20m, and demasting berth for a length of 20m.
- 5.2 The main issues in the determination of this application are the impact on recreation and navigation, habitat and ecology, landscape and river scene, and highways access.
- 5.3 The proposed works would result in the provision of new moorings which would contribute to the network of facilities around the Broads system and in principle are considered acceptable. Proposals for new moorings are assessed against Policy DP16 of the Development Management Policies DPD which stipulates criteria (a) to (k) and these measures will be considered in turn.
- 5.4 Criterion (a) requires that new moorings would be located where they would not have a negative impact on navigation. This was a significant issue in the previous application (BA/2014/0205/FUL) cited by numerous objectors and consultees, and Navigation Committee unanimously recommended that the planning application should be refused as it would have a negative impact on navigation. The previous application was for pontoons to be sited adjacent to the existing riverbank, meaning the reduction in river width when considering both the pontoon and moored boat would be a maximum of 9.1m. The current proposal is for the riverbank to be set back by 2.5m with the submitted plan showing a bank profile whereby the front edge of the floating pontoon would broadly sit at the point where the existing riverbank at river level is sited. The result would be that the reduction in river width would be, as existing, on the basis of a moored boats' beam (width), with Broads Authority Vessel Dimension Byelaws 1995 restricting maximum permitted vessel width on this part of the Waveney to 5.5m. Taking into account the varied river width which at its narrowest is 31.5m and at its widest is 40.77m, a reduction in navigable width by a maximum of 5.5m is considered acceptable and would not have a negative impact on navigation. This is considered sufficient to overcome reason 4 of the previous refusal as concerns regarding negative impact on navigation have been adequately addressed.
- 5.5 It is acknowledged that an objection was received which cited issues with people using the new proposed moorings will also having to turn around to moor up against the tide. The proposal would result in a reduction of the

navigable width of the river by virtue of the width of the moored boats, however there would still be sufficient width within which to manoeuvre boats, as such it is considered that the reduced width of the river would not present a hazard to river users or the owners of plots opposite the application site. It is therefore considered that the proposal has overcome the previous reason for refusal (reason 4 under ref BA/2014/0205/FUL) and as such is acceptable with regard to criterion (a) of Policy DP16.

- 5.6 Criteria (b) and (g) require that there would be no adverse effect on landscape character, or protected habitats or species, and would meet the requirements of the Water Framework Directive. In terms of landscape, the appearance of the site (and consequent character) varies depending on the point from which it is viewed. The difference is broadly marked by the former River Waveney entrance to the mooring basin. In general, south of this point is more related to a softer more natural landscape and the north of this point is more related to the harder edged and engineered appearance. The location of the proposed moorings is predominantly alongside the land based element of the boatyard where structures, machinery and boats give the landscape a particular appearance and character. On the opposite bank there are numerous mooring cuts and the bank is piled giving a harder engineered edge. Whilst the proposal would result in the loss of the existing reeded bank, the area of reeds in question is very narrow and visibly eroded in places, with the BA ecologist commenting that the reed fringe on this particular stretch of river is currently in poor condition. The proposal includes the planting of reeds on the newly created riverbank alongside to the floating pontoons, which given the protection of the pontoons would be less susceptible to erosion.
- 5.7 The previous application for moorings at this location was refused due to adverse impacts on landscape character and on protected species and protected habitats (reasons 1 and 2 under ref BA/2014/0205/FUL). The assessment of that application highlighted the point that an engineered river edge such as the piling proposed as part of that scheme along the visitor/servicing/demasting moorings would result in the total loss of existing reed bed without compensatory habitat or mitigation. The current application differs as a large area of landscape improvement (130 metres by 10 metres) in the form of new reed bed is proposed immediately south of the section to be piled, this would be reasonably significant in terms of mitigation as the improved area is more than twice the length of the proposed piling. As noted in paragraph 5.6 above, the area of reeds is currently in poor condition, there are two sections where the riverbank is bare, one of which is alongside the proposed piled section, the other of which is alongside the proposed area of new reed bed.
- 5.8 The other point to note in paragraph 5.6 above is the landscape character at this section of the river. On the opposite bank the piled riverbank extends approximately 110 metres south of the southernmost point of the proposed piling. This gives the landscape a particular character in this section, so that as a boat travelling along the River Waveney passes the opening to the New Cut, a manmade and managed environment comes into view, with the subject site being a less obvious immediate presence. It is in this area that the

proposed mitigation planting would be most effective as the influence of the applicant's boatyard is less, but beyond that area, as the river gently curves to head northwards, the backdrop of the boatyard, the road bridges along the A143, the treatment of the opposite riverbank, and the absence of reeds or planting at the adjacent boatyard to the north of the subject site, give the landscape at this juncture a particular character that a 60 metre section of piling would not undermine or adversely influence. It is therefore considered that changes to landscape would be acceptable in their specific context and where a more engineered appearance is proposed it is in keeping with the immediate surroundings, and any impact would be offset by improvements to the adjacent area and the planting of a replacement reed fringe to the newly formed riverbank. As such the proposal has overcome the previous reason for refusal (reason 2 under ref BA/2014/0205/FUL) and is acceptable with regard to criterion (b) of Policy DP16 and Policy DP2.

- 5.9 In terms of protected species and habitats, the BA ecologist viewed the application, acknowledged that the reed fringe is currently in poor condition, and raised no objection to the riverbank setback subject to mitigation being provided in the form of a replacement reed fringe habitat. The applicant has provided details of the reed fringe planting and this has been accepted. There would be an interruption in the reed fringe by virtue of the proposed piled section of riverbank, but taking into account the existing reed fringe which is of poor quality and includes two gaps, one of 17 metres and one of 38 metres, the overall resulting scheme would be an improvement on the existing situation. Key to this is the proposed biodiversity enhancements in the form of the reed habitat south of the development area which would help offset any impact on priority habitat within the site. The application as submitted lacked a protected species survey for water voles, this was raised with applicant and an Ecological Mitigation Strategy was submitted, this has been reviewed by the BA ecologist and considered satisfactory subject to conditions, particularly the mitigation strategy for water voles. The proposed measures for mitigation, taking into account the existing condition of the reeds at this location, would result in an improved area of natural habitat. It is therefore considered that the proposal has overcome the previous reason for refusal (reason 1 under ref BA/2014/0205/FUL) and is acceptable with regard to criterion (b) of Policy DP16 and Policy DP2.
- 5.10 It is acknowledged that in a consultation response from a neighbouring plot owner it was stated that the protected species habitat is currently being destroyed by the Marina's vegetation stripping activities prior to any decision being made. Having viewed aerial photographs taken since 1999 it is clear that the reed fringe in this location has been eroding fairly consistently, and recent observations on site demonstrate a situation which accords with the pattern of attrition in general. There are patches where reed has been cut along with grasses, but these are limited and have been taken into consideration when assessing this element of the proposal. It is also noted that allegations of unauthorised development have previously been made and investigated and there are currently no outstanding issues on the site.

- 5.11 Criteria (c) and (k) require that there is provision for an adequate and appropriate range of services and ancillary facilities, or adequate access to local facilities in the vicinity. The proposed mooring pontoons are located at an existing boatyard which has a limited range of facilities, and is in walking distance to St Olaves which provides a small range of services and facilities. The ancillary features at the boatyard include toilet and shower block, lift out and marine repairs. It is acknowledged that local provision is limited, but given the existing function of the boatyard and the adjacent provision of moorings, a refusal on this basis would not be reasonable or justifiable. In addition it should be noted that the proposal includes 20m of demasting mooring, as well as 20m of servicing moorings. The BA Senior Waterways and Recreation Officer commented that demasting moorings will be a benefit for navigation, it is worth noting that the Navigation Committee has advised that St Olaves Bridge is one of the three priority sites for the provision of demasting moorings in the Broads.
- 5.12 Criterion (d) requires that development would not prejudice the current or future use of adjoining land or buildings. The proposed moorings are complementary to the existing use at the site and at the neighbouring site which also provides moorings on the river in the form of floating pontoons, and is sited an acceptable distance from moorings on the opposite bank. It is therefore considered the proposed moorings would not prejudice surrounding uses.
- 5.13 Criterion (e) requires that development would not adversely affect the amenity of adjoining residents. The distance from the proposed moorings to the nearest residential property is over 60m, and taking into account the limited noise impacts associated with private moorings, it is considered that the proposal would not adversely impact on the amenity enjoyed by neighbouring residents.
- 5.14 Criteria (f) and (h) relate to visitor (short stay) moorings with criterion (f) requiring that the proposed moorings would not result in the loss of moorings available for visitor use, and criterion (h) requiring new visitor moorings at not less than 10% of total new moorings provided with a minimum provision of two. The riverbank where the floating pontoons would be sited currently provides no mooring facility. As part of the proposal a length of 20m of the proposed moorings would be provided for visitor (short stay) use, this provision is in accordance with the required minimum and is therefore acceptable. It is noted that the visitor moorings would be part of the boatyard site which is secured at night, the applicant has confirmed that that cards to allow access through the secure gates out of office hours will be made available to those using the visitor moorings. This is considered sufficient to overcome the previous reason for refusal (reason 4 under ref BA/2014/0205/FUL) and is acceptable with regard to criteria (f) and (h) of Policy DP16.
- 5.15 Criteria (i) and (j) require that there is adequate provision for car parking, waste and sewage disposal, the prevention of pollution, and pump-out facilities. The proposed moorings are part of the well established St Olaves

Marina and would utilise existing infrastructure which includes adequate provision for car parking, waste and sewage disposal.

- 5.16 Alongside the 20 metres of visitor moorings there would be 20 metres of servicing moorings, and 20 metres of demasting moorings. The servicing moorings would allow boat owners to utilise the facilities already on offer at this well established boatyard. The demasting moorings are welcomed, and the Navigation Committee has advised that St Olaves Bridge is one of the three priority sites for the provision of demasting moorings in the Broads, so the current proposal would contribute to that and in that respect are considered beneficial.

6 Conclusion

- 7.1 The proposed works to the riverbank to provide floating pontoons for private mooring, and piling for visitor, servicing, and demasting moorings as part of the St Olaves Marina site is considered to be appropriately located, would not result in an unacceptable reduction in navigable river width, and would not have an unacceptable impact on landscape character, or protected species and habitats, subject to proposed mitigation. Consequently the application is considered to be acceptable with regard to Policies DP2 and DP16 of the Development Plan Document.

7 Recommendation

Approve subject to conditions

- i. Standard time limit;
- ii. In accordance with submitted plans;
- iii. Details of bank reprofiling, piling and the pontoons particularly safety features.
- iv. In accordance with method statement;
- v. Mitigation measures and monitoring plan;
- vi. Breeding birds - timing of works;
- vii. Limit on artificial light;
- viii. Reedbed width;
- ix. Methodology for reedbed regeneration
- x. Habitat enhancement;
- xi. Spoil disposal
- xii. Moorings use as prescribed;
- xiii. Details of signage for demasting, visitor, and servicing moorings; and
- xiv. No double mooring and no stern on mooring.

Informatives

- i. Environmental Permit;
- ii. Works Licence;
- iii. Natural England Protected Species Licence;
- iv. Excavations covered at night;
- v. Lighting at night;
- vi. Construction materials stored off the ground;

8 Reason for Recommendation

The proposal is considered to be in accordance with Policies CS1, CS3, CS4, and CS14 of the Core Strategy (2007), Policies DP2, DP12, DP13, and DP16, of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

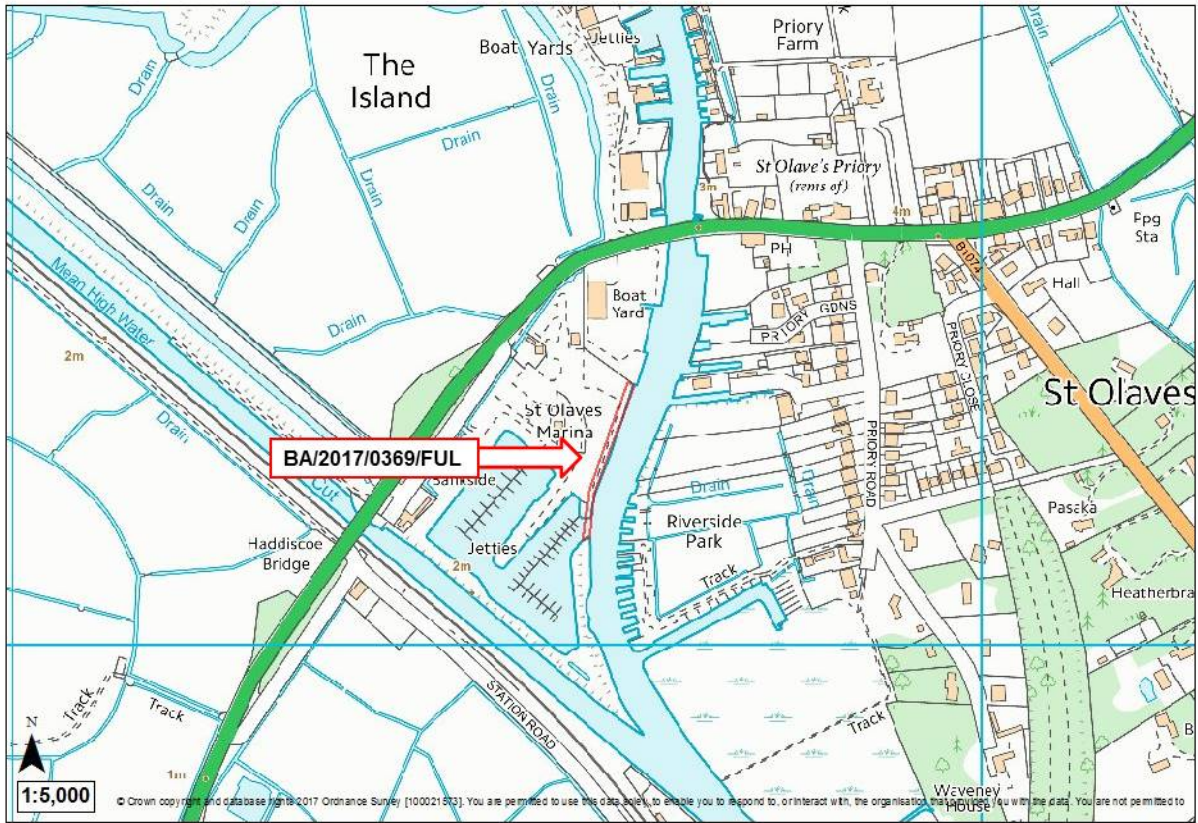
Background papers: Application File BA/2017/0369/FUL

Author: Nigel Catherall

Date of Report: 15 February 2018

List of Appendices: Appendix A - Location Plan

BA/2017/0369/FUL - St Olaves Marina



Reference:

BA/2018/0050/NONMAT

Location

Ferry Marina, Ferry Road, Horning

BA/2018/0050/NONMAT - Ferry Marina



Application for Determination
Report by Planning Officer

Target Date	8 March 2018
Parish:	Horning Parish Council
Reference:	BA/2018/0050/NONMAT
Location:	Ferry Marina, Ferry Road, Horning
Proposal:	Re-arrangement of external windows and doors, non-material amendment to previous permission BA/2017/0190/FUL.
Applicant:	Ferry Marina Ltd.
Recommendation:	Approve
Reason for referral to Committee:	A member of the Navigation Committee is a director of the company making the application

1 Description of Site and Proposals

- 1.1 The application site is a large boatyard at the eastern end of the village of Horning on the Rive Bure. The yard extends from the riverside northwards along the eastern side of Ferry Road towards School Road. A large boatshed for repairs and maintenance exists at the southern end of the site, nearest the river, and this building also houses the site reception and offices.
- 1.2 In July 2017 planning permission was granted for a single storey extension to the northern side of the boatshed to be used additional workshop space and ancillary facilities to the boatyard (BA/2017/0190/FUL).
- 1.3 This application proposes non-material amendments to the approved extension which work has commenced on.

- 1.4 The amendments consist of the provision of an additional personnel door and double doors on the west elevation in place of a window and on the north elevation one personnel door would be omitted. On the north and east elevations high level windows would be approximately 100mm deeper.

2 Site History

- 2.1 In 2007 planning permission was granted for the conversion of an existing boatshed to four units of holiday accommodation and erection of replacement boatshed (BA/2007/0318/FUL). The replacement boatshed is the one subject of this application. This permission was subsequently amended to reduce the amount of land removed from the site (BA/2007/0210/COND).
- 2.2 In 2009 a small extension to the southern lean-to was permitted to enlarge the reception space (BA/2009/0303/FUL).
- 2.3 In July 2017 planning permission was granted for an extension to the boatshed (BA/2017/0190/FUL).

3 Consultations

- 3.1 Consultations received

Parish Council – to be reported.

District Member - This application can be determined by the Head of Planning (delegated decision).

- 3.2 Representations received

None received at the time of writing the report.

4 Policies

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

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

Policy DP4 – Design

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

Policy DP28 – Amenity

4.3 Neighbourhood Plan

There is no Neighbourhood Plan for this area.

5 Assessment

- 5.1 In terms of the design, the amendments proposed are non-material in nature and would have a negligible effect on the overall appearance of the approved extension. The proposal is therefore acceptable in accordance with Policy DP4.
- 5.2 The altered and additional openings are not considered to have any effect on amenity above that of the approved scheme. The proposal is therefore acceptable in accordance with Policy DP28.

6 Conclusion

- 6.1 The application proposes non-material amendments to the openings of an approved extension to an existing boatshed. These would not materially affect the design or appearance of the extension or the amenity of neighbouring occupiers and are therefore acceptable.

7 Recommendation

Approve

8 Reason for Recommendation

In the opinion of the Local Planning Authority the proposal is acceptable in accordance with Policies DP4 and DP28 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

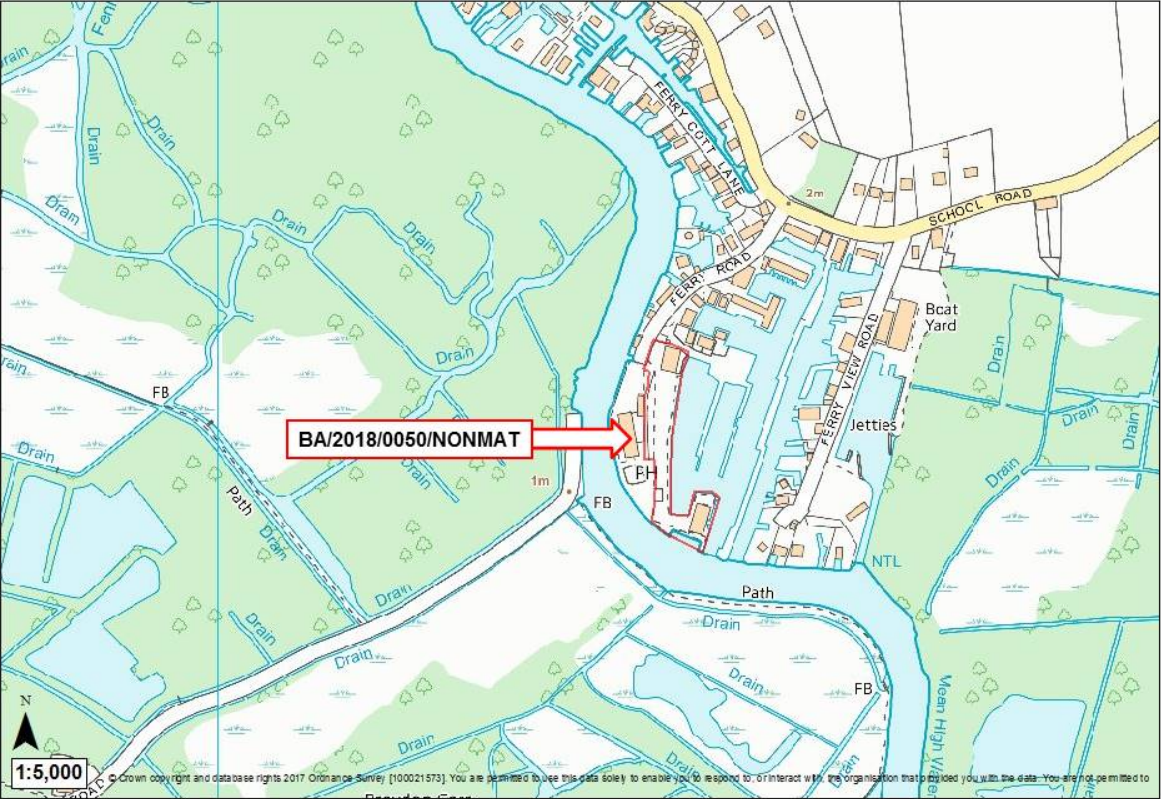
9 Note by Solicitor and Monitoring Officer

In accordance with the procedures set out in paragraph 2 of the Code of Conduct for Members on Planning Committee and Officers, I have been informed of this application. I have read the file and this draft report on 14th February 2018. I confirm that I consider that this matter has been dealt with in accordance with normal processes and procedures and that the recommendation appears uncoloured by the relationship noted in this report. I have asked that this paragraph be inserted into the report.

Background papers:	BA/2018/0050/NONMAT
Author:	Maria Hammond
Date of report:	13 February 2018.
Appendices:	Appendix A – Map

APPENDIX A

BA/2018/0050/NONMAT - Ferry Marina



Enforcement Update
Report by Head of Planning

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

Recommendation: That the report be noted.

1 Introduction

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

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

Committee Date	Location	Infringement	Action taken and current situation
			consideration <ul style="list-style-type: none"> • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required • Application for extension submitted 10 July 2017, including comprehensive landscaping proposals (BA/2017/0237/FUL) • Further details under consideration.
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential curtilage	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL; • if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution. • Enforcement Notice served on 8 March 2017 with compliance date 19 July 2017. • Appeal against Enforcement Notice submitted 13 April 2017, start date 22 May 2017 (See Appeals Schedule) • Planning application received on 30 May 2017 for retention of works as built. • Application deferred pending appeal decision. • Application refused 13 October 2017 • Appeal dismissed 9 January 2018, with compliance period varied to allow 6 months. • Compliance with Enforcement Notice required by 9 July 2018. • Site inspected on 21 February in respect of other conditions.
31 March 2017	Former Marina	Untidy land and	<ul style="list-style-type: none"> • Authority granted to serve Section 215 Notices

Committee Date	Location	Infringement	Action taken and current situation
26 May 2017	Keys, Great Yarmouth	buildings	<ul style="list-style-type: none"> • First warning letter sent 13 April 2017 with compliance date of 9 May. • Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued. • Monitoring • Further vandalism and deterioration. • Site being monitored and discussions with landowner • Landowner proposals unacceptable. Further deadline given. • Case under review • Negotiations underway
5 January 2016	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

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: 14 February 2018
 Appendices: Nil

Submission of the Local Plan
Report by Planning Policy Officer

<p>Summary: This report introduces Local Plan submission documents, discusses the comments made at pre-submission consultation and explains the submission and examination process.</p> <p>Recommendation: It is recommended that Planning Committee agree to recommend to Full Authority that the Broads Local Plan be submitted to the Planning Inspectorate for examination.</p>

1 Introduction

- 1.1 The Local Plan has been the subject of three rounds of public consultation: Issues and Options, Preferred Options and Pre-submission Consultation.
- 1.2 The most recent consultation, the Pre-submission Consultation, ended on 5 January 2018.
- 1.3 The comments received have been assessed and draft responses made. Proposed changes to the Local Plan have been suggested.
- 1.4 This report introduces Local Plan submission documents, discusses the comments made at pre-submission consultation and explains the submission and examination process.
- 1.5 More information on the examination process can be found here: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

2 Pre-submission consultation

- 2.1 The consultation ran from 9 November 2017 to 5 January 2018. The comments received and the proposed response can be found at Appendix A. As a visual summary of the comments received, a matrix has been produced to show who commented, the nature of their comment and to which policy the comment was made against. This can be found at Appendix B. Of particular importance are the comments in red – these are areas where there is some disagreement between the Authority and the person or the organisation making the representation. Overall, the level of support is to be noted. The schedule of proposed changes is included at Appendix C. **Members' views on the responses and the proposed changes are requested.**
- 2.2 The following table summarises the key proposed changes:

- The proposed changes below are expressed in the form of a red ~~strikethrough~~ for deletions and blue underlining for additions of text.
- Other instructions or explanations are set out in *italics*.
- The page numbers and paragraph numbering below refer to the publication local plan, and do not take account of the deletion or addition of text.
- For the avoidance of doubt, these changes will only come into force, if indeed they are supported through the examination of the Local Plan, on adoption of the final Local Plan.

Page No. (From Broads Local Plan Pre- Submission)	Policy/ Para. No. (From Broads Local Plan Pre- Submission)	Proposed Change
	PUBSSA47	<i>Amendments to policy to reflect comments received. See Appendix G of Schedule of Proposed Changes.</i>
-	New Policy	<i>New policy allocating residential moorings at Horning for 6 residential moorings. See Appendix D of Schedule of Proposed Changes.</i>
-	New Policy	<i>New policy allocating residential moorings at Somerleyton. For 12 residential moorings. See Appendix E of Schedule of Proposed Changes.</i>
Inset map 11	PUBHOV1 inset map 11	<i>Extend area that this policy applies to. See map at Appendix C of Schedule of Proposed Changes.</i>
27	PUBDM1	<i>Correction to wording.</i> The Authority encourages proposals to consider the use of constructed reed beds as a filtration system to remove nutrients before the waste water from small sewage treatment plants <u>and</u> package treatment works and septic tanks enters waterbodies.
33	PUBDM4	<i>Correct wording to better reflect when a FRA is required.</i> Development proposals of one hectare or greater, less than 1ha in Flood Zone 1 when a site is at risk from other sources of flooding not related to rivers or the sea e.g. surface water, and all proposals for new development in Flood Zones 2 and 3, will be accompanied by a site specific Flood Risk Assessment (FRA), except those covered by Environment Agency standing advice.
35	PUBDM5	<i>Correct to add more detail about the risk assessment:</i> i) Use a risk assessment on treatment stages to reflect the type of proposed development and how surface water run-off and drainage will affect the receptor. <u>A 1.2m clearance between the base of infiltration SuDS and the peak seasonal groundwater levels is required;</u>
35	PUBDM5	<i>Correct to reflect conversations with LLFA, AWS and EA.</i> The surface water run-off runoff rates that will occur as a consequence of the development are <u>is</u> required

Page No. (From Broads Local Plan Pre- Submission)	Policy/ Para. No. (From Broads Local Plan Pre- Submission)	Proposed Change
		to be no more than the existing pre development greenfield rate for the equivalent event for runoff rate. Brownfield sites should aim to reduce runoff as close to greenfield sites or, if the site is brownfield, then rates as possible. The discharge rate for brownfield sites should be no more than the rates prior to any new development. However, applicants Applicants are encouraged to seek betterment in surface water run-off runoff as part of their proposals for brownfield sites . The runoff rate should be agreed with the Local Planning Authority, in conjunction with the Lead Local Flood Authority and where relevant sewerage undertaker.
39	PUBDM6	<i>Add this text as new c) i)</i> <u>Are subject to a prior groundwater protection risk assessment in accordance with Environment Agency Guidance: Assessing Groundwater Pollution for Cemetery Developments (or successor document or advice);</u>
48	PUBDM9	<i>Amend to clarify policy.</i> i) There is not a less harmful viable option; ii) The amount of harm has been reduced to the minimum possible; iii) Satisfactory provision is made for the evaluation, recording and interpretation of the peat before commencement of development; iv) Enhancement of biodiversity outweighs the carbon loss; and v) The peat is disposed of in a way that will limit carbon loss to the atmosphere. <u>Development that seeks to enhance biodiversity but may result in some peat removal will still need to demonstrate the criteria I to iv and that the biodiversity benefit will outweigh carbon loss.</u>
51	PUBDM10	<i>Change point c viii) to say:</i> Satisfactory provision is made for the evaluation, excavation, recording, and interpretation, <u>dissemination and archiving</u> of the remains before the commencement of development.
69	PUBDM18	<i>Amend to refer to historic environment:</i> a) There is no adverse impact on the character of the locality, the wider landscape, <u>character and significance of the historic environment</u> and the amenity of neighbours;

Page No. (From Broads Local Plan Pre- Submission)	Policy/ Para. No. (From Broads Local Plan Pre- Submission)	Proposed Change
77	PUBDM22	<i>Add as last part of policy:</i> <u>Where a development proposal could have an impact on a trunk road, it will be assessed by Highways England in accordance with policies of the relevant Department for Transport Circular¹.</u>
80	PUBSP11	<i>Change to reflect comment received at pre-submission consultation.</i> v) Recreational facilities (<u>such as moorings and access for anglers</u>)
81	PUBDM24	<i>Add to policy:</i> ii) Proposals do not have an adverse impact on landscape character, <u>protected areas, biodiversity and the wider environment</u>
84	PUBDM27	<i>Change to reflect comment received at pre-submission consultation.</i> d) There is no loss of local or visitor facilities, such as moorings, <u>access for angling</u> and access to the waterside.
85	PUBDM27	<i>Add to policy:</i> d) There is no loss of local or visitor facilities, such as moorings, <u>access for angling</u> and access to the waterside.
103	PUBDM33	<i>Improve wording to aid clarity:</i> Developments of 6 to 10 dwellings will be required to contribute a commuted sum towards the provision of affordable housing. <u>Developments of 6 to 10 dwellings will be required to contribute a commuted sum towards the provision of affordable housing in accordance with the affordable housing part of the full requirements of the adopted standards and policies of the relevant District Council in relation to thresholds and level (%) of dwellings which should, subject to viability, be affordable. The commuted sum should reflect the subsidy required to deliver the affordable housing requirement off site (to include the cost of land and construction).</u>
106	PUBDM34 and associated map in Development Boundary map bundle	<i>Remove development boundary at Thorpe St Andrew from policy and supporting text. Remove map from policies map bundle.</i>
108	Policy PUBDM35	<i>There is no need in the Broads Authority Executive Area, but might be in the constituent district's area.</i>

¹ currently 02/2013: THE STRATEGIC ROAD NETWORK AND THE DELIVERY OF SUSTAINABLE DEVELOPMENT: www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development

Page No. (From Broads Local Plan Pre- Submission)	Policy/ Para. No. (From Broads Local Plan Pre- Submission)	Proposed Change
		<i>The Authority could conceivably assist in meeting this need, subject to meeting the other policy requirements in the Local Plan. Improve wording to reflect this.</i> Where there is a proven need (which could arise from the Authority's Executive Area or the constituent district's area), appropriate development will be allowed where the following criteria are met:
110	PUBDM36	<i>Add the following text:</i> Conditions will be used to restrict the number, scale and size of boats using the residential moorings.
112	DM36 Supporting text	<i>Wording change reflects sites permitted on appeal and proposed additional allocations for residential moorings.</i> <ul style="list-style-type: none"> • Ten residential moorings have been permitted on appeal at Waveney River Centre. • Four Six sites have been allocated for residential moorings amounting to around 25 41 residential moorings. <i>**please note that if the residential moorings allocation at Loddon Marina is reduce to 5 from ten the above figures will need amending accordingly**</i>
120	PUBDM42	<i>Remove reference to lifetime homes. Remove criterion h 'adaptability' and combine with criterion k:</i> Accessibility and adaptability: Developments shall be capable of adapting to changing circumstances, in terms of occupiers, use and climate change (including changes in water level). In particular, dwelling houses should be able to adapt to changing family circumstances or ageing of the occupier(s) and commercial premises should be able to respond to changes in industry or the economic base. Applicants are required to consider if it is appropriate for their proposed dwelling/ some of the dwellings to be built so they are accessible and adaptable and meet Building Regulation standard M4(2) and M4(3). If applicants do not consider it appropriate, they need to justify this. For developments of more than 20 dwellings, 5% will be built to meet Building Regulation Standard M4(2).
130	PUBDM46	<i>Changes to reflect comments received. See Appendix H of Schedule of Proposed Changes.</i>
140	PUBDM36 and all residential mooring allocations	<i>Add the following text:</i> Conditions will be used to restrict the number, scale and size of boats using the residential moorings.
141	PUBBEC2	<i>Improve wording to aid clarity:</i> Proposals must ensure no adverse effects on water quality and the conservation objectives and qualifying features of the nearby SSSI (site is within SSSI Impact Zone) and have regard to the setting of the conservation area.

Page No. (From Broads Local Plan Pre- Submission)	Policy/ Para. No. (From Broads Local Plan Pre- Submission)	Proposed Change
146	PUBCAN1	<i>Improve reference to nearby heritage assets</i> d) Improves the appearance of the works, particularly in views from the river and other receptors in the locality, through design, materials and landscaping <u>and have regard to the setting of the nearby designated heritage assets.</u>
153	PUBGTY1	<i>Improve reference to nearby heritage assets</i> Careful consideration will be given to the design, scale and layout of any redevelopment, its potential additional impacts on nearby residents <u>and setting of the Halvergate Marshes Conservation Area</u> , and its role as a landscape buffer between the Bure Park and more urban areas.
153	PUBGTY1	<i>Reflect potential for archaeology by adding this as last part of policy:</i> <u>An archaeological assessment may be required as part of any application.</u>
169	PUBLOD1 supporting text	<i>Reduce allocation at LOD1 to 5 residential moorings. If this is agreed, the residential moorings trajectory will need amending and this is reflected at Appendix A of the Schedule of Proposed Changes.</i> The Broads Authority would support up to ten <u>five</u> of the moorings at Loddon Marina being converted to residential moorings in line with policy PUBDM36.
170	PUBNOR1	<i>Improve reference to nearby heritage assets</i> b) Protect and enhance natural assets <u>and the historic environment and setting of heritage assets</u>
174	OUL3	<i>New first paragraph to policy so policy aligns with Waveney District Council's emerging policy:</i> <u>New Town Centre Use Development (falling within use classes A1, A2, A3, A4, A5, C1, D2 and B1a) will be permitted within the Oulton Broad District Centre where the scale and function of the development is consistent with the role of the District Centre and would not impact on the vitality and viability of Lowestoft Town Centre.</u>
184	PUBTSA2	<i>Amendments to aid clarity.</i> <i>See Appendix F of Schedule of Proposed Changes that shows the changes.</i>
202	PUBSSA47	<i>Add Outer Thames Estuary SPA to constraints and features.</i> • <u>Outer Thames Estuary SPA</u>
202	PUBSSA47	<i>Amendments to aid clarity.</i> <i>See Appendix G of the Schedule of Proposed Changes that shows the changes.</i>

- 2.3 The following summarises the 'red' comments in the matrix. Wording in italics is the general reply to these comments.
- a) Vision – geodiversity needs to be mentioned in the vision. *The vision is copied verbatim from the Broads Plan to ensure the documents are fundamentally linked.*
 - b) SP2 – the Authority needs to investigate in detail functional flood plains. *The Local Plan is required to be based on a Strategic Flood Risk Assessment that has been completed.*
 - c) DM13 – disagrees with policy seeking to address energy use and renewable energy for housing and employment schemes. *The policy meets legal requirements and has been proven to be effective in the past by virtue of delivery of the Ditchingham Maltings site and permission granted to the Pegasus site which both used the approach in the policy to address energy usage.*
 - d) SP12 – considers certain towns and villages should be mentioned in the policy. *The policy is a strategic policy, applicable to all the Broads. Many towns and villages provide sustainable access to the Broads - more than the five or so listed.*
 - e) SP13 – suggest that guide produced for Norwich City Council is references in the Local Plan. *The guide is bespoke for Norwich City Council to help deliver the River Wensum Strategy. Could be scope for a similar guide for the Broads, but not part of the Local Plan.*
 - f) DM34 – queries the need for development boundaries. *Development boundaries direct development to locations with good access to services and facilities and where landscape impacts are more likely to be minimal.*
 - g) DM36 – query development boundary and marina or boatyard locational requirements. *See above re development boundary. Being located within a boatyard ensures no impact on navigation and that the more 'intensive' use of a residential mooring when compared to a short stay mooring could be contained better within a marina.*
 - h) DM42 – concern that requirement for building regulations M4(2) not fully justified. *Noted and we intend to look into this post-submission.*
 - i) DM44 – considers that if all other policies in Local Plan are addressed then so are health considerations. *That is not necessarily the case and the NPPF raises the importance of addressing health in planning.*
 - j) DM11 and DM47 – concern that holiday homes is allowed but market residential not allowed. *The locations tend to be isolated from services and facilities that someone living in a house may need hence market residential is not the preferred use.*
 - k) GTY1 – should allow market and holiday residential and policy should apply to larger area. *The area allocated applies to the brownfield land in need of regeneration. Discussions also ongoing through the application route with another party involved. Has been subject to much pre-application discussion.*

- l) HOV5 – Hoveton Town Centre and areas adjacent to the Town Centre. The Parish Council feels that the “areas adjacent to the town centre” area in Wroxham considers Wroxham only in the context of the boundary of the Broads Authority and perpetrates the dominance of Hoveton town centre. Point v says it will consider proposals that contribute to the “vitality and viability of the Town Centre” – that Town centre being Hoveton not Wroxham. Wroxham becomes a conduit for traffic into Hoveton and a provider of car parking. *The policy not only addresses the town centre but also areas on the periphery of the town centre that were subject to a policy in the Sites Specifics 2014 which are deemed necessary to be covered by a policy to guide proposals in that area.*
- m) CHE1 and LOD1 – concern about upkeep of boats, management of moorings, anti-social behaviour and impact of traffic. *It does not necessarily follow that people living on boats leads to anti-social behaviour. Formalising moorings for residential use could lead to improvements. Highways Authority have commented on proposals from a traffic perspective and consider mitigation is possible. Management of moorings is not a planning consideration. But taking on board comments, propose to reduce allocation at Loddon Marina to 5 moorings rather than 10.*
- n) NOR1 – queries housing development here in relation to flood risk. Considers it ideal for a renewable energy power station. *Not subject to flooding and the original plan for the wider site (including the part within Norwich City Council’s area) did include a renewable energy station. Also policy does refer to a mix of uses.*
- o) TSA2 – concern about the detail of the policy and considers island ideal for residential moorings. *Site has not been put forward for consideration for residential moorings through the Local Plan formally. General disagreement on some of the points raised which have been raised before to the Authority.*
- p) TSA3 - need for a more flexible approach when considering any applications for industrial development on the site. *Noted although there are significant highway constraints and the policy reflects this.*
- q) PUBSSA47 – concern that the policy may prevent the dualling of the Acle Straight. *Discussions ongoing with those who commented.*

2.4 Whilst these comments are acknowledged, in the view of Officers, none of the comments raise fundamental soundness concerns that prevent the Authority from submitting the Local Plan. Whilst these comments will be debated through the Examination in Public and some changes to the Local Plan may ensue as a result of the examination, it is recommended that Planning Committee agree to recommend that Full Authority submit the Local Plan for the Broads to the Planning Inspectorate.

3 Submission documents

- 3.1 For a list of all documents that form the examination library and that will be submitted to the Planning Inspector as part of the Examination in Public, please go to Appendix D. Some documents are discussed below and some form appendices to this report.
- a) **Submission Duty to Cooperate Statement** – this is the final DTC Statement and has been updated to reflect the recent formal agreement with Great Yarmouth² as well as the progress on the Norfolk Strategic Planning Framework³ (and some other minor changes). Changes are shown as tracked changes but when submitted, these changes will be accepted. See Appendix E.
 - b) **Legal and Soundness Checklists** – template produced by the Planning Advisory Service, these checklists act as a check during the production of the Local Plan to show how the various requirements have been met. See Appendix F and G.
 - c) **Consultation Statement** (including comments received from the pre-submission consultation). Also called the regulation 22(c) statement, this sets out who was consulted, how they were consulted, the comments received and how the comments informed the Local Plan and if not, what the reasons were. This includes the pre-submission consultation representations. See Appendix H.
 - d) **Schedule of proposed changes** – The Authority cannot change the Local Plan that was consulted on at the pre-submission consultation. The Authority can propose that some modifications are made. These will be considered by the Inspector. Some of these have originated from the representations received and others from the Authority. See Appendix C for the schedule of proposed changes.
 - e) **Equalities Statement** – this came before Members on 13 October 2017 and has not changed⁴.
 - f) **Local Plan, Sustainability Appraisal, Habitats Regulation Assessment and Evidence Base**⁵ – these have not changed since the Local Plan was consulted on⁶. These documents will be submitted for examination. Please note that some comments were made in relation to the HRA and these will be addressed in detail when the HRA is updated

² This came before Planning Committee on 8 December and papers can be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-8-december-2017>

³ This came before Planning Committee in February 2018 and the papers can be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-2-february-2018>

⁴ 13 October Planning Committee Papers: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/1017699/Broads-Local-Plan-October-Bite-Size-Pieces-pc131017.pdf

⁵ For the consultation documents and evidence base, go here: <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>. These documents have been before Planning Committee throughout the production of the Local Plan.

⁶ Members will recall that the SFRA was received at the end of October but some errors were spotted (which did not materially affect the proposed policies) and was subsequently reissued in November.

to reflect any changes that come about as a result of the examination (such as the Schedule of Proposed Changes).

4 Submission process

4.1 If Full Authority agrees that the Local Plan is submitted to the Planning Inspector for the Examination in Public, the following steps will be completed:

- The submission documents will be put into an examination library and printed off where required. All submission documents will be submitted on a DVD.
- Documents will be submitted to the Planning Inspectorate via courier.
- A Programme Officer will be in place. This Officer is the point of contact on behalf of the Inspector – effectively a ‘go-between’.
- The Local Plan page of the website will be kept up to date.

5 Examination process

5.1 The following table covers the first ten or so weeks of the examination process⁷. At this stage, we do not know the dates of the examination meetings or when the matters and issues will be issued from the Inspectorate. The table gives a guideline. Examinations can take any length of time from say 5 months to up to a year. Planning Committee will be kept informed of the progress of the examination.

Timing	Key Actions
Week 1	<ul style="list-style-type: none"> • LPA submits the plan to the Secretary of State (in practice to the Planning Inspectorate) including a full and complete proportionate, evidence base and regulation 22(c) statement.
Week 2	<ul style="list-style-type: none"> • The Planning Inspectorate will seek to appoint an Inspector. The Planning Inspectorate will carry out an initial scoping of the plan (procedure and content).
Weeks 3-4	<ul style="list-style-type: none"> • The Inspector will commence early appraisal of the plan. • The Inspector will look for any fundamental or cumulative flaws in the plan such as the DTC and write to the LPA in the first instance where there are major concerns. • The Inspector will give consideration to the matters and issues for examination, the structure of hearings, allocate participants to hearing sessions and decide whether additional material is needed from participants. The date for submission of responses to the Inspector will usually be the same for all parties – the process is to

⁷ This table is taken from the Procedural Practice in the Examination of Local Plans: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Timing	Key Actions
	<p>inform the Inspector, not create counterarguments and rebuttals.</p> <ul style="list-style-type: none"> • If the plan is very straightforward and not contentious, the Inspector may be able to deal with the examination by means of written representations, negating the need for hearing sessions. • The LPA (and representors) may be asked to provide papers or responses on specific issues highlighted by the Inspector. However, these papers should not be put forward if not asked for by the Inspector (e.g. if the LPA wishes to produce topic papers, these should be part of the evidence base submitted with the plan). • The Inspector takes charge of the process of what may be submitted. • The Inspector will confirm the hearing start date. The LPA will ensure that the start of the hearing sessions is notified i.e. at least 6 weeks in advance of commencing.
Week 5	<ul style="list-style-type: none"> • The Programme Officer (PO) sends the initial letter to participants (if not sent earlier on in the examination), the programme for hearing sessions including matters/issues and circulates the Inspector's Guidance Notes. • The LPA and participants will start work on providing any material requested by the Inspector, including statements. The LPA prepares answers to any questions raised by the Inspector in the early correspondence. The LPA and other participants in the examination have around 2-3 weeks to produce their statements for the hearing session, if the Inspector has asked for them.
End Week 7	<ul style="list-style-type: none"> • Responses and statements from the LPA and participants are due. • The PO clarifies and confirms attendance at the hearings.
Week 8	<ul style="list-style-type: none"> • The PO checks that the statements have been received and ensures that they are placed on the examination website. It is important that the statements from the LPA and other participants should be available before the hearings commence, so that everyone (including the Inspector) is fully aware of the evidence/points being made.
Week 9	<ul style="list-style-type: none"> • The Inspector ensures that the programme for the hearing sessions including the agendas for the hearings is updated as necessary and placed on the examination website. • The PO circulates final agendas for the discussions at each of the hearing sessions to the relevant participants
Week 10+	<p>HEARING SESSIONS COMMENCE.</p> <ul style="list-style-type: none"> • The hearing sessions form an important part of the examination process; participants should attend on the relevant day or session. • The number of hearing days required will be largely dependent on the type of plan, the number of issues which need to be discussed

Timing	Key Actions
	<p>and the number of participants: Typically:</p> <ul style="list-style-type: none"> ○ Plans dealing with development management policies, area action plans or thematic plans may require anything from a single day up to 5 sitting days; ○ Plans dealing with strategic polices, site allocations plans and mineral and waste plans may require hearings over 5-9 days; and ○ Full plans under para 153 of the NPPF may require up to 20-25 sitting days, and in complex cases, occasionally more. <ul style="list-style-type: none"> ● Inspectors may also split the hearing sessions into two tranches: the first dealing with strategic policies and sites, and the second dealing with detailed site allocations, development management policies and other matters.
Later on in the process	<ul style="list-style-type: none"> ● There may be a consultation on the modifications to the Local Plan, carried out in the usual way for at least 6 weeks. ● The Inspector will then take everything into account and prepare their report. ● The report will be sent to the LPA for fact checking. ● The report will then be published and this includes the decision as to whether the Local Plan is sound or not and what changes are required to make it sound. ● The Local Plan is then adopted by resolution of Full Authority.

The Local Plan page of the website will be kept up to date.

6 Financial Implications

6.1 The Examination will take place next financial year and there is a budget earmarked for the Examination of around £60,000.

Background papers: None

Author: Natalie Beal
Date of report: 14 February 2018

Appendices: [Appendix A – Pre-submission consultation responses received](#)
[Appendix B – Pre-submission comments matrix](#)
[Appendix C – Schedule of Proposed Changes](#)
[Appendix D – Submission Examination Library](#)
[Appendix E – Submission Duty to Cooperate Statement](#)
[Appendix F – Legal Checklist](#)
[Appendix G – Soundness Checklists](#)
[Appendix H – Consultation Statement. Also called the regulation 22\(c\) statement.](#)

Waveney District Council Statement of Common Ground
Report by Planning Policy Officer

Summary:	A Statement of Common Ground has been produced with Waveney District Council. This covers the agreement that the Broads housing need in Waveney District is a part of Waveney District Council's housing need and that completions in the Broads' part of Waveney contributes to meeting the entire need for Waveney District.
Recommendation:	That Planning Committee agrees the Statement of Common Ground and it is signed by the Chair of Planning Committee.

1 Introduction

- 1.1 Following a representation from Waveney District Council as part of the pre-submission Local Plan consultation, a Statement of Common Ground (SOCG) has been produced with Waveney District Council.

2 About the Statement of Common Ground

- 2.1 The SOCG is included at Appendix A. In summary, it clarifies that the housing need as identified in the Local Plan for the Broads is part of the need of the entire district of Waveney and that Waveney District Council will count completions in the Broads' part of Waveney towards the wider district's need and that the Authority will report completions and permissions to Waveney District Council.

3 Other Constituent Districts

- 3.1 A bespoke Duty to Cooperate Agreement¹ has already been signed with Great Yarmouth Borough Council. This was considered and agreed at the meeting of the Planning Committee on 17 December 2017 and was subsequently signed by the Chairman of Planning Committee.
- 3.2 With regards to North Norfolk, Norwich City, Broadland and South Norfolk Councils, the potential for an SOCG with those Councils has been discussed but it was concluded that the Norfolk Strategic Planning Framework (NSPF) adequately covers how housing in the Broads will be dealt with. This matter was set out in the report to meeting of the Planning Committee on 2 February

¹ http://www.broads-authority.gov.uk/_data/assets/pdf_file/0007/1055185/Duty-to-Cooperate-Agreement-Between-the-Broads-Authority-and-Great-Yarmouth-Borough-Council-pc081217.pdf

2018² regarding the NSPF and in particular Agreements 11 and 12.

4 Financial implications

4.1 There are no financial implications.

Background papers: None

Author: Natalie Beal

Date of report: 14 February 2018

Appendices: Appendix A: Duty to Cooperate, Statement of Common Ground Between the Broads Authority and Waveney District Council in relation to housing need and delivery. January 2018.

² <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-2-february-2018>

Duty to Cooperate, Statement of Common Ground Between the Broads Authority and Waveney District Council in relation to housing need and delivery. January 2018.



**Duty to Cooperate
Statement of Common Ground
Between the Broads Authority and Waveney District Council
In relation to housing need and delivery
January 2018**

STATEMENT

The Broads Authority (The Authority) and Waveney District Council (The Council) considers that the Waveney element of the Broad's Objectively Assessed Need amounts to 57 dwellings between 2015 and 2036 and this forms part of Waveney's Housing Market Area objectively assessed need.

The Authority and The Council considers that housing completions in the Broads Authority area count towards Waveney District Council's objectively assessed need as agreed in the Memorandum of Understanding from 2012.

The Authority agrees to report housing completions within the Waveney part of the Broads to Waveney District Council, and that these are counted towards Waveney District Council's housing delivery targets.

Signature:

Print name:	Cllr David Ritchie	Sir Peter Dixon
Position:	Cabinet Member for Planning	Chair of Planning Committee
Authority:	Waveney District Council	Broads Authority

BACKGROUND

The Broads Authority (BA) is the local planning authority for the whole of the designated Broads Area, part of which lies within Waveney District.

Waveney District Council (WDC) is the local planning authority for the Borough excepting that part within the designated Broads area, and the local housing authority for the whole of the Borough.

WDC published a Strategic Housing Market Assessment (SHMA) for the whole of the District in 2017, and is producing a Local Plan that seeks to provide for at least 8228 dwellings between 2014 and 2036. That SHMA does not seek to separately identify the housing need for that part of the District within the Broads.

Working with partners BA produced a Strategic Housing Market Assessment for the Central Norfolk area, which calculated an Objectively Assessed Housing Need for the Broads. This included that part of the Broads within Waveney (notwithstanding that this is in a different Housing Market Area), and for this specific area calculated a need for total of 57 dwellings between 2015 and 2036.

The Publication Local Plan for the Broads allocates land for around 76 dwellings at Pegasus boatyard in Oulton Broad. This has permission but is not built out at the time of writing. During the period April 2015 and April 2017 there was one dwelling completed, and 8 dwellings permitted but not completed (including the 76 dwellings at Pegasus). BA therefore calculates it has over provided by around 56% through completions, permissions and allocations.

¹ Breckland District Council, North Norfolk District Council, Broadland District Council, South Norfolk District Council and Norwich City Council.

**Residential Mooring nominations received during pre-submission consultation
Assessment of Nominations and consideration of issues raised**
Report by Planning Policy Officer

Summary:	Through the consultation on the Publication Local Plan, three more nominations for residential moorings were received. These have been assessed. This report also discusses some comments received on some draft allocations and members' views are requested.
Recommendation:	<ul style="list-style-type: none"> a) Planning Committee recommend to Full Authority that the Assessment of additional residential mooring nominations Topic Paper be submitted with the Local Plan. b) That Planning Committee recommends to Full Authority that the sites at Somerleyton and Horning are proposed to be allocated with the policies as set out in the Topic Paper. c) Members' views are requested on the proposal to reduce the allocation at Loddon Marina to 5 residential moorings, the introduction of wording to address scale, number and size of boats allowed to be moored as well as views on how to manage such moorings once they are permitted.

1 Introduction

- 1.1 During the pre-submission consultation the Authority received three more nominations for residential moorings.
- 1.2 An Assessment Paper has been produced and is included at Appendix A. This includes assessments using the HELAA methodology as well as against policy considerations. There are also comments from stakeholders who have previously assisted the Authority in making its assessment of residential moorings nominations.

2 Summary of Assessment Paper – including proposed new allocations

- 2.1 As a summary of the paper, the table below shows the proposed way forward for each of the new nominations and gives reasons.

Location	Decision	Reason
Heronshaw, Ropes Hill	Allocate for up to 6 residential moorings but only after	Residential and moorings land uses are part of general

Dyke, Horning	satisfactory improvements to the capacity of Knackers Wood Water Recycling Centre. Will need to specify about how to dispose of peat and specify criteria relating to any future amenities building.	character. Cutting out mooring is potentially acceptable subject to detail and appropriate disposal and assessment of peat to reflect peat's properties. Amenities building will need to be located and designed in an appropriate way.
Somerleyton Marina, Somerleyton	Allocate for up to 10 residential moorings. Make it clear that these will be within the existing marina. Pass on initial comments relating to the notion of digging out a future basin, but this is separate to the policy. Criteria relating to car parking, quay heading improvements, adequate provision of electricity, water and pump out and foul sewerage network assessment likely to be needed. Reference to site being located within a SSSI impact zone.	Whilst minimal services currently in Somerleyton, Waveney District Council's approach of allocating land for tens of houses as well as putting a development boundary in place a consideration and could justify further services in the area. Also permission for a new shop is either granted or will be applied for. Car parking could urbanise the boat yard area and have a different landscape impact. This site could come forward as windfall in a few years when a development boundary is put in place at Somerleyton – this way some site specific criteria which proposals need to address are included in the policy.
St Olaves Marina, St Olaves	Do not allocate for residential moorings.	Concern about impact on navigation by being on a main channel. Lack of every day services and facilities near to the moorings that can be accessed by alternatives to car.

2.2 Members' views on the assessment of these sites are welcomed.

3 Comments received as part of consultation relating to draft allocations

- 3.1 During the consultation, many comments were received on the proposed allocations at Loddon and Chedgrave regarding potential increases in anti-social behaviour and concern about how the moorings will be managed and what the boats will look like and also concerns about their upkeep.
- 3.2 Notification of the proposed allocation of both sites was sent to the neighbours of both these sites at the same time as they are close to each other, so it is not clear to which site the respondents are referring. The comments have been taken to refer to both sites.
- 3.3 Members will note that in a separate report elsewhere on this agenda, covering submission of the Local Plan, these comments are discussed in more detail and a draft response proposed. Importantly, it is proposed to reduce the allocation at Loddon Marina to 5 residential moorings; down from an initial allocation of ten residential moorings. The reason for this is that fewer moorings could be easier to manage.
- 3.4 Members' views are requested on this change in size of allocation.

4 Changes to policies to state that conditions will be set on scale, number and size of boats.

- 4.1 Following comments on the impact of residential moorings on local areas, as well as on reflection of other experiences of residential moorings in the area (whether they are permitted or not), it is proposed to state in the criteria based policy (DM36) and the policies allocating residential moorings that conditions will be used to control the scale, number and size of boats using the moorings.
- 4.2 Members' views are requested on this proposed addition to policies.

5 Managing the moorings

- 5.1 One of the recurring comments received relates to controlling the management of moorings once they receive permission. The management of moorings however is not a planning condition; whilst the LPA could encourage a management plan that seeks to address how moorings will be used in an acceptable way, this cannot be covered by planning condition. That being said, the LPA is aware of some moorings in the area who already have strong mooring agreements in place that seek to ensure the moorings are used appropriately.
- 5.2 Members' views are requested on how to ensure that moorings are managed appropriately.

6 Meeting the need

- 6.1 The Gypsy and Traveller, Travelling Showpeople, Caravan and Houseboat

study (R and R Consultancy, 2017) indicated a need/demand for 63 residential moorings. The following table summarises the allocations either in the submission Local Plan or proposed to be included in the final Local Plan. These amount to 46 residential moorings. This leaves 17 residual residential moorings for the plan period to 2036.

Location	Number of residential moorings	Status	When likely to come forward
Brundall Gardens Marina	5	In 2014 Sites Specifics and emerging Local Plan.	Start within 5 years of Local Plan adoption (end 2018).
Greenway Marine, Chedgrave	5	In emerging Local Plan	Start within 5 years of Local Plan adoption (end 2018).
Hipperson's Boatyard, Beccles	5	In emerging Local Plan	Start within 5 years of Local Plan adoption (end 2018).
Loddon Marina, Loddon	5	In emerging Local Plan	Start within 5 years of Local Plan adoption (end 2018).
Ropes Hill, Horning	6	Proposed for allocation following pre-submission consultation.	Later in plan period after Water Recycling Centre capacity issues addressed.
Somerleyton Marina	10	Proposed for allocation following pre-submission consultation.	Start within 5 years of Local Plan adoption (end 2018).
Waveney River Centre	10	Permitted on appeal	Start within 5 years of receipt of permission (2017).
	Total: 46		

6.2 Of relevance, to date, the Authority has undertaken the following tasks in relation to residential moorings:

- a. Since 2011, there has been a policy to guide planning applications for proposals for residential moorings. The Development Management criteria based policy relating to residential moorings is to be rolled forward into the Local Plan.
- b. During the Publication stage of the Sites Specifics Local Plan (2014), a proposal for residential moorings at Brundall Gardens was put forward and subsequently included in that Local Plan.
- c. A call for residential moorings was undertaken as part of the Issues and Options consultation in 2016. One site was submitted for consideration – Hipperson's Boatyard which is assessed within this document.
- d. Planning permission was granted on appeal for ten residential moorings at Waveney River Centre to reflect supporting the viability of the business.
- e. A second call for residential moorings, targeted at boatyards and

marinas located in line with the adopted policy's location criteria was undertaken summer 2017. Nominations were received for residential moorings at Greenway Marine, Loddon Marina, Beauchamps Arms and Berney Arms. These have all been assessed in the original reports.

- f. The Authority also suggested, in the same letter, that those marinas or boatyards that do have people living on boats within them may wish to formalise this through the planning system. The Authority received one query with regards to information on how to receive planning permission for residential moorings in a boatyard. The Authority has also met with one boatyard about their future plans which could include a variety of moorings, including residential moorings. The Authority intends to meet with more boatyards over the coming months/year.
- g. 21 more residential moorings (at Somerleyton Marina, St Olaves Marina and Ropes Hill, Horning) came forward through the pre-submission local plan consultation and have been assessed in this paper.

6.3 The Authority considers that more residential moorings will come forward through windfall following visits to boatyards by Authority Officers over the coming year or two. The criteria based policy would then be used to determine applications. The windfall rate would be around 1 a year or 17 in 18 years (which is the period left in the plan period if the Local Plan is adopted at the end of 2018).

7 Recommendation

- i. Planning Committee recommend to Full Authority that the Assessment of additional residential mooring nominations Topic Paper be submitted with the Local Plan.
- ii. That Planning Committee recommends to Full Authority that the sites at Somerleyton and Horning are proposed to be allocated with the policies as set out in the Topic Paper.
- iii. Members' views are requested on the proposal to reduce the allocation at Loddon Marina to 5 residential moorings, the introduction of wording to address scale, number and size of boats allowed to be moored as well as views on how to manage such moorings once they are permitted.

8 Financial implications

8.1 No financial implications other than dealing with any planning application that may come forward.

Background papers: None

Author: Natalie Beal

Date of report: 16 February 2018

Appendices: [Appendix A – Assessment of residential moorings nominations received during the Publication Consultation. January 2018](#)

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: 19 February 2018

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Greater Norwich
DOCUMENT:	Greater Norwich Local Plan
LINK	http://www.gnlp.org.uk/have-your-say/
DUE DATE:	15 March
STATUS:	Growth Options and sites – effectively an ‘Issues and Options’.
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	<p>Details of consultation from Greater Norwich Development Partnership (GNDP):</p> <p>We are seeking your views on a Growth Options document, which sets out:</p> <ul style="list-style-type: none"> • the broad housing numbers required to 2036; • six main distribution options; and • a significant number of questions on various policy areas such as air quality, landscape and affordable housing <p>It is very important to note that this is an early consultation stage – no final decisions have been made on any policy choice.</p> <p>The Site Proposals document is also published for consultation. It lists sites submitted to us for consideration for various uses through the plan, along with a settlement summary for those parishes where sites have been submitted. Again, no final decisions have been made on any site, and you can view the Site Proposals document and interactive maps online via www.gnlp.org.uk, making your comments at the same time. You can comment on whichever sites interest you. The Housing and Economic Land Availability Assessment (HELAA) in the evidence base has more detail on the sites submitted for potential inclusion in the GNLP. Other evidence studies, along with the Interim Sustainability Appraisal are also available online for comment.</p>
PROPOSED RESPONSE:	<p>The Growth Options document is well presented and easy to navigate. The Site Maps also are easy to navigate and the mapping system is easy to use.</p> <p><u>Comments on Growth Options document</u></p> <ul style="list-style-type: none"> • More housing could lead to more pressure on Whitlingham Country Park. The Broads Authority has sought to address this in policy PUBNOR1. That may be of relevance to your Local Plan: ‘A proportionate developer contribution will be required to address any increased demand on services and facilities in Whitlingham Country Park arising from the creation of this link’. • Throughout – the NSF is now the Norfolk Strategic Planning Framework (NSPF) • 1.24 – confused by the use of the word ‘expected’. • Maps showing the Norwich urban area, policy area, suburbs, fringe, core area • 4.19 – lots of figures in there and not clear what the message is. Could this be displayed in a table or bullet points? • 4.24 – question 43 relates to houseboats. Think the reference is wrong here. • 4.18 to 4.25 – recommend a paragraph about the OAN for the Broads is included here – that our OAN is part of the overall OAN for the three districts. • 4.59 – last sentence does not make sense.

	<ul style="list-style-type: none"> • Defining the City Centre area options – there seems to be no mention of empty units and their role in meeting future need. • Question 20 – there are potential links to the Broads here. Perhaps reference to the River Wensum Strategy. The River Wensum Strategy is a Norwich City Council led partnership which includes the Broads Authority, Norfolk County Council, the Environment Agency and the Wensum River Parkway Partnership. The “vision” of the strategy is to enhance the River Wensum and to promote its importance to the continuing growth and vitality of Norwich. The proposed projects within the strategy will stretch from Hellesdon Mill through to Whitlingham Country Park and aim to enhance the river Wensum and the surrounding areas for both users and residents. • 4.114 and 4.155 – does the option for travelling between the villages have influence on the suitability of this approach? Are footways provided between the settlements for example, or is there a bus that runs through the settlements? • Figure 5, page 55, rows numbered 4, 5, 6, third column for each. No mention of ‘local environmental and infrastructure constraints’ like in the other rows. Why is this? One would expect this to be an important consideration for all tiers of the hierarchy. • Figure 6, tier 4 Village Groups – would you allocate the groups: Village A provides a school, village B a shop and C a GP (for example) and these together form a village group...? • 6.72 – perhaps worth noting that whatever you do regarding affordable housing is of relevance to the Broads as our policy will be to defer or have regard to your policy. • Option AH7 – edge of settlements can bring urban area closer to the Broads. This will need to be an important consideration in any policy – dark skies and landscape impacts. • 6.91 housing mix. It is noted that the construction of extensions to smaller properties (ie ‘improve, not move’) results in a reduction of the stock of smaller properties and impacts on availability for smaller dwelling and, indirectly, on affordability. • Page 89 – title should include Gypsies and Travellers and Travelling Showpeople. • Page 92 – houseboats. For your information, the Broads Authority uses the term ‘residential moorings’ as it is mooring space that is provided rather than the boat itself. Please refer to the criteria based policy on residential moorings as that may be of assistance. It might be useful to have a consistent policy as if residential moorings were to come forward in the City for example, it would be a joint application to the Broads Authority and the City Council as we are the LPA for the water and the land respectively. Of course it depends on how much detail your strategic policy will go into, so this might be more for City’s Development Management document as and when it is produced. • 6.119 – could the use of the term ‘dwellings’ here cause confusion? Would ‘caravans’ be better? • Page 96, climate change. The Broads Authority has introduced a checklist that you may wish to look at to help you address adapting to climate change. • Page 98 air quality. This focusses on preventing the air quality getting worse through targeting emissions. Is there anything else that can be done, such as more street tree planting? • Page 108, landscape. The Broads Authority has looked into the settlement fringe issue. Please see our policy and work completed with GYBC and WDC. • 6.179 – wind turbines also need local support.
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- Option EN1 – you may wish to look at the Broads policy that covers the same topic.
- Option W1 – the Broads Authority has a policy that requires 110l/h/d
- Communities section page 116. There is an absence of reference to health needs, education needs, other community facilities or anything that relates to deprivation and cohesion.
- 6.218 – query ‘The Broads Authority has its own local plan and is the planning authority for most planning applications within its area’. Why most? Do you mean except minerals and waste? Please can you clarify?
- 6.221 – perhaps reference the special qualities that are set out in the Broads Local Plan.
- Question 63: Support and happy to help inform or shape the policy.
- Appendix 1: Growth Options – the Broads Authority is content to focus on specific sites, where they are and what they are for, rather than commenting on the strategy.
- The Historic Environment seems to be covered by the “environment objective” This is a broad objective even in a strategic document of this nature. Generally the richness of the area’s historic environment including Archaeology and geodiversity is not clearly identified either as an observation or of more concern brought out in a specific strategic policy. The Culture section mentions the built environment but then the objective seems to be lost in the policy wording. The Historic environment is an incredibly important, fragile and finite resource much valued by people. It cannot be replaced, it can be augmented. The strategic objectives need to acknowledge and reflect this more positively. The term Historic Environment should be specifically used along with a definition of what this includes.
- Secondly in terms of the Broads, the term environment can be confusing in terms of the natural and built environment ; clarity is required between the two which are equally important in the Broads area – this should be clarified. Specific reference should be made to the areas potential for special archaeological interest identified by Historic England.

Comments on the Sites

With regards to the River Yare (Site N E21), reiterate that any development adjacent the river would need to consider the development of a bridge to allow pedestrian and cycling access to Whitlingham and the National Park from the centre of Norwich.

- Wroxham

Aware Wroxham can only grow in one direction due to the river and the Broads. Aware that the Town Centre, secondary school and train station are over the river. Aware of the traffic pressure on the bridge and in Hoveton Town Centre already and in the summer season from tourists. How has or will planning the future development sites for Wroxham be coordinated with Hoveton? As the settlements join up and use each other’s facilities, have NNDC been involved in looking at which sites in Hoveton are available and then joined up thinking to see where allocations for this plan period are best for the two settlements taken as a whole (aware they are two different settlements)? What about joint transport research for Hoveton and Wroxham as a whole to reflect proposals and constraints? It is also worth noting that the bridge is a Schedule Ancient Monument.

GNL0041 – Wroxham Football Club, 20 dwellings.

Where would the current football club go? This might also visually impact on the Broads landscape and the existing Wroxham Conservation Area - early discussion about this would be welcomed. This site is also within the Wroxham Conservation

	<p>Area.</p> <ul style="list-style-type: none"> • Salhouse GNLP0157 – Tourism Use This appears to be partly in the Broads area. Would welcome early discussions on this. Likely to be too late to allocate anything in the Broads Local Plan. Other than Tourism Use, no other details provided. What is this for? This is also partly within the Salhouse Conservation Area. • Acle GNLP1049 - residential development This is right up to the border with the Broads. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies. Could have significant visual impact. <p>GNLP0007 – 12 dwellings This is near the border with the Broads. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies.</p> <p>Early discussions welcomed also on GNLP 0384.</p> <ul style="list-style-type: none"> • Postwick GNLP0370 – 75 and 115 dwellings and primary school This is right up to the border with the Broads. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies. Could have significant visual impact. Could have significant visual impact. • Whittingham area GNLP0360 – Deal Ground site - Residential led mixed use redevelopment to include employment, retail community uses, potential primary education provision and local greenspace and biodiversity areas. This is right up to the border with the Broads and of a large scale. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Redevelopment of site could give rise to new opportunities for pedestrian/cycleway bridge over River Yare. The creation of this new connected access to Whittingham and the Broads National Park from the centre of Norwich would highlight the River Wensum Strategy aspirations along with those of the Broads Local Access Forum. Could have significant visual impact. • Norwich GNLP1011 – protect as sports centre in community use. Support GNLP0409 - Deallocation of Policy CC17b and the area of CC17a. Please can you expand on what this means please? Why is this being de-allocated? GNLP0068 - Residential-led mixed use development for an undetermined number of dwellings (Despite its small size the site could support a high density development and is thus considered suitable for the land availability assessment.) This is right up to the border with the Broads and of a large scale. Would welcome early discussions on this. Would be extending the built up area in a way that could
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	<p>affect the Broads. There may be access issues if development was agreed at this location. The River Wensum Strategy has identified this site as a potential continuation “link” of the Riverside Walk and any development here would need to consider this in their proposals. Could have significant visual impact. Issues around continued canalisation of the river.</p> <p>GNLPO401 - Residential-led mixed use development for approx. 400 dwellings with retail and/or other appropriate city centre uses at ground floor level. This is right up to the border with the Broads and of a large scale. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Redevelopment of site could give rise to new opportunities for access to River Wensum for small craft and canoes along with pedestrian access to the waterside. Could have significant visual impact. Issues around continued canalisation of the river.</p> <ul style="list-style-type: none"> • Surlingham GNLPO374 - Residential development This is near the Broads border. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies. Potential for visual impact on the Broads landscape • Rockland St Mary GNLPO531 – 200 dwellings This is right up to the border with the Broads and of a large scale. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Potential for significant visual impact on the Broads landscape. • Cantley GNLPO281 - Demolition of existing dwellings and residential redevelopment for approx. 20 homes with new entry road from Peregrine close This is right up to the border with the Broads and of a large scale. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Potential amenity issues associated with Cantley Sugar Beet Factory (business already in existence). Potential for high visual impact over open marsh landscape. • Haddiscoe GNLPO455 - Employment, storage and distribution uses. This is near our border. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies. Potential for visual impact on the Broads landscape. Also GNLPO414 More limited potential for visual impact but early discussions on this would also be welcomed. • Gillingham GNLPO274 - Residential development of an unspecified number. This is near the Broads border. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies. Potential for visual impact on the Broads land scape. • Geldeston GNLPO1004 – resi 4-5 dwellings
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	<p>This is near the Broads border. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies. Darkest area of the Broads. More limited potential for visual impact. Located within the Geldeston Conservation area.</p> <ul style="list-style-type: none"> • Kirby Cane GNLP0303 – 11 dwellings GNLP0304 – 15 dwellings GNLP0305 – 32 dwellings <p>This is near the Broads border. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Dark skies.</p> <ul style="list-style-type: none"> • Chedgrave GNLP0541 – 5-8 dwellings <p>This is right up to the border with the Broads and of a large scale. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. Potential for visual impact on the Broads landscape.</p> <ul style="list-style-type: none"> • Loddon GNLP0313 – 68 dwellings <p>This is near the Broads border. Would welcome early discussions on this. Would be extending the built up area in a way that could affect the Broads. More limited potential for visual impact.</p>
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Decisions made by Officers under Delegated Powers
Report by Head of Planning

**Broads Authority
Planning Committee**

02 March 2018

Agenda Item No 15

Summary: This report sets out the delegated decisions made by officers on planning applications from 23 January 2018 to 14 February 2018
Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
Freethorpe Parish Council				
BA/2017/0464/LBC	1 Church Farm Cottages Church Road Freethorpe Norwich Norfolk NR13 3PB	Mr Brian Fleckney	Replacement door.	Approve Subject to Conditions
Halvergate Parish Council				
BA/2017/0244/FUL	Kerrisons Level Farm Acle New Road Halvergate Great Yarmouth Norfolk	Mr Barry Brookes	Replacement dwelling.	Approve Subject to Conditions
Horning Parish Council -				
BA/2017/0438/HOUSEH	Broadshaven Horning Reach Horning Norfolk NR12 8JR	Mr Nicholas Murrells	One and a half storey extension and balcony with doors.	Approve Subject to Conditions
BA/2017/0411/APPCON	Grebe Island Lower Street Horning Norfolk NR12 8PF	Mr Nigel Foster	Details of: Conditions 3 - Materials, 4 - Biodiversity Enhancements, 5 - Flood resilience measures, 6 - Replacement planting, 7 - Void details of permission BA/2017/0171/FUL.	Approve
Hoveton Parish Council -				
BA/2017/0423/FUL	Bewilderwood Horning Road Hoveton NR12 8JW	Mr Tom Blofeld	Installation of play apparatus.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
BA/2017/0497/APPCON	Hoveton Estate Horning Road Hoveton Hoveton	Mr Jonathan Wood	Details of Conditions 3: Fence and Gate Details, 4: Shed, Portaloos and Timber Screen Details, 5: Landscaping Scheme, 6: Footpath Details, 11: Habitat Creation and 28: Signage of permission BA/2014/0407/FUL.	Approve
Langley With Hardley PC				
BA/2016/0314/LBC	Langley Abbey Langley Green Langley Norfolk NR14 6DG	Mr Christopher Townsend	Reinstate driveway and install electricity supply cable.	Approve Subject to Conditions
BA/2016/0315/HOUSEH		Mr Christoper Townsend		Approve Subject to Conditions
BA/2017/0469/HOUSEH	Rustygate Farm Hardley Street Hardley NR14 6BY	Mr Pipe	Replacement of sectional wooden shed with purpose built garden equipment store.	Approve Subject to Conditions
Ludham Parish Council -				
BA/2017/0457/FUL	Hall Common Farm Hall Common Ludham Norfolk NR29 5NS	Mr And Mrs Pitkethly	Conversion of barn to holiday accommodation and new fence to part boundary.	Approve Subject to Conditions
BA/2017/0489/LBC				Approve Subject to Conditions
Norton Subcourse PC				
BA/2017/0488/HOUSEH	The Old Dairy Low Road Norton Subcourse Norfolk NR14 6SA	Mr P Mitchell	Detached double garage.	Approve Subject to Conditions
Oulton Broad Parish Council -				
BA/2017/0413/HOUSEH	Marsh House Marsh Road Lowestoft Suffolk NR33 9JY	Mr Mark Turrell	Two storey extension (resubmission of application BA/2017/0321/HOUSEH) and retention of amendments to approved extension (BA/2015/0261/HOUSEH).	Refuse

Application	Site	Applicant	Proposal	Decision
Somerton Parish Council				
BA/2017/0334/HOUSEH	Sunways Staithe Road West Somerton Somerton NR29 4AB	Mr Michael Ives	Two gazebos and two sets of gates	Approve Subject to Conditions
Strumpshaw Parish Council				
BA/2017/0473/FUL	Land South Of RSPB Centre Low Road Strumpshaw Norwich Norfolk NR13 4HU	Mr Tim Strudwick	Access ramp and platform.	Approve Subject to Conditions
Upton With Fishley Parish Council				
BA/2017/0483/FUL	Yacht Station Boat Dyke Road Upton Norwich NR13 6BL	Mrs Anne Hamilton	Extension to office block and demolish outbuilding.	Approve Subject to Conditions
Wroxham Parish Council -				
BA/2017/0346/HOUSEH	Coot Wood Beech Road Wroxham Norwich NR12 8TP	Mr & Mrs David Calder	Dredge boathouse and mooring dock, extend mooring dock, replacement and new quay heading. Dredgings to be spread on site.	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 31st December 2017.

1. Development Control Statistics

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

Table 1:

Total number of applications determined	55						
Number of delegated decisions	50 [91%]						
Type of decision	Numbers granted				Numbers refused		
	54 (98%)				1 (2%)		
Speed of decision	Under 8 wks	8-13 wks	13-16 wks	16-26 wks	26-52 wks	Over 52 wks	Agreed Extension
	42 (76.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	13 (23.6%)
Number of Enforcement Notices	0						
Consultations received from Neighbouring Authorities	15						

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	0 applications received 0 determined in 13 weeks (or within agreed extension of time) (N/A)	24 applications received. 24 determined in 8 weeks (or within agreed extension of time) (100%)	31 applications received. 31 determined in 8 weeks (or within agreed extension of time) (100%)

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

Author: Asa Coulstock
 Date of Report: 20 February 2018
 Appendices: Appendix 1 – PS1 returns
 Appendix 2 – PS2 returns

PS1 returns:

1.1	On hand at beginning of quarter	45
1.2	Received during quarter	71
1.4	Withdrawn, called in or turned away during quarter	2
1.4	On hand at end of quarter	59
2.	Number of planning applications determined during quarter	55
3.	Number of delegated decisions	50
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	0
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	0	0	0	0	0	0	0	0	0	0
Minor										
Dwellings	3	3	0	2	0	0	0	0	0	1
Offices/Light Industry	1	1	0	1	0	0	0	0	0	0
General Industry/Storage/Warehousing	2	2	0	2	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	18	18	0	16	0	0	0	0	0	2
Others										
Minerals	0	0	0	0	0	0	0	0	0	0
Change of Use	5	4	1	2	0	0	0	0	0	3
Householder Developments	19	19	0	16	0	0	0	0	0	3
Advertisements	1	1	0	0	0	0	0	0	0	1
Listed Building Consent to Alter/Extend	6	6	0	3	0	0	0	0	0	0
Listed Building Consent to Demolish	0	0	0	0	0	0	0	0	0	0
**Certificates of Lawful Development	1	1	0	0	0	0	0	0	0	0
Notifications	0	0	0	0	0	0	0	0	0	0
TOTAL	55	54	1	42	0	0	0	0	0	13
Percentage (%)		98%	2%	76%	0%	0%	0%	0%	0%	24%

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.